

Amendment No. 01 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

Representative(s) Gardiner offered the following:

Amendment (with title amendment)

Remove from the bill: Everything after the enacting clause
and insert in lieu thereof:

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

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

(1) AUTHORIZED EMERGENCY VEHICLES.--Vehicles of the fire department (fire patrol), police vehicles, and such ambulances and emergency vehicles of municipal departments, public service corporations operated by private corporations, the Department of Environmental Protection, the Department of Health, and the Department of Transportation as are designated or authorized by their respective department or the chief of police of an incorporated city or any sheriff of any of the

1 various counties.

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

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

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

12 316.006 Jurisdiction.--Jurisdiction to control traffic
13 is vested as follows:

14 (2) MUNICIPALITIES.--

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

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

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

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

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

22
23 This subsection shall not limit those counties which have the
24 charter powers to provide and regulate arterial, toll, and
25 other roads, bridges, tunnels, and related facilities from the
26 proper exercise of those powers by the placement and
27 maintenance of traffic control devices which conform to the
28 manual and specifications of the Department of Transportation
29 on streets and highways located within municipal boundaries.

30 (3) COUNTIES.--

31 (a) Counties shall have original jurisdiction over all

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

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

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

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

31 3. The exercise of jurisdiction provided for herein

1 shall be in addition to jurisdictional authority presently
2 exercised by counties under law, and nothing in this paragraph
3 shall be construed to limit or remove any such jurisdictional
4 authority.

5 4. Any such agreement may provide for the installation
6 of multiparty stop signs by the parties controlling the roads
7 covered by the agreement, if a determination is made by such
8 parties that the signage will enhance traffic safety.
9 Multiparty stop signs must conform to the manual and
10 specifications of the Department of Transportation. However,
11 minimum traffic volumes may not be required for the
12 installation of such signage. Enforcement for the signs shall
13 be as provided in s. 316.123.

14
15 Notwithstanding the provisions of subsection (2), each county
16 shall have original jurisdiction to regulate parking, by
17 resolution of the board of county commissioners and the
18 erection of signs conforming to the manual and specifications
19 of the Department of Transportation, in parking areas located
20 on property owned or leased by the county, whether or not such
21 areas are located within the boundaries of chartered
22 municipalities.

23 Section 3. Subsection (4) is added to section
24 316.0741, Florida Statutes, to read:

25 (4) Notwithstanding provisions of this section to the
26 contrary, an inherently low-emission vehicle (ILEV) that is
27 certified and labeled in accordance with federal regulations
28 may be driven in an HOV lane at any time, regardless of its
29 occupancy.

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

1 316.1951 Parking for certain purposes prohibited.--

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

16 Section 5. Subsection (4) of section 316.1967, Florida
17 Statutes, is amended to read:

18 316.1967 Liability for payment of parking ticket
19 violations and other parking violations.--

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

31 Section 6. Subsection (2) of section 316.1975, Florida

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1 Statutes, is amended to read:

2 316.1975 Unattended motor vehicle.--

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

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

8 (b) A licensed delivery truck or other delivery
9 vehicle while making deliveries; or—

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

12 Section 7. Section 316.2065, Florida Statutes, is
13 amended to read:

14 316.2065 Bicycle and motorized scooter regulations.--

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

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

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

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

1 that is designed to carry a child of that age or size and that
2 secures and protects the child from the moving parts of the
3 bicycle.

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

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

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

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

30 (4) No person riding upon any bicycle, coaster, roller
31 skates, sled, motorized scooter, or toy vehicle may attach the

1 same or himself or herself to any vehicle upon a roadway. This
2 subsection does not prohibit attaching a bicycle trailer or
3 bicycle semitrailer to a bicycle if that trailer or
4 semitrailer is commercially available and has been designed
5 for such attachment.

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

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

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

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

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

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

1 bicycles. Persons riding two abreast may not impede traffic
2 when traveling at less than the normal speed of traffic at the
3 time and place and under the conditions then existing and
4 shall ride within a single lane.

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

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

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

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

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

29 (12) No person upon roller skates, or riding in or by
30 means of any coaster, toy vehicle, or similar device, may go
31 upon any roadway except while crossing a street on a

1 crosswalk; and, when so crossing, such person shall be granted
2 all rights and shall be subject to all of the duties
3 applicable to pedestrians.

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

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

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

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

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

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

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

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

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 8. 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 shall be utilized so
30 as to meet the visibility requirements of this subsection.The
31 strobe lamp must flash at a rate of at least 60 flashes per

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

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

11 316.2397 Certain lights prohibited; exceptions.--

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

16 Section 10. Section 316.520, Florida Statutes, is
17 amended to read:

18 316.520 Loads on vehicles.--

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

26 (2) It is the duty of every owner and driver,
27 severally, of any vehicle hauling, upon any public road or
28 highway open to the public, dirt, sand, lime rock, gravel,
29 silica, or other similar aggregate or trash, garbage, or any
30 similar material that could fall or blow from such vehicle, to
31 prevent such materials from falling, blowing, or in any way

1 escaping from such vehicle. Covering and securing the load
2 with a close-fitting tarpaulin or other appropriate cover is
3 required.

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

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

12 Section 11. Subsections (1), (2), and (3) of section
13 316.640, Florida Statutes, are amended to read:

14 316.640 Enforcement.--The enforcement of the traffic
15 laws of this state is vested as follows:

16 (1) STATE.--

17 (a)1.a. The Division of Florida Highway Patrol of the
18 Department of Highway Safety and Motor Vehicles, the Division
19 of Law Enforcement of the Fish and Wildlife Conservation
20 Commission, the Division of Law Enforcement of the Department
21 of Environmental Protection, and law enforcement officers of
22 the Department of Transportation each have authority to
23 enforce all of the traffic laws of this state on all the
24 streets and highways thereof and elsewhere throughout the
25 state wherever the public has a right to travel by motor
26 vehicle. The Division of the Florida Highway Patrol may employ
27 as a traffic accident investigation officer any individual who
28 successfully completes at least 200 hours of instruction in
29 traffic accident investigation and court presentation through
30 the Selective Traffic Enforcement Program as approved by the
31 Criminal Justice Standards and Training Commission and funded

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

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

26 c. Community college police officers shall have the
27 authority to enforce all the traffic laws of this state only
28 when such violations occur on any property or facilities that
29 are under the guidance, supervision, regulation, or control of
30 the community college system.

31 d. Police officers employed by an airport authority

1 shall have the authority to enforce all of the traffic laws of
2 this state only when such violations occur on any property or
3 facilities that are owned or operated by an airport authority.

4 (I) An airport authority may employ as a parking
5 enforcement specialist any individual who successfully
6 completes a training program established and approved by the
7 Criminal Justice Standards and Training Commission for parking
8 enforcement specialists but who does not otherwise meet the
9 uniform minimum standards established by the commission for
10 law enforcement officers or auxiliary or part-time officers
11 under s. 943.12. Nothing in this sub-sub-subparagraph shall be
12 construed to permit the carrying of firearms or other weapons,
13 nor shall such parking enforcement specialist have arrest
14 authority.

15 (II) A parking enforcement specialist employed by an
16 airport authority is authorized to enforce all state, county,
17 and municipal laws and ordinances governing parking only when
18 such violations are on property or facilities owned or
19 operated by the airport authority employing the specialist, by
20 appropriate state, county, or municipal traffic citation.

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

29 f. School safety officers shall have the authority to
30 enforce all of the traffic laws of this state when such
31 violations occur on or about any property or facilities which

1 are under the guidance, supervision, regulation, or control of
2 the district school board.

3 2. An agency of the state as described in subparagraph
4 1. is prohibited from establishing a traffic citation quota. A
5 violation of this subparagraph is not subject to the penalties
6 provided in chapter 318.

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

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

18 2.a. The Department of Transportation shall develop
19 training and qualifications standards for toll enforcement
20 officers whose sole authority is to enforce the payment of
21 tolls pursuant to s. 316.1001. Nothing in this subparagraph
22 shall be construed to permit the carrying of firearms or other
23 weapons, nor shall a toll enforcement officer have arrest
24 authority.

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

1 (2) COUNTIES.--

2 (a) The sheriff's office of each of the several
3 counties of this state shall enforce all of the traffic laws
4 of this state on all the streets and highways thereof and
5 elsewhere throughout the county wherever the public has the
6 right to travel by motor vehicle. In addition, the sheriff's
7 office may be required by the county to enforce the traffic
8 laws of this state on any private or limited access road or
9 roads over which the county has jurisdiction pursuant to a
10 written agreement entered into under s. 316.006(3)(b).

11 (b) The sheriff's office of each county may employ as
12 a traffic crash investigation officer any individual who
13 successfully completes at least 200 hours of instruction in
14 traffic crash investigation and court presentation through the
15 Selective Traffic Enforcement Program (STEP) as approved by
16 the Criminal Justice Standards and Training Commission and
17 funded through the National Highway Traffic Safety
18 Administration (NHTSA) or a similar program approved by the
19 commission, but who does not necessarily otherwise meet the
20 uniform minimum standards established by the commission for
21 law enforcement officers or auxiliary law enforcement officers
22 under chapter 943. Any such traffic crash investigation
23 officer who makes an investigation at the scene of a traffic
24 crash may issue traffic citations when, based upon personal
25 investigation, he or she has reasonable and probable grounds
26 to believe that a person who was involved in the crash has
27 committed an offense under this chapter, chapter 319, chapter
28 320, or chapter 322 in connection with the crash ~~accident~~.
29 This paragraph does not permit the carrying of firearms or
30 other weapons, nor do such officers have arrest authority
31 ~~other than for the issuance of a traffic citation as~~

1 ~~authorized in this paragraph.~~

2 (c) The sheriff's office of each of the several
3 counties of this state may employ as a parking enforcement
4 specialist any individual who successfully completes a
5 training program established and approved by the Criminal
6 Justice Standards and Training Commission for parking
7 enforcement specialists, but who does not necessarily
8 otherwise meet the uniform minimum standards established by
9 the commission for law enforcement officers or auxiliary or
10 part-time officers under s. 943.12.

11 1. A parking enforcement specialist employed by the
12 sheriff's office of each of the several counties of this state
13 is authorized to enforce all state and county laws,
14 ordinances, regulations, and official signs governing parking
15 within the unincorporated areas of the county by appropriate
16 state or county citation and may issue such citations for
17 parking in violation of signs erected pursuant to s.
18 316.006(3) at parking areas located on property owned or
19 leased by a county, whether or not such areas are within the
20 boundaries of a chartered municipality.

21 2. A parking enforcement specialist employed pursuant
22 to this subsection shall not carry firearms or other weapons
23 or have arrest authority.

24 (3) MUNICIPALITIES.--

25 (a) The police department of each chartered
26 municipality shall enforce the traffic laws of this state on
27 all the streets and highways thereof and elsewhere throughout
28 the municipality wherever the public has the right to travel
29 by motor vehicle. In addition, the police department may be
30 required by a municipality to enforce the traffic laws of this
31 state on any private or limited access road or roads over

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1 which the municipality has jurisdiction pursuant to a written
2 agreement entered into under s. 316.006(2)(b). However,
3 nothing in this chapter shall affect any law, general,
4 special, or otherwise, in effect on January 1, 1972, relating
5 to "hot pursuit" without the boundaries of the municipality.

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

29 (c)1. A chartered municipality or its authorized
30 agency or instrumentality may employ as a parking enforcement
31 specialist any individual who successfully completes a

1 training program established and approved by the Criminal
2 Justice Standards and Training Commission for parking
3 enforcement specialists, but who does not otherwise meet the
4 uniform minimum standards established by the commission for
5 law enforcement officers or auxiliary or part-time officers
6 under s. 943.12.

7 2. A parking enforcement specialist employed by a
8 chartered municipality or its authorized agency or
9 instrumentality is authorized to enforce all state, county,
10 and municipal laws and ordinances governing parking within the
11 boundaries of the municipality employing the specialist, by
12 appropriate state, county, or municipal traffic citation.

13 ~~Nothing in this paragraph shall be construed to permit the~~
14 ~~carrying of firearms or other weapons, nor shall such a~~
15 ~~parking enforcement specialist have arrest authority.~~

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

19 Section 12. Subsection (3) of section 316.650, Florida
20 Statutes, is amended to read:

21 316.650 Traffic citations.--

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

1 information, such information shall be a copy of the traffic
2 school reference guide.

3 Section 13. Subsection (9) of section 318.14, Florida
4 Statutes, is amended to read:

5 318.14 Noncriminal traffic infractions; exception;
6 procedures.--

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

24 Section 14. Subsection (6) and paragraph (a) of
25 subsection (8) of section 318.18, Florida Statutes, are
26 amended to read:

27 318.18 Amount of civil penalties.--The penalties
28 required for a noncriminal disposition pursuant to s. 318.14
29 are as follows:

30 (6) One hundred dollars or the fine amount designated
31 by county ordinance, plus court costs for illegally parking,

1 under s. 316.1955, in a parking space provided for people who
2 have disabilities. However, this fine will be waived if a
3 person provides to the law enforcement agency that issued the
4 citation for such a violation proof that the person committing
5 the violation has a valid parking permit or license plate
6 issued pursuant to s. 316.1958, s. 320.0842, s. 320.0843, s.
7 320.0845, or s. 320.0848 or a signed affidavit that the owner
8 of the disabled parking permit or license plate was present at
9 the time the violation occurred, and that such a parking
10 permit or license plate was valid at the time the violation
11 occurred. The law enforcement officer, upon determining that
12 all required documentation has been submitted verifying that
13 the required parking permit or license plate was valid at the
14 time of the violation, must sign an affidavit of compliance.
15 Upon provision of the affidavit of compliance and payment of a
16 \$5 dismissal fee to the clerk of the circuit court, the clerk
17 shall dismiss the citation.

