

Bill No. CS/CS/HB 807, 2nd Eng.

Amendment No. Barcode 640544

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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Senator Sebesta moved the following amendment:

Senate Amendment (with title amendment)
Delete everything after the enacting clause

and insert:

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

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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:

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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

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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

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

25 316.1951 Parking for certain purposes prohibited.--

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

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

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

11 316.1967 Liability for payment of parking ticket
12 violations and other parking violations.--

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

24 Section 5. Subsection (2) of section 316.1975, Florida
25 Statutes, is amended to read:

26 316.1975 Unattended motor vehicle.--

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

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

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

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

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

7 316.2065 Bicycle and motorized scooter regulations.--

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

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

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

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

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

31 (d) A bicycle rider or passenger who is under 16 years

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

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

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

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

30 (5)(a) Any person operating a bicycle upon a roadway
31 at less than the normal speed of traffic at the time and place

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1 and under the conditions then existing shall ride as close as
2 practicable to the right-hand curb or edge of the roadway
3 except under any of the following situations:

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

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

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

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

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

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

31 (8) Every bicycle or motorized scooter in use between

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

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

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

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

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

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

31 (14) Every bicycle and motorized scooter shall be

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

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

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

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

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

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

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

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

31 (20) Except as otherwise provided in this section, a

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

9 Section 7. Subsection (2) of section 316.228, Florida
10 Statutes, is amended to read:

11 316.228 Lamps or flags on projecting load.--

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

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1 subsection (1).

2 Section 8. Subsection (9) of section 316.2397, Florida
3 Statutes, is amended to read:

4 316.2397 Certain lights prohibited; exceptions.--

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

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

11 316.520 Loads on vehicles.--

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

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

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

31 (4) This section does not apply to vehicles carrying

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1 agricultural products locally from a field harvest site to a
2 farm storage site or to a farm feed lot on roads where the
3 posted speed limit is 60 miles per hour or less and the
4 distance driven on public roads is less than 20 miles.

5 Section 10. Subsections (1), (2), and (3) of section
6 316.640, Florida Statutes, are amended to read:

7 316.640 Enforcement.--The enforcement of the traffic
8 laws of this state is vested as follows:

9 (1) STATE.--

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

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

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

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

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

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

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

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

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

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

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

31 3. Any disciplinary action taken or performance

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

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

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

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

25 (2) COUNTIES.--

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

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

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

26 (c) The sheriff's office of each of the several
27 counties of this state may employ as a parking enforcement
28 specialist any individual who successfully completes a
29 training program established and approved by the Criminal
30 Justice Standards and Training Commission for parking
31 enforcement specialists, but who does not necessarily

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1 otherwise meet the uniform minimum standards established by
2 the commission for law enforcement officers or auxiliary or
3 part-time officers under s. 943.12.

4 1. A parking enforcement specialist employed by the
5 sheriff's office of each of the several counties of this state
6 is authorized to enforce all state and county laws,
7 ordinances, regulations, and official signs governing parking
8 within the unincorporated areas of the county by appropriate
9 state or county citation and may issue such citations for
10 parking in violation of signs erected pursuant to s.

11 316.006(3) at parking areas located on property owned or
12 leased by a county, whether or not such areas are within the
13 boundaries of a chartered municipality.

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

17 (3) MUNICIPALITIES.--

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

30 (b) The police department of a chartered municipality
31 may employ as a traffic crash investigation officer any

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

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

31 2. A parking enforcement specialist employed by a

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

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

12 Section 11. Subsection (3) of section 316.650, Florida
 13 Statutes, is amended to read:

14 316.650 Traffic citations.--

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

27 Section 12. Subsections (2) and (9) of section 318.14,
 28 Florida Statutes, is amended to read:

29 318.14 Noncriminal traffic infractions; exception;
 30 procedures.--

31 (2) Except as provided in s. 316.1001(2), any person

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1 cited at the scene for an infraction under this section must
2 sign and accept a citation indicating a promise to appear.
3 The officer may indicate on the traffic citation the time and
4 location of the scheduled hearing and must indicate the
5 applicable civil penalty established in s. 318.18. This
6 subsection does not authorize the use of any photographic or
7 video equipment at traffic intersections for the purpose of
8 issuing citations for violations of s. 316.075.

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

26 Section 13. Subsection (6) and paragraph (a) of
27 subsection (8) of section 318.18, Florida Statutes, are
28 amended to read:

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

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1 (6) One hundred dollars or the fine amount designated
2 by county ordinance, plus court costs for illegally parking,
3 under s. 316.1955, in a parking space provided for people who
4 have disabilities. However, this fine will be waived if a
5 person provides to the law enforcement agency that issued the
6 citation for such a violation proof that the person committing
7 the violation has a valid parking permit or license plate
8 issued pursuant to s. 316.1958, s. 320.0842, s. 320.0843, s.
9 320.0845, or s. 320.0848 or a signed affidavit that the owner
10 of the disabled parking permit or license plate was present at
11 the time the violation occurred, and that such a parking
12 permit or license plate was valid at the time the violation
13 occurred. The law enforcement officer, upon determining that
14 all required documentation has been submitted verifying that
15 the required parking permit or license plate was valid at the
16 time of the violation, must sign an affidavit of compliance.
17 Upon provision of the affidavit of compliance and payment of a
18 \$5 dismissal fee to the clerk of the circuit court, the clerk
19 shall dismiss the citation.

20 (8)(a) Any person who fails to comply with the court's
21 requirements or who fails to pay the civil penalties specified
22 in this section within the 30-day period provided for in s.
23 318.14 must pay an additional civil penalty of \$12, \$2.50 of
24 which must be deposited into the General Revenue Fund, and
25 \$9.50 of which must be deposited in the Highway Safety
26 Operating Trust Fund. There is hereby appropriated from the
27 Highway Safety Operating Trust Fund for fiscal year 1996-1997
28 the amount of \$4 million. From this appropriation the
29 department shall contract with the Florida Association of
30 Court Clerks, Inc., to design, establish, operate, upgrade,
31 and maintain an automated statewide Uniform Traffic Citation

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1 Accounting System to be operated by the clerks of the court
2 which shall include, but not be limited to, the accounting for
3 traffic infractions by type, a record of the disposition of
4 the citations, and an accounting system for the fines assessed
5 and the subsequent fine amounts paid to the clerks of the
6 court. On or before December 1, 2002 ~~2001~~, the clerks of the
7 court must provide the information required by this chapter to
8 be transmitted to the department by electronic transmission
9 pursuant to the contract.

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

25 (c) If the noncriminal infraction has caused or
26 resulted in the death of another, the person who committed the
27 infraction may perform 120 community service hours under s.
28 316.027(4), in addition to any other penalties.

29 Section 14. Paragraph (b) of subsection (1) and
30 subsection (2) of section 322.0261, Florida Statutes, are
31 amended to read:

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1 322.0261 Mandatory driver improvement course; certain
2 crashes.--

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

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

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

19 Section 15. Section 322.02615, Florida Statutes, is
20 created to read:

21 322.02615 Mandatory driver improvement course; certain
22 violations.--

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

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

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

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1 period.

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

12 (3) Attendance of a course approved by the department
13 as a driver improvement course for purposes of s. 318.14(9)
14 shall satisfy the requirements of this section. However,
15 attendance of a course as required by this section is not
16 included in the limitation on course elections under s.
17 318.14(9).

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

20 318.1451 Driver improvement schools.--

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

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1 shall be made available to the public upon request pursuant to
2 s. 119.07(1). Course providers receiving requests for
3 information about traffic schools from geographic areas that
4 they do not serve shall provide a telephone number for a
5 course provider that they believe services such geographic
6 area.

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

22 Section 17. Section 319.001, Florida Statutes, is
23 amended to read:

24 319.001 Definitions.--As used in this chapter, the
25 term:

26 (1) "Department" means the Department of Highway
27 Safety and Motor Vehicles.

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

30 (3)~~(2)~~ "Licensed dealer," unless otherwise
31 specifically provided, means a motor vehicle dealer licensed

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1 under s. 320.27, a mobile home dealer licensed under s.
2 320.77, or a recreational vehicle dealer licensed under s.
3 320.771.

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

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

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

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

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

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

29 (10)(5) "Satisfaction of lien" means full payment of a
30 debt or release of a debtor from a lien by the lienholder.

31 (11)(6) "Used motor vehicle" means any motor vehicle

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1 that is not a "new motor vehicle" as defined in subsection
2 ~~(8)(4)~~.

3 Section 18. Subsections (1), (2), and (3) of section
4 319.14, Florida Statutes, are amended, subsections (6), (7),
5 and (8) are renumbered as subsections (7), (8), and (9),
6 respectively, and a new subsection (6) is added to said
7 section, to read:

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

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

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1 "Manufacturer's Buy Back" to reflect that the vehicle is a
2 nonconforming vehicle.

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

19 (c) As used in this section:

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

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

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

30 c. "Lease vehicle" includes both short-term-lease
31 vehicles and long-term-lease vehicles.

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

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

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

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

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

18 ~~7.8.~~ "Replica" means a complete new motor vehicle
19 manufactured to look like an old vehicle.

20 ~~8.9.~~ "Flood vehicle" means a motor vehicle or mobile
21 home that has been declared to be a total loss pursuant to s.
22 319.30(3)(a) resulting from damage caused by water.

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

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

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

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

26 (6) Any person who removes a rebuilt decal from a
27 rebuilt vehicle or who knowingly possesses a rebuilt vehicle
28 from which a rebuilt decal has been removed is guilty of a
29 felony of the third degree punishable as provided in s.
30 775.082, s. 775.083, or s. 775.084.

31 Section 19. Paragraph (c) of subsection (3) and

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1 subsection (5) of section 319.23, Florida Statutes, is amended
2 and a new subsection (11) is added to that section to read:

3 319.23 Application for, and issuance of, certificate
4 of title.--

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

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

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

28 (5) The certificate of title issued by the department
29 for a motor vehicle or mobile home previously registered
30 outside this state shall give the name of the state or country
31 in which the vehicle was last registered outside this state.

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1 ~~The department shall retain the evidence of title presented by~~
2 ~~the applicant and based on which the certificate of title is~~
3 ~~issued.~~The department shall use reasonable diligence in
4 ascertaining whether or not the facts in the application are
5 true; and, if satisfied that the applicant is the owner of the
6 motor vehicle or mobile home and that the application is in
7 the proper form, it shall issue a certificate of title.

8 (11) The department is not required to retain any
9 evidence of title presented by the applicant and based on
10 which the certificate of title issued.

