

By Representative Gardiner

1 A bill to be entitled
2 An act relating to the Department of Highway
3 Safety and Motor Vehicles; amending s. 316.003,
4 F.S.; providing that certain vehicles of the
5 Department of Health are authorized emergency
6 vehicles; amending s. 316.228, F.S.; requiring
7 strobe lights to be placed on the exterior of a
8 commercial vehicle transporting unprocessed
9 forest products extending more than 4 feet
10 beyond the rear of the vehicle; providing an
11 alternate method for placing strobe lights in
12 certain instances; requiring the use of a red
13 flag on the load; amending s. 316.2397, F.S.;
14 authorizing the emergency response vehicles of
15 the Department of Health to use red flashing
16 lights; amending s. 316.520, F.S.; clarifying
17 that a violation of a provision governing loads
18 on vehicles is a moving rather than a nonmoving
19 violation; amending s. 319.001, F.S.; providing
20 definitions; amending s. 319.14, F.S.;
21 authorizing the Department of Highway Safety
22 and Motor Vehicles to place a decal on a
23 rebuilt vehicle so as to clarify its identity;
24 providing a penalty for the removal of the
25 decal; amending s. 319.23, F.S.; conforming the
26 requirements for the transfer of ownership on
27 an antique vehicle to that of any other motor
28 vehicle; amending s. 319.28, F.S.; deleting the
29 requirement that a copy of a contract for
30 processing an application for title based on a
31 contractual default be provided; amending s.

1 319.30, F.S.; clarifying the major component
2 parts of a motor vehicle; amending s. 320.01,
3 F.S.; conforming the length limitation for a
4 motor home to that established in chapter 316,
5 F.S.; amending s. 320.023, F.S.; conforming
6 this section to the Florida Single Audit Act;
7 amending s. 320.025, F.S.; conforming the
8 vessel registration law to the motor vehicle
9 registration law; requiring a decal to be
10 affixed to a vessel that is registered under a
11 fictitious name and operated by any law
12 enforcement agency; amending s. 320.05, F.S.;
13 conforming the vessel registration law to the
14 motor vehicle registration law; providing
15 instructions for the release of information
16 regarding a vessel to the public; amending s.
17 320.055, F.S.; correcting the registration
18 period for nonapportioned vehicles; amending s.
19 320.06, F.S.; providing for the placement of
20 only one decal rather than two on a license
21 plate; amending s. 320.072, F.S.; reducing the
22 timeframe a registrant can use a previous
23 license plate for the initial registration fee
24 exemption; amending s. 320.0805, F.S.; reducing
25 the timeframe for a personalized license plate
26 to remain out of circulation prior to
27 reassignment; amending s. 320.08056, F.S.;
28 including two more colleges to the
29 discontinuance exemptions provided for
30 collegiate specialty license plates; amending
31 s. 320.08062, F.S.; conforming this section to

1 the Florida Single Audit Act; amending s.
2 320.083, F.S.; increasing the weight
3 restriction for a private-use vehicle so as to
4 be eligible to apply for the Amateur Radio
5 Operator specialty license plate; amending s.
6 320.089, F.S.; increasing the weight
7 restriction for a private-use vehicle so as to
8 be eligible to apply for the EX-POW or Purple
9 Heart specialty license plate; amending s.
10 320.27, F.S.; redefining the term "motor
11 vehicle auction"; deleting the requirement for
12 a licensee to have the certificate of title or
13 ownership indicia in his or her possession at
14 an auction; amending s. 322.05, F.S.;
15 correcting a statutory reference regarding the
16 requirements for an individual under 18 years
17 of age to apply for a driver's license;
18 amending s. 322.081, F.S.; conforming this
19 section to the Florida Single Audit Act;
20 amending s. 322.126, F.S.; revising the
21 requirements for reporting a disability which
22 could affect an individual's ability to drive a
23 motor vehicle; creating s. 322.222, F.S.;
24 authorizing the Department of Highway Safety
25 and Motor Vehicles to hold a hearing when an
26 individual's driver's license has been
27 suspended or revoked due to medical reasons;
28 amending s. 322.25, F.S.; correcting a cross
29 reference; amending s. 322.2615, F.S.;
30 complying the USDOT's drunk driving prevention
31 incentive program; reducing the timeframe for a