18 (8)(a) Any person who fails to comply with the court's
19 requirements or who fails to pay the civil penalties specified
20 in this section within the 30-day period provided for in s.
21 318.14 must pay an additional civil penalty of \$12, \$2.50 of
22 which must be deposited into the General Revenue Fund, and
23 \$9.50 of which must be deposited in the Highway Safety
24 Operating Trust Fund. There is hereby appropriated from the
25 Highway Safety Operating Trust Fund for fiscal year 1996-1997
26 the amount of \$4 million. From this appropriation the
27 department shall contract with the Florida Association of
28 Court Clerks, Inc., to design, establish, operate, upgrade,
29 and maintain an automated statewide Uniform Traffic Citation
30 Accounting System to be operated by the clerks of the court
31 which shall include, but not be limited to, the accounting for

1 traffic infractions by type, a record of the disposition of
2 the citations, and an accounting system for the fines assessed
3 and the subsequent fine amounts paid to the clerks of the
4 court. On or before December 1, 2002 ~~2001~~, the clerks of the
5 court must provide the information required by this chapter to
6 be transmitted to the department by electronic transmission
7 pursuant to the contract.

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

23 (c) If the noncriminal infraction has caused or
24 resulted in the death of another, the person who committed the
25 infraction may perform 120 community service hours under s.
26 316.027(4), in addition to any other penalties.

27 Section 15. Paragraph (b) of subsection (1) and
28 subsection (2) of section 322.0261, Florida Statutes, are
29 amended to read:

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

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

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

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

17 Section 16. Section 322.02615, Florida Statutes, is
18 created to read:

19 322.02615 Mandatory driver improvement course; certain
20 violations.--

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

23 (a) Are less than 21 years of age and have been
24 convicted of, or pleaded nolo contendere to, a noncriminal
25 moving infraction and have also been convicted of, or pleaded
26 nolo contendere to, another noncriminal moving infraction
27 since initial license issuance.

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

31 (2) With respect to an operator convicted of, or who

1 has pleaded nolo contendere to, a noncriminal traffic offense
2 identified under subsection (1), the department shall require
3 that the operator, in addition to other applicable penalties,
4 attend a departmentally approved basic driver improvement
5 course in order to maintain driving privileges. If the
6 operator fails to complete the course within 90 days after
7 receiving notice from the department, the operator's driver's
8 license shall be suspended by the department until the course
9 is successfully completed.

10 (3) Attendance of a course approved by the department
11 as a driver improvement course for purposes of s. 318.14(9)
12 shall satisfy the requirements of this section. However,
13 attendance of a course as required by this section is not
14 included in the limitation on course elections under s.
15 318.14(9).

16 Section 17. Subsection (5) of section 318.1451,
17 Florida Statutes, is amended to read:

18 318.1451 Driver improvement schools.--

19 (5)(a) No governmental entity or court shall provide,
20 issue, or maintain any information or orders regarding driver
21 improvement schools or course providers, with the exception of
22 the traffic school reference guide or course provider list
23 referred to in paragraph (b) ~~directing inquiries or requests~~
24 to the local telephone directory heading of driving
25 instruction or the traffic school reference guide. However,
26 the department is authorized to maintain the information and
27 records necessary to administer its duties and
28 responsibilities for driver improvement courses. Where such
29 information is a public record as defined in chapter 119, it
30 shall be made available to the public upon request pursuant to
31 s. 119.07(1). Course providers receiving requests for

1 information about traffic schools from geographic areas that
2 they do not serve shall provide a telephone number for a
3 course provider that they believe services such geographic
4 area.

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

20 Section 18. Section 319.001, Florida Statutes, is
21 amended to read:

22 319.001 Definitions.--As used in this chapter, the
23 term:

24 (1) "Department" means the Department of Highway
25 Safety and Motor Vehicles.

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

28 (3)~~(2)~~ "Licensed dealer," unless otherwise
29 specifically provided, means a motor vehicle dealer licensed
30 under s. 320.27, a mobile home dealer licensed under s.
31 320.77, or a recreational vehicle dealer licensed under s.

1 320.771.

2 (4) "Motorcycle body assembly" means frame, fenders,
3 and gas tanks.

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

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

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

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

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

27 (10)~~(5)~~ "Satisfaction of lien" means full payment of a
28 debt or release of a debtor from a lien by the lienholder.

29 (11)~~(6)~~ "Used motor vehicle" means any motor vehicle
30 that is not a "new motor vehicle" as defined in subsection

31 (8)~~(4)~~.

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1 Section 19. Subsections (1), (2), and (3) of section
2 319.14, Florida Statutes, are amended, subsections (6), (7),
3 and (8) are renumbered as subsections (7), (8), and (9),
4 respectively, and a new subsection (6) is added to said
5 section, to read:

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

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

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

17 (c) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (6) Any person who removes a rebuilt decal from a
25 rebuilt vehicle or who knowingly possesses a rebuilt vehicle
26 from which a rebuilt decal has been removed is guilty of a
27 felony of the third degree punishable as provided in s.
28 775.082, s. 775.083, or s. 775.084.

29 Section 20. Paragraph (c) of subsection (3) of section
30 319.23, Florida Statutes, is amended to read:

31 319.23 Application for, and issuance of, certificate

1 of title.--

2 (3) If a certificate of title has not previously been
3 issued for a motor vehicle or mobile home in this state, the
4 application, unless otherwise provided for in this chapter,
5 shall be accompanied by a proper bill of sale or sworn
6 statement of ownership, or a duly certified copy thereof, or
7 by a certificate of title, bill of sale, or other evidence of
8 ownership required by the law of the state or county from
9 which the motor vehicle or mobile home was brought into this
10 state. The application shall also be accompanied by:

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

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

25 Section 21. Paragraph (a) of subsection (1) of section
26 319.28, Florida Statutes, is amended to read:

27 319.28 Transfer of ownership by operation of law.--

28 (1)(a) In the event of the transfer of ownership of a
29 motor vehicle or mobile home by operation of law as upon
30 inheritance, devise or bequest, order in bankruptcy,
31 insolvency, replevin, attachment, execution or other judicial

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

23 Section 22. Paragraphs (e) and (f) of subsection (1)
24 and paragraph (b) of subsection (3) of section 319.30, Florida
25 Statutes, are amended to read:

26 319.30 Definitions; dismantling, destruction, change
27 of identity of motor vehicle or mobile home; salvage.--

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

29 (e) "Major component parts" means:

30 1. For motor vehicles other than motorcycles: the
31 front-end assembly (fenders, hood, grill, bumper), cowl

1 assembly, rear body section (both quarter panels, decklid,
2 bumper), floor pan, door assemblies, engine, frame,
3 transmission, and airbag.

4 2. For trucks, in addition to 1. above: the truck
5 bed.

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

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

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

18 (3)

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

1 department. When applying for a salvage certificate of title
2 or certificate of destruction, the owner or insurance company
3 must provide the department with an estimate of the costs of
4 repairing the physical and mechanical damage suffered by the
5 vehicle for which a salvage certificate of title or
6 certificate of destruction is sought. If the estimated costs
7 of repairing the physical and mechanical damage to the vehicle
8 are equal to 80 percent or more of the current retail cost of
9 the vehicle, as established in any official used car or used
10 mobile home guide, the department shall declare the vehicle
11 unrebuildable and print a certificate of destruction, which
12 authorizes the dismantling or destruction of the motor vehicle
13 or mobile home described therein. This certificate of
14 destruction shall be reassignable a maximum of two times
15 before dismantling or destruction of the vehicle shall be
16 required, and shall accompany the motor vehicle or mobile home
17 for which it is issued, when such motor vehicle or mobile home
18 is sold for such purposes, in lieu of a certificate of title,
19 and, thereafter, the department shall refuse issuance of any
20 certificate of title for that vehicle. Nothing in this
21 subsection shall be applicable when a vehicle is worth less
22 than \$1,500 retail in undamaged condition in any official used
23 motor vehicle guide or used mobile home guide. An insurer
24 paying a total loss claim may obtain a certificate of
25 destruction for such vehicle. ~~or~~ When a stolen motor vehicle
26 or mobile home is recovered in substantially intact condition
27 and is readily resalable without extensive repairs to or
28 replacement of the frame or engine, the insurer shall obtain a
29 certificate of title in its own name before the vehicle may be
30 sold or transferred. Any person who willfully and deliberately
31 violates this paragraph or falsifies any document to avoid the

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

4 Section 23. Subsection (1) of section 320.01, Florida
5 Statutes, is amended to read:

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

8 (1) "Motor vehicle" means:

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

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

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

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

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

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

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

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

28 7. The "park trailer," which is a transportable unit
29 which has a body width not exceeding 14 feet and which is
30 built on a single chassis and is designed to provide seasonal
31 or temporary living quarters when connected to utilities

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

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

20 Section 24. Subsections (18) and (19) are added to
21 section 320.02, Florida Statutes, to read:

22 320.02 Registration required; application for
23 registration; forms.--

24 (18) The application form for motor vehicle
25 registration and renewal of registration must include language
26 permitting a voluntary contribution of \$2 per applicant, which
27 shall be distributed to the Hearing Research Institute,
28 Incorporated, for the purpose of infant hearing screening in
29 Florida.

30 (19) The application form for motor vehicle
31 registration and renewal of registration must include language

1 permitting a voluntary contribution of \$1 per applicant, which
2 shall be distributed to the Juvenile Diabetes Foundation
3 International.

4 Section 25. Paragraph (b) of subsection (4) and
5 subsections (5), (6), and (7) of section 320.023, Florida
6 Statutes, are amended, and subsection (8) is added to said
7 section, to read:

8 320.023 Requests to establish voluntary checkoff on
9 motor vehicle registration application.--

10 (4)

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

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

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

31 ~~(b) All organizational recipients of any voluntary~~

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

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

18 ~~(c)(d)~~ Any voluntary contributions authorized by law
19 shall only be distributed to an organization under an
20 appropriation by the Legislature.

21 ~~(d)(e)~~ Any organization subject to audit pursuant to
22 s. 215.97 shall submit an audit report in accordance with
23 rules promulgated by the Auditor General. ~~The annual~~
24 ~~attestation audit or report~~ shall be submitted to the
25 department for review within 9 months ~~180 days~~ after the end
26 of the organization's fiscal year.

27 (6) Within 90 days after receiving an organization's
28 audit or attestation report, the department shall determine
29 which recipients have not complied with subsection (5). If
30 the department determines that an organization has not
31 complied or has failed to use the revenues in accordance with

1 law, the department must discontinue the distribution of the
2 revenues to the organization until the department determines
3 that the organization has complied. If an organization fails
4 to comply within 12 months after the voluntary contributions
5 are withheld by the department, the proceeds shall be
6 deposited into the Highway Safety Operating Trust Fund to
7 offset department costs.

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

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

16 Section 26. Subsections (1) and (2) of section
17 320.025, Florida Statutes, are amended to read:

18 320.025 Registration certificate and license plate
19 issued under fictitious name; application.--

20 (1) A confidential registration certificate and
21 registration license plate or decal shall be issued under a
22 fictitious name only for a motor vehicle or vessel owned or
23 operated by a law enforcement agency of state, county,
24 municipal, or federal government, the Attorney General's
25 Medicaid Fraud Control Unit, or any state public defender's
26 office. The requesting agency shall file a written application
27 with the department on forms furnished by the department,
28 which includes a statement that the license plate will be used
29 for the Attorney General's Medicaid Fraud Control Unit, or law
30 enforcement or any state public defender's office activities
31 requiring concealment of publicly leased or owned motor

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1 vehicles or vessels and a statement of the position
2 classifications of the individuals who are authorized to use
3 the license plate. The department may modify its records to
4 reflect the fictitious identity of the owner or lessee until
5 such time as the license plate and registration certificate
6 are surrendered to it.

7 (2) Except as provided in subsection (1), any motor
8 vehicle owned or exclusively operated by the state or any
9 county, municipality, or other governmental entity must at all
10 times display a license plate of the type prescribed in s.
11 320.0655. Any vessel owned or exclusively operated by the
12 state or any county, municipality, or other governmental
13 entity must at all times display a registration number as
14 required in s. 328.56 and a vessel decal as required in s.
15 328.48(5).

16 Section 27. Subsections (1) and (2) of section 320.05,
17 Florida Statutes, are amended read:

18 320.05 Records of the department; inspection
19 procedure; lists and searches; fees.--

20 (1) Except as provided in ss. ~~s.~~119.07(3) and
21 320.025(3), the department may release records as provided in
22 this section.

23 (2) Upon receipt of an application for the
24 registration of a motor vehicle, vessel, or mobile home, as
25 herein provided for, the department shall register the motor
26 vehicle, vessel, or mobile home under the distinctive number
27 assigned to such motor vehicle, vessel, or mobile home by the
28 department. Electronic registration records shall be open to
29 the inspection of the public during business hours.
30 Information on a motor vehicle or vessel registration may not
31 be made available to a person unless the person requesting the

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

24 Section 28. Subsection (5) of section 320.055, Florida
25 Statutes, is amended to read:

26 320.055 Registration periods; renewal periods.--The
27 following registration periods and renewal periods are
28 established:

29 (5) For a vehicle subject to apportioned registration
30 under s. 320.08(4), (5)(a)1., (e), (6)(b), or (14), the
31 registration period shall be a period of 12 months beginning

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

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

14 320.06 Registration certificates, license plates, and
15 validation stickers generally.--

16 (1)

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

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

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

1 shall pay the appropriate amount of license tax and the
2 applicable fee under the provisions of s. 320.14 in addition
3 to all other fees. Validation stickers issued for vehicles
4 taxed under the provisions of s. 320.08(6)(a), for any company
5 which owns 250 vehicles or more, or for semitrailers taxed
6 under the provisions of s. 320.08(5)(a), for any company which
7 owns 50 vehicles or more, may be placed on any vehicle in the
8 fleet so long as the vehicle receiving the validation sticker
9 has the same owner's name and address as the vehicle to which
10 the validation sticker was originally assigned.