11 Section 20. Paragraph (a) of subsection (1) of section
12 319.28, Florida Statutes, is amended to read:

13 319.28 Transfer of ownership by operation of law.--

14 (1)(a) In the event of the transfer of ownership of a
15 motor vehicle or mobile home by operation of law as upon
16 inheritance, devise or bequest, order in bankruptcy,
17 insolvency, replevin, attachment, execution or other judicial
18 sale or whenever the engine of a motor vehicle is replaced by
19 another engine or whenever a motor vehicle is sold to satisfy
20 storage or repair charges or repossession is had upon default
21 in performance of the terms of a security agreement, chattel
22 mortgage, conditional sales contract, trust receipt, or other
23 like agreement, and upon the surrender of the prior
24 certificate of title or, when that is not possible,
25 presentation of satisfactory proof to the department of
26 ownership and right of possession to such motor vehicle or
27 mobile home, and upon payment of the fee prescribed by law and
28 presentation of an application for certificate of title, the
29 department may issue to the applicant a certificate of title
30 thereto. ~~If the application is predicated upon a security~~
31 ~~agreement, chattel mortgage, conditional sales contract, trust~~

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1 ~~receipt, or other like agreement, the original instrument or a~~
2 ~~certified copy thereof shall accompany the application;~~
3 ~~however, if an owner under a chattel mortgage voluntarily~~
4 ~~surrenders possession of the motor vehicle or mobile home, the~~
5 ~~original or a certified copy of the chattel mortgage shall~~
6 ~~accompany the application for a certificate of title and it~~
7 ~~shall not be necessary to institute proceedings in any court~~
8 ~~to foreclose such mortgage.~~

9 Section 21. Paragraphs (e) and (f) of subsection (1)
10 and paragraph (b) of subsection (3) of section 319.30, Florida
11 Statutes, are amended to read:

12 319.30 Definitions; dismantling, destruction, change
13 of identity of motor vehicle or mobile home; salvage.--

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

15 (e) "Major component parts" means:

16 1. For motor vehicles other than motorcycles: the
17 front-end assembly (fenders, hood, grill, bumper), cowl
18 assembly, rear body section (both quarter panels, decklid,
19 bumper), floor pan, door assemblies, engine, frame,
20 transmission, and airbag.

21 2. For trucks, in addition to 1. above: the truck
22 bed.

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

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

31 (f) "Major part" means the front-end assembly

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1 ~~(fenders, hood, grill, and bumper); cowl assembly; or rear~~
2 ~~body section (both quarter panels, decklid, bumper, and floor~~
3 ~~pan).~~

4 (3)

5 (b) The owner of any motor vehicle or mobile home
6 which is considered to be salvage shall, within 72 hours after
7 the motor vehicle or mobile home becomes salvage, forward the
8 title to the motor vehicle or mobile home to the department
9 for processing. However, an insurance company which pays money
10 as compensation for total loss of a motor vehicle or mobile
11 home shall obtain the certificate of title for the motor
12 vehicle or mobile home and, within 72 hours after receiving
13 such certificate of title, shall forward such title to the
14 department for processing. The owner or insurance company, as
15 the case may be, may not dispose of a vehicle or mobile home
16 that is a total loss before it has obtained a salvage
17 certificate of title or certificate of destruction from the
18 department. When applying for a salvage certificate of title
19 or certificate of destruction, the owner or insurance company
20 must provide the department with an estimate of the costs of
21 repairing the physical and mechanical damage suffered by the
22 vehicle for which a salvage certificate of title or
23 certificate of destruction is sought. If the estimated costs
24 of repairing the physical and mechanical damage to the vehicle
25 are equal to 80 percent or more of the current retail cost of
26 the vehicle, as established in any official used car or used
27 mobile home guide, the department shall declare the vehicle
28 unrebildable and print a certificate of destruction, which
29 authorizes the dismantling or destruction of the motor vehicle
30 or mobile home described therein. This certificate of
31 destruction shall be reassignable a maximum of two times

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1 before dismantling or destruction of the vehicle shall be
2 required, and shall accompany the motor vehicle or mobile home
3 for which it is issued, when such motor vehicle or mobile home
4 is sold for such purposes, in lieu of a certificate of title,
5 and, thereafter, the department shall refuse issuance of any
6 certificate of title for that vehicle. Nothing in this
7 subsection shall be applicable when a vehicle is worth less
8 than \$1,500 retail in undamaged condition in any official used
9 motor vehicle guide or used mobile home guide. An insurer
10 paying a total loss claim may obtain a certificate of
11 destruction for such vehicle. ~~or~~ When a stolen motor vehicle
12 or mobile home is recovered in substantially intact condition
13 and is readily resalable without extensive repairs to or
14 replacement of the frame or engine, the insurer shall obtain a
15 certificate of title in its own name before the vehicle may be
16 sold or transferred. Any person who willfully and deliberately
17 violates this paragraph or falsifies any document to avoid the
18 requirements of this paragraph commits a misdemeanor of the
19 first degree, punishable as provided in s. 775.082 or s.
20 775.083.

21 Section 22. Subsection (1) of section 320.01, Florida
22 Statutes, is amended to read:

23 320.01 Definitions, general.--As used in the Florida
24 Statutes, except as otherwise provided, the term:

25 (1) "Motor vehicle" means:

26 (a) An automobile, motorcycle, truck, trailer,
27 semitrailer, truck tractor and semitrailer combination, or any
28 other vehicle operated on the roads of this state, used to
29 transport persons or property, and propelled by power other
30 than muscular power, but the term does not include traction
31 engines, road rollers, such vehicles as run only upon a track,

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1 bicycles, motorized scooters, or mopeds.

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

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

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

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

28 4. The "motor home," which is a vehicular unit which
29 does not exceed the 40 feet in length, and the height, and the
30 width limitations provided in s. 316.515, is a self-propelled
31 motor vehicle, and is primarily designed to provide temporary

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

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

9 6. The "van conversion," which is a vehicular unit
10 which does not exceed the length and width limitations
11 provided in s. 316.515, is built on a self-propelled motor
12 vehicle chassis, and is designed for recreation, camping, and
13 travel use.

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

29 8. The "fifth-wheel trailer," which is a vehicular
30 unit mounted on wheels, designed to provide temporary living
31 quarters for recreational, camping, or travel use, of such

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1 size or weight as not to require a special highway movement
 2 permit, of gross trailer area not to exceed 400 square feet in
 3 the setup mode, and designed to be towed by a motorized
 4 vehicle that contains a towing mechanism that is mounted above
 5 or forward of the tow vehicle's rear axle.

6 Section 23. Subsections (18) and (19) are added to
 7 section 320.02, Florida Statutes, to read:

8 320.02 Registration required; application for
 9 registration; forms.--

10 (18) The application form for motor vehicle
 11 registration and renewal of registration must include language
 12 permitting a voluntary contribution of \$2 per applicant, which
 13 shall be distributed to the Hearing Research Institute,
 14 Incorporated, for the purpose of infant hearing screening in
 15 Florida.

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

21 Section 24. Paragraph (b) of subsection (4) and
 22 subsections (5), (6), and (7) of section 320.023, Florida
 23 Statutes, are amended, and subsection (8) is added to said
 24 section, to read:

25 320.023 Requests to establish voluntary checkoff on
 26 motor vehicle registration application.--

27 (4)

28 (b) The department is authorized to discontinue the
 29 voluntary contribution and distribution of associated proceeds
 30 if the organization no longer exists, if the organization has
 31 stopped providing services that are authorized to be funded

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1 from the voluntary contributions, or pursuant to an
2 organizational recipient's request. Organizations are required
3 to notify the department immediately to stop warrants for
4 voluntary check-off contributions if any of the conditions in
5 this subsection exist, and must meet the requirements of
6 paragraph (5)(b) or paragraph (5)(c), if applicable, for any
7 period of operation during the fiscal year.

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

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

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

28 (b)(c) Any organization not subject to ~~In lieu of an~~
29 ~~annual audit pursuant to s. 215.97 shall, any organization~~
30 ~~receiving less than \$15,000 in voluntary contributions~~
31 ~~directly from the department may annually attest report, under~~

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1 penalties of perjury, that such proceeds were used in
2 compliance with law. The attestation shall be made annually in
3 a form and format determined by the department.

4 (c)~~(d)~~ Any voluntary contributions authorized by law
5 shall only be distributed to an organization under an
6 appropriation by the Legislature.

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

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

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

28 (8) All organizations seeking to establish a voluntary
29 contribution on a motor vehicle registration application that
30 are required to operate under the Solicitation of
31 Contributions Act, as provided in chapter 496, must do so

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1 before funds may be distributed.

2 Section 25. Subsections (1) and (2) of section
3 320.025, Florida Statutes, are amended to read:

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

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

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

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1 328.48(5).

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

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

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

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

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

10 Section 27. Subsection (5) of section 320.055, Florida
11 Statutes, is amended to read:

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

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

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

31 320.06 Registration certificates, license plates, and

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1 validation stickers generally.--

2 (1)

3 (b) Registration license plates bearing a graphic

4 symbol and the alphanumeric system of identification shall be

5 issued for a 5-year period. At the end of said 5-year period,

6 upon renewal, the plate shall be replaced. The fee for such

7 replacement shall be \$10, \$2 of which shall be paid each year

8 before the plate is replaced, to be credited towards the next

9 \$10 replacement fee. The fees shall be deposited into the

10 Highway Safety Operating Trust Fund. A credit or refund shall

11 not be given for any prior years' payments of such prorated

12 replacement fee when the plate is replaced or surrendered

13 before the end of the 5-year period. With each license plate,

14 there shall be issued a validation sticker showing the owner's

15 birth month, license plate number, and the year of expiration

16 or the appropriate renewal period if the owner is not a

17 natural person. The validation sticker is to be placed on the

18 upper right corner of the license plate.~~This validation~~

19 ~~sticker shall be placed on the upper left corner of the~~

20 ~~license plate and shall be issued one time during the life of~~

21 ~~the license plate, or upon request when it has been damaged or~~

22 ~~destroyed. There shall also be issued with each license plate~~

23 ~~a serially numbered validation sticker showing the year of~~

24 ~~expiration, which sticker shall be placed on the upper right~~

25 ~~corner of the license plate.~~Such license plate and validation

26 stickers shall be issued based on the applicant's appropriate

27 renewal period. The registration period shall be a period of

28 12 months, and all expirations shall occur based on the

29 applicant's appropriate registration period. A vehicle with

30 an apportioned registration shall be issued an annual license

31 plate and a cab card that denote the declared gross vehicle

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

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

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

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

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

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

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

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

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

14 320.0805 Personalized prestige license plates.--

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

24 Section 31. Paragraph (h) of subsection (4) of section
25 320.08056, Florida Statutes, is amended to read:

26 320.08056 Specialty license plates.--

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

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

30 Section 32. Paragraph (ff) is added to subsection (4)
31 of section 320.08056, Florida Statutes, and paragraphs (a),

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1 (b), and (c) of subsection (8) of that section, are amended to
2 read:

3 320.08056 Specialty license plates.--

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

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

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

9 1. Less than 8,000 plates, including annual renewals,
10 are issued for that specialty license plate by the end of the
11 5th year of sales.

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

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

26 (c) The requirements of paragraph (a) shall not apply
27 to collegiate specialty license plates authorized in s.
28 320.08058(3), ~~and~~ (13), (21), and (26).

29 Section 33. Subsection (32) is added to section
30 320.08058, Florida Statutes to read:

31 320.08058 Specialty license plates.--

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1 Florida Youth Golf Program. The Florida Youth Golf Program
2 shall assist organizations for the benefit of youth, introduce
3 young people to golf, instruct young people in golf, teach the
4 values of golf, and stress life skills, fair play, courtesy,
5 and self-discipline.

6 (d) The Florida Sports Foundation shall establish a
7 five-member committee to offer advice regarding the
8 distribution of the annual use fees for grants to nonprofit
9 organizations. The advisory committee shall consist of one
10 member from a group serving youth, one member from a group
11 serving disabled youth, and three members at large.