1 temporary permit that is allotted when an
2 individual is charged with driving with an
3 unlawful blood-alcohol level; amending s.
4 322.27, F.S.; clarifying the time period for a
5 driver's license revocation of a habitual
6 traffic offender; amending s. 322.28, F.S.;
7 deleting obsolete language regarding the
8 revocation of a driver's license; repealing s.
9 322.282, F.S., relating to the procedure when
10 the court revokes or suspends license or
11 driving privilege and orders reinstatement;
12 amending s. 322.292, F.S.; adding the
13 requirement that DUI programs must be
14 governmental programs or not-for-profit
15 corporations; amending s. 322.61, F.S.;
16 complying with the Federal Motor Carrier Safety
17 Regulations; adding two more violations for
18 which a commercial motor vehicle may be
19 disqualified of driving privileges; amending s.
20 322.64, F.S.; reducing the timeframe for a
21 temporary permit allotted when an individual
22 holding a commercial driver's license is
23 charged with an unlawful blood-alcohol level;
24 repealing s. 322.331, F.S., relating to the
25 reinstatement of a license of an habitual
26 traffic offender; amending s. 328.01, F.S.;
27 deleting the requirement for a copy of a
28 contract upon which a claim of ownership of a
29 vessel is made on a contractual default;
30 amending s. 328.42, F.S.; authorizing the
31 department to deny or cancel any vessel

1 registration, license plate, or fuel use decal
2 when given a dishonored check by the customer;
3 amending s. 328.56, F.S.; deleting the terms
4 "commercial" and "recreational" when referring
5 to vessels operated on the waters of this
6 state; amending s. 328.72, F.S.; deleting the
7 requirements for the transfer of ownership of
8 an antique vessel; amending s. 328.76, F.S.;
9 providing for the appropriation allotted for
10 fiscal year 2000-2001 to be deposited into the
11 Highway Safety Operating Trust Fund; amending
12 s. 713.78, F.S.; adding the insurance company
13 to the list of individuals to be contacted when
14 a vehicle has been towed; repealing s. 715.05,
15 F.S., relating to the reporting of unclaimed
16 motor vehicles; amending s. 715.07, F.S.;
17 conforming the vessel registration law to the
18 motor vehicle registration law; defining the
19 term "vessel"; authorizing the removal of an
20 undocumented vessel parked on private property;
21 amending s. 832.09, F.S.; authorizing the
22 department to create a standardized form to be
23 used for notification of satisfaction of a
24 worthless check; providing effective dates.

25
26 Be It Enacted by the Legislature of the State of Florida:

27
28 Section 1. Subsection (1) of section 316.003, Florida
29 Statutes, is amended to read:

30 316.003 Definitions.--The following words and phrases,
31 when used in this chapter, shall have the meanings

1 respectively ascribed to them in this section, except where
2 the context otherwise requires:

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

12 Section 2. Subsection (2) of section 316.228, Florida
13 Statutes, is amended to read:

14 316.228 Lamps or flags on projecting load.--

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

1 is operated on any highway or parked on the shoulder or
2 immediately adjacent to the traveled portion of any public
3 roadway. The projecting load shall also be marked with a red
4 flag as described in subsection (1).

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

7 316.2397 Certain lights prohibited; exceptions.--

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

12 Section 4. Section 316.520, Florida Statutes, is
13 amended to read:

14 316.520 Loads on vehicles.--

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

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

31

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

4 Section 5. Section 319.001, Florida Statutes, is
5 amended to read:

6 319.001 Definitions.--As used in this chapter, the
7 term:

8 (1) "Department" means the Department of Highway
9 Safety and Motor Vehicles.

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

12 (3)~~(2)~~ "Licensed dealer," unless otherwise
13 specifically provided, means a motor vehicle dealer licensed
14 under s. 320.27, a mobile home dealer licensed under s.
15 320.77, or a recreational vehicle dealer licensed under s.
16 320.771.

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

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

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

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

26 (8)~~(4)~~ "New motor vehicle" means a motor vehicle the
27 equitable or legal title to which has never been transferred
28 by a manufacturer, distributor, importer, or dealer to an
29 ultimate purchaser; however, when legal title is not
30 transferred but possession of a motor vehicle is transferred
31 pursuant to a conditional sales contract or lease and the

1 conditions are not satisfied and the vehicle is returned to
2 the motor vehicle dealer, the motor vehicle may be resold by
3 the motor vehicle dealer as a new motor vehicle, provided the
4 selling motor vehicle dealer gives the following written
5 notice to the purchaser: "THIS VEHICLE WAS DELIVERED TO A
6 PREVIOUS PURCHASER." The purchaser shall sign an
7 acknowledgment, a copy of which is kept in the selling
8 dealer's file.

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

11 (10)~~(5)~~ "Satisfaction of lien" means full payment of a
12 debt or release of a debtor from a lien by the lienholder.

13 (11)~~(6)~~ "Used motor vehicle" means any motor vehicle
14 that is not a "new motor vehicle" as defined in subsection
15 (8)~~(4)~~.