11 Section 30. Paragraphs (h) and (i) are added to
12 subsection (2) of section 320.072, Florida Statutes, to read:

13 320.072 Additional fee imposed on certain motor
14 vehicle registration transactions.--

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

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

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

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

26 Section 31. Subsection (6) of section 320.0805,
27 Florida Statutes, is amended to read:

28 320.0805 Personalized prestige license plates.--

29 (6) A personalized prestige license plate shall be
30 issued for the exclusive continuing use of the applicant. An
31 exact duplicate of any plate may not be issued to any other

1 applicant during the same registration period. An exact
2 duplicate may not be issued for any succeeding year unless the
3 previous owner of a specific plate relinquishes it by failure
4 to apply for renewal or reissuance for 1 year following the
5 last year of issuance ~~three consecutive annual registration~~
6 ~~periods following the original year of issuance.~~

7 Section 32. Paragraph (h) of subsection (4) of section
8 320.08056, Florida Statutes, is amended to read:

9 320.08056 Specialty license plates.--

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

12 (h) Florida educational license plate, ~~\$25~~\$15.

13 Section 33. Paragraph (ff) is added to subsection (4)
14 of section 320.08056, Florida Statutes, and paragraphs (a),
15 (b), and (c) of subsection (8) of that section, are amended to
16 read:

17 320.08056 Specialty license plates.--

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

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

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

23 1. Less than 8,000 plates, including annual renewals,
24 are issued for that specialty license plate by the end of the
25 5th year of sales.

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

29 (b) The department is authorized to discontinue the
30 issuance of a specialty license plate and distribution of
31 associated annual use fee proceeds if the organization no

1 longer exists, if the organization has stopped providing
2 services that are authorized to be funded from the annual use
3 fee proceeds, or pursuant to an organizational recipient's
4 request. An organization is required to notify the department
5 immediately to stop all warrants for plate sales if any of the
6 conditions in this section exist, and the organization must
7 comply with s. 320.08062 for any period of operation during a
8 fiscal year.

9 (c) The requirements of paragraph (a) shall not apply
10 to collegiate specialty license plates authorized in s.
11 320.08058(3), ~~and~~ (13), (21), and (26).

12 Section 34. Subsection (32) is added to section
13 320.08058, Florida Statutes, to read:

14 320.08058 Specialty license plates.--

15 (32) FLORIDA GOLF LICENSE PLATES.--

16 (a) The Department of Highway Safety and Motor
17 Vehicles shall develop a Florida Golf license plate as
18 provided in this section. The word "Florida" must appear at
19 the bottom of the plate. The Dade Amateur Golf Association,
20 following consultation with the PGA TOUR, the Florida Sports
21 Foundation, the LPGA and the PGA of America may submit a
22 revised sample plate for consideration by the department.

23 (b) The department shall distribute the Florida Golf
24 license plate annual use fee to the Florida Sports Foundation,
25 a direct support organization of the Office of Tourism, Trade,
26 and Economic Development. The license plate annual use fees
27 are to be annually allocated as follows:

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

31 2. The Dade Amateur Golf Association shall receive the

1 first \$80,000 in proceeds from the annual use fees for the
2 operation of youth golf programs in Miami-Dade County.
3 Thereafter, 15 percent of the proceeds from the annual use fee
4 shall be provided to the Dade Amateur Golf Association for the
5 operation of youth golf programs in Miami-Dade County.

6 3. The remaining proceeds from the annual use fee
7 shall be available for grants to nonprofit organizations to
8 operate youth golf programs and for the purpose of marketing
9 the Florida Golf License Plates. All grant recipients,
10 including the Dade Amateur Golf Association, shall be required
11 to provide to the Florida Sports Foundation an annual program
12 and financial report regarding the use of grant funds. Such
13 reports shall be made available to the public.

14 (c) The Florida Sports Foundation shall establish a
15 Florida Youth Golf Program. The Florida Youth Golf Program
16 shall assist organizations for the benefit of youth, introduce
17 young people to golf, instruct young people in golf, teach the
18 values of golf, and stress life skills, fair play, courtesy,
19 and self-discipline.

20 (d) The Florida Sports Foundation shall establish a
21 five-member committee to offer advice regarding the
22 distribution of the annual use fees for grants to nonprofit
23 organizations. The advisory committee shall consist of one
24 member from a group serving youth, one member from a group
25 serving disabled youth, and three members at large.

26 Section 35. Section 320.08062, Florida Statutes, is
27 amended to read:

28 320.08062 Audits and attestation required; annual use
29 fees of specialty license plates.--

30 (1)(a) All organizations that receive annual use fee
31 proceeds from the department are responsible for ensuring that

1 proceeds are used in accordance with ss. 320.08056 and
2 320.08058.

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

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

23 ~~(c)(d) Any organization subject to audit pursuant to~~
24 s. 215.97 shall submit an audit report in accordance with
25 rules promulgated by the Auditor General. The annual
26 attestation ~~audit~~ or report shall be submitted to the
27 department for review within 9 months ~~180 days~~ after the end
28 of the organization's fiscal year.

29 (2) Within 90 days after receiving an organization's
30 audit or attestation ~~report~~, the department shall determine
31 which recipients of revenues from specialty license plate

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

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

15 Section 36. Subsection (1) of section 320.083, Florida
16 Statutes, is amended to read:

17 320.083 Amateur radio operators; special license
18 plates; fees.--

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

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

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

3 Section 37. Subsections (1), (2), and (3) of section
4 320.089, Florida Statutes, are amended to read:

5 320.089 Members of National Guard and active United
6 States Armed Forces reservists; former prisoners of war;
7 survivors of Pearl Harbor; Purple Heart medal recipients;
8 special license plates; fee.--

9 (1)(a) Each owner or lessee of an automobile or truck
10 for private use or recreational vehicle as specified in s.
11 320.08(9)(c) or (d), which is not used for hire or commercial
12 use, who is a resident of the state and an active or retired
13 member of the Florida National Guard, a survivor of the attack
14 on Pearl Harbor, a recipient of the Purple Heart medal, or an
15 active member of any branch of the United States Armed Forces
16 Reserve shall, upon application to the department, accompanied
17 by proof of active membership or retired status in the Florida
18 National Guard, proof of membership in the Pearl Harbor
19 Survivors Association or proof of active military duty in
20 Pearl Harbor on December 7, 1941, proof of being a Purple
21 Heart medal recipient, or proof of active membership in any
22 branch of the Armed Forces Reserve, and upon payment of the
23 license tax for the vehicle as provided in s. 320.08, be
24 issued a license plate as provided by s. 320.06, upon which,
25 in lieu of the serial numbers prescribed by s. 320.06, shall
26 be stamped the words "National Guard," "Pearl Harbor
27 Survivor," "Combat-wounded veteran," or "U.S. Reserve," as
28 appropriate, followed by the serial number of the license
29 plate. Additionally, the Purple Heart plate may have the words
30 "Purple Heart" stamped on the plate and the likeness of the
31 Purple Heart medal appearing on the plate.

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

10 (c) Notwithstanding any provisions of law to the
11 contrary, an applicant for a Pearl Harbor Survivor license
12 plate or a Purple Heart license plate who also qualifies for a
13 disabled veteran's license plate under s. 320.084 shall be
14 issued one appropriate special license plate without payment
15 of the license tax imposed by s. 320.08.

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

27 (a) A citizen of the United States who served as a
28 member of the Armed Forces of the United States or the armed
29 forces of a nation allied with the United States who was held
30 as a prisoner of war at such time as the Armed Forces of the
31 United States were engaged in combat, or their unremarried

1 surviving spouse, may be issued the special license plate
2 provided for in this subsection without payment of the license
3 tax imposed by s. 320.08.

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

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

25 Section 38. Subsection (1) of section 320.18, Florida
26 Statutes, is amended to read:

27 320.18 Withholding registration.--

28 (1) The department may withhold the registration of
29 any motor vehicle or mobile home the owner of which has failed
30 to register it under the provisions of law for any previous
31 period or periods for which it appears registration should

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

16 Section 39. Paragraph (c) of subsection (1) of section
17 320.27, Florida Statutes, is amended, paragraph (f) is added
18 to said subsection, and subsections (7) and (9) of said
19 section are amended, to read:

20 320.27 Motor vehicle dealers.--

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

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

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

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

30 2. "Independent motor vehicle dealer" means any person
31 other than a franchised or wholesale motor vehicle dealer who

1 engages in the business of buying, selling, or dealing in
2 motor vehicles, and who may service and repair motor vehicles.

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

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

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

28
29 The term "motor vehicle dealer" does not include persons not
30 engaged in the purchase or sale of motor vehicles as a
31 business who are disposing of vehicles acquired for their own

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

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

1 transactions as a motor vehicle dealer.

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

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

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

14 (a) Willful violation of any other law of this state,
15 including chapter 319, this chapter, or ss. 559.901-559.9221,
16 which has to do with dealing in or repairing motor vehicles or
17 mobile homes or willful failure to comply with any
18 administrative rule promulgated by the department.
19 Additionally, in the case of used motor vehicles, the willful
20 violation of the federal law and rule in 15 U.S.C. s. 2304, 16
21 C.F.R. part 455, pertaining to the consumer sales window form.

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

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

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

1 that the vehicle is a demonstrator. For the purposes of this
2 section, a "demonstrator," a "new motor vehicle," and a "used
3 motor vehicle" shall be defined as under s. 320.60.

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

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

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

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

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

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

30 (k) Requirement by the motor vehicle dealer that the
31 purchaser of a motor vehicle contract with the dealer for

1 physical damage insurance.

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

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

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

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

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

19 (q) Conviction of a felony.

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

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

1 of any dealership in which such person has an interest or
2 plays a role in violation of this subsection shall be denied
3 or revoked, as the case may be.

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

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

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

25 Section 40. Paragraph (a) of subsection (11) of
26 section 320.60, Florida Statutes, is amended and a new
27 subsection (15) is added to read:

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

1 (11)(a) "Motor vehicle dealer" means any person, firm,
2 company, or corporation, or other entity, who,

3 1. Is licensed pursuant to s. 320.27 as a "franchised
4 motor vehicle dealer" and, for commission, money or other
5 things of value, repairs or services motor vehicles or used
6 motor vehicles pursuant to an agreement as defined in
7 subsection (1), or

8 2. Who sells, exchanges, buys, leases or rents, or
9 offers, or attempts to negotiate a sale or exchange of any
10 interest in, motor vehicles, or

11 3. Who is engaged wholly or in part in the business of
12 selling motor vehicles, whether or not such motor vehicles are
13 owned by such person, firm, company, or corporation.

14 (15) "Sell," "selling," "sold," "exchange," "retail
15 sales," and "leases" includes any transaction where the title
16 of motor vehicle or used motor vehicle is transferred to a
17 retail consumer, and also any retail lease transaction where a
18 retail customer leases a vehicle for a period of at least 12
19 months. Establishing a price for sale pursuant to s.
20 320.64(24) does not constitute a sale or lease.

21 Section 41. Subsection (4) of section 320.61, Florida
22 Statutes, is amended to read:

23 320.61 Licenses required of motor vehicle
24 manufacturers, distributors, importers, etc.--

25 (4) When a complaint of unfair or prohibited
26 cancellation or nonrenewal of a dealer agreement is made by a
27 motor vehicle dealer against a licensee and such complaint is
28 pending is in the process of being heard pursuant to ss.
29 320.60-320.70 by the department, no replacement application
30 for such agreement shall be granted and no license shall be
31 issued by the department under s. 320.27 to any replacement

1 dealer until a final decision is rendered by the department on
2 the complaint of unfair cancellation, so long as the dealer
3 agreement of the complaining dealer is in effect as provided
4 under s. 320.641(7).

5 Section 42. Subsections (13) and (16) are stricken,
6 subsections (14), (15), and (17)-(23) are renumbered,
7 subsection (20) is amended and renumbered as (18), and
8 subsections (22)-(33) are added to section 320.64, Florida
9 Statutes, to read:

10 320.64 Denial, suspension, or revocation of license;
11 grounds.--A license of a licensee under s. 320.61 may be
12 denied, suspended, or revoked within the entire state or at
13 any specific location or locations within the state at which
14 the applicant or licensee engages or proposes to engage in
15 business, upon a proof that the section was violated with
16 sufficient frequency to establish a pattern of wrongdoing and
17 a licensee or applicant shall be liable for claims and
18 remedies provided in s. 320.695 and s. 320.697 for any
19 violation of any of the following provisions. A licensee is
20 prohibited from committing the following acts:~~upon proof that~~
21 ~~an applicant or licensee has failed to comply with any of the~~
22 ~~following provisions with sufficient frequency so as to~~
23 ~~establish a pattern of wrongdoing on the part of the~~
24 ~~applicant.~~

25 (18)+(20) The applicant or licensee has established a
26 system of motor vehicle allocation or distribution or has
27 implemented a system of allocation or distribution of motor
28 vehicles to one or more of its franchised motor vehicle
29 dealers which is unfair, inequitable, unreasonably
30 discriminatory, or not supportable by reason and good cause
31 after considering the equities of the affected motor vehicles

1 dealer or dealers. An applicant or licensee shall maintain
2 for 3 years records that describe its methods or formula of
3 allocation and distribution of its motor vehicles and records
4 of its actual allocation and distribution of motor vehicles
5 to its motor vehicle dealers in this state.

6 (22) The applicant or licensee has refused to deliver,
7 in reasonable quantities and within a reasonable time, to any
8 duly licensed motor vehicle dealer who has an agreement with
9 such applicant or licensee for the retail sale of new motor
10 vehicles and parts for motor vehicles sold or distributed by
11 the applicant or licensee, any such motor vehicles or parts as
12 are covered by such agreement. Such refusal includes the
13 failure to offer to its same line-make franchised motor
14 vehicle dealers all models manufactured for that line-make, or
15 requiring a dealer to pay any extra fee, require a dealer to
16 execute a separate franchise agreement, purchase unreasonable
17 advertising displays or other materials, or remodel, renovate,
18 or recondition the dealer's existing facilities, or provide
19 exclusive facilities as a prerequisite to receiving a model or
20 series of vehicles. However, the failure to deliver any motor
21 vehicle or part will not be considered a violation of this
22 section if the failure is due to an act of God, work stoppage,
23 or delay due to a strike or labor difficulty, a freight
24 embargo, product shortage, or other cause over which the
25 applicant or licensee has no control. An applicant or
26 licensee may impose reasonable requirements on the motor
27 vehicle dealer, other than the items listed above, including,
28 but not limited to, the purchase of special tools required to
29 properly service a motor vehicle, the undertaking of sales
30 person or service person training related to the motor
31 vehicle.