12 Section 34. Section 320.08062, Florida Statutes, is
13 amended to read:

14 320.08062 Audits and attestation required; annual use
15 fees of specialty license plates.--

16 (1)(a) All organizations that receive annual use fee
17 proceeds from the department are responsible for ensuring that
18 proceeds are used in accordance with ss. 320.08056 and
19 320.08058.

20 ~~(b) All organizational recipients of any specialty~~
21 ~~license plate annual use fee authorized in this chapter, not~~
22 ~~otherwise subject to annual audit by the Office of the Auditor~~
23 ~~General, shall submit an annual audit of the expenditures of~~
24 ~~annual use fees and interest earned from these fees, to~~
25 ~~determine if expenditures are being made in accordance with~~
26 ~~the specifications outlined by law. The audit shall be~~
27 ~~prepared by a certified public accountant licensed under~~
28 ~~chapter 473 at that organizational recipient's expense. The~~
29 ~~notes to the financial statements should state whether~~
30 ~~expenditures were made in accordance with ss. 320.08056 and~~
31 ~~320.08058.~~

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1 **(b)(c)** ~~Any organization not subject to~~ ~~In lieu of an~~
2 ~~annual audit pursuant to s. 215.97 shall,~~ ~~any organization~~
3 ~~receiving less than \$25,000 in annual use fee proceeds~~
4 ~~directly from the department, or from another state agency,~~
5 ~~may~~ annually attest report, under penalties of perjury, that
6 such proceeds were used in compliance with ss. 320.08056 and
7 320.08058. The attestation shall be made annually in a form
8 and format determined by the department.

9 **(c)(d)** Any organization subject to audit pursuant to
10 s. 215.97 shall submit an audit report in accordance with
11 rules promulgated by the Auditor General. ~~The annual~~
12 attestation ~~audit~~ or report shall be submitted to the
13 department for review within 9 months ~~180 days~~ after the end
14 of the organization's fiscal year.

15 (2) Within 90 days after receiving an organization's
16 audit or attestation report, the department shall determine
17 which recipients of revenues from specialty license plate
18 annual use fees have not complied with subsection (1). If the
19 department determines that an organization has not complied or
20 has failed to use the revenues in accordance with ss.
21 320.08056 and 320.08058, the department must discontinue the
22 distribution of the revenues to the organization until the
23 department determines that the organization has complied. If
24 an organization fails to comply within 12 months after the
25 annual use fee proceeds are withheld by the department, the
26 proceeds shall be deposited into the Highway Safety Operating
27 Trust Fund to offset department costs related to the issuance
28 of specialty license plates.

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

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1 Section 35. Subsection (1) of section 320.083, Florida
2 Statutes, is amended to read:

3 320.083 Amateur radio operators; special license
4 plates; fees.--

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

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

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

20 Section 36. Subsections (1), (2), and (3) of section
21 320.089, Florida Statutes, are amended to read:

22 320.089 Members of National Guard and active United
23 States Armed Forces reservists; former prisoners of war;
24 survivors of Pearl Harbor; Purple Heart medal recipients;
25 special license plates; fee.--

26 (1)(a) Each owner or lessee of an automobile or truck
27 for private use or recreational vehicle as specified in s.
28 320.08(9)(c) or (d), which is not used for hire or commercial
29 use, who is a resident of the state and an active or retired
30 member of the Florida National Guard, a survivor of the attack
31 on Pearl Harbor, a recipient of the Purple Heart medal, or an

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1 active member of any branch of the United States Armed Forces
2 Reserve shall, upon application to the department, accompanied
3 by proof of active membership or retired status in the Florida
4 National Guard, proof of membership in the Pearl Harbor
5 Survivors Association or proof of active military duty in
6 Pearl Harbor on December 7, 1941, proof of being a Purple
7 Heart medal recipient, or proof of active membership in any
8 branch of the Armed Forces Reserve, and upon payment of the
9 license tax for the vehicle as provided in s. 320.08, be
10 issued a license plate as provided by s. 320.06, upon which,
11 in lieu of the serial numbers prescribed by s. 320.06, shall
12 be stamped the words "National Guard," "Pearl Harbor
13 Survivor," "Combat-wounded veteran," or "U.S. Reserve," as
14 appropriate, followed by the serial number of the license
15 plate. Additionally, the Purple Heart plate may have the words
16 "Purple Heart" stamped on the plate and the likeness of the
17 Purple Heart medal appearing on the plate.

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

27 (c) Notwithstanding any provisions of law to the
28 contrary, an applicant for a Pearl Harbor Survivor license
29 plate or a Purple Heart license plate who also qualifies for a
30 disabled veteran's license plate under s. 320.084 shall be
31 issued one appropriate special license plate without payment

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1 of the license tax imposed by s. 320.08.

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

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

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

29 (3) Each owner or lessee of an automobile or truck for
30 private use, truck weighing not more than 7,999 ~~5,000~~ pounds,
31 or recreational vehicle as specified in s. 320.08(9)(c) or

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

11 Section 37. Subsection (1) of section 320.18, Florida
12 Statutes, is amended to read:

13 320.18 Withholding registration.--

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

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1 certified funds.

2 Section 38. Paragraph (c) of subsection (1) of section
3 320.27, Florida Statutes, is amended, paragraph (f) is added
4 to said subsection, and subsections (7) and (9) of said
5 section are amended, to read:

6 320.27 Motor vehicle dealers.--

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

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

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

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

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

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

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

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

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

14
15 The term "motor vehicle dealer" does not include persons not
16 engaged in the purchase or sale of motor vehicles as a
17 business who are disposing of vehicles acquired for their own
18 use or for use in their business or acquired by foreclosure or
19 by operation of law, provided such vehicles are acquired and
20 sold in good faith and not for the purpose of avoiding the
21 provisions of this law; persons engaged in the business of
22 manufacturing, selling, or offering or displaying for sale at
23 wholesale or retail no more than 25 trailers in a 12-month
24 period; public officers while performing their official
25 duties; receivers; trustees, administrators, executors,
26 guardians, or other persons appointed by, or acting under the
27 judgment or order of, any court; banks, finance companies, or
28 other loan agencies that acquire motor vehicles as an incident
29 to their regular business; motor vehicle brokers; and motor
30 vehicle rental and leasing companies that sell motor vehicles
31 to motor vehicle dealers licensed under this section. Vehicles

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

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

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

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

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

31 (a) Willful violation of any other law of this state,

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1 including chapter 319, this chapter, or ss. 559.901-559.9221,
2 which has to do with dealing in or repairing motor vehicles or
3 mobile homes or willful failure to comply with any
4 administrative rule promulgated by the department.

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

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

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

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

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

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

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1 regard to the sale or financing of motor vehicles.

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

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

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

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

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

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

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

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

31 (o) Failure to apply for transfer of a title as

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1 prescribed in s. 319.23(6).

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

5 (q) Conviction of a felony.

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

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

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

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

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

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

11 Section 39. Paragraph (a) of subsection (11) of
12 section 320.60, Florida Statutes, is amended and a new
13 subsection (15) is added to read:

14 320.60 Definitions for ss. 320.61-320.70.--Whenever
15 used in ss. 320.61-320.70, unless the context otherwise
16 requires, the following words and terms have the following
17 meanings:

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

20 1. Is licensed pursuant to s. 320.27 as a "franchised
21 motor vehicle dealer" and, for commission, money or other
22 things of value, repairs or services motor vehicles or used
23 motor vehicles pursuant to an agreement as defined in
24 subsection (1), or

25 2. Who sells, exchanges, buys, leases or rents, or
26 offers, or attempts to negotiate a sale or exchange of any
27 interest in, motor vehicles, or

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

31 (15) "Sell," "selling," "sold," "exchange," "retail

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1 sales," and "leases" includes any transaction where the title
2 of motor vehicle or used motor vehicle is transferred to a
3 retail consumer, and also any retail lease transaction where a
4 retail customer leases a vehicle for a period of at least 12
5 months. Establishing a price for sale pursuant to s.
6 320.64(24) does not constitute a sale or lease.

7 Section 40. Subsection (4) of section 320.61, Florida
8 Statutes, is amended to read:

9 320.61 Licenses required of motor vehicle
10 manufacturers, distributors, importers, etc.--

11 (4) When a complaint of unfair or prohibited
12 cancellation or nonrenewal of a dealer agreement is made by a
13 motor vehicle dealer against a licensee and such complaint is
14 pending is in the process of being heard pursuant to ss.
15 320.60-320.70 by the department, no replacement application
16 for such agreement shall be granted and no license shall be
17 issued by the department under s. 320.27 to any replacement
18 dealer until a final decision is rendered by the department on
19 the complaint of unfair cancellation, so long as the dealer
20 agreement of the complaining dealer is in effect as provided
21 under s. 320.641(7).

22 Section 41. Section 320.64, Florida Statutes, is
23 amended to read:

24 320.64 Denial, suspension, or revocation of license;
25 grounds.--A license of a licensee under s. 320.61 may be
26 denied, suspended, or revoked within the entire state or at
27 any specific location or locations within the state at which
28 the applicant or licensee engages or proposes to engage in
29 business, upon a proof that the section was violated with
30 sufficient frequency to establish a pattern of wrongdoing and
31 a licensee or applicant shall be liable for claims and

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1 remedies provided in s. 320.695 and s. 320.697 for any
2 violation of any of the following provisions. A licensee is
3 prohibited from committing the following acts:~~upon proof that~~
4 ~~an applicant or licensee has failed to comply with any of the~~
5 ~~following provisions with sufficient frequency so as to~~
6 ~~establish a pattern of wrongdoing on the part of the~~
7 ~~applicant:~~

8 (1) The applicant or licensee is determined to be
9 unable to carry out contractual obligations with its motor
10 vehicle dealers.

11 (2) The applicant or licensee has knowingly made a
12 material misstatement in its application for a license.

13 (3) The applicant or licensee willfully has failed to
14 comply with significant provisions of ss. 320.60-320.70 or
15 with any lawful rule or regulation adopted or promulgated by
16 the department.

17 (4) The applicant or licensee has indulged in any
18 illegal act relating to his or her business.

19 (5) The applicant or licensee has coerced or attempted
20 to coerce any motor vehicle dealer into accepting delivery of
21 any motor vehicle or vehicles or parts or accessories therefor
22 or any other commodities which have not been ordered by the
23 dealer.

24 (6) The applicant or licensee has coerced or attempted
25 to coerce any motor vehicle dealer to enter into any agreement
26 with the licensee.

27 (7) The applicant or licensee has threatened to
28 discontinue, cancel, or not to renew a franchise agreement of
29 a licensed motor vehicle dealer, where the threatened
30 discontinuation, cancellation, or nonrenewal, if implemented,
31 would be in violation of any of the provisions of s. 320.641.

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1 (8) The applicant or licensee discontinued, canceled,
2 or failed to renew, a franchise agreement of a licensed motor
3 vehicle dealer in violation of any of the provisions of s.
4 320.641.

5 (9) The applicant or licensee has threatened to modify
6 or replace, or has modified or replaced, a franchise agreement
7 with a succeeding franchise agreement which would adversely
8 alter the rights or obligations of a motor vehicle dealer
9 under an existing franchise agreement or which substantially
10 impairs the sales, service obligations, or investment of the
11 motor vehicle dealer.

12 (10) The applicant or licensee has attempted to enter,
13 or has entered, into a franchise agreement with a motor
14 vehicle dealer who does not, at the time of the franchise
15 agreement, have proper facilities to provide the services to
16 his or her purchasers of new motor vehicles which are covered
17 by the new motor vehicle warranty issued by the applicant or
18 licensee.