16 Section 6. Subsections (1), (2), and (3) of section
17 319.14, Florida Statutes, are amended, subsections (6), (7),
18 and (8) are renumbered as subsections (7), (8), and (9),
19 respectively, and a new subsection (6) is added to said
20 section, to read:

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

24 (1)(a) No person shall knowingly offer for sale, sell,
25 or exchange any vehicle that has been licensed, registered, or
26 used as a taxicab, police vehicle, or short-term-lease
27 vehicle, or a vehicle that has been repurchased by a
28 manufacturer pursuant to a settlement, determination, or
29 decision under chapter 681, until the department has stamped
30 in a conspicuous place on the certificate of title of the
31 vehicle, or its duplicate, words stating the nature of the

1 previous use of the vehicle or the title has been stamped
2 "Manufacturer's Buy Back" to reflect that the vehicle is a
3 nonconforming vehicle. If the certificate of title or
4 duplicate was not so stamped upon initial issuance thereof or
5 if, subsequent to initial issuance of the title, the use of
6 the vehicle is changed to a use requiring the notation
7 provided for in this section, the owner or lienholder of the
8 vehicle shall surrender the certificate of title or duplicate
9 to the department prior to offering the vehicle for sale, and
10 the department shall stamp the certificate or duplicate as
11 required herein. When a vehicle has been repurchased by a
12 manufacturer pursuant to a settlement, determination, or
13 decision under chapter 681, the title shall be stamped
14 "Manufacturer's Buy Back" to reflect that the vehicle is a
15 nonconforming vehicle.

16 (b) No person shall knowingly offer for sale, sell, or
17 exchange a rebuilt vehicle until the department has stamped in
18 a conspicuous place on the certificate of title for the
19 vehicle words stating that the vehicle has been rebuilt or
20 assembled from parts, ~~or combined~~, or is a kit car, glider
21 kit, replica, or flood vehicle unless proper application for a
22 certificate of title for a vehicle that is rebuilt or
23 assembled from parts, ~~or combined~~, or is a kit car, glider
24 kit, replica, or flood vehicle has been made to the department
25 in accordance with this chapter and the department or its
26 agent has conducted the physical examination of the vehicle to
27 assure the identity of the vehicle and all major component
28 parts, as defined in s. 319.30(1)(e), which have been repaired
29 or replaced. Thereafter, the department shall affix a decal to
30 the vehicle, in the manner prescribed by the department,
31 showing the vehicle to be rebuilt.

1 (c) As used in this section:

2 1. "Police vehicle" means a motor vehicle owned or
3 leased by the state or a county or municipality and used in
4 law enforcement.

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

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

12 c. "Lease vehicle" includes both short-term-lease
13 vehicles and long-term-lease vehicles.

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

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

22 ~~5. "Combined" means assembled by combining two motor~~
23 ~~vehicles neither of which has been titled and branded as~~
24 ~~"Salvage Unrebuildable."~~

25 ~~5.6.~~ "Kit car" means a motor vehicle assembled with a
26 kit supplied by a manufacturer to rebuild a wrecked or
27 outdated motor vehicle with a new body kit.

28 ~~6.7.~~ "Glider kit" means a vehicle assembled with a kit
29 supplied by a manufacturer to rebuild a wrecked or outdated
30 truck or truck tractor.

31

1 ~~7.8.~~ "Replica" means a complete new motor vehicle
2 manufactured to look like an old vehicle.

3 ~~8.9.~~ "Flood vehicle" means a motor vehicle or mobile
4 home that has been declared to be a total loss pursuant to s.
5 319.30(3)(a) resulting from damage caused by water.

6 ~~9.10.~~ "Nonconforming vehicle" means a motor vehicle
7 which has been purchased by a manufacturer pursuant to a
8 settlement, determination, or decision under chapter 681.

9 ~~10.11.~~ "Settlement" means an agreement entered into
10 between a manufacturer and a consumer that occurs after a
11 dispute is submitted to a program, or an informal dispute
12 settlement procedure established by a manufacturer or is
13 approved for arbitration before the New Motor Vehicle
14 Arbitration Board as defined in s. 681.102.

15 (2) No person shall knowingly sell, exchange, or
16 transfer a vehicle referred to in subsection (1) without,
17 prior to consummating the sale, exchange, or transfer,
18 disclosing in writing to the purchaser, customer, or
19 transferee the fact that the vehicle has previously been
20 titled, registered, or used as a taxicab, police vehicle, or
21 short-term-lease vehicle or is a vehicle that is rebuilt or,
22 assembled from parts, ~~or combined~~, or is a kit car, glider
23 kit, replica, or flood vehicle, or is a nonconforming vehicle,
24 as the case may be.