1 (23) The applicant or licensee has competed or is
2 competing with respect to any activity covered by the
3 franchise agreement with a motor vehicle dealer of the same
4 line-make located in this state with whom the applicant or
5 licensee has entered into a franchise agreement, except as
6 permitted in s. 320.645.

7 (24) The applicant or licensee has sold a motor
8 vehicle to any retail consumer in the state except through a
9 motor vehicle dealer holding a franchise agreement for the
10 line-make that includes the motor vehicle. This section does
11 not apply to sales by the applicant or licensee of motor
12 vehicles to its current employees, employees of companies
13 affiliated by common ownership, charitable not-for-profit-
14 organizations, and the federal government.

15 (25) The applicant or licensee has undertaken an audit
16 of warranty payments or incentive payment previously paid to a
17 motor vehicle dealer in violation of this section or has
18 failed to comply with s. 320.696. An applicant or licensee
19 may reasonably and periodically audit a motor vehicle dealer
20 to determine the validity of paid claims. Audit of warranty
21 payments shall only be for the 1-year period immediately
22 following the date the claim was paid. Audit of incentive
23 payments shall only be for an 18-month period immediately
24 following the date the incentive was paid. An applicant or
25 licensee shall not deny a claim or charge a motor vehicle
26 dealer back subsequent to the payment of the claim unless the
27 applicant or licensee can show that the claim was false or
28 fraudulent or that the motor vehicle dealer failed to
29 substantially comply with the reasonable written and uniformly
30 applied procedures of the applicant or licensee for such
31 repairs or incentives.

1 (26) Notwithstanding the terms of any franchise
2 agreement, the applicant or licensee has refused to allocate,
3 sell, or deliver motor vehicles, charged back or withheld
4 payments or other things of value for which the dealer is
5 otherwise eligible under a sales promotion, program, or
6 contest, or prevented the motor vehicle dealer from
7 participating in any promotion, program, or contest for
8 selling a motor vehicle to a customer who was present at the
9 dealership and the motor vehicle dealer did not know or should
10 not have reasonably known that the vehicle would be shipped to
11 a foreign country. There will be a rebuttable presumption
12 that the dealer did not know or should not have reasonably
13 known that the vehicle would be shipped to a foreign country
14 if the vehicle is titled in one of the fifty United States.

15 (27) Notwithstanding the terms of any franchise
16 agreement, the applicant or licensee has failed or refused to
17 indemnify and hold harmless any motor vehicle dealer against
18 any judgment for damages, or settlements agreed to by the
19 applicant or licensee, including, without limitation, court
20 costs and reasonable attorneys fees, arising out of
21 complaints, claims, or lawsuits, including, without
22 limitation, strict liability, negligence, misrepresentation,
23 express or implied warranty, or revocation or rescission of
24 acceptance of the sale of a motor vehicle, to the extent the
25 judgment or settlement relates to the alleged negligent
26 manufacture, design, or assembly of motor vehicles, parts, or
27 accessories. Nothing herein shall obviate the licensee's
28 obligations pursuant to chapter 681.

29 (28) The applicant or licensee has published,
30 disclosed, or otherwise made available in any form information
31 provided by a motor vehicle dealer with respect to sales

1 prices of motor vehicles or profit per motor vehicle sold.
2 Other confidential financial information provided by motor
3 vehicle dealers shall not be published, disclosed, or
4 otherwise made publicly available except in composite form.
5 However, this information may be disclosed with the written
6 consent of the dealer or in response to a subpoena or order of
7 the Department, a court or a lawful tribunal, or introduced
8 into evidence in such a proceeding, after timely notice to an
9 affected dealer.

10 (29) The applicant or licensee has failed to reimburse
11 a motor vehicle dealer in full for the reasonable cost of
12 providing a loaner vehicle to any customer who is having a
13 vehicle serviced at the motor vehicle dealer, if a loaner is
14 required by the applicant or licensee, or a loaner is
15 expressly part of an applicant or licensee's customer
16 satisfaction index or computation.

17 (30) The applicant or licensee has conducted or
18 threatened to conduct any audit of a motor vehicle dealer in
19 order to coerce or attempt to coerce the dealer to forego any
20 rights granted to the dealer under ss. 320.60-320.70 or under
21 the agreement between the licensee and the motor vehicle
22 dealer. Nothing in this section shall prohibit an applicant
23 or licensee from reasonably and periodically auditing a dealer
24 to determine the validity of paid claims.

25 (31) From and after the effective date of enactment of
26 this provision, the applicant or licensee has offered to any
27 motor vehicle dealer a franchise agreement that:

28 (a) Requires that a motor vehicle dealer bring an
29 administrative or legal action in a venue outside of this
30 state, or

31 (b) Requires that any arbitration, mediation, or other

1 legal proceeding be conducted outside of this state, or
2 (c) Requires that a law of a state other than Florida
3 be applied to any legal proceeding between a motor vehicle
4 dealer and a licensee.

5 (32) Notwithstanding the terms of any franchise
6 agreement, the applicant or licensee has rejected or withheld
7 approval of any proposed transfer in violation of s. 320.643
8 or a proposed change of executive management in violation of
9 s. 320.644.

10 Section 43. Section 320.641, Florida Statutes, is
11 amended and a new subsection (8) is added to read:

12 320.641 Discontinuations, cancellations, nonrenewals,
13 modifications, and replacement~~Unfair cancellation~~ of franchise
14 agreements.--

15 (1)(a) An applicant or licensee shall give written
16 notice to the motor vehicle dealer and the department of the
17 licensee's intention to discontinue, cancel, or fail to renew
18 a franchise agreement or of the licensee's intention to modify
19 a franchise or replace a franchise with a succeeding
20 franchise, which modification or replacement will adversely
21 alter the rights or obligations of a motor vehicle dealer
22 under an existing franchise agreement or will substantially
23 impair the sales, service obligations, or investment of the
24 motor vehicle dealer, at least 90 days before the effective
25 date thereof, together with the specific grounds for such
26 action.

27 (b) The failure by the licensee to comply with the
28 90-day notice period and procedure prescribed herein shall
29 render voidable, at the option of the motor vehicle dealer,
30 any discontinuation, cancellation, nonrenewal, modification,
31 or replacement of any franchise agreement. Designation of a

1 franchise agreement at a specific location as a "nondesignated
2 point" shall be deemed an evasion of this section and
3 constitutes an unfair cancellation.

4 (2) Franchise agreements are deemed to be continuing
5 unless the applicant or licensee has notified the department
6 of the discontinuation of, cancellation of, failure to renew,
7 modification of, or replacement of the agreement of any of its
8 motor vehicle dealers; and annual renewal of the license
9 provided for under ss. 320.60-320.70 is not necessary for any
10 cause of action against the licensee.

11 (3) Any motor vehicle dealer who receives a notice of
12 intent to discontinue, cancel, not renew, modify, or replace
13 whose franchise agreement is discontinued, canceled, not
14 renewed, modified, or replaced may, within the 90-day notice
15 period, file a petition or complaint for a determination of
16 whether such action is an unfair or prohibited
17 discontinuation, cancellation, nonrenewal, modification, or
18 replacement. Agreements and certificates of appointment shall
19 continue in effect until final determination of the issues
20 raised in such petition or complaint by the motor vehicle
21 dealer. A discontinuation, cancellation, or nonrenewal of a
22 franchise agreement is unfair if it is not clearly permitted
23 by the franchise agreement; is not undertaken in good faith;
24 is not undertaken for good cause; or is based on an alleged
25 breach of the franchise agreement which is not in fact a
26 material and substantial breach; or, if the grounds relied
27 upon for termination, cancellation, or nonrenewal have not
28 been applied in a uniform and consistent manner by the
29 licensee. A modification or replacement is unfair if it is
30 not clearly permitted by the franchise agreement; is not
31 undertaken in good faith; or is not undertaken for good cause.

1 The applicant or licensee shall have burden of proof that such
2 action is fair and not prohibited.

3 (4) Notwithstanding any other provision of this
4 section, the failure of a motor vehicle dealer to be engaged
5 in business with the public for 10 consecutive business days
6 constitutes abandonment by the dealer of his or her franchise
7 agreement. If any motor vehicle dealer abandons his or her
8 franchise agreement, he or she has no cause of action under
9 this section. For the purpose of this section, a dealer shall
10 be considered to be engaged in business with the public if a
11 sales and service facility is open and is performing such
12 services 8 hours a day, 5 days a week, excluding holidays.
13 However, it will not be considered abandonment if such failure
14 to engage in business is due to an act of God, a work
15 stoppage, or a delay due to a strike or labor difficulty, a
16 freight embargo, or other cause over which the motor vehicle
17 dealer has no control, including any violation of ss.
18 320.60-320.70.

19 (5) Notwithstanding any other provision of this
20 section, if a motor vehicle dealer has abandoned his or her
21 franchise agreement as provided in subsection (4), the
22 licensee may give written notice to the dealer and the
23 department of the licensee's intention to discontinue, cancel,
24 or fail to renew the franchise agreement with the dealer at
25 least 15 days before the effective date thereof, specifying
26 the grounds for such action. A motor vehicle dealer receiving
27 such notice may file a petition or complaint for determination
28 of whether in fact there has been an abandonment of the
29 franchise.

30 (6) If the complainant motor vehicle dealer prevails,
31 he or she shall have a cause of action against the licensee

1 for reasonable attorneys' fees and costs incurred by him or
2 her in such proceeding, and he or she shall have a cause of
3 action under s. 320.697.

4 (7) Except as provided in s. 320.643, no replacement
5 motor vehicle dealer shall be named for this point or location
6 to engage in business and the franchise agreement shall remain
7 in effect until a final judgment is entered after all appeals
8 are exhausted, provided that, when a motor vehicle dealer
9 appeals a decision upholding a discontinuation, cancellation,
10 or nonrenewal based upon abandonment or revocation of the
11 dealer's license pursuant to s. 320.27, as lawful reasons for
12 such discontinuation, cancellation, or nonrenewal, the
13 franchise agreement shall remain in effect pending exhaustion
14 of all appeals only if the motor vehicle dealer establishes a
15 likelihood of success on appeal and that the public interest
16 will not be harmed by keeping the franchise agreement in
17 effect pending entry of final judgment after such appeal.
18 ~~prior to the final adjudication by the department on the~~
19 ~~petition or complaint and the exhaustion of all appellate~~
20 ~~remedies by the canceled or discontinued dealer, if a stay is~~
21 ~~issued by either the department or an appellate court.~~

22 (8) If a transfer is proposed pursuant to s.
23 320.643(1) or (2) after a notice of intent to discontinue,
24 cancel, or not renew a franchise agreement is received but,
25 prior to the final determination, including exhaustion of all
26 appellate remedies of a motor vehicle dealer's complaint or
27 petition contesting such action, the termination proceedings
28 shall be stayed, without bond, during the period that the
29 transfer is being reviewed by the licensee pursuant to s.
30 320.643.7 During the period that the transfer is being
31 reviewed by the licensee, pursuant to s. 320.643, the

1 franchise agreement shall remain in full force and effect, and
2 the motor vehicle dealer shall retain all rights and remedies
3 pursuant to the terms and conditions of the franchise
4 agreement and applicable law, including all rights of transfer
5 until such time as the licensee has accepted or rejected the
6 proposed transfer. If the proposed transfer is rejected, the
7 motor vehicle dealer shall retain all of its rights pursuant
8 to s. 320.643 to an administrative determination as to whether
9 the licensee's rejection is in compliance with the provisions
10 of s. 320.643, and during the pendency of any such
11 administrative proceeding, and any related appellate
12 proceedings, the termination proceedings shall remain stayed
13 without bond, the franchise agreement shall remain in full
14 force and effect and the motor vehicle dealer shall retain all
15 rights and remedies pursuant to the terms and conditions of
16 the franchise agreement and applicable law, including all
17 rights of transfer. If a transfer is approved by the licensee
18 or mandated by law, the termination proceedings shall be
19 dismissed with prejudice as moot. The subsection (8) applies
20 only to the first two proposed transfers pursuant to s.
21 320.643(1) or (2) after notice of intent to discontinue,
22 cancel, or not renew is received.