19 (11) The applicant or licensee has coerced a motor
20 vehicle dealer to provide installment financing for the motor
21 vehicle dealer's purchasers with a specified financial
22 institution.

23 (12) The applicant or licensee has advertised,
24 printed, displayed, published, distributed, broadcast, or
25 televised, or caused or permitted to be advertised, printed,
26 displayed, published, distributed, broadcast, or televised, in
27 any manner whatsoever, any statement or representation with
28 regard to the sale or financing of motor vehicles which is
29 false, deceptive, or misleading.

30 ~~(13) The applicant or licensee has refused to deliver,~~
31 ~~in reasonable quantities and within a reasonable time, to any~~

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1 ~~duly licensed motor vehicle dealer who has an agreement with~~
2 ~~such applicant or licensee for the retail sale of new motor~~
3 ~~vehicles and parts for motor vehicles sold or distributed by~~
4 ~~the applicant or licensee, any such motor vehicles or parts as~~
5 ~~are covered by such agreement specifically publicly advertised~~
6 ~~by such applicant or licensee to be available for immediate~~
7 ~~delivery. However, the failure to deliver any motor vehicle~~
8 ~~or part will not be considered a violation of this section if~~
9 ~~the failure is due to act of God, work stoppage, or delay due~~
10 ~~to a strike or labor difficulty, a freight embargo, product~~
11 ~~shortage, or other cause over which the applicant or licensee~~
12 ~~has no control. The failure to deliver parts or components for~~
13 ~~the current and 5 preceding years' models within 60 days from~~
14 ~~date of order shall be deemed prima facie unreasonable.~~

15 ~~(13)(14)~~ The applicant or licensee has sold,
16 exchanged, or rented a motorcycle which produces in excess of
17 5 brake horsepower, knowing the use thereof to be by, or
18 intended for, the holder of a restricted Florida driver's
19 license.

20 ~~(14)(15)~~ The applicant or licensee has engaged in
21 previous conduct which would have been a ground for revocation
22 or suspension of a license if the applicant or licensee had
23 been licensed.

24 ~~(16)~~ Notwithstanding the terms of any franchise
25 agreement, and unless it can be shown that the licensee's
26 franchised dealer is actively negligent, the applicant or
27 licensee has failed to indemnify and hold harmless its
28 franchised motor vehicle dealer against any judgment for
29 damages or settlement agreed to in writing by the applicant or
30 licensee, including, but not limited to, court costs and
31 reasonable attorney's fees of the motor vehicle dealer, which

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1 ~~judgment or settlement arose out of complaints, claims, or~~
2 ~~lawsuits based upon such grounds as strict liability;~~
3 ~~negligence; misrepresentation; warranty, express or implied;~~
4 ~~or rescission of the sale as described in s. 672.608, less any~~
5 ~~offset for use recovered by the licensee's franchised motor~~
6 ~~vehicle dealer, and only to the extent that the judgment or~~
7 ~~settlement relates to the alleged defective or negligent~~
8 ~~manufacture, assembly, or design of new motor vehicles, parts,~~
9 ~~or accessories or other functions of the manufacturer.~~

10 (15)~~(17)~~ The applicant or licensee, directly or
11 indirectly, through the actions of any parent of the licensee,
12 subsidiary of the licensee, or common entity causes a
13 termination, cancellation, or nonrenewal of a franchise
14 agreement by a present or previous distributor or importer
15 unless, by the effective date of such action, the applicant or
16 licensee offers the motor vehicle dealer whose franchise
17 agreement is terminated, canceled, or not renewed a franchise
18 agreement containing substantially the same provisions
19 contained in the previous franchise agreement or files an
20 affidavit with the department acknowledging its undertaking to
21 assume and fulfill the rights, duties, and obligations of its
22 predecessor distributor or importer under the terminated,
23 canceled, or nonrenewed franchise agreement and the same is
24 reinstated.

25 (16)~~(18)~~ Notwithstanding the terms of any franchise
26 agreement, the applicant or licensee prevents or refuses to
27 accept the succession to any interest in a franchise agreement
28 by any legal heir or devisee under the will of a motor vehicle
29 dealer or under the laws of descent and distribution of this
30 state; provided, the applicant or licensee is not required to
31 accept a succession where such heir or devisee does not meet

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1 licensee's written, reasonable, and uniformly applied minimal
2 standard qualifications for dealer applicants or which, after
3 notice and administrative hearing pursuant to chapter 120, is
4 demonstrated to be detrimental to the public interest or to
5 the representation of the applicant or licensee. Nothing
6 contained herein, however, shall prevent a motor vehicle
7 dealer, during his or her lifetime, from designating any
8 person as his or her successor in interest by written
9 instrument filed with and accepted by the applicant or
10 licensee. A licensee who rejects the successor transferee
11 under this subsection shall have the burden of establishing in
12 any proceeding where such rejection is in issue that the
13 rejection of the successor transferee complies with this
14 subsection.

15 (17)~~(19)~~ The applicant or licensee has included in any
16 franchise agreement with a motor vehicle dealer terms or
17 provisions that are contrary to, prohibited by, or otherwise
18 inconsistent with the provisions contained in ss.
19 320.60-320.70, or has failed to include in such franchise
20 agreement a provision conforming to the requirements of s.
21 320.63(3).

22 (18)~~(20)~~ The applicant or licensee has established a
23 system of motor vehicle allocation or distribution or has
24 implemented a system of allocation or distribution of motor
25 vehicles to one or more of its franchised motor vehicle
26 dealers which is unfair, inequitable, unreasonably
27 discriminatory, or not supportable by reason and good cause
28 after considering the equities of the affected motor vehicles
29 dealer or dealers. An applicant or licensee shall maintain
30 for 3 years records that describe its methods or formula of
31 allocation and distribution of its motor vehicles and records

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1 of its actual allocation and distribution of motor vehicles
2 to its motor vehicle dealers in this state.

3 ~~(19)(21)~~ The applicant or licensee, without good and
4 fair cause, has delayed, refused, or failed to provide a
5 supply of motor vehicles by series in reasonable quantities,
6 including the models publicly advertised by the applicant or
7 licensee as being available, or has delayed, refused, or
8 failed to deliver motor vehicle parts and accessories within a
9 reasonable time after receipt of an order by a franchised
10 dealer. However, this subsection is not violated if such
11 failure is caused by acts or causes beyond the control of the
12 applicant or licensee.

13 ~~(20)(22)~~ The applicant or licensee has required, or
14 threatened to require, a motor vehicle dealer to prospectively
15 assent to a release, assignment, novation, waiver, or
16 estoppel, which instrument or document operates, or is
17 intended by the applicant or licensee to operate, to relieve
18 any person from any liability or obligation under the
19 provisions of ss. 320.60-320.70.

20 ~~(21)(23)~~ The applicant or licensee has threatened or
21 coerced a motor vehicle dealer toward conduct or action
22 whereby the dealer would waive or forego its right to protest
23 the establishment or relocation of a motor vehicle dealer in
24 the community or territory serviced by the threatened or
25 coerced dealer.

26 (22) The applicant or licensee has refused to deliver,
27 in reasonable quantities and within a reasonable time, to any
28 duly licensed motor vehicle dealer who has an agreement with
29 such applicant or licensee for the retail sale of new motor
30 vehicles and parts for motor vehicles sold or distributed by
31 the applicant or licensee, any such motor vehicles or parts as

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1 are covered by such agreement. Such refusal includes the
2 failure to offer to its same line-make franchised motor
3 vehicle dealers all models manufactured for that line-make, or
4 requiring a dealer to pay any extra fee, require a dealer to
5 execute a separate franchise agreement, purchase unreasonable
6 advertising displays or other materials, or remodel, renovate,
7 or recondition the dealer's existing facilities, or provide
8 exclusive facilities as a prerequisite to receiving a model or
9 series of vehicles. However, the failure to deliver any motor
10 vehicle or part will not be considered a violation of this
11 section if the failure is due to an act of God, work stoppage,
12 or delay due to a strike or labor difficulty, a freight
13 embargo, product shortage, or other cause over which the
14 applicant or licensee has no control. An applicant or
15 licensee may impose reasonable requirements on the motor
16 vehicle dealer, other than the items listed above, including,
17 but not limited to, the purchase of special tools required to
18 properly service a motor vehicle, the undertaking of sales
19 person or service person training related to the motor
20 vehicle.

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

27 (24) The applicant or licensee has sold a motor
28 vehicle to any retail consumer in the state except through a
29 motor vehicle dealer holding a franchise agreement for the
30 line-make that includes the motor vehicle. This section does
31 not apply to sales by the applicant or licensee of motor

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1 vehicles to its current employees, employees of companies
2 affiliated by common ownership, charitable not-for-profit-
3 organizations, and the federal government.

4 (25) The applicant or licensee has undertaken an audit
5 of warranty payments or incentive payment previously paid to a
6 motor vehicle dealer in violation of this section or has
7 failed to comply with s. 320.696. An applicant or licensee
8 may reasonably and periodically audit a motor vehicle dealer
9 to determine the validity of paid claims. Audit of warranty
10 payments shall only be for the 1-year period immediately
11 following the date the claim was paid. Audit of incentive
12 payments shall only be for an 18-month period immediately
13 following the date the incentive was paid. An applicant or
14 licensee shall not deny a claim or charge a motor vehicle
15 dealer back subsequent to the payment of the claim unless the
16 applicant or licensee can show that the claim was false or
17 fraudulent or that the motor vehicle dealer failed to
18 substantially comply with the reasonable written and uniformly
19 applied procedures of the applicant or licensee for such
20 repairs or incentives.

21 (26) Notwithstanding the terms of any franchise
22 agreement, the applicant or licensee has refused to allocate,
23 sell, or deliver motor vehicles, charged back or withheld
24 payments or other things of value for which the dealer is
25 otherwise eligible under a sales promotion, program, or
26 contest, or prevented the motor vehicle dealer from
27 participating in any promotion, program, or contest for
28 selling a motor vehicle to a customer who was present at the
29 dealership and the motor vehicle dealer did not know or should
30 not have reasonably known that the vehicle would be shipped to
31 a foreign country. There will be a rebuttable presumption

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1 that the dealer did not know or should not have reasonably
2 known that the vehicle would be shipped to a foreign country
3 if the vehicle is titled in one of the fifty United States.

4 (27) Notwithstanding the terms of any franchise
5 agreement, the applicant or licensee has failed or refused to
6 indemnify and hold harmless any motor vehicle dealer against
7 any judgment for damages, or settlements agreed to by the
8 applicant or licensee, including, without limitation, court
9 costs and reasonable attorneys fees, arising out of
10 complaints, claims, or lawsuits, including, without
11 limitation, strict liability, negligence, misrepresentation,
12 express or implied warranty, or revocation or rescission of
13 acceptance of the sale of a motor vehicle, to the extent the
14 judgment or settlement relates to the alleged negligent
15 manufacture, design, or assembly of motor vehicles, parts, or
16 accessories. Nothing herein shall obviate the licensee's
17 obligations pursuant to chapter 681.