25 (3) Any person who, with intent to offer for sale or
26 exchange any vehicle referred to in subsection (1), knowingly
27 or intentionally advertises, publishes, disseminates,
28 circulates, or places before the public in any communications
29 medium, whether directly or indirectly, any offer to sell or
30 exchange the vehicle shall clearly and precisely state in each
31 such offer that the vehicle has previously been titled,

1 registered, or used as a taxicab, police vehicle, or
2 short-term-lease vehicle or that the vehicle or mobile home is
3 a vehicle that is rebuilt or assembled from parts, ~~or~~
4 ~~combined~~, or is a kit car, glider kit, replica, or flood
5 vehicle, or a nonconforming vehicle, as the case may be. Any
6 person who violates this subsection is guilty of a misdemeanor
7 of the second degree, punishable as provided in s. 775.082 or
8 s. 775.083.

9 (6) Any person who removes a rebuilt decal from a
10 rebuilt vehicle or who knowingly possesses a rebuilt vehicle
11 from which a rebuilt decal has been removed is guilty of a
12 felony of the third degree punishable as provided in s.
13 775.082, s. 775.083, or s. 775.084.

14 Section 7. Paragraph (c) of subsection (3) of section
15 319.23, Florida Statutes, is amended to read:

16 319.23 Application for, and issuance of, certificate
17 of title.--

18 (3) If a certificate of title has not previously been
19 issued for a motor vehicle or mobile home in this state, the
20 application, unless otherwise provided for in this chapter,
21 shall be accompanied by a proper bill of sale or sworn
22 statement of ownership, or a duly certified copy thereof, or
23 by a certificate of title, bill of sale, or other evidence of
24 ownership required by the law of the state or county from
25 which the motor vehicle or mobile home was brought into this
26 state. The application shall also be accompanied by:

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

1 ~~complete vehicle description to include the vehicle~~
2 ~~identification or engine number, year make, color, selling~~
3 ~~price, and signatures of the seller and purchaser.~~

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

10 Section 8. Paragraph (a) of subsection (1) of section
11 319.28, Florida Statutes, is amended to read:

12 319.28 Transfer of ownership by operation of law.--

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

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

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

11 319.30 Definitions; dismantling, destruction, change
12 of identity of motor vehicle or mobile home; salvage.--

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

14 (e) "Major component parts" means:

15 1. For motor vehicles other than motorcycles: the
16 front-end assembly, fenders, hood, grill, bumper, cowl
17 assembly, rear body section, both quarter panels, decklid,
18 bumper, floor pan, door assemblies, engine, frame,
19 transmission, dashboard, hard-top roof, sunroof, t-top,
20 airbag, wheels, windshield, and interior.

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

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

5 (3)

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

1 destruction shall be reassignable a maximum of two times
2 before dismantling or destruction of the vehicle shall be
3 required, and shall accompany the motor vehicle or mobile home
4 for which it is issued, when such motor vehicle or mobile home
5 is sold for such purposes, in lieu of a certificate of title,
6 and, thereafter, the department shall refuse issuance of any
7 certificate of title for that vehicle. Nothing in this
8 subsection shall be applicable when a vehicle is worth less
9 than \$1,500 retail in undamaged condition in any official used
10 motor vehicle guide or used mobile home guide. An insurer
11 paying a total loss claim may obtain a certificate of
12 destruction for such vehicle. ~~or~~ When a stolen motor vehicle
13 or mobile home is recovered in substantially intact condition
14 and is readily resalable without extensive repairs to or
15 replacement of the frame or engine, the insurer shall obtain a
16 certificate of title in its own name before the vehicle may be
17 sold or transferred. Any person who willfully and deliberately
18 violates this paragraph or falsifies any document to avoid the
19 requirements of this paragraph commits a misdemeanor of the
20 first degree, punishable as provided in s. 775.082 or s.
21 775.083.

22 Section 10. Paragraph (b) of subsection (1) of section
23 320.01, Florida Statutes, is amended to read:

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

26 (1) "Motor vehicle" means:

27 (b) A recreational vehicle-type unit primarily
28 designed as temporary living quarters for recreational,
29 camping, or travel use, which either has its own motive power
30 or is mounted on or drawn by another vehicle. Recreational
31 vehicle-type units, when traveling on the public roadways of

1 this state, must comply with the length and width provisions
2 of s. 316.515, as that section may hereafter be amended. As
3 defined below, the basic entities are:

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

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

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

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

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

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

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

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

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

31

1 Section 11. Subsections (5) and (7) of section
2 320.023, Florida Statutes, are amended to read:

3 320.023 Requests to establish voluntary checkoff on
4 motor vehicle registration application.--

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

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

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

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

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

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

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

13 Section 12. Subsections (1) and (2) of section
14 320.025, Florida Statutes, are amended to read:

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

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

1 reflect the fictitious identity of the owner or lessee until
2 such time as the license plate and registration certificate
3 are surrendered to it.