23 Section 44. Section 320.643, Florida Statutes, is
24 amended to read:

25 320.643 Transfer, assignment, or sale of franchise
26 agreements.--

27 (1) A motor vehicle dealer shall not transfer, assign,
28 or sell a franchise agreement to another person unless the
29 dealer first notifies the licensee of the dealer's decision to
30 make such transfer, by written notice setting forth the
31 prospective transferee's name, address, financial

1 qualification, and business experience during the previous 5
2 years. The licensee shall, in writing, within 60 days after
3 receipt of such notice, inform the dealer either of the
4 licensee's approval of the transfer, assignment, or sale or of
5 the unacceptability of the proposed transferee, setting forth
6 the material reasons for the rejection. If the licensee does
7 not so inform the dealer within the 60-day period, its
8 approval of the proposed transfer is deemed granted. No such
9 transfer, assignment, or sale will be valid unless the
10 transferee agrees in writing to comply with all requirements
11 of the franchise then in effect. ~~Notwithstanding the terms of~~
12 ~~any franchise agreement, the acceptance by the licensee of the~~
13 ~~proposed transferee shall not be unreasonably withheld.~~ For
14 the purposes of this section, the refusal by the licensee to
15 accept a proposed transferee who is of good moral character
16 and who otherwise meets the written, reasonable, and uniformly
17 applied standards or qualifications, if any, of the licensee
18 relating to financial qualifications of the transferee and the
19 business experience of the transferee or the transferee's
20 executive management ~~required by the licensee of its motor~~
21 ~~vehicle dealers~~ is presumed to be unreasonable. A motor
22 vehicle dealer whose proposed sale is rejected ~~licensee who~~
23 ~~receives such notice~~ may, within 60 days following such
24 receipt of such rejection, file with the department a verified
25 complaint for a determination that the proposed transferee has
26 been rejected in violation of ~~is not a person qualified to be~~
27 ~~a transferee under~~ this section. The licensee has the burden
28 of proof with respect to all issues raised by such verified
29 complaint. The department shall determine, and enter an order
30 providing, that the proposed transferee is either qualified or
31 is not and cannot be qualified for specified reasons, or the

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1 order may provide the conditions under which a proposed
2 transferee would be qualified. If the licensee fails to file
3 such a response to the motor vehicle dealer's verified
4 complaint within 30~~such 60~~days after receipt of the
5 complaint, unless the parties agree in writing to an
6 extension, period or if the department, after a hearing,
7 ~~dismisses the complaint or~~ renders a decision other than one
8 disqualifying the proposed transferee, the franchise agreement
9 between the motor vehicle dealer and the licensee shall be
10 deemed amended to incorporate such transfer or amended in
11 accordance with the determination and order rendered,
12 effective upon compliance by the proposed transferee with any
13 conditions set forth in the determination or order.

14 (2)(a) Notwithstanding the terms of any franchise
15 agreement, a licensee shall not, by contract or otherwise,
16 fail or refuse to give effect to, prevent, prohibit, or
17 penalize, or attempt to refuse to give effect to, prevent,
18 prohibit, or penalize, any motor vehicle dealer or any
19 proprietor, partner, stockholder, owner, or other person who
20 holds or otherwise owns an interest therein from selling,
21 assigning, transferring, alienating, or otherwise disposing
22 of, in whole or in part, the equity interest of any of them in
23 such motor vehicle dealer to any other person or persons,
24 including a corporation established or existing for the
25 purpose of owning or holding the stock or ownership interests
26 of other entities, unless the licensee proves at a hearing
27 pursuant to this section that such sale, transfer, alienation,
28 or other disposition is to a person who is not, or whose
29 controlling executive management is not, of good moral
30 character. A motor vehicle dealer, or any proprietor,
31 partner, stockholder, owner, or other person who holds or

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1 otherwise owns an interest in the motor vehicle dealer, who
2 desires to sell, assign, transfer, alienate, or otherwise
3 dispose of any interest in such motor vehicle dealer shall
4 notify, or cause the proposed transferee to so notify, the
5 licensee, in writing, of the identity and address of the
6 proposed transferee. A licensee who receives such notice may,
7 within 60 days following such receipt, notify the motor
8 vehicle dealer in writing file with the department a verified
9 complaint for a determination that the proposed transferee is
10 not a person qualified to be a transferee under this section
11 and setting forth the material reasons for such rejection.
12 Failure of the licensee to notify the motor vehicle dealer
13 within the 60-day period of such rejection shall be deemed an
14 approval of the transfer. Any person whose proposed sale of
15 stock is rejected may file within 60 days of receipt of such
16 rejection a complaint with the Department alleging that the
17 rejection was in violation of the law or the franchise
18 agreement. The licensee has the burden of proof with respect
19 to all issues raised by such ~~verified~~ complaint. The
20 department shall determine, and enter an order providing, that
21 the proposed transferee either is qualified or is not and
22 cannot be qualified for specified reasons; or the order may
23 provide the conditions under which a proposed transferee would
24 be qualified. If the licensee fails to file a response to the
25 motor vehicle dealer's complaint within 30 days of receipt of
26 the complaint, unless the parties agree in writing to an
27 extension, or if the licensee fails to file such verified
28 complaint within such 60-day period or if the department,
29 after a hearing, dismisses the complaint or renders a decision
30 on the complaint other than one disqualifying the proposed
31 transferee, the transfer shall be deemed approved franchise

1 ~~agreement between the motor vehicle dealer and the licensee~~
2 ~~shall be deemed amended to incorporate such transfer or~~
3 ~~amended~~ in accordance with the determination and order
4 rendered, effective upon compliance by the proposed transferee
5 with any conditions set forth in the determination or order.

6 (b) During the pendency of any such hearing, the
7 franchise agreement of the motor vehicle dealer shall continue
8 in effect in accordance with its terms. The department shall
9 expedite any determination requested under this section.

10 (3) Notwithstanding the terms of any franchise
11 agreement, the acceptance by the licensee of the proposed
12 transferee shall not be unreasonably withheld. For the
13 purposes of this section, the refusal by the licensee to
14 accept a proposed transferee who satisfies the criteria set
15 forth in subsection (1) or (2) is presumed to be unreasonable.

16 Section 45. Section 320.645, Florida Statutes, is
17 amended to read:

18 320.645 Restriction upon ownership of dealership by
19 licensee.--

20 (1) No licensee, including a manufacturer or agent of
21 a manufacturer, or any parent, subsidiary, common entity, or
22 officer or representative of the licensee shall own or
23 operate, either directly or indirectly, a motor vehicle
24 dealership in this state for the sale or service of motor
25 vehicles which have been or are offered for sale under a
26 franchise agreement with a motor vehicle dealer in this state.
27 A licensee may not be issued a motor vehicle dealer license
28 pursuant to s. 320.27. However, no such licensee will be
29 deemed to be in violation of this section:

30 (a) When operating a motor vehicle dealership for a
31 temporary period, not to exceed 1 year, during the transition

1 from one owner of the motor vehicle dealership to another;
2 (b) When operating a motor vehicle dealership
3 temporarily for a reasonable period for the exclusive purpose
4 of broadening the diversity of its dealer body and enhancing
5 opportunities for qualified persons who are part of a group
6 that has historically been underrepresented in its dealer
7 body, or for other qualified persons who the licensee deems
8 lack the resources to purchase or capitalize the dealership
9 outright, not to exceed 1 year, or in a bona fide relationship
10 with an independent person, other than a licensee or its agent
11 or affiliate, who has made a significant investment that is
12 subject to loss in the dealership within the dealership's
13 first year of operation and who can reasonably expect to
14 acquire full ownership of the dealership on reasonable terms
15 and conditions; or
16 (c) If the department determines, after a hearing on
17 the matter, pursuant to chapter 120, at the request of any
18 person, that there is no independent person available in the
19 community or territory to own and operate the motor vehicle
20 dealership in a manner consistent with the public interest.
21
22 In any such case, the licensee must continue to make the motor
23 vehicle dealership available for sale to an independent person
24 at a fair and reasonable price. Approval of the sale of such a
25 motor vehicle dealership to a proposed motor vehicle dealer
26 shall not be unreasonably withheld.
27 (2) As used in this section, the term:
28 (a) "Independent person" is a person who is not an
29 officer, director, or employee of the licensee.
30 (b) "Reasonable terms and conditions" requires that
31 profits from the dealership are reasonably expected to be

1 sufficient to allow full ownership of the dealership by the
2 independent person within a reasonable time period not to
3 exceed 10 years, which time period may be extended if there is
4 a reasonable basis to do so and is not being sought to evade
5 the purpose of this section; that the independent person has
6 sufficient control to permit acquisition of ownership; and
7 that the relationship cannot be terminated solely to avoid
8 full ownership. The terms and conditions are not reasonable
9 if they preclude the independent person from an expedited
10 purchase of the dealership using a monetary source other than
11 profits from the dealership's operation; provided, however,
12 that the independent person must pay or make an agreement to
13 pay to the licensee any and all reasonable prepayment charges
14 and costs, including all unrecouped restored losses,
15 associated with the expedited purchase of the dealership. For
16 the purpose of this section, unrecouped restored losses are
17 monies that the manufacturer has provided to the dealership to
18 restore losses of the dealership that the manufacturer has not
19 been paid back through profits of the dealership.

20 (c) "Significant investment" means a reasonable
21 amount, considering the reasonable capital requirements of the
22 dealership, acquired and obtained from sources other than the
23 licensee or any of its affiliates and not encumbered by the
24 person's interest in the dealership.

25 (3) Nothing in this section shall prohibit, limit,
26 restrict, or impose conditions on:

27 (a) The business activities, including, without
28 limitation, the dealings with motor vehicle manufacturers and
29 their representatives and affiliates, of any person that is
30 primarily engaged in the business of short term not to exceed
31 12 months rental of motor vehicles and industrial and

1 construction equipment and activities incidental to that
2 business, provided that:

3 1. Any motor vehicles sold by such person are limited
4 to used motor vehicles that have been previously used
5 exclusively and regularly by such person in the conduct of its
6 rental business and used motor vehicles traded in on motor
7 vehicles sold by such person;

8 2. Warranty repairs performed under any manufacturer's
9 new vehicle warranty by such person on motor vehicles are
10 limited to those motor vehicles that it owns. As to
11 previously owned vehicles, warranty repairs can be performed
12 only if pursuant to a motor vehicle service agreement as
13 defined in chapter 634, part I, issued by such person or an
14 express warranty issued by such person on the retail sale of
15 those vehicles previously owned; and

16 3. Motor vehicle financing provided by such person to
17 retail consumers for motor vehicles is limited to used motor
18 vehicles sold by such person in the conduct of its business;
19 or

20 (b) The direct or indirect ownership, affiliation or
21 control of a person described in paragraph (a) of this
22 subsection.

23 (4) This section does not apply to any dealership that
24 is owned, controlled, or operated by a licensee on July 1,
25 2000.

26 ~~(2) This section shall not be construed to prohibit~~
27 ~~any licensee from owning or operating a motor vehicle~~
28 ~~dealership in this state if such dealership was owned or~~
29 ~~operated by the licensee on May 31, 1984.~~

30 Section 46. Subsection (2) of section 320.699, Florida
31 Statutes, is amended to read:

1 320.699 Administrative hearings and adjudications;
2 procedure.--

3 (2) If a written objection or notice of protest is
4 filed with the department under paragraph (1)(b), a hearing
5 shall be held not sooner than 180 days nor later than 240 days
6 from within 180 days of the date of filing of the first
7 objection or notice of protest, unless the time is extended by
8 the Administrative Law Judge for good cause shown. This
9 subsection shall govern the schedule of hearings in lieu of
10 any other provision of law with respect to administrative
11 hearings conducted by the Department of Highway Safety and
12 Motor Vehicles or the Division of Administrative Hearings,
13 including performance standards of state agencies, which may
14 be included in current and future appropriations acts.~~hearing~~
15 ~~officer for good cause shown. If a hearing is not scheduled~~
16 ~~within said time, any party may request such hearing which~~
17 ~~shall be held forthwith by the hearing officer.~~

18 Section 47. Section 320.6991, Florida Statutes, is
19 created to read:

20 Section 320.6991 Severability.--If a provision of ss.
21 320.60-320.70 or its application to any person or circumstance
22 is held invalid, the invalidity does not affect other
23 provisions or applications of ss. 320.60-320.70 that can be
24 given effect without the invalid provision or application, and
25 to this end the provisions of 320.60-320.70 are severable.

26 Section 48. Section 320.691, Florida Statutes, is
27 created to read:

28 320.691 Automobile Dealers Industry Advisory Board.--

29 (1) AUTOMOBILE DEALERS INDUSTRY ADVISORY BOARD.--The
30 Automobile Dealers Industry Advisory Board is created within
31 the Department of Highway Safety and Motor Vehicles. The board

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1 shall make recommendations on proposed legislation, make
2 recommendations on proposed rules and procedures, present
3 licensed motor vehicle dealer industry issues to the
4 department for its consideration, consider any matters
5 relating to the motor vehicle industry presented to it by the
6 department, and submit an annual report to the Executive
7 Director of the department and file copies with the Governor,
8 President of the Senate, and the Speaker of the House of
9 Representatives.

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

1 Department of Agriculture and Consumer Services, who must
2 represent the Division of Consumer Services; and one
3 representative of the insurance industry who writes motor
4 vehicle dealer surety bonds.

5 (b)1. The Executive Director shall appoint the
6 following initial members to 1-year terms: one representative
7 from the motor vehicle auction industry who represents an
8 auction chain, one representative from the independent motor
9 vehicle industry, one representative from the franchise motor
10 vehicle industry, one representative from the Department of
11 Revenue, one Florida Tax Collector, and one representative
12 from the Better Business Bureau.

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

21 3. As the initial terms expire, the Executive Director
22 shall appoint successors from the same designated category for
23 terms of 2 years. If renominated, a member may succeed himself
24 or herself.

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

27 (c) The board shall meet at least two times per year.
28 Meetings may be called by the chair of the board or by the
29 Executive Director of the department. One meeting shall be
30 held in the fall of the year to review legislative proposals.
31 The board shall conduct all meetings in accordance with

1 applicable Florida Statutes and shall keep minutes of all
2 meetings. Meetings may be held in locations around the state
3 in department facilities or in other appropriate locations.

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

11 Section 49. Subsection (26) of section 322.01, Florida
12 Statutes, is amended to read:

13 322.01 Definitions.--As used in this chapter:

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

19 Section 50. Subsections (4) and (5) are added to
20 section 322.0261, Florida Statutes, to read:

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

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

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

1 (a) Approval for statewide delivery.

2 (b) Independent scientific research evidence of course
3 effectiveness.

4 Section 51. Section 322.161, Florida Statutes, is
5 amended to read:

6 322.161 High-risk drivers; restricted licenses.--

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

13 (b) Upon determination that any person has accumulated
14 six four or more points, the department shall notify the
15 licensee and issue the licensee a restricted license for
16 business purposes only. The licensee must appear before the
17 department within 10 days after notification to have this
18 restriction applied. The period of restriction shall be for a
19 period of no less than 1 year beginning on the date it is
20 applied by the department.