18 (28) The applicant or licensee has published,
19 disclosed, or otherwise made available in any form information
20 provided by a motor vehicle dealer with respect to sales
21 prices of motor vehicles or profit per motor vehicle sold.
22 Other confidential financial information provided by motor
23 vehicle dealers shall not be published, disclosed, or
24 otherwise made publicly available except in composite form.
25 However, this information may be disclosed with the written
26 consent of the dealer or in response to a subpoena or order of
27 the Department, a court or a lawful tribunal, or introduced
28 into evidence in such a proceeding, after timely notice to an
29 affected dealer.

30 (29) The applicant or licensee has failed to reimburse
31 a motor vehicle dealer in full for the reasonable cost of

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1 providing a loaner vehicle to any customer who is having a
2 vehicle serviced at the motor vehicle dealer, if a loaner is
3 required by the applicant or licensee, or a loaner is
4 expressly part of an applicant or licensee's customer
5 satisfaction index or computation.

6 (30) The applicant or licensee has conducted or
7 threatened to conduct any audit of a motor vehicle dealer in
8 order to coerce or attempt to coerce the dealer to forego any
9 rights granted to the dealer under ss. 320.60-320.70 or under
10 the agreement between the licensee and the motor vehicle
11 dealer. Nothing in this section shall prohibit an applicant
12 or licensee from reasonably and periodically auditing a dealer
13 to determine the validity of paid claims.

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

17 (a) Requires that a motor vehicle dealer bring an
18 administrative or legal action in a venue outside of this
19 state, or

20 (b) Requires that any arbitration, mediation, or other
21 legal proceeding be conducted outside of this state, or

22 (c) Requires that a law of a state other than Florida
23 be applied to any legal proceeding between a motor vehicle
24 dealer and a licensee.

25 (32) Notwithstanding the terms of any franchise
26 agreement, the applicant or licensee has rejected or withheld
27 approval of any proposed transfer in violation of s. 320.643
28 or a proposed change of executive management in violation of
29 s. 320.644.

30 A motor vehicle dealer who can demonstrate that a violation
31 of, or failure to comply with, any of the preceding provisions

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1 by an applicant or licensee will or can adversely and
2 pecuniarily affect the complaining dealer, shall be entitled
3 to pursue all of the remedies, procedures, and rights of
4 recovery available under ss. 320.695 and 320.697.

5
6 Section 42. Section 320.641, Florida Statutes, is
7 amended to read:

8 320.641 Discontinuations, cancellations, nonrenewals,
9 modifications, and replacement~~Unfair cancellation~~ of franchise
10 agreements.--

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

23 (b) The failure by the licensee to comply with the
24 90-day notice period and procedure prescribed herein shall
25 render voidable, at the option of the motor vehicle dealer,
26 any discontinuation, cancellation, nonrenewal, modification,
27 or replacement of any franchise agreement. Designation of a
28 franchise agreement at a specific location as a "nondesignated
29 point" shall be deemed an evasion of this section and
30 constitutes an unfair cancellation.

31 (2) Franchise agreements are deemed to be continuing

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1 unless the applicant or licensee has notified the department
2 of the discontinuation of, cancellation of, failure to renew,
3 modification of, or replacement of the agreement of any of its
4 motor vehicle dealers; and annual renewal of the license
5 provided for under ss. 320.60-320.70 is not necessary for any
6 cause of action against the licensee.

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

30 (4) Notwithstanding any other provision of this
31 section, the failure of a motor vehicle dealer to be engaged

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

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

26 (6) If the complainant motor vehicle dealer prevails,
27 he or she shall have a cause of action against the licensee
28 for reasonable attorneys' fees and costs incurred by him or
29 her in such proceeding, and he or she shall have a cause of
30 action under s. 320.697.

31 (7) Except as provided in s. 320.643, no replacement

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1 motor vehicle dealer shall be named for this point or location
2 to engage in business and the franchise agreement shall remain
3 in effect until a final judgment is entered after all appeals
4 are exhausted, provided that, when a motor vehicle dealer
5 appeals a decision upholding a discontinuation, cancellation,
6 or nonrenewal based upon abandonment or revocation of the
7 dealer's license pursuant to s. 320.27, as lawful reasons for
8 such discontinuation, cancellation, or nonrenewal, the
9 franchise agreement shall remain in effect pending exhaustion
10 of all appeals only if the motor vehicle dealer establishes a
11 likelihood of success on appeal and that the public interest
12 will not be harmed by keeping the franchise agreement in
13 effect pending entry of final judgment after such appeal.
14 ~~prior to the final adjudication by the department on the~~
15 ~~petition or complaint and the exhaustion of all appellate~~
16 ~~remedies by the canceled or discontinued dealer, if a stay is~~
17 ~~issued by either the department or an appellate court.~~

18 (8) If a transfer is proposed pursuant to s.
19 320.643(1) or (2) after a notice of intent to discontinue,
20 cancel, or not renew a franchise agreement is received but,
21 prior to the final determination, including exhaustion of all
22 appellate remedies of a motor vehicle dealer's complaint or
23 petition contesting such action, the termination proceedings
24 shall be stayed, without bond, during the period that the
25 transfer is being reviewed by the licensee pursuant to s.
26 320.643. During the period that the transfer is being
27 reviewed by the licensee, pursuant to s. 320.643, the
28 franchise agreement shall remain in full force and effect, and
29 the motor vehicle dealer shall retain all rights and remedies
30 pursuant to the terms and conditions of the franchise
31 agreement and applicable law, including all rights of transfer

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

19 Section 43. Section 320.643, Florida Statutes, is
20 amended to read:

21 320.643 Transfer, assignment, or sale of franchise
22 agreements.--

23 (1) A motor vehicle dealer shall not transfer, assign,
24 or sell a franchise agreement to another person unless the
25 dealer first notifies the licensee of the dealer's decision to
26 make such transfer, by written notice setting forth the
27 prospective transferee's name, address, financial
28 qualification, and business experience during the previous 5
29 years. The licensee shall, in writing, within 60 days after
30 receipt of such notice, inform the dealer either of the
31 licensee's approval of the transfer, assignment, or sale or of

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

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1 unless the parties agree in writing to an extension, such
2 ~~60-day period~~ or if the department, after a hearing, ~~dismisses~~
3 ~~the complaint or~~ renders a decision other than one
4 disqualifying the proposed transferee, the franchise agreement
5 between the motor vehicle dealer and the licensee shall be
6 deemed amended to incorporate such transfer or amended in
7 accordance with the determination and order rendered,
8 effective upon compliance by the proposed transferee with any
9 conditions set forth in the determination or order.

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

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

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1 with any conditions set forth in the determination or order.

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

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

12 Section 44. Section 320.645, Florida Statutes, is
13 amended to read:

14 320.645 Restriction upon ownership of dealership by
15 licensee.--

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

26 (a) When operating a motor vehicle dealership for a
27 temporary period, not to exceed 1 year, during the transition
28 from one owner of the motor vehicle dealership to another;

29 (b) When operating a motor vehicle dealership
30 temporarily for a reasonable period for the exclusive purpose
31 of broadening the diversity of its dealer body and enhancing

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1 opportunities for qualified persons who are part of a group
2 that has historically been underrepresented in its dealer
3 body, or for other qualified persons who the licensee deems
4 lack the resources to purchase or capitalize the dealership
5 outright, not to exceed 1 year, or in a bona fide relationship
6 with an independent person, other than a licensee or its agent
7 or affiliate, who has made a significant investment that is
8 subject to loss in the dealership within the dealership's
9 first year of operation and who can reasonably expect to
10 acquire full ownership of the dealership on reasonable terms
11 and conditions; or

12 (c) If the department determines, after a hearing on
13 the matter, pursuant to chapter 120, at the request of any
14 person, that there is no independent person available in the
15 community or territory to own and operate the motor vehicle
16 dealership in a manner consistent with the public interest.

17
18 In any such case, the licensee must continue to make the motor
19 vehicle dealership available for sale to an independent person
20 at a fair and reasonable price. Approval of the sale of such a
21 motor vehicle dealership to a proposed motor vehicle dealer
22 shall not be unreasonably withheld.

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

24 (a) "Independent person" is a person who is not an
25 officer, director, or employee of the licensee.

26 (b) "Reasonable terms and conditions" requires that
27 profits from the dealership are reasonably expected to be
28 sufficient to allow full ownership of the dealership by the
29 independent person within a reasonable time period not to
30 exceed 10 years, which time period may be extended if there is
31 a reasonable basis to do so and is not being sought to evade

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

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

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

23 (a) The business activities, including, without
24 limitation, the dealings with motor vehicle manufacturers and
25 their representatives and affiliates, of any person that is
26 primarily engaged in the business of short term not to exceed
27 12 months rental of motor vehicles and industrial and
28 construction equipment and activities incidental to that
29 business, provided that:

30 1. Any motor vehicles sold by such person are limited
31 to used motor vehicles that have been previously used

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1 exclusively and regularly by such person in the conduct of its
 2 rental business and used motor vehicles traded in on motor
 3 vehicles sold by such person;

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

12 3. Motor vehicle financing provided by such person to
 13 retail consumers for motor vehicles is limited to used motor
 14 vehicles sold by such person in the conduct of its business;
 15 or

16 (b) The direct or indirect ownership, affiliation or
 17 control of a person described in paragraph (a) of this
 18 subsection.

19 (4) This section does not apply to any dealership that
 20 is owned, controlled, or operated by a licensee on July 1,
 21 2000.

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

26 Section 45. Subsection (2) of section 320.699, Florida
 27 Statutes, is amended to read:

28 320.699 Administrative hearings and adjudications;
 29 procedure.--

30 (2) If a written objection or notice of protest is
 31 filed with the department under paragraph (1)(b), a hearing

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

14 Section 46. Section 320.6991, Florida Statutes, is
15 created to read:

16 Section 320.6991 Severability.--If a provision of ss.
17 320.60-320.70 or its application to any person or circumstance
18 is held invalid, the invalidity does not affect other
19 provisions or applications of ss. 320.60-320.70 that can be
20 given effect without the invalid provision or application, and
21 to this end the provisions of 320.60-320.70 are severable.

22 Section 47. Section 320.691, Florida Statutes, is
23 created to read:

24 320.691 Automobile Dealers Industry Advisory Board.--

25 (1) AUTOMOBILE DEALERS INDUSTRY ADVISORY BOARD.--The
26 Automobile Dealers Industry Advisory Board is created within
27 the Department of Highway Safety and Motor Vehicles. The board
28 shall make recommendations on proposed legislation, make
29 recommendations on proposed rules and procedures, present
30 licensed motor vehicle dealer industry issues to the
31 department for its consideration, consider any matters

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1 relating to the motor vehicle industry presented to it by the
2 department, and submit an annual report to the Executive
3 Director of the department and file copies with the Governor,
4 President of the Senate, and the Speaker of the House of
5 Representatives.

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

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

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

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

17 3. As the initial terms expire, the Executive Director
18 shall appoint successors from the same designated category for
19 terms of 2 years. If renominated, a member may succeed himself
20 or herself.

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

23 (c) The board shall meet at least two times per year.
24 Meetings may be called by the chair of the board or by the
25 Executive Director of the department. One meeting shall be
26 held in the fall of the year to review legislative proposals.
27 The board shall conduct all meetings in accordance with
28 applicable Florida Statutes and shall keep minutes of all
29 meetings. Meetings may be held in locations around the state
30 in department facilities or in other appropriate locations.