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

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

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

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

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

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

21 Section 14. Subsection (5) of section 320.055, Florida
22 Statutes, is amended to read:

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

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

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

9 Section 15. Paragraphs (b) and (c) of subsection (1)
10 of section 320.06, Florida Statutes, are amended to read:

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

13 (1)

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

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

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

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

8 Section 16. Paragraphs (h) and (i) are added to
9 subsection (2) of section 320.072, Florida Statutes, to read:

10 320.072 Additional fee imposed on certain motor
11 vehicle registration transactions.--

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

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

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

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

23 Section 17. Subsection (6) of section 320.0805,
24 Florida Statutes, is amended to read:

25 320.0805 Personalized prestige license plates.--

26 (6) A personalized prestige license plate shall be
27 issued for the exclusive continuing use of the applicant. An
28 exact duplicate of any plate may not be issued to any other
29 applicant during the same registration period. An exact
30 duplicate may not be issued for any succeeding year unless the
31 previous owner of a specific plate relinquishes it by failure

1 to apply for renewal or reissuance for 1 year following the
2 last year of issuance ~~three consecutive annual registration~~
3 ~~periods following the original year of issuance.~~

4 Section 18. Paragraph (c) of subsection (8) of section
5 320.08056, Florida Statutes, is amended to read:

6 320.08056 Specialty license plates.--

7 (8)

8 (c) The requirements of paragraph (a) shall not apply
9 to collegiate specialty license plates authorized in s.

10 320.08058(3), and (13), (21), and (26).

11 Section 19. Subsections (1) and (2) of section
12 320.08062, Florida Statutes, are amended to read:

13 320.08062 Audits and attestation required; annual use
14 fees of specialty license plates.--

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

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

31

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

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

20 320.083 Amateur radio operators; special license
21 plates; fees.--

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

1 (a) The license tax required for the vehicle, as
2 prescribed by s. 320.08(2), (3)(a), (b), or (c), (4)(a), (b),
3 (c), (d), (e), or (f), or (9); and
4 (b) An initial additional fee of \$5, and an additional
5 fee of \$1.50 thereafter.
6 Section 21. Subsections (2) and (3) of section
7 320.089, Florida Statutes, are amended to read:
8 320.089 Members of National Guard and active United
9 States Armed Forces reservists; former prisoners of war;
10 survivors of Pearl Harbor; Purple Heart medal recipients;
11 special license plates; fee.--
12 (2) Each owner or lessee of an automobile or truck for
13 private use, truck weighing not more than 7,999 ~~5,000~~ pounds,
14 or recreational vehicle as specified in s. 320.08(9)(c) or
15 (d), which is not used for hire or commercial use, who is a
16 resident of the state and who is a former prisoner of war, or
17 their unremarried surviving spouse, shall, upon application
18 therefor to the department, be issued a license plate as
19 provided in s. 320.06, on which license plate are stamped the
20 words "Ex-POW" followed by the serial number. Each application
21 shall be accompanied by proof that the applicant meets the
22 qualifications specified in paragraph (a) or paragraph (b).
23 (a) A citizen of the United States who served as a
24 member of the Armed Forces of the United States or the armed
25 forces of a nation allied with the United States who was held
26 as a prisoner of war at such time as the Armed Forces of the
27 United States were engaged in combat, or their unremarried
28 surviving spouse, may be issued the special license plate
29 provided for in this subsection without payment of the license
30 tax imposed by s. 320.08.
31

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

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

22 Section 22. Paragraph (c) of subsection (1) and
23 subsection (7) of section 320.27, Florida Statutes, are
24 amended to read:

25 320.27 Motor vehicle dealers.--

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

30 (c) "Motor vehicle dealer" means any person engaged in
31 the business of buying, selling, or dealing in motor vehicles

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

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

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

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

26 4. "Motor vehicle auction" means any person offering
27 motor vehicles or recreational vehicles for sale to the
28 highest bidder where ~~both sellers and~~ buyers are licensed
29 motor vehicle dealers. Such person shall not sell a vehicle to
30 anyone other than a licensed motor vehicle dealer.

31

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

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

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

7 Section 23. Subsection (4) of section 322.05, Florida
8 Statutes, is amended to read:

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

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

26 Section 24. Subsections (5) and (7) of section
27 322.081, Florida Statutes, are amended to read:

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

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

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

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

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

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

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

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

1 attestation ~~audit or report~~ must be submitted to the
2 department for review within 9 months ~~180 days~~ after the end
3 of the organization's fiscal year.