21 (c) The restriction shall be automatically withdrawn
22 by the department after 1 year if the licensee does not
23 accumulate any additional points. If the licensee accumulates
24 any additional points, then the period of restriction shall be
25 extended 90 days for each point. The restriction shall also
26 be automatically withdrawn upon the licensee's 18th birthday
27 if no other grounds for restriction exist. The licensee must
28 appear before the department to have the restriction removed
29 and a duplicate license issued.

30 (2)(a) Any Class E licensee who is age 15 through 17
31 and who has accumulated six four or more points pursuant to s.

1 318.14, excluding parking violations, within a 12-month period
2 shall not be eligible to obtain a Class D license for a period
3 of no less than 1 year. The period of ineligibility shall
4 begin on the date of conviction for the violation that results
5 in the licensee's accumulation of six ~~four~~ or more points.

6 (b) The period of ineligibility shall automatically
7 expire after 1 year if the licensee does not accumulate any
8 additional points. If the licensee accumulates any additional
9 points, then the period of ineligibility shall be extended 90
10 days for each point. The period of ineligibility shall also
11 automatically expire upon the licensee's 18th birthday if no
12 other grounds for ineligibility exist.

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

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

18 Section 52. Subsection (4) of section 322.05, Florida
19 Statutes, is amended to read:

20 322.05 Persons not to be licensed.--The department may
21 not issue a license:

22 (4) Except as provided by this subsection, to any
23 person, as a Class A licensee, Class B licensee, Class C
24 licensee, or Class D licensee, who is under the age of 18
25 years. A person age 16 or 17 years who applies for a Class D
26 driver's license is subject to all the requirements and
27 provisions of ss. 322.05(2)(a) and (b), 322.09, and 322.16(2)
28 ~~and (3). Any person who applies for a Class D driver's license~~
29 ~~who is age 16 or 17 years must have had a learner's driver's~~
30 ~~license or a driver's license for at least 90 days before he~~
31 ~~or she is eligible to receive a Class D driver's license.~~The

1 department may require of any such applicant for a Class D
2 driver's license such examination of the qualifications of the
3 applicant as the department considers proper, and the
4 department may limit the use of any license granted as it
5 considers proper.

6 Section 53. Paragraph (b) of subsection (4) and
7 subsections (5), (6), and (7) of section 322.081, Florida
8 Statutes, are amended, and subsection (8) is added to said
9 section, to read:

10 322.081 Requests to establish voluntary check-off
11 ~~checkoff~~ on driver's license application.--

12 (4)

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

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

30 (a) All organizations that receive annual use fee
31 proceeds from the department are responsible for ensuring that

1 proceeds are used in accordance with law.

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

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

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

23 ~~(d)(e) Any organization subject to audit pursuant to~~
24 s. 215.97 shall submit an audit report in accordance with
25 rules promulgated by the Auditor General. ~~The annual~~
26 attestation ~~audit or report~~ must be submitted to the
27 department for review within 9 months ~~180 days~~ after the end
28 of the organization's fiscal year.

29 (6) Within 90 days after receiving an organization's
30 audit or attestation ~~report~~, the department shall determine
31 which recipients have not complied with subsection (5). If

1 the department determines that an organization has not
2 complied or has failed to use the revenues in accordance with
3 law, the department must discontinue the distribution of the
4 revenues to the organization until the department determines
5 that the organization has complied. If an organization fails
6 to comply within 12 months after the voluntary contributions
7 are withheld by the department, the proceeds shall be
8 deposited into the Highway Safety Operating Trust Fund to
9 offset department costs.

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

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

18 Section 54. Present subsections (2) through (7) of
19 section 322.095, Florida Statutes, are renumbered as
20 subsections (4) through (9), respectively, and new subsections
21 (2) and (3) are added to said section, to read:

22 322.095 Traffic law and substance abuse education
23 program for driver's license applicants.--

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

28 (3) In determining whether to approve courses of
29 driver improvement schools that use technology as the delivery
30 method as the courses relate to this section, for courses
31 submitted on or after July 1, 2001, the department shall

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

3 (a) Approval for statewide delivery.

4 (b) Independent scientific research evidence of course
5 effectiveness.

6 Section 55. Section 322.222, Florida Statutes, is
7 created to read:

8 322.222 Right to review.--A driver may request an
9 administrative hearing to review a revocation pursuant to s.
10 322.221(3). The hearing shall be held in accordance with the
11 department's administrative rules that the department shall
12 have promulgated pursuant to chapter 120.

13 Section 56. Subsection (7) of section 322.25, Florida
14 Statutes, is amended to read:

15 322.25 When court to forward license to department and
16 report convictions; temporary reinstatement of driving
17 privileges.--

18 (7) Any licensed driver convicted of driving, or being
19 in the actual physical control of, a vehicle within this state
20 while under the influence of alcoholic beverages, any chemical
21 substance set forth in s. 877.111, or any substance controlled
22 under chapter 893, when affected to the extent that his or her
23 normal faculties are impaired, and whose license and driving
24 privilege have been revoked as provided in subsection (1) may
25 be issued a court order for reinstatement of a driving
26 privilege on a temporary basis; provided that, as a part of
27 the penalty, upon conviction, the defendant is required to
28 enroll in and complete a driver improvement course for the
29 rehabilitation of drinking drivers and the driver is otherwise
30 eligible for reinstatement of the driving privilege ~~as~~
31 ~~provided by s. 322.282.~~ The court order for reinstatement

1 shall be on a form provided by the department and must be
2 taken by the person convicted to a Florida driver's license
3 examining office, where a temporary driving permit may be
4 issued. The period of time for which a temporary permit issued
5 in accordance with this subsection is valid shall be deemed to
6 be part of the period of revocation imposed by the court.

7 Section 57. 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 58. 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 59. 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 the case and determine the period of revocation within the

1 limits specified in paragraph (a).

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

23 ~~(d) When any driver's license or driving privilege has~~
24 ~~been revoked pursuant to the provisions of this section, the~~
25 ~~department shall not grant a new license, except upon~~
26 ~~reexamination of the licensee after the expiration of the~~
27 ~~period of revocation so prescribed. However, the court may,~~
28 ~~in its sound discretion, issue an order of reinstatement on a~~
29 ~~form furnished by the department which the person may take to~~
30 ~~any driver's license examining office for reinstatement by the~~
31 ~~department pursuant to s. 322.282.~~

Amendment No. 01 (for drafter's use only)

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

24 Section 60. Section 322.282, Florida Statutes, is
25 repealed.

26 Section 61. Subsection (3) is added to section
27 322.292, Florida Statutes, to read:

28 322.292 DUI programs supervision; powers and duties of
29 the department.--

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

1 Section 62. Section 322.331, Florida Statutes, is
2 repealed.

3 Section 63. Subsections (8), (9), and (10) are added
4 to section 322.61, Florida Statutes, to read:

5 322.61 Disqualification from operating a commercial
6 motor vehicle.--

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

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

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

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

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

1 separate incidents, while transporting hazardous materials
2 required to be placarded under the Hazardous Materials
3 Transportation Act 49 U.S.C. 5101 et seq., or while operating
4 motor vehicles designed to transport more than 15 passengers,
5 including the driver.

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

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

15 (b) For drivers who are not always required to 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 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 must be disqualified for not less
28 than 60 days if the driver is convicted of or otherwise found
29 to have committed a first violation of a railroad-highway
30 grade crossing violation.

31 (b) A driver must be disqualified for not less than

1 120 days if, during any 3-year period, the driver is convicted
2 of or otherwise found to have committed a second
3 railroad-highway grade crossing violation in separate
4 incidents.

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

10 Section 64. Subsections (1) and (3) of section 322.64,
11 Florida Statutes, are amended to read:

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

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

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

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

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

16 b. The driver violated s. 316.193 by driving with an
17 unlawful blood-alcohol level and he or she is disqualified
18 from operating a commercial motor vehicle for a period of 6
19 months for a first offense or for a period of 1 year if he or
20 she has previously been disqualified, or his or her driving
21 privilege has been previously suspended, for a violation of s.
22 316.193.

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

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

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

1 day following the date of disqualification.

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

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

14 Section 65. Driver Licensing Study Commission
15 created.--

16 (1) The Driver Licensing Study Commission is created
17 within the Department of Highway Safety and Motor
18 Vehicles. The commission shall consist of eight members, to
19 be appointed as follows:

20 (a) The Speaker of the House of Representatives shall
21 appoint two members, at least one of whom must have business
22 managerial experience in the private sector.

23 (b) The President of the Senate shall appoint two
24 members, at least one of whom must have business managerial
25 experience in the private sector.

26 (c) The Governor shall appoint three members, at least
27 one of whom must have information technology experience
28 relating to systems utilizing complex databases.

29 (d) The Executive Director of the Department of
30 Highway Safety and Motor Vehicles shall serve as an ex
31 officio, nonvoting member of the commission.

1 (2) The commission shall elect a chair and a vice
2 chair from its membership at its first meeting.

3 (3) The commission shall be appointed no later than
4 June 15, 2001, and its first meeting shall be held no later
5 than July 15, 2001. The commission shall meet periodically at
6 the request of the chair.

7 (3) Members of the commission shall serve without
8 compensation, except for per diem and reimbursement for travel
9 expenses as provided by s. 112.061, Florida Statutes.

10 (4) A vacancy in the commission shall be filled within
11 30 days after its occurrence in the same manner as the
12 original appointment.

13 (5) The Department of Highway Safety and Motor
14 Vehicles shall serve as primary staff to the commission,
15 providing technical and administrative assistance and ensuring
16 that commission meetings are electronically recorded. Such
17 recordings shall be preserved pursuant to chs. 119 and 257,
18 Florida Statutes.

19 (6) The commission shall study and make
20 recommendations on the feasibility of using privatization,
21 outsourcing, and public-private partnership techniques in the
22 delivery of driver's license services. The commission shall
23 review local government driver's licensing programs and shall
24 review results available from driver's licensing privatization
25 pilot projects in the state. The study shall address the
26 following issues:

27 (a) Identification of functions that are appropriate
28 for privatization or outsourcing and functions for which the
29 public sector should maintain direct control.

30 (b) Technology and re-engineering of business
31 processes to achieve greater efficiencies, ultimately

1 resulting in cost reduction.

2 (c) The format and type of necessary procurement
3 procedures and oversight and audit mechanisms to protect the
4 interests of the State of Florida in dealings with private
5 service providers.

6 (d) Contractual controls to ensure appropriate service
7 delivery and customer satisfaction levels.

8 (e) Safeguards for control of personal information.

9 (f) Ways to encourage the use of alternative service
10 delivery options.

11 (g) Service center size and location to ensure that
12 the public is best served.

13 (h) Issues related to utilization and placement of
14 current public driver's license employees in public-private
15 licensing enterprises.

16 (i) Any other issues the commission deems relevant to
17 the privatization of drivers licensing functions.

18 (7) The commission shall prepare an initial report of
19 its findings and recommendations on the issues listed in
20 subsection (6) and shall submit the report to the Governor,
21 the Speaker of the House of Representatives, and the President
22 of the Senate on or before January 1, 2002. The commission
23 shall prepare a final report of its findings and
24 recommendations, taking into consideration the results of any
25 pilot projects for delivery of driver's license services, and
26 shall submit the report to the Governor, the Speaker of the
27 House of Representatives, and the President of the Senate on
28 or before January 1, 2003. The commission is dissolved at the
29 time it submits its final report.

30 Section 66. There is appropriated from the Highway
31 Safety Operating Trust Fund to the Driver Licensing Study

1 Commission the sum of \$100,000 for the purpose of conducting
2 the study required in this act.

3 Section 67. Section 324.091, Florida Statutes, is
4 amended to read:

5 324.091 Notice to department; notice to insurer.--

6 (1) Each owner and operator involved in a crash or
7 conviction case within the purview of this chapter shall
8 furnish evidence of automobile liability insurance, motor
9 vehicle liability insurance, or surety bond within 30 days
10 from the date of the mailing of notice of crash by the
11 department in such form and manner as it may designate. Upon
12 receipt of evidence that an automobile liability policy, motor
13 vehicle liability policy, or surety bond was in effect at the
14 time of the crash or conviction case, the department shall
15 forward by United States mail, postage prepaid, to the insurer
16 or surety insurer a copy of such information and shall assume
17 that such policy or bond was in effect unless the insurer or
18 surety insurer shall notify the department otherwise within 20
19 days from the mailing of the notice to the insurer or surety
20 insurer; provided that if the department shall later ascertain
21 that an automobile liability policy, motor vehicle liability
22 policy, or surety bond was not in effect and did not provide
23 coverage for both the owner and the operator, it shall at such
24 time take such action as it is otherwise authorized to do
25 under this chapter. Proof of mailing to the insurer or surety
26 insurer may be made by the department by naming the insurer or
27 surety insurer to whom such mailing was made and specifying
28 the time, place and manner of mailing.

29 (2) Each insurer doing business in this state shall
30 immediately give notice to the department of each motor
31 vehicle liability policy when issued to effect the return of a

1 license which has been suspended under s. 324.051(2); and said
2 notice shall be upon such form and in such manner as the
3 department may designate.

4 (3) Electronic access to the vehicle insurer
5 information maintained in the department's vehicle database
6 may be provided by an approved third-party provider to
7 insurers, lawyers, and financial institutions in compliance
8 with s. 627.736(9)(a) and for subrogation and claims purposes
9 only. The compilation and retention of this information is
10 strictly prohibited.