31 (3) PER DIEM, TRAVEL, AND STAFFING.--Members of the

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1 board from the private sector are not entitled to per diem or
2 reimbursement for travel expenses. However, members of the
3 board from the public sector are entitled to reimbursement, if
4 any, from their respective agency. Members of the board may
5 request assistance from the Department of Highway Safety and
6 Motor Vehicles as necessary.

7 Section 48. Subsection (26) of section 322.01, Florida
8 Statutes, is amended to read:

9 322.01 Definitions.--As used in this chapter:

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

15 Section 49. Subsections (4) and (5) are added to
16 section 322.0261, Florida Statutes, to read:

17 322.0261 Mandatory driver improvement course; certain
18 crashes.--

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

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

28 (a) Approval for statewide delivery.

29 (b) Independent scientific research evidence of course
30 effectiveness.

31 Section 50. Section 322.161, Florida Statutes, is

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1 amended to read:

2 322.161 High-risk drivers; restricted licenses.--

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

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

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

26 (2)(a) Any Class E licensee who is age 15 through 17
27 and who has accumulated six ~~four~~ or more points pursuant to s.
28 318.14, excluding parking violations, within a 12-month period
29 shall not be eligible to obtain a Class D license for a period
30 of no less than 1 year. The period of ineligibility shall
31 begin on the date of conviction for the violation that results

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1 in the licensee's accumulation of six ~~four~~ or more points.

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

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

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

14 Section 51. Subsection (4) of section 322.05, Florida
15 Statutes, is amended to read:

16 322.05 Persons not to be licensed.--The department may
17 not issue a license:

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

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1 considers proper.

2 Section 52. Paragraph (b) of subsection (4) and
3 subsections (5), (6), and (7) of section 322.081, Florida
4 Statutes, are amended, and subsection (8) is added to said
5 section, to read:

6 322.081 Requests to establish voluntary check-off
7 ~~checkoff~~ on driver's license application.--

8 (4)

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

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

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

29 ~~(b) All organizational recipients of any voluntary~~
30 ~~contributions in excess of \$15,000, not otherwise subject to~~
31 ~~annual audit by the Office of the Auditor General, shall~~

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1 ~~submit an annual audit of the expenditures of these~~
2 ~~contributions and interest earned from these contributions, to~~
3 ~~determine if expenditures are being made in accordance with~~
4 ~~the specifications outlined by law. The audit shall be~~
5 ~~prepared by a certified public accountant licensed under~~
6 ~~chapter 473 at that organizational recipient's expense. The~~
7 ~~notes to the financial statements should state whether~~
8 ~~expenditures were made in accordance with law.~~

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

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

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

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

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1 that the organization has complied. If an organization fails
2 to comply within 12 months after the voluntary contributions
3 are withheld by the department, the proceeds shall be
4 deposited into the Highway Safety Operating Trust Fund to
5 offset department costs.

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

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

14 Section 53. Present subsections (2) through (7) of
15 section 322.095, Florida Statutes, are renumbered as
16 subsections (4) through (9), respectively, and new subsections
17 (2) and (3) are added to said section, to read:

18 322.095 Traffic law and substance abuse education
19 program for driver's license applicants.--

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

24 (3) In determining whether to approve courses of
25 driver improvement schools that use technology as the delivery
26 method as the courses relate to this section, for courses
27 submitted on or after July 1, 2001, the department shall
28 consider only those courses submitted by a person, business,
29 or entity which receive:

30 (a) Approval for statewide delivery.

31 (b) Independent scientific research evidence of course

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1 effectiveness.

2 Section 54. Section 322.222, Florida Statutes, is
3 created to read:

4 322.222 Right to review.--A driver may request an
5 administrative hearing to review a revocation pursuant to s.
6 322.221(3). The hearing shall be held in accordance with the
7 department's administrative rules that the department shall
8 have promulgated pursuant to chapter 120.

9 Section 55. Subsection (7) of section 322.25, Florida
10 Statutes, is amended to read:

11 322.25 When court to forward license to department and
12 report convictions; temporary reinstatement of driving
13 privileges.--

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

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1 in accordance with this subsection is valid shall be deemed to
2 be part of the period of revocation imposed by the court.

3 Section 56. Subsections (1), (3), and (10) of section
4 322.2615, Florida Statutes, are amended to read:

5 322.2615 Suspension of license; right to review.--

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

25 (b) The suspension under paragraph (a) shall be
26 pursuant to, and the notice of suspension shall inform the
27 driver of, the following:

28 1.a. The driver refused to submit to a lawful breath,
29 blood, or urine test and his or her driving privilege is
30 suspended for a period of 1 year for a first refusal or for a
31 period of 18 months if his or her driving privilege has been

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1 previously suspended as a result of a refusal to submit to
2 such a test; or

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

9 2. The suspension period shall commence on the date of
10 arrest or issuance of the notice of suspension, whichever is
11 later.

12 3. The driver may request a formal or informal review
13 of the suspension by the department within 10 days after the
14 date of arrest or issuance of the notice of suspension,
15 whichever is later.

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

20 5. The driver may submit to the department any
21 materials relevant to the arrest.

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

31 (10) A person whose driver's license is suspended

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1 under subsection (1) or subsection (3) may apply for issuance
2 of a license for business or employment purposes only if the
3 person is otherwise eligible for the driving privilege
4 pursuant to s. 322.271.

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

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

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1 Section 57. Subsection (5) of section 322.27, Florida
2 Statutes, is amended to read:

3 322.27 Authority of department to suspend or revoke
4 license.--

5 (5) The department shall revoke the license of any
6 person designated a habitual offender, as set forth in s.
7 322.264, and such person shall not be eligible to be
8 relicensed for ~~a minimum of~~ 5 years from the date of
9 revocation, except as provided for in s. 322.271. Any person
10 whose license is revoked may, by petition to the department,
11 show cause why his or her license should not be revoked.

12 Section 58. Subsection (2) of section 322.28, Florida
13 Statutes, is amended to read:

14 322.28 Period of suspension or revocation.--

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

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

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

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

31 3. Upon a third conviction within a period of 10 years

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1 from the date of conviction of the first of three or more
2 convictions for the violation of the provisions of s. 316.193
3 or former s. 316.1931 or a combination of such sections, the
4 driver's license or driving privilege shall be revoked for not
5 less than 10 years.

6
7 For the purposes of this paragraph, a previous conviction
8 outside this state for driving under the influence, driving
9 while intoxicated, driving with an unlawful blood-alcohol
10 level, or any other alcohol-related or drug-related traffic
11 offense similar to the offense of driving under the influence
12 as proscribed by s. 316.193 will be considered a previous
13 conviction for violation of s. 316.193, and a conviction for
14 violation of former s. 316.028, former s. 316.1931, or former
15 s. 860.01 is considered a conviction for violation of s.
16 316.193.

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

29 (c) The forfeiture of bail bond, not vacated within 20
30 days, in any prosecution for the offense of driving while
31 under the influence of alcoholic beverages, chemical

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

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

28 (d)~~(e)~~ The court shall permanently revoke the driver's
29 license or driving privilege of a person who has been
30 convicted four times for violation of s. 316.193 or former s.
31 316.1931 or a combination of such sections. The court shall

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

20 Section 59. Section 322.282, Florida Statutes, is
21 repealed.

22 Section 60. Subsection (3) is added to section
23 322.292, Florida Statutes, to read:

24 322.292 DUI programs supervision; powers and duties of
25 the department.--

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

28 Section 61. Section 322.331, Florida Statutes, is
29 repealed.

30 Section 62. Subsections (8), (9), and (10) are added
31 to section 322.61, Florida Statutes, to read:

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1 322.61 Disqualification from operating a commercial
2 motor vehicle.--

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

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

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

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

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

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1 including the driver.

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

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

11 (b) For drivers who are not always required to stop,
12 failing to stop before reaching the crossing if the tracks are
13 not clear.

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

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

18 (e) For all drivers, failing to obey a traffic control
19 device or all directions of an enforcement official at the
20 crossing.

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

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

27 (b) A driver must be disqualified for not less than
28 120 days if, during any 3-year period, the driver is convicted
29 of or otherwise found to have committed a second
30 railroad-highway grade crossing violation in separate
31 incidents.

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

6 Section 63. Subsections (1) and (3) of section 322.64,
7 Florida Statutes, are amended to read:

8 322.64 Holder of commercial driver's license; driving
9 with unlawful blood-alcohol level; refusal to submit to
10 breath, urine, or blood test.--

11 (1)(a) A law enforcement officer or correctional
12 officer shall, on behalf of the department, disqualify from
13 operating any commercial motor vehicle a person who while
14 operating or in actual physical control of a commercial motor
15 vehicle is arrested for a violation of s. 316.193, relating to
16 unlawful blood-alcohol level or breath-alcohol level, or a
17 person who has refused to submit to a breath, urine, or blood
18 test authorized by s. 322.63 arising out of the operation or
19 actual physical control of a commercial motor vehicle. Upon
20 disqualification of the person, the officer shall take the
21 person's driver's license and issue the person a 10-day ~~30-day~~
22 temporary permit if the person is otherwise eligible for the
23 driving privilege and shall issue the person a notice of
24 disqualification. If the person has been given a blood,
25 breath, or urine test, the results of which are not available
26 to the officer at the time of the arrest, the agency employing
27 the officer shall transmit such results to the department
28 within 5 days after receipt of the results. If the department
29 then determines that the person was arrested for a violation
30 of s. 316.193 and that the person had a blood-alcohol level or
31 breath-alcohol level of 0.08 or higher, the department shall

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1 disqualify the person from operating a commercial motor
2 vehicle pursuant to subsection (3).

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

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

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

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

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

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

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

31 (3) If the department determines that the person

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

10 Section 64. Section 324.091, Florida Statutes, is
11 amended to read:

12 324.091 Notice to department; notice to insurer.--

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

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1 under this chapter. Proof of mailing to the insurer or surety
2 insurer may be made by the department by naming the insurer or
3 surety insurer to whom such mailing was made and specifying
4 the time, place and manner of mailing.

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

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

18 Section 65. Paragraph (b) of subsection (3) of section
19 328.01, Florida Statutes, is amended to read:

20 328.01 Application for certificate of title.--

21 (3)

22 (b) If the application for transfer of title is based
23 upon a contractual default, the recorded lienholder shall
24 establish proof of right to ownership by submitting with the
25 application the original certificate of title ~~and a copy of~~
26 ~~the applicable contract upon which the claim of ownership is~~
27 ~~made.~~ If the claim is based upon a court order or judgment, a
28 copy of such document shall accompany the application for
29 transfer of title. If, on the basis of departmental records,
30 there appears to be any other lien on the vessel, the
31 certificate of title must contain a statement of such a lien,

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

21
22 The department shall adopt suitable language that must appear
23 upon the certificate of title to effectuate the manner in
24 which the interest in or title to the vessel is held.

25 Section 66. Subsection (2) of section 328.42, Florida
26 Statutes, is amended to read:

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

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

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1 decal, or any tax liability, penalty, or interest specified in
 2 chapter 207 by a dishonored check if the owner pays for the
 3 registration by a dishonored check.