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

7 Section 25. Subsections (2) and (3) of section
8 322.126, Florida Statutes, are amended to read:

9 322.126 Report of disability to department; content;
10 use.--

11 (2) Any physician, health care professional,~~person,~~
12 ~~or agency,~~ or two family members having knowledge of any
13 licensed driver's or applicant's mental or physical disability
14 to drive or need to obtain or to wear a medical identification
15 bracelet is authorized to report such knowledge to the
16 Department of Highway Safety and Motor Vehicles. A person may
17 report a driver to any law enforcement agency in a sworn
18 statement. The law enforcement agency may investigate the
19 basis of the report and determine if the driver should be
20 reported to the department.The report should be made in
21 writing giving the full name, date of birth, address, and a
22 description of the alleged disability of any person over 15
23 years of age having mental or physical disorders that could
24 affect his or her driving ability.

25 (3) The reports authorized by this section shall be
26 confidential and exempt from the provisions of s. 119.07(1)
27 and shall be used solely for the purpose of determining the
28 qualifications of any person to operate a motor vehicle on the
29 highways of this state. No civil or criminal action may be
30 brought against any physician, person, or agency that ~~who~~
31 provides the information required herein.

1 Section 26. Section 322.222, Florida Statutes, is
2 created to read:

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

8 Section 27. Subsection (7) of section 322.25, Florida
9 Statutes, is amended to read:

10 322.25 When court to forward license to department and
11 report convictions; temporary reinstatement of driving
12 privileges.--

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

31

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 28. 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

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

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

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

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

31

1 322.271 until 30 days have elapsed from the date of the
2 arrest.

3 Section 29. Subsection (5) of section 322.27, Florida
4 Statutes, is amended to read:

5 322.27 Authority of department to suspend or revoke
6 license.--

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

14 Section 30. Subsection (2) of section 322.28, Florida
15 Statutes, is amended to read:

16 322.28 Period of suspension or revocation.--

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

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

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

28 2. Upon a second conviction within a period of 5 years
29 from the date of a prior conviction for a violation of the
30 provisions of s. 316.193 or former s. 316.1931 or a
31

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

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

9
10 For the purposes of this paragraph, a previous conviction
11 outside this state for driving under the influence, driving
12 while intoxicated, driving with an unlawful blood-alcohol
13 level, or any other alcohol-related or drug-related traffic
14 offense similar to the offense of driving under the influence
15 as proscribed by s. 316.193 will be considered a previous
16 conviction for violation of s. 316.193, and a conviction for
17 violation of former s. 316.028, former s. 316.1931, or former
18 s. 860.01 is considered a conviction for violation of s.
19 316.193.

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

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

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

31

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

24 Section 31. Section 322.282, Florida Statutes, is
25 repealed.

26 Section 32. Subsection (3) is added to section
27 322.292, Florida Statutes, to read:

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

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

1 Section 33. Section 322.331, Florida Statutes, is
2 repealed.

3 Section 34. Subsections (8), (9), and (10) are added
4 to section 322.61, Florida Statutes, to read:

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

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

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

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

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

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

1 49 U.S.C. 5101 et. seq., or while operating motor vehicles
2 designed to transport more than 15 passengers, including the
3 driver.
4 (9) A driver who is convicted of operating a CMV in
5 violation of Federal, State, or local law or regulation
6 pertaining to one of the following six offenses at a
7 railroad-highway grade crossing must be disqualified for the
8 period of time specified in subsection (10):
9 (a) For drivers who are not always required to stop,
10 failing to slow down and check that the tracks are clear of
11 approaching trains;
12 (b) For drivers who are not always required to stop,
13 failing to stop before reaching the crossing if the tracks are
14 not clear;
15 (c) For drivers who are always required to stop,
16 failing to stop before driving onto the crossing;
17 (d) For all drivers, failing to have sufficient space
18 to drive completely through the crossing without stopping;
19 (e) For all drivers, failing to obey a traffic control
20 device or all the directions of an enforcement official at the
21 crossing;
22 (f) For all drivers, failing to negotiate a crossing
23 because of insufficient undercarriage clearance;
24 (10)(a) A driver must be disqualified for not less
25 than 60 days if the driver is convicted of a first violation
26 of a railroad-highway 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 a second railroad-highway grade crossing violation in
30 separate incidents.
31

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 a third or subsequent railroad-highway grade crossing
4 violation in separate incidents.