11 Section 68. Paragraph (b) of subsection (3) of section
12 328.01, Florida Statutes, is amended to read:

13 328.01 Application for certificate of title.--

14 (3)

15 (b) If the application for transfer of title is based
16 upon a contractual default, the recorded lienholder shall
17 establish proof of right to ownership by submitting with the
18 application the original certificate of title ~~and a copy of~~
19 ~~the applicable contract upon which the claim of ownership is~~
20 ~~made~~. If the claim is based upon a court order or judgment, a
21 copy of such document shall accompany the application for
22 transfer of title. If, on the basis of departmental records,
23 there appears to be any other lien on the vessel, the
24 certificate of title must contain a statement of such a lien,
25 unless the application for a certificate of title is either
26 accompanied by proper evidence of the satisfaction or
27 extinction of the lien or contains a statement certifying that
28 any lienholder named on the last-issued certificate of title
29 has been sent notice by certified mail, at least 5 days before
30 the application was filed, of the applicant's intention to
31 seek a repossessed title. If such notice is given and no

1 written protest to the department is presented by a subsequent
2 lienholder within 15 days after the date on which the notice
3 was mailed, the certificate of title shall be issued showing
4 no liens. If the former owner or any subsequent lienholder
5 files a written protest under oath within the 15-day period,
6 the department shall not issue the repossessed certificate for
7 10 days thereafter. If, within the 10-day period, no
8 injunction or other order of a court of competent jurisdiction
9 has been served on the department commanding it not to deliver
10 the certificate, the department shall deliver the repossessed
11 certificate to the applicant, or as is otherwise directed in
12 the application, showing no other liens than those shown in
13 the application.

14

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

18 Section 69. Subsection (2) of section 328.42, Florida
19 Statutes, is amended to read:

20 328.42 Suspension or denial of a vessel registration
21 due to child support delinquency; dishonored checks.--

22 (2) The department may deny or cancel any vessel
23 registration, license plate, or fuel-use tax decal if the
24 owner pays for the registration, license plate, fuel-use tax
25 decal, or any tax liability, penalty, or interest specified in
26 chapter 207 by a dishonored check if the owner pays for the
27 registration by a dishonored check.

28 Section 70. Section 328.56, Florida Statutes, is
29 amended to read:

30 328.56 Vessel registration number.--Each vessel that
31 is used on the waters of the state must display a ~~commercial~~

1 ~~or recreational~~ Florida registration number, unless it is:

2 (1) A vessel used exclusively on private lakes and
3 ponds.

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

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

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

7 (5) A federally documented vessel.

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

15 (7) A vessel operating under a valid temporary
16 certificate of number.

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

19 (9) An undocumented vessel used exclusively for
20 racing.

21 Section 71. Subsection (4) of section 328.72, Florida
22 Statutes, is amended to read:

23 328.72 Classification; registration; fees and charges;
24 surcharge; disposition of fees; fines; marine turtle
25 stickers.--

26 (4) TRANSFER OF OWNERSHIP.--

27 ~~(a)~~ When the ownership of a registered vessel changes,
28 an application for transfer of registration shall be filed
29 with the county tax collector by the new owner within 30 days
30 with a fee of \$3.25. The county tax collector shall retain
31 \$2.25 of the fee and shall remit \$1 to the department. A

1 refund may not be made for any unused portion of a
2 registration period.

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

12 Section 72. Effective July 1, 2001, subsection (1) of
13 section 328.76, Florida Statutes, is amended to read:

14 328.76 Marine Resources Conservation Trust Fund;
15 vessel registration funds; appropriation and distribution.--

16 (1) Except as otherwise specified and less \$1.4
17 million for any administrative costs which shall be deposited
18 in the Highway Safety Operating Trust Fund, in each fiscal
19 year beginning on or after July 1, 2001, all funds collected
20 from the registration of vessels through the Department of
21 Highway Safety and Motor Vehicles and the tax collectors of
22 the state, except for those funds designated for the use of
23 the counties pursuant to s. 328.72(1), shall be deposited in
24 the Marine Resources Conservation Trust Fund for recreational
25 channel marking; public launching facilities; law enforcement
26 and quality control programs; aquatic weed control; manatee
27 protection, recovery, rescue, rehabilitation, and release; and
28 marine mammal protection and recovery. The funds collected
29 pursuant to s. 328.72(1) shall be transferred as follows:

30 (a) In each fiscal year, an amount equal to \$1.50 for
31 each vessel registered in this state shall be transferred to

1 the Save the Manatee Trust Fund and shall be used only for the
2 purposes specified in s. 370.12(4).

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

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

10 (d) Forty percent of the registration fees from
11 commercial vessels shall be transferred by the Department of
12 Highway Safety and Motor Vehicles, on a monthly basis, to the
13 General Inspection Trust Fund of the Department of Agriculture
14 and Consumer Services. These funds shall be used for shellfish
15 and aquaculture law enforcement and quality control programs.

16 Section 73. Subsections (4) and (6) of section 713.78,
17 Florida Statutes, are amended to read:

18 713.78 Liens for recovering, towing, or storing
19 vehicles and ~~documented~~ vessels.--

20 (4)(a) Any person regularly engaged in the business of
21 recovering, towing, or storing vehicles or vessels who comes
22 into possession of a vehicle or vessel pursuant to subsection
23 (2), and who claims a lien for recovery, towing, or storage
24 services, shall give notice to the registered owner, the
25 insurance company insuring the vehicle notwithstanding the
26 provisions of s. 627.736, and to all persons claiming a lien
27 thereon, as disclosed by the records in the Department of
28 Highway Safety and Motor Vehicles or of a corresponding agency
29 in any other state.

30 (b) Whenever any law enforcement agency authorizes the
31 removal of a vehicle or whenever any towing service, garage,

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

20 (c)(b) Notice by certified mail, return receipt
21 requested, shall be sent within 7 business days after the date
22 of storage of the vehicle or vessel to the registered owner,
23 the insurance company insuring the vehicle notwithstanding the
24 provisions of s. 627.736, and to all persons of record
25 claiming a lien against the vehicle or vessel. It shall state
26 the fact of possession of the vehicle or vessel, that a lien
27 as provided in subsection (2) is claimed, that charges have
28 accrued and the amount thereof, that the lien is subject to
29 enforcement pursuant to law, and that the owner or lienholder,
30 if any, has the right to a hearing as set forth in subsection
31 (5), and that any vehicle or vessel which remains unclaimed,

1 or for which the charges for recovery, towing, or storage
2 services remain unpaid, may be sold ~~after 35 days~~ free of all
3 prior liens after 35 days if the vehicle or vessel is more
4 than 3 years of age and after 50 days if the vehicle or vessel
5 is 3 years of age or less.

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

18 1. Check of vehicle or vessel for any type of tag, tag
19 record, temporary tag, or regular tag.

20 2. Check of law enforcement report for tag number or
21 other information identifying the vehicle or vessel, if the
22 vehicle or vessel was towed at the request of a law
23 enforcement officer.

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

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

31 5. Check of vehicle or vessel for inspection sticker

1 or other stickers and decals that may indicate a state of
2 possible registration.

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

6 7. Check of vehicle for vehicle identification number.

7 8. Check of vessel for vessel registration number.

8 9. Check of vessel hull for a hull identification
9 number which should be carved, burned, stamped, embossed, or
10 otherwise permanently affixed to the outboard side of the
11 transom or, if there is no transom, to the outmost seaboard
12 side at the end of the hull that bears the rudder or other
13 steering mechanism.

14 (6) Any vehicle or vessel which is stored pursuant to
15 subsection (2) and which remains unclaimed, or for which
16 reasonable charges for recovery, towing, or storing remain
17 unpaid or for which a lot rental amount is due and owing to
18 the mobile home park owner, as evidenced by a judgment for
19 unpaid rent, and any contents not released pursuant to
20 subsection (10), may be sold by the owner or operator of the
21 storage space for such towing or storage charge or unpaid lot
22 rental amount after 35 days from the time the vehicle or
23 vessel is stored therein if the vehicle or vessel is more than
24 3 years of age and after 50 days from the time the vehicle or
25 vessel is stored therein if the vehicle or vessel is 3 years
26 of age or less. The sale shall be at public auction for cash.
27 If the date of the sale was not included in the notice
28 required in subsection (4), notice of the sale shall be given
29 to the person in whose name the vehicle, vessel, or mobile
30 home is registered, to the mobile home park owner, and to all
31 persons claiming a lien on the vehicle or vessel as shown on

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1 the records of the Department of Highway Safety and Motor
2 Vehicles or of the corresponding agency in any other state.
3 Notice shall be sent by certified mail, return receipt
4 requested, to the owner of the vehicle or vessel and the
5 person having the recorded lien on the vehicle or vessel at
6 the address shown on the records of the registering agency and
7 shall be mailed not less than 15 days before the date of the
8 sale. After diligent search and inquiry, if the name and
9 address of the registered owner or the owner of the recorded
10 lien cannot be ascertained, the requirements of notice by mail
11 may be dispensed with. In addition to the notice by mail,
12 public notice of the time and place of sale shall be made by
13 publishing a notice thereof one time, at least 10 days prior
14 to the date of the sale, in a newspaper of general circulation
15 in the county in which the sale is to be held. The proceeds
16 of the sale, after payment of reasonable towing and storage
17 charges, costs of the sale, and the unpaid lot rental amount,
18 in that order of priority, shall be deposited with the clerk
19 of the circuit court for the county if the owner is absent,
20 and the clerk shall hold such proceeds subject to the claim of
21 the person legally entitled thereto. The clerk shall be
22 entitled to receive 5 percent of such proceeds for the care
23 and disbursement thereof. The certificate of title issued
24 under this law shall be discharged of all liens unless
25 otherwise provided by court order.

26 Section 74. Section 715.05, Florida Statutes, is
27 repealed.

28 Section 75. Subsection (1) of section 681.1096,
29 Florida Statutes, is amended to read:

30 681.1096 Pilot RV Mediation and Arbitration Program;
31 creation and qualifications.--

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1 (1) This section and s. 681.1097 shall apply to
2 disputes determined eligible under this chapter involving
3 recreational vehicles acquired on or after October 1, 1997,
4 and shall remain in effect until September 30, 2002 ~~2001~~, at
5 which time recreational vehicle disputes shall be subject to
6 the provisions of ss. 681.109 and 681.1095. The Attorney
7 General shall report ~~annually~~ to the President of the Senate,
8 the Speaker of the House of Representatives, the Minority
9 Leader of each house of the Legislature, and appropriate
10 legislative committees regarding the effectiveness ~~efficiency~~
11 ~~and cost-effectiveness~~ of the pilot program.

12 Section 76. Subsections (5) and (7) of section
13 681.1097, Florida Statutes, are amended to read:

14 681.1097 Pilot RV Mediation and Arbitration Program;
15 dispute eligibility and program function.--

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

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

1 objection is determined valid, the program administrator shall
2 assign another arbitrator to the case.

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

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

19 (d) The program arbitrator may continue a hearing on
20 his or her own motion or upon the request of a party for good
21 cause shown. A request for continuance by the consumer
22 constitutes a waiver of the time period set forth in s.
23 681.1096(3)(k) for completion of all proceedings under the
24 program.

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

30 (f) The arbitrator shall grant relief if a reasonable
31 number of attempts have been undertaken to correct a

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1 nonconformity or nonconformities.

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

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

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

1 recreational vehicle, and typographical or spelling errors.
2 Technical correction of a decision shall not toll the time for
3 filing an appeal or for manufacturer compliance.

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

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

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

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

22 Section 77. Section 681.115, Florida Statutes, is
23 amended to read:

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

31 Section 78. Section 715.07, Florida Statutes, is

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1 amended to read:

2 715.07 Vehicles and vessels parked on private
3 property; towing.--

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

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

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

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

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

26 1.a. Any towed or removed vehicle or vessel must be
27 stored at a site within 10 miles of the point of removal in
28 any county of 500,000 population or more, and within 15 miles
29 of the point of removal in any county of less than 500,000
30 population. That site must be open for the purpose of
31 redemption of vehicles or vessels on any day that the person

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

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

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

26 3. If the registered owner or other legally authorized
27 person in control of the vehicle or vessel arrives at the
28 scene prior to removal or towing of the vehicle or vessel, the
29 vehicle or vessel shall be disconnected from the towing or
30 removal apparatus, and that person shall be allowed to remove
31 the vehicle or vessel without interference upon the payment of

1 a reasonable service fee of not more than one-half of the
2 posted rate for such towing service as provided in
3 subparagraph 6., for which a receipt shall be given, unless
4 that person refuses to remove the vehicle or vessel which is
5 otherwise unlawfully parked or located.

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

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

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

31 b. The notice must clearly indicate, in not less than

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1 2-inch high, light-reflective letters on a contrasting
2 background, that unauthorized vehicles will be towed away at
3 the owner's expense. Owners or lessees that remove vessels
4 from their properties shall post notice, consistent with the
5 requirements of this subparagraph, that unauthorized vehicles
6 or vessels will be towed at the owner's expense. The words
7 "tow-away zone" must be included on the sign in not less than
8 4-inch high letters.

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

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

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

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

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

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

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

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

29 8. Vehicle entry for the purpose of removing the
30 vehicle or vessel shall be allowed with reasonable care on the
31 part of the person or firm towing the vehicle or vessel. Such

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

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

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

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

28 (4) When a person improperly causes a vehicle or
29 vessel to be removed, such person shall be liable to the owner
30 or lessee of the vehicle or vessel for the cost of removal,
31 transportation, and storage; any damages resulting from the

1 removal, transportation, or storage of the vehicle; attorneys'
2 fees; and court costs.

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

7 (6)(5)(a) Any person who violates the provisions of
8 subparagraph (2)(a)2. or subparagraph (2)(a)6. commits is
9 guilty of a misdemeanor of the first degree, punishable as
10 provided in s. 775.082 or s. 775.083.

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

15 Section 79. Subsection (3) is added to section 832.09,
16 Florida Statutes, to read:

17 832.09 Suspension of driver license after warrant or
18 capias is issued in worthless check case.--

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

26 Section 80. Subsection (1) of section 322.056, Florida
27 Statutes, is amended to read:

28 322.056 Mandatory revocation or suspension of, or
29 delay of eligibility for, driver's license for persons under
30 age 18 found guilty of certain alcohol, drug, or tobacco
31 offenses; prohibition.--

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

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

9 1. Not less than 6 months and not more than 1 year for
10 the first violation.