4 Section 67. Section 328.56, Florida Statutes, is
 5 amended to read:

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

- 9 (1) A vessel used exclusively on private lakes and
 10 ponds.
- 11 (2) A vessel owned by the United States Government.
- 12 (3) A vessel used exclusively as a ship's lifeboat.
- 13 (4) A non-motor-powered vessel.
- 14 (5) A federally documented vessel.
- 15 (6) A vessel already covered by a registration number
 16 in full force and effect which has been awarded to it pursuant
 17 to a federally approved numbering system of another state or
 18 by the United States Coast Guard in a state without a
 19 federally approved numbering system, if the vessel has not
 20 been within this state for a period in excess of 90
 21 consecutive days.
- 22 (7) A vessel operating under a valid temporary
 23 certificate of number.
- 24 (8) A vessel from a country other than the United
 25 States temporarily using the waters of this state.
- 26 (9) An undocumented vessel used exclusively for
 27 racing.

28 Section 68. Subsection (4) of section 328.72, Florida
 29 Statutes, is amended to read:

30 328.72 Classification; registration; fees and charges;
 31 surcharge; disposition of fees; fines; marine turtle

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1 stickers.--

2 (4) TRANSFER OF OWNERSHIP.--

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

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

19 Section 69. Effective July 1, 2001, subsection (1) of
20 section 328.76, Florida Statutes, is amended to read:

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

23 (1) Except as otherwise specified and less \$1.4
24 million for any administrative costs which shall be deposited
25 in the Highway Safety Operating Trust Fund, in each fiscal
26 year beginning on or after July 1, 2001, all funds collected
27 from the registration of vessels through the Department of
28 Highway Safety and Motor Vehicles and the tax collectors of
29 the state, except for those funds designated for the use of
30 the counties pursuant to s. 328.72(1), shall be deposited in
31 the Marine Resources Conservation Trust Fund for recreational

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1 channel marking; public launching facilities; law enforcement
2 and quality control programs; aquatic weed control; manatee
3 protection, recovery, rescue, rehabilitation, and release; and
4 marine mammal protection and recovery. The funds collected
5 pursuant to s. 328.72(1) shall be transferred as follows:

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

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

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

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

23 Section 70. Subsections (4) and (6) of section 713.78,
24 Florida Statutes, are amended to read:

25 713.78 Liens for recovering, towing, or storing
26 vehicles and ~~documented~~ vessels.--

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

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

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

27 (c)~~(b)~~ Notice by certified mail, return receipt
28 requested, shall be sent within 7 business days after the date
29 of storage of the vehicle or vessel to the registered owner,
30 the insurance company insuring the vehicle notwithstanding the
31 provisions of s. 627.736, and to all persons of record

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1 claiming a lien against the vehicle or vessel. It shall state
2 the fact of possession of the vehicle or vessel, that a lien
3 as provided in subsection (2) is claimed, that charges have
4 accrued and the amount thereof, that the lien is subject to
5 enforcement pursuant to law, and that the owner or lienholder,
6 if any, has the right to a hearing as set forth in subsection
7 (5), and that any vehicle or vessel which remains unclaimed,
8 or for which the charges for recovery, towing, or storage
9 services remain unpaid, may be sold ~~after 35 days~~ free of all
10 prior liens after 35 days if the vehicle or vessel is more
11 than 3 years of age and after 50 days if the vehicle or vessel
12 is 3 years of age or less.

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

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

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

31 3. Check of trip sheet or tow ticket of tow truck

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1 operator to see if a tag was on vehicle at beginning of tow,
2 if private tow.

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

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

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

13 7. Check of vehicle for vehicle identification number.

14 8. Check of vessel for vessel registration number.

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

21 (6) Any vehicle or vessel which is stored pursuant to
22 subsection (2) and which remains unclaimed, or for which
23 reasonable charges for recovery, towing, or storing remain
24 unpaid or for which a lot rental amount is due and owing to
25 the mobile home park owner, as evidenced by a judgment for
26 unpaid rent, and any contents not released pursuant to
27 subsection (10), may be sold by the owner or operator of the
28 storage space for such towing or storage charge or unpaid lot
29 rental amount after 35 days from the time the vehicle or
30 vessel is stored therein if the vehicle or vessel is more than
31 3 years of age and after 50 days from the time the vehicle or

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

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1 otherwise provided by court order.

2 Section 71. Section 715.05, Florida Statutes, is
3 repealed.

4 Section 72. Subsection (1) of section 681.1096,
5 Florida Statutes, is amended to read:

6 681.1096 Pilot RV Mediation and Arbitration Program;
7 creation and qualifications.--

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

19 Section 73. Subsections (5) and (7) of section
20 681.1097, Florida Statutes, are amended to read:

21 681.1097 Pilot RV Mediation and Arbitration Program;
22 dispute eligibility and program function.--

23 (5) If the mediation ends in an impasse, or if a
24 manufacturer fails to comply with the settlement entered into
25 between the parties, the program administrator shall schedule
26 the dispute for an arbitration hearing. Arbitration
27 proceedings shall be open to the public on reasonable and
28 nondiscriminatory terms.

29 (a) The arbitration hearing shall be conducted by a
30 single arbitrator assigned by the program administrator. The
31 arbitrator shall not be the same person as the mediator who

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1 conducted the prior mediation conference in the dispute. The
2 parties may factually object to an arbitrator based on the
3 arbitrator's past or present relationship with a party or a
4 party's attorney, direct or indirect, whether financial,
5 professional, social, or of any other kind. The program
6 administrator shall consider any such objection, determine its
7 validity, and notify the parties of any determination. If the
8 objection is determined valid, the program administrator shall
9 assign another arbitrator to the case.

10 (b) The arbitrator may issue subpoenas for the
11 attendance of witnesses and for the production of records,
12 documents, and other evidence. Subpoenas so issued shall be
13 served and, upon application to the court by a party to the
14 arbitration, enforced in the manner provided by law for the
15 service and enforcement of subpoenas in civil actions. Fees
16 for attendance as a witness shall be the same as for a witness
17 in the circuit court.

18 (c) At all program arbitration proceedings, the
19 parties may present oral and written testimony, present
20 witnesses and evidence relevant to the dispute, cross-examine
21 witnesses, and be represented by counsel. The arbitrator
22 shall record the arbitration hearing and shall have the power
23 to administer oaths. The arbitrator may inspect the vehicle
24 if requested by a party or if the arbitrator considers such
25 inspection appropriate.

26 (d) The program arbitrator may continue a hearing on
27 his or her own motion or upon the request of a party for good
28 cause shown. A request for continuance by the consumer
29 constitutes a waiver of the time period set forth in s.
30 681.1096(3)(k) for completion of all proceedings under the
31 program.

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1 (e) Where the arbitration is the result of a
2 manufacturer's failure to perform in accordance with a
3 settlement ~~mediation~~ agreement, any relief to the consumer
4 granted by the arbitration will be no less than the relief
5 agreed to by the manufacturer in the settlement agreement.

6 (f) The arbitrator shall grant relief if a reasonable
7 number of attempts have been undertaken to correct a
8 nonconformity or nonconformities.

9 (g) The program arbitrator shall render a decision
10 within 10 days of the closing of the hearing. The decision
11 shall be in writing on a form prescribed or approved by the
12 department. The program administrator shall send a copy of the
13 decision to the consumer and each involved manufacturer by
14 registered mail. The program administrator shall also send a
15 copy of the decision to the department within 5 days of
16 mailing to the parties.

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

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1 evidence.

2 (i) Either party may request that the program
3 arbitrator make a technical correction to the decision by
4 filing a written request with the program administrator within
5 10 days after receipt of the written decision. Technical
6 corrections shall be limited to computational errors,
7 correction of a party's name or information regarding the
8 recreational vehicle, and typographical or spelling errors.
9 Technical correction of a decision shall not toll the time for
10 filing an appeal or for manufacturer compliance.

11 (7) A decision of the arbitrator is binding unless
12 appealed by either party by filing a petition with the circuit
13 court within the time and in the manner prescribed by s.
14 681.1095(10) and (12). Section 681.1095(13) and (14) apply to
15 appeals filed under this section.~~Either party may make~~
16 ~~application to the circuit court for the county in which one~~
17 ~~of the parties resides or has a place of business or, if~~
18 ~~neither party resides or has a place of business in this~~
19 ~~state, the county where the arbitration hearing was held, for~~
20 ~~an order confirming, vacating, modifying, or correcting any~~
21 ~~award, in accordance with the provisions of this section and~~
22 ~~ss. 682.12, 682.13, 682.14, 682.15, and 682.17. Such~~
23 ~~application must be filed within 30 days of the moving party's~~
24 ~~receipt of the written decision or the decision becomes final.~~
25 ~~Upon filing such application, the moving party shall mail a~~
26 ~~copy to the department and, upon entry of any judgment or~~
27 ~~decree, shall mail a copy of such judgment or decree to the~~
28 ~~department. A review of such application by the circuit court~~
29 ~~shall be confined to the record of the proceedings before the~~
30 ~~program arbitrator. The court shall conduct a de novo review~~
31 ~~of the questions of law raised in the application. In addition~~

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1 ~~to the grounds set forth in ss. 682.13 and 682.14, the court~~
2 ~~shall consider questions of fact raised in the application. In~~
3 ~~reviewing questions of fact, the court shall uphold the award~~
4 ~~unless it determines that the factual findings of the~~
5 ~~arbitrator are not supported by substantial evidence in the~~
6 ~~record and that the substantial rights of the moving party~~
7 ~~have been prejudiced. If the arbitrator fails to state~~
8 ~~findings or reasons for the stated award, or the findings or~~
9 ~~reasons are inadequate, the court shall search the record to~~
10 ~~determine whether a basis exists to uphold the award. The~~
11 ~~court shall expedite consideration of any application filed~~
12 ~~under this section on the calendar.~~

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

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

29 Section 74. Section 681.115, Florida Statutes, is
30 amended to read:

31 681.115 Certain agreements void.--Any agreement

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1 entered into by a consumer that waives, limits, or disclaims
2 the rights set forth in this chapter, or that requires a
3 consumer not to disclose the terms of such agreement as a
4 condition thereof, is void as contrary to public policy. The
5 rights set forth in this chapter shall extend to a subsequent
6 transferee of such motor vehicle.

7 Section 75. Section 715.07, Florida Statutes, is
8 amended to read:

9 715.07 Vehicles and vessels parked on private
10 property; towing.--

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

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

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

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

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

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1 following conditions and restrictions:

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

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

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

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1 reported and note that name on the trip record.

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

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

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

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- 1 a. The notice must be prominently placed at each
2 driveway access or curb cut allowing vehicular access to the
3 property, within 5 feet from the public right-of-way line. If
4 there are no curbs or access barriers, the signs must be
5 posted not less than one sign for each 25 feet of lot
6 frontage.
- 7 b. The notice must clearly indicate, in not less than
8 2-inch high, light-reflective letters on a contrasting
9 background, that unauthorized vehicles will be towed away at
10 the owner's expense. Owners or lessees that remove vessels
11 from their properties shall post notice, consistent with the
12 requirements of this subparagraph, that unauthorized vehicles
13 or vessels will be towed at the owner's expense. The words
14 "tow-away zone" must be included on the sign in not less than
15 4-inch high letters.
- 16 c. The notice must also provide the name and current
17 telephone number of the person or firm towing or removing the
18 vehicles or vessels, if the property owner, lessee, or person
19 in control of the property has a written contract with the
20 towing company.
- 21 d. The sign structure containing the required notices
22 must be permanently installed with the words "tow-away zone"
23 not less than 3 feet and not more than 6 feet above ground
24 level and must be continuously maintained on the property for
25 not less than 24 hours prior to the towing or removal of any
26 vehicles or vessels.
- 27 e. The local government may require permitting and
28 inspection of these signs prior to any towing or removal of
29 vehicles or vessels being authorized.
- 30 f. A business with 20 or fewer parking spaces
31 satisfies the notice requirements of this subparagraph by

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

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

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

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

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1 colors on the driver and passenger sides of the vehicle. The
2 name shall be in at least 3-inch permanently affixed letters,
3 and the address and telephone number shall be in at least
4 1-inch permanently affixed letters.