5 Section 35. Subsections (1) and (3) of section 322.64,
6 Florida Statutes, are amended to read:

7 322.64 Holder of commercial driver's license; driving
8 with unlawful blood-alcohol level; refusal to submit to
9 breath, urine, or blood test.--

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

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

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

11 Section 36. Paragraph (b) of subsection (3) of section
12 328.01, Florida Statutes, is amended to read:

13 328.01 Application for certificate of title.--

14 (3)

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

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

14

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

18 Section 37. Subsection (2) of section 328.42, Florida
19 Statutes, is amended to read:

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

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

28 Section 38. Section 328.56, Florida Statutes, is
29 amended to read:

30

31

1 328.56 Vessel registration number.--Each vessel that
2 is used on the waters of the state must display a ~~commercial~~
3 ~~or recreational~~ Florida registration number, unless it is:

4 (1) A vessel used exclusively on private lakes and
5 ponds.

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

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

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

9 (5) A federally documented vessel.

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

17 (7) A vessel operating under a valid temporary
18 certificate of number.

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

21 (9) An undocumented vessel used exclusively for
22 racing.

23 Section 39. Subsection (4) of section 328.72, Florida
24 Statutes, is amended to read:

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

28 (4) TRANSFER OF OWNERSHIP.--

29 ~~(a)~~ When the ownership of a registered vessel changes,
30 an application for transfer of registration shall be filed
31 with the county tax collector by the new owner within 30 days

1 with a fee of \$3.25. The county tax collector shall retain
2 \$2.25 of the fee and shall remit \$1 to the department. A
3 refund may not be made for any unused portion of a
4 registration period.

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

14 Section 40. Effective July 1, 2001, subsection (1) of
15 section 328.76, Florida Statutes, is amended to read:

16 328.76 Marine Resources Conservation Trust Fund;
17 vessel registration funds; appropriation and distribution.--

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

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

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

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

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

18 Section 41. Subsection (4) of section 713.78, Florida
19 Statutes, is amended to read:

20 713.78 Liens for recovering, towing, or storing
21 vehicles and documented vessels.--

22 (4)(a) Any person regularly engaged in the business of
23 recovering, towing, or storing vehicles or vessels who comes
24 into possession of a vehicle or vessel pursuant to subsection
25 (2), and who claims a lien for recovery, towing, or storage
26 services, shall give notice to the registered owner, the
27 insurance company insuring the vehicle notwithstanding the
28 provisions of s. 627.36, and ~~to~~ all persons claiming a lien
29 thereon, as disclosed by the records in the Department of
30 Highway Safety and Motor Vehicles or of a corresponding agency
31 in any other state.

1 (b) Whenever any law enforcement agency authorizes the
2 removal of a vehicle or whenever any towing service, garage,
3 repair shop, or automotive service, storage, or parking place
4 notifies the law enforcement agency of possession of a vehicle
5 pursuant to s. 715.07(2)(a)2., the applicable law enforcement
6 agency shall contact the Department of Highway Safety and
7 Motor Vehicles, or the appropriate agency of the state of
8 registration, if known, within 24 hours through the medium of
9 electronic communications, giving the full description of the
10 vehicle. Upon receipt of the full description of the vehicle,
11 the department shall search its files to determine the owner's
12 name, the insurance company insuring the vehicle, and whether
13 any person has filed a lien upon the vehicle as provided in s.
14 319.27(2) and (3) and notify the applicable law enforcement
15 agency within 72 hours. The person in charge of the towing
16 service, garage, repair shop, or automotive service, storage,
17 or parking place shall obtain such information from the
18 applicable law enforcement agency within 5 days from the date
19 of storage and shall give notice pursuant to subsection
20 (4)(a). The department may release the insurance company
21 information to the requestor notwithstanding the provisions of
22 s. 627.36.

23 (c)~~(b)~~ Notice by certified mail, return receipt
24 requested, shall be sent within 7 business days after the date
25 of storage of the vehicle or vessel to the registered owner,
26 the insurance company insuring the vehicle notwithstanding the
27 provisions of s. 627.36, and to all persons of record claiming
28 a lien against the vehicle or vessel. It shall state the fact
29 of possession of the vehicle or vessel, that a lien as
30 provided in subsection (2) is claimed, that charges have
31 accrued and the amount thereof, that the lien is subject to

1 enforcement pursuant to law, and that the owner or lienholder,
2 if any, has the right to a hearing as set forth in subsection
3 (5), and that any vehicle or vessel which remains unclaimed,
4 or for which the charges for recovery, towing, or storage
5 services remain unpaid, may be sold after 35 days free of all
6 prior liens.

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

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

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

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

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

1 5. Check of vehicle or vessel for inspection sticker
2 or other stickers and decals that may indicate a state of
3 possible registration.

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

7 7. Check of vehicle for vehicle identification number.

8 8. Check of vessel for vessel registration number.