11 2. Two years, for a subsequent violation.

12 (b) The person's driver's license or driving privilege
13 is under suspension or revocation for any reason, the court
14 shall direct the department to extend the period of suspension
15 or revocation by an additional period of:

16 1. Not less than 6 months and not more than 1 year for
17 the first violation.

18 2. Two years, for a subsequent violation.

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

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

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

28
29 However, the court may, in its sound discretion, direct the
30 department to issue a license for driving privileges
31 restricted to business or employment purposes only, as defined

1 in s. 322.271, if the person is otherwise qualified for such a
2 license.

3 Section 81. Except as otherwise provided herein, this
4 act shall take effect October 1, 2001.

5
6

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

8 And the title is amended as follows:

9 On page 1, line 5 through page 12, line 14,
10 remove from the title of the bill: remove all of said lines

11

12 and insert in lieu thereof:

13 Florida educational license plate; amending s.
14 322.056, F.S.; authorizing the court to direct
15 the Department of Highway Safety and Motor
16 Vehicles to issue a driver's license restricted
17 to business or employment purposes only to
18 certain persons under age 18 found guilty of
19 certain alcohol, drug, or tobacco offenses;
20 amending s. 316.003, F.S.; providing that
21 certain vehicles of the Department of Health
22 are authorized emergency vehicles; providing
23 that a motorized scooter is not a motor vehicle
24 for traffic control purposes; creating a
25 definition of the term motorized scooter;
26 amending s. 316.006, F.S.; authorizing the
27 installation of multiparty stop signs on
28 certain roads; providing guidelines for the
29 installation of such signage; amending s.
30 316.0741, F.S.; allowing certain energy-saving
31 vehicles to travel in high-occupancy vehicle

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1 lanes, regardless of occupancy; amending s.
2 316.1951, F.S.; amending 316.1967, F.S.;
3 allowing a fine designated by county ordinance;
4 revising provisions related to parking vehicles
5 to display for sale; amending s. 316.1975,
6 F.S.; exempting operators of solid waste and
7 recovered materials vehicles from provisions
8 regarding unattended motor vehicles; amending
9 s. 316.2065, F.S.; providing motorized scooter
10 operating regulations; amending s. 316.228,
11 F.S.; requiring strobe lights to be placed on
12 the exterior of a commercial vehicle
13 transporting unprocessed forest products
14 extending more than 4 feet beyond the rear of
15 the vehicle; providing an alternate method for
16 placing strobe lights in certain instances;
17 requiring the use of a red flag on the load;
18 amending s. 316.2397, F.S.; authorizing the
19 emergency response vehicles of the Department
20 of Health to use red flashing lights; amending
21 s. 316.520, F.S.; clarifying that a violation
22 of a provision governing loads on vehicles is a
23 moving rather than a nonmoving violation;
24 exempting certain vehicles carrying
25 agricultural products; amending s. 316.640,
26 F.S.; revising the powers and duties of traffic
27 crash investigation officers; authorizing
28 university police officers to enforce state
29 traffic laws violated on or adjacent to
30 property under control of the university or its
31 agents; amending s. 316.650, F.S.; requiring

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1 the issuance of a copy of the traffic school
2 reference guide with traffic citations under
3 certain circumstances; amending s. 318.14,
4 F.S.; deleting reference to a restriction on
5 the number of elections a person may make to
6 attend a basic driver improvement course;
7 amending s. 318.1451, F.S.; providing traffic
8 school reference guide requirements; amending
9 s. 318.18, F.S.; allowing fine amount
10 designated by county ordinance plus court
11 costs; amending the date by which court clerks
12 must electronically transmit to the department
13 specified information; amending s. 322.0261,
14 F.S.; deleting reference to a time period and
15 increasing the amount of damage required with
16 respect to a crash for the screening of certain
17 crash reports; requiring the Department of
18 Highway Safety and Motor Vehicles to approve
19 and regulate certain courses for driver
20 improvement schools; amending s. 322.161, F.S.;
21 increasing the number of points that a driver
22 under a specified age may accumulate before the
23 department is required to issue that driver a
24 restricted license; creating s. 322.02615,
25 F.S.; providing for mandatory driver
26 improvement courses for certain violations;
27 amending s. 319.001, F.S.; providing
28 definitions; amending s. 319.14, F.S.;
29 authorizing the Department of Highway Safety
30 and Motor Vehicles to place a decal on a
31 rebuilt vehicle so as to clarify its identity;

1 providing a penalty for the removal of the
2 decal; amending s. 319.23, F.S.; conforming the
3 requirements for the transfer of ownership on
4 an antique vehicle to that of any other motor
5 vehicle; amending s. 319.28, F.S.; deleting the
6 requirement that a copy of a contract for
7 processing an application for title based on a
8 contractual default be provided; amending s.
9 319.30, F.S.; clarifying the major component
10 parts of a motor vehicle; amending s. 320.01,
11 F.S.; conforming the length limitation for a
12 motor home to that established in ch. 316,
13 F.S.; providing that a motorized scooter is not
14 a motor vehicle for registration purposes;
15 amending s. 320.02, F.S.; requiring application
16 forms for motor vehicle registration and
17 renewal of registration to include language
18 permitting a voluntary contribution to certain
19 organizations; amending s. 320.023, F.S.;
20 requiring certain organizations receiving
21 voluntary check-off contributions to notify the
22 department under certain circumstances and to
23 meet specified requirements; conforming the
24 section to the Florida Single Audit Act;
25 requiring organizations seeking authorization
26 to establish a voluntary check-off contribution
27 on a motor vehicle registration application to
28 conform to the requirements of ch. 496, F.S.;
29 conforming this section to the Florida Single
30 Audit Act; amending s. 320.025, Florida
31 Statutes, conforming the vessel registration

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1 law to the motor vehicle registration law;
2 requiring a decal to be affixed to a vessel
3 that is registered under a fictitious name and
4 operated by any law enforcement agency;
5 amending s. 320.05, F.S.; conforming the vessel
6 registration law to the motor vehicle
7 registration law; providing instructions for
8 the release of information regarding a vessel
9 to the public; amending s. 320.055, F.S.;
10 correcting the registration period for
11 nonapportioned vehicles; amending s. 320.06,
12 F.S.; providing for the placement of only one
13 decal rather than two on a license plate;
14 amending s. 320.072, F.S.; reducing the
15 timeframe a registrant can use a previous
16 license plate for the initial registration fee
17 exemption; amending s. 320.0805, F.S.; reducing
18 the timeframe for a personalized license plate
19 to remain out of circulation prior to
20 reassignment; amending s. 320.08056, F.S.;
21 requiring the department to count annual
22 renewals when determining whether to
23 discontinue a speciality license plate;
24 requiring certain organizations to notify the
25 department under certain circumstances;
26 including two more colleges to the
27 discontinuance exemptions provided for
28 collegiate specialty license plates; amending
29 s. 320.08052, F.S.; providing for a Florida
30 Golf license plate; amending s. 320.08058,
31 F.S.; requiring the department to develop the

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1 Florida Golf license plate; providing for
2 distribution of proceeds of the annual use
3 fees; requiring the Florida Sports Foundation
4 to establish a youth golf program; providing
5 for an advisory committee; amending s.
6 320.08062, F.S.; conforming this section to the
7 Florida Single Audit Act; amending s. 320.083,
8 F.S.; increasing the weight restriction for a
9 private-use vehicle so as to be eligible to
10 apply for the Amateur Radio Operator specialty
11 license plate; amending s. 320.089, F.S.;
12 providing for the issuance of Pearl Harbor
13 Survivor and Purple Heart license plates
14 without payment to a disabled veteran;
15 increasing the weight restriction for a
16 private-use vehicle so as to be eligible to
17 apply for the EX-POW or Purple Heart specialty
18 license plate; amending s. 320.18, F.S.;
19 providing for cancellation of license plates
20 and fuel use tax decals for failure to pay
21 motor carrier weight and safety violation
22 penalties; amending s. 320.27, F.S.; redefining
23 the term "motor vehicle auction"; deleting the
24 requirement for a licensee to have the
25 certificate of title or ownership indicia in
26 his or her possession at an auction; deleting a
27 requirement for establishing a pattern of
28 wrongdoing; revising requirements for denial,
29 suspension, or revocation of a motor vehicle
30 dealer license; amending s. 320.60, F.S.;
31 revising definitions used in ss. 320.61-320.70,

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1 F.S.; amending s. 320.61, F.S.; amending
2 procedures to be followed when a complaint of
3 unfair cancellation of a dealer agreement has
4 been made by a motor vehicle dealer against a
5 licensee; defining the term "final decision";
6 amending s. 320.64, F.S.; providing penalties
7 and remedies for violations; deleting
8 subsections (13) and (16); amending subsection
9 (18); creating subsections (22) through (32)
10 and renumbering sections; amending s. 320.641,
11 F.S.; providing procedures relating to
12 discontinuations, cancellations, nonrenewals,
13 modifications, and replacements of franchise
14 agreements; amending s. 320.643, F.S.; amending
15 provisions relating to the transfer,
16 assignment, or sale of franchise agreements;
17 amending s. 320.645, F.S.; amending provisions
18 relating to restrictions upon a licensee's
19 owning a dealership; providing for "dealer
20 development arrangements"; providing
21 exceptions; amending s. 320.699, F.S.; amending
22 procedures for administrative hearings;
23 creating s. 320.6991; providing for
24 severability; amending s. 320.691 F.S.;
25 creating the Automobile Dealers Industry
26 Advisory Board; amending s. 322.01, F.S.;
27 providing that a motorized scooter is not a
28 motor vehicle for drivers' licensing purposes;
29 amending s. 322.05, F.S.; correcting a
30 statutory reference regarding the requirements
31 for an individual under 18 years of age to

1 apply for a driver's license; amending s.
2 322.081, F.S.; requiring certain organizations
3 receiving voluntary check-off contributions to
4 notify the department under certain
5 circumstances and to meet specified
6 requirements; conforming the section to the
7 Florida Single Audit Act; requiring
8 organizations seeking authorization to
9 establish a voluntary contribution on a motor
10 vehicle registration to register with the
11 Department of Agriculture and Consumer
12 Services; amending s. 322.095, F.S.; requiring
13 the Department of Highway Safety and Motor
14 Vehicles to approve and regulate certain
15 courses for driver improvement schools;
16 creating s. 322.222, F.S.; authorizing the
17 Department of Highway Safety and Motor Vehicles
18 to hold a hearing when an individual's driver's
19 license has been suspended or revoked due to
20 medical reasons; amending s. 322.25, F.S.;
21 correcting a cross reference; amending s.
22 322.2615, F.S.; complying with the USDOT's
23 drunk driving prevention incentive program;
24 reducing the timeframe for a temporary permit
25 that is allotted when an individual is charged
26 with driving with an unlawful blood-alcohol
27 level; amending s. 322.27, F.S.; clarifying the
28 time period for a driver's license revocation
29 of a habitual traffic offender; amending s.
30 322.28, F.S.; deleting obsolete language
31 regarding the revocation of a driver's license;

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1 repealing s. 322.282, F.S., relating to the
2 procedure when the court revokes or suspends
3 license or driving privilege and orders
4 reinstatement; amending s. 322.292, F.S.;
5 adding the requirement that DUI programs must
6 be governmental programs or not-for-profit
7 corporations; amending s. 322.61, F.S.;
8 complying with the Federal Motor Carrier Safety
9 Regulations; adding two more violations for
10 which a commercial motor vehicle may be
11 disqualified of driving privileges; amending s.
12 322.64, F.S.; reducing the timeframe for a
13 temporary permit allotted when an individual
14 holding a commercial driver's license is
15 charged with an unlawful blood-alcohol level;
16 repealing s. 322.331, F.S., relating to the
17 reinstatement of a license of a habitual
18 traffic offender; creating the Driver Licensing
19 Study Commission within the Department of
20 Highway Safety and Motor Vehicles; providing
21 for membership and appointment; providing for
22 staff; providing for duties of the commission;
23 providing for dissolution of the commission
24 upon submission of a required report; providing
25 an appropriation; amending s. 324.091, F.S.;
26 providing for electronic access to vehicle
27 insurance information; amending s. 328.01,
28 F.S.; deleting the requirement for a copy of a
29 contract upon which a claim of ownership of a
30 vessel is made on a contractual default;
31 amending s. 328.42, F.S.; authorizing the

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1 department to deny or cancel any vessel
2 registration, license plate, or fuel use decal
3 when given a dishonored check by the customer;
4 amending s. 328.56, F.S.; deleting the terms
5 "commercial" and "recreational" when referring
6 to vessels operated on the waters of this
7 state; amending s. 328.72, F.S.; deleting the
8 requirements for the transfer of ownership of
9 an antique vessel; amending s. 328.76, F.S.;
10 providing for the appropriation allotted for
11 fiscal year 2000-2001 to be deposited into the
12 Highway Safety Operating Trust Fund; amending
13 s. 713.78, F.S.; adding the insurance company
14 to the list of individuals to be contacted when
15 a vehicle has been towed; providing storage
16 periods before the expiration of which certain
17 salvaged vehicles may not be sold; repealing s.
18 715.05, F.S., relating to the reporting of
19 unclaimed motor vehicles; amending ss. 681.1096
20 and 681.1097, F.S.; revising program
21 requirements for the Pilot RV Mediation and
22 Arbitration program; amending s. 681.115, F.S.;
23 providing that a motor vehicle sales agreement
24 which prohibits disclosure of its terms is
25 void; amending s. 715.07, F.S.; conforming the
26 vessel registration law to the motor vehicle
27 registration law; defining the term "vessel";
28 authorizing the removal of an undocumented
29 vessel parked on private property; amending s.
30 832.09, F.S.; authorizing the department to
31 create a standardized form to be used for

1 notification of satisfaction of a worthless
2 check; amending s. 212.08, F.S.; providing
3 additional requirements on vehicle tax
4 assessments;
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