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

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

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

31 (3) This section does not apply to law enforcement,

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1 firefighting, rescue squad, ambulance, or other emergency
2 vehicles or vessels which are marked as such or to property
3 owned by any governmental entity.

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

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

14 (6)~~(5)~~(a) Any person who violates the provisions of
15 subparagraph (2)(a)2. or subparagraph (2)(a)6. commits is
16 ~~guilty of~~ a misdemeanor of the first degree, punishable as
17 provided in s. 775.082 or s. 775.083.

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

22 Section 76. Subsection (3) is added to section 832.09,
23 Florida Statutes, to read:

24 832.09 Suspension of driver license after warrant or
25 capias is issued in worthless check case.--

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

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1 provided by the department.

2 Section 77. Subsection (1) of section 322.056, Florida
3 Statutes, is amended to read:

4 322.056 Mandatory revocation or suspension of, or
5 delay of eligibility for, driver's license for persons under
6 age 18 found guilty of certain alcohol, drug, or tobacco
7 offenses; prohibition.--

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

12 (a) The person is eligible by reason of age for a
13 driver's license or driving privilege, the court shall direct
14 the department to revoke or to withhold issuance of his or her
15 driver's license or driving privilege for a 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 (b) The person's driver's license or driving privilege
20 is under suspension or revocation for any reason, the court
21 shall direct the department to extend the period of suspension
22 or revocation by an additional period of:

- 23 1. Not less than 6 months and not more than 1 year for
- 24 the first violation.
- 25 2. Two years, for a subsequent violation.

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

- 30 1. Not less than 6 months and not more than 1 year
- 31 after the date on which he or she would otherwise have become

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1 eligible, for the first violation.

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

4
5 However, the court may, in its sound discretion, direct the
6 department to issue a license for driving privileges
7 restricted to business or employment purposes only, as defined
8 in s. 322.271, if the person is otherwise qualified for such a
9 license.

10 Section 78. Except as otherwise provided herein, this
11 act shall take effect October 1, 2001.

12
13

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

15 And the title is amended as follows:

16 Delete everything before the enacting clause

17

18 and insert:

19

A bill to be entitled

20

An act related to Highway Safety, Motor

21

Vehicles, and Vessels; amending s. 316.003,

22

F.S.; providing that certain vehicles of the

23

Department of Health are authorized emergency

24

vehicles; providing that a motorized scooter is

25

not a motor vehicle for traffic control

26

purposes; creating a definition of the term

27

motorized scooter; amending s. 316.006, F.S.;

28

authorizing the installation of multiparty stop

29

signs on certain roads; providing guidelines

30

for the installation of such signage; amending

31

s. 316.1951, F.S.; amending 316.1967, F.S.;

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

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1 certain circumstances; amending s. 318.14,
2 F.S.; deleting reference to a restriction on
3 the number of elections a person may make to
4 attend a basic driver improvement course;
5 providing that certain requirements do not
6 authorize use of photographic or video
7 equipment for the purpose of issuing certain
8 traffic citations; amending s. 318.1451, F.S.;
9 providing traffic school reference guide
10 requirements; amending s. 318.18, F.S.;
11 allowing fine amount designated by county
12 ordinance plus court costs; amending the date
13 by which court clerks must electronically
14 transmit to the department specified
15 information; amending s. 322.0261, F.S.;
16 deleting reference to a time period and
17 increasing the amount of damage required with
18 respect to a crash for the screening of certain
19 crash reports; requiring the Department of
20 Highway Safety and Motor Vehicles to approve
21 and regulate certain courses for driver
22 improvement schools; amending s. 322.161, F.S.;
23 increasing the number of points that a driver
24 under a specified age may accumulate before the
25 department is required to issue that driver a
26 restricted license; creating s. 322.02615,
27 F.S.; providing for mandatory driver
28 improvement courses for certain violations;
29 amending s. 319.001, F.S.; providing
30 definitions; amending s. 319.14, F.S.;
31 authorizing the Department of Highway Safety

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

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1 conform to the requirements of ch. 496, F.S.;

2 conforming this section to the Florida Single

3 Audit Act; amending s. 320.025, Florida

4 Statutes, conforming the vessel registration

5 law to the motor vehicle registration law;

6 requiring a decal to be affixed to a vessel

7 that is registered under a fictitious name and

8 operated by any law enforcement agency;

9 amending s. 320.05, F.S.; conforming the vessel

10 registration law to the motor vehicle

11 registration law; providing instructions for

12 the release of information regarding a vessel

13 to the public; amending s. 320.055, F.S.;

14 correcting the registration period for

15 nonapportioned vehicles; amending s. 320.06,

16 F.S.; providing for the placement of only one

17 decal rather than two on a license plate;

18 amending s. 320.072, F.S.; reducing the

19 timeframe a registrant can use a previous

20 license plate for the initial registration fee

21 exemption; amending s. 320.0805, F.S.; reducing

22 the timeframe for a personalized license plate

23 to remain out of circulation prior to

24 reassignment; amending s. 320.08056, F.S.;

25 requiring the department to count annual

26 renewals when determining whether to

27 discontinue a speciality license plate;

28 requiring certain organizations to notify the

29 department under certain circumstances;

30 including two more colleges to the

31 discontinuance exemptions provided for

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

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1 suspension, or revocation of a motor vehicle
2 dealer license; amending s. 320.60, F.S.;
3 revising definitions used in ss. 320.61-320.70,
4 F.S.; amending s. 320.61, F.S.; amending
5 procedures to be followed when a complaint of
6 unfair cancellation of a dealer agreement has
7 been made by a motor vehicle dealer against a
8 licensee; defining the term "final decision";
9 amending s. 320.64, F.S.; providing penalties
10 and remedies for violations; deleting
11 subsections (13) and (16); amending subsection
12 (18); creating subsections (22) through (32)
13 and renumbering sections; amending s. 320.641,
14 F.S.; providing procedures relating to
15 discontinuations, cancellations, nonrenewals,
16 modifications, and replacements of franchise
17 agreements; amending s. 320.643, F.S.; amending
18 provisions relating to the transfer,
19 assignment, or sale of franchise agreements;
20 amending s. 320.645, F.S.; amending provisions
21 relating to restrictions upon a licensee's
22 owning a dealership; providing for "dealer
23 development arrangements"; providing
24 exceptions; amending s. 320.699, F.S.; amending
25 procedures for administrative hearings;
26 creating s. 320.6991; providing for
27 severability; amending s. 320.691 F.S.;
28 creating the Automobile Dealers Industry
29 Advisory Board; amending s. 322.01, F.S.;
30 providing that a motorized scooter is not a
31 motor vehicle for drivers' licensing purposes;

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1 amending s. 322.05, F.S.; correcting a
2 statutory reference regarding the requirements
3 for an individual under 18 years of age to
4 apply for a driver's license; amending s.
5 322.081, F.S.; requiring certain organizations
6 receiving voluntary check-off contributions to
7 notify the department under certain
8 circumstances and to meet specified
9 requirements; conforming the section to the
10 Florida Single Audit Act; requiring
11 organizations seeking authorization to
12 establish a voluntary contribution on a motor
13 vehicle registration to register with the
14 Department of Agriculture and Consumer
15 Services; amending s. 322.095, F.S.; requiring
16 the Department of Highway Safety and Motor
17 Vehicles to approve and regulate certain
18 courses for driver improvement schools;
19 creating s. 322.222, F.S.; authorizing the
20 Department of Highway Safety and Motor Vehicles
21 to hold a hearing when an individual's driver's
22 license has been suspended or revoked due to
23 medical reasons; amending s. 322.25, F.S.;
24 correcting a cross reference; amending s.
25 322.2615, F.S.; complying with the USDOT's
26 drunk driving prevention incentive program;
27 reducing the timeframe for a temporary permit
28 that is allotted when an individual is charged
29 with driving with an unlawful blood-alcohol
30 level; amending s. 322.27, F.S.; clarifying the
31 time period for a driver's license revocation

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1 of a habitual traffic offender; amending s.
2 322.28, F.S.; deleting obsolete language
3 regarding the revocation of a driver's license;
4 repealing s. 322.282, F.S., relating to the
5 procedure when the court revokes or suspends
6 license or driving privilege and orders
7 reinstatement; amending s. 322.292, F.S.;
8 adding the requirement that DUI programs must
9 be governmental programs or not-for-profit
10 corporations; amending s. 322.61, F.S.;
11 complying with the Federal Motor Carrier Safety
12 Regulations; adding two more violations for
13 which a commercial motor vehicle may be
14 disqualified of driving privileges; amending s.
15 322.64, F.S.; reducing the timeframe for a
16 temporary permit allotted when an individual
17 holding a commercial driver's license is
18 charged with an unlawful blood-alcohol level;
19 repealing s. 322.331, F.S., relating to the
20 reinstatement of a license of a habitual
21 traffic offender; amending s. 324.091, F.S.;
22 providing for electronic access to vehicle
23 insurance information; amending s. 328.01,
24 F.S.; deleting the requirement for a copy of a
25 contract upon which a claim of ownership of a
26 vessel is made on a contractual default;
27 amending s. 328.42, F.S.; authorizing the
28 department to deny or cancel any vessel
29 registration, license plate, or fuel use decal
30 when given a dishonored check by the customer;
31 amending s. 328.56, F.S.; deleting the terms

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1 "commercial" and "recreational" when referring
2 to vessels operated on the waters of this
3 state; amending s. 328.72, F.S.; deleting the
4 requirements for the transfer of ownership of
5 an antique vessel; amending s. 328.76, F.S.;
6 providing for the appropriation allotted for
7 fiscal year 2000-2001 to be deposited into the
8 Highway Safety Operating Trust Fund; amending
9 s. 713.78, F.S.; adding the insurance company
10 to the list of individuals to be contacted when
11 a vehicle has been towed; providing storage
12 periods before the expiration of which certain
13 salvaged vehicles may not be sold; repealing s.
14 715.05, F.S., relating to the reporting of
15 unclaimed motor vehicles; amending ss. 681.1096
16 and 681.1097, F.S.; revising program
17 requirements for the Pilot RV Mediation and
18 Arbitration program; amending s. 681.115, F.S.;
19 providing that a motor vehicle sales agreement
20 which prohibits disclosure of its terms is
21 void; amending s. 715.07, F.S.; conforming the
22 vessel registration law to the motor vehicle
23 registration law; defining the term "vessel";
24 authorizing the removal of an undocumented
25 vessel parked on private property; amending s.
26 832.09, F.S.; authorizing the department to
27 create a standardized form to be used for
28 notification of satisfaction of a worthless
29 check; amending s. 322.056, F.S.; authorizing
30 the court to direct the Department of Highway
31 Safety and Motor Vehicles to issue a driver's

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1 license restricted to business or employment
2 purposes only to certain persons under age 18
3 found guilty of certain alcohol, drug, or
4 tobacco offenses; providing an effective date.
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