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

15 Section 42. Section 715.05, Florida Statutes, is
16 repealed.

17 Section 43. Section 715.07, Florida Statutes, is
18 amended to read:

19 715.07 Vehicles and vessels parked on private
20 property; towing.--

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

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

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

28 (2) The owner or lessee of real property, or any
29 person authorized by the owner or lessee, which person may be
30 the designated representative of the condominium association
31 if the real property is a condominium, may cause any vehicle

1 or vessel parked on such property without her or his
2 permission to be removed by a person regularly engaged in the
3 business of towing vehicles or vessels, without liability for
4 the costs of removal, transportation, or storage or damages
5 caused by such removal, transportation, or storage, under any
6 of the following circumstances:

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

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

26 b. If no towing business providing such service is
27 located within the area of towing limitations set forth in
28 sub-subparagraph a., the following limitations apply: any
29 towed or removed vehicle or vessel must be stored at a site
30 within 20 miles of the point of removal in any county of
31

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

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

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

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

30 5. Except for property appurtenant to and obviously a
31 part of a single-family residence, and except for instances

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

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

18 b. The notice must clearly indicate, in not less than
19 2-inch high, light-reflective letters on a contrasting
20 background, that unauthorized vehicles or vessels will be
21 towed away at the owner's expense. The words "tow-away zone"
22 must be included on the sign in not less than 4-inch high
23 letters.

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

29 d. The sign structure containing the required notices
30 must be permanently installed with the words "tow-away zone"
31 not less than 3 feet and not more than 6 feet above ground

1 level and must be continuously maintained on the property for
2 not less than 24 hours prior to the towing or removal of any
3 vehicles or vessels.

4 e. The local government may require permitting and
5 inspection of these signs prior to any towing or removal of
6 vehicles or vessels being authorized.

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

13
14 A business owner or lessee may authorize the removal of a
15 vehicle or vessel by a towing company when the vehicle is
16 parked in such a manner that restricts the normal operation of
17 business; and if a vehicle or vessel parked on a public
18 right-of-way obstructs access to a private driveway the owner,
19 lessee, or agent may have the vehicle or vessel removed by a
20 towing company upon signing an order that the vehicle or
21 vessel be removed without a posted tow-away zone sign.

22 6. Any person or firm that tows or removes vehicles or
23 vessels and proposes to require an owner, operator, or person
24 in control of a vehicle or vessel to pay the costs of towing
25 and storage prior to redemption of the vehicle or vessel must
26 file and keep on record with the local law enforcement agency
27 a complete copy of the current rates to be charged for such
28 services and post at the storage site an identical rate
29 schedule and any written contracts with property owners,
30 lessees, or persons in control of property which authorize

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1 such person or firm to remove vehicles or vessels as provided
2 in this section.

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

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

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

1 or removing the vehicle or vessel must be given to the person
2 paying towing or storage charges at the time of payment,
3 whether requested or not.

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

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

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

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

23 ~~(6)(5)(a)~~ Any person who violates the provisions of
24 subparagraph (2)(a)2. or subparagraph (2)(a)6. commits is
25 ~~guilty of~~ a misdemeanor of the first degree, punishable as
26 provided in s. 775.082 or s. 775.083.

27 (b) Any person who violates the provisions of
28 subparagraph (2)(a)7. commits is guilty of a felony of the
29 third degree, punishable as provided in s. 775.082, s.
30 775.083, or s. 775.084.

31

1 Section 44. Subsection (3) is added to section 832.09,
2 Florida Statutes, to read:

3 832.09 Suspension of driver license after warrant or
4 capias is issued in worthless check case.--

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

12 Section 45. Except as otherwise provided herein, this
13 act shall take effect October 1, 2001.

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HOUSE SUMMARY

Revises various provisions of law with respect to the Department of Highway Safety and Motor Vehicles. Among other provisions the act:

1. Provides that described vehicles of the Department of Health are authorized emergency vehicles.
2. Requires strobe lights to be placed on the exterior of a commercial vehicle transporting unprocessed forest products extending more than 4 feet beyond the rear of the vehicle.
3. Authorizes emergency vehicles of the Department of Health to use red flashing lights.
4. Authorizes the Department of Highway Safety and Motor Vehicles to place a decal on a rebuilt vehicle so as to clarify its identity.
5. Conforms various provisions to the Florida Single Audit Act.
6. Conforms the vessel registration law to the motor vehicle registration law.
7. Revises various provisions relating to license plates.
8. Revises requirements for reporting a disability which would affect an individual's ability to drive a motor vehicle.
9. Clarifies the time period for a driver's license revocation for a habitual traffic offender.
10. Provides that DUI programs must be governmental programs or not-for-profit corporations.
11. Eliminates the terms "commercial" and "recreational" when referring to vessels operated on the waters of the state.
12. Authorizes the removal of an unauthorized vessel located on private property.

See bill for details.