

By the Committee on Transportation and 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; providing that a motorized scooter is  
7           not a motor vehicle for traffic control  
8           purposes; creating a definition of the term  
9           motorized scooter; amending s. 316.06, F.S.;  
10          authorizing the installation of multiparty stop  
11          signs on certain roads; providing guidelines  
12          for the installation of such signage; amending  
13          s. 316.1951, F.S.; revising provisions related  
14          to parking vehicles to display for sale;  
15          amending s. 316.1975, F.S.; exempting operators  
16          of solid waste and recovered materials vehicles  
17          from provisions regarding unattended motor  
18          vehicles; amending s. 316.2065, F.S.; providing  
19          motorized scooter operating regulations;  
20          amending s. 316.228, F.S.; requiring strobe  
21          lights to be placed on the exterior of a  
22          commercial vehicle transporting unprocessed  
23          forest products extending more than 4 feet  
24          beyond the rear of the vehicle; providing an  
25          alternate method for placing strobe lights in  
26          certain instances; requiring the use of a red  
27          flag on the load; amending s. 316.2397, F.S.;  
28          authorizing the emergency response vehicles of  
29          the Department of Health to use red flashing  
30          lights; amending s. 316.520, F.S.; clarifying  
31          that a violation of a provision governing loads

1 on vehicles is a moving rather than a nonmoving  
2 violation; amending s. 316.640, F.S.; revising  
3 the powers and duties of traffic crash  
4 investigation officers; amending s. 319.001,  
5 F.S.; providing definitions; amending s.  
6 319.14, F.S.; authorizing the Department of  
7 Highway Safety and Motor Vehicles to place a  
8 decal on a rebuilt vehicle so as to clarify its  
9 identity; providing a penalty for the removal  
10 of the decal; amending s. 319.23, F.S.;  
11 conforming the requirements for the transfer of  
12 ownership on an antique vehicle to that of any  
13 other motor vehicle; amending s. 319.28, F.S.;  
14 deleting the requirement that a copy of a  
15 contract for processing an application for  
16 title based on a contractual default be  
17 provided; amending s. 319.30, F.S.; clarifying  
18 the major component parts of a motor vehicle;  
19 amending s. 320.01, F.S.; conforming the length  
20 limitation for a motor home to that established  
21 in chapter 316, F.S.; providing that a  
22 motorized scooter is not a motor vehicle for  
23 registration purposes; amending s. 320.023,  
24 F.S.; conforming this section to the Florida  
25 Single Audit Act; amending s. 320.025, F.S.;  
26 conforming the vessel registration law to the  
27 motor vehicle registration law; requiring a  
28 decal to be affixed to a vessel that is  
29 registered under a fictitious name and operated  
30 by any law enforcement agency; amending s.  
31 320.05, F.S.; conforming the vessel

1 registration law to the motor vehicle  
2 registration law; providing instructions for  
3 the release of information regarding a vessel  
4 to the public; amending s. 320.055, F.S.;  
5 correcting the registration period for  
6 nonapportioned vehicles; amending s. 320.06,  
7 F.S.; providing for the placement of only one  
8 decal rather than two on a license plate;  
9 amending s. 320.072, F.S.; reducing the  
10 timeframe a registrant can use a previous  
11 license plate for the initial registration fee  
12 exemption; amending s. 320.0805, F.S.; reducing  
13 the timeframe for a personalized license plate  
14 to remain out of circulation prior to  
15 reassignment; amending s. 320.08056, F.S.;  
16 including two more colleges to the  
17 discontinuance exemptions provided for  
18 collegiate specialty license plates; amending  
19 s. 320.08062, F.S.; conforming this section to  
20 the Florida Single Audit Act; amending s.  
21 320.083, F.S.; increasing the weight  
22 restriction for a private-use vehicle so as to  
23 be eligible to apply for the Amateur Radio  
24 Operator specialty license plate; amending s.  
25 320.089, F.S.; increasing the weight  
26 restriction for a private-use vehicle so as to  
27 be eligible to apply for the EX-POW or Purple  
28 Heart specialty license plate; amending s.  
29 320.18, F.S.; providing for cancellation of  
30 license plates and fuel use tax decals for  
31 failure to pay motor carrier weight and safety

1 violation penalties; amending s. 320.27, F.S.;  
2 redefining the term "motor vehicle auction";  
3 deleting the requirement for a licensee to have  
4 the certificate of title or ownership indicia  
5 in his or her possession at an auction;  
6 deleting a requirement for establishing a  
7 pattern of wrongdoing; revising requirements  
8 for denial, suspension, or revocation of a  
9 motor vehicle dealer license; amending s.  
10 320.64, F.S.; providing additional grounds for  
11 denial, suspension, or revocation of vehicle  
12 manufacturer's license; amending s. 320.691,  
13 F.S.; creating the Automobile Dealers Industry  
14 Advisory Board; amending s. 322.01, F.S.;  
15 providing that a motorized scooter is not a  
16 motor vehicle for drivers' licensing purposes;  
17 amending s. 322.05, F.S.; correcting a  
18 statutory reference regarding the requirements  
19 for an individual under 18 years of age to  
20 apply for a driver's license; amending s.  
21 322.081, F.S.; conforming this section to the  
22 Florida Single Audit Act; amending s. 322.126,  
23 F.S.; revising the requirements for reporting a  
24 disability which could affect an individual's  
25 ability to drive a motor vehicle; creating s.  
26 322.222, F.S.; authorizing the Department of  
27 Highway Safety and Motor Vehicles to hold a  
28 hearing when an individual's driver's license  
29 has been suspended or revoked due to medical  
30 reasons; amending s. 322.25, F.S.; correcting a  
31 cross reference; amending s. 322.2615, F.S.;

1           complying with the USDOT's drunk driving  
2           prevention incentive program; reducing the  
3           timeframe for a temporary permit that is  
4           allotted when an individual is charged with  
5           driving with an unlawful blood-alcohol level;  
6           amending s. 322.27, F.S.; clarifying the time  
7           period for a driver's license revocation of a  
8           habitual traffic offender; amending s. 322.28,  
9           F.S.; deleting obsolete language regarding the  
10          revocation of a driver's license; repealing s.  
11          322.282, F.S., relating to the procedure when  
12          the court revokes or suspends license or  
13          driving privilege and orders reinstatement;  
14          amending s. 322.292, F.S.; adding the  
15          requirement that DUI programs must be  
16          governmental programs or not-for-profit  
17          corporations; amending s. 322.61, F.S.;  
18          complying with the Federal Motor Carrier Safety  
19          Regulations; adding two more violations for  
20          which a commercial motor vehicle may be  
21          disqualified of driving privileges; amending s.  
22          322.64, F.S.; reducing the timeframe for a  
23          temporary permit allotted when an individual  
24          holding a commercial driver's license is  
25          charged with an unlawful blood-alcohol level;  
26          repealing s. 322.331, F.S., relating to the  
27          reinstatement of a license of an habitual  
28          traffic offender; amending s. 324.091, F.S.;  
29          providing for electronic access to vehicle  
30          insurance information; amending s. 328.01,  
31          F.S.; deleting the requirement for a copy of a

1 contract upon which a claim of ownership of a  
2 vessel is made on a contractual default;  
3 amending s. 328.42, F.S.; authorizing the  
4 department to deny or cancel any vessel  
5 registration, license plate, or fuel use decal  
6 when given a dishonored check by the customer;  
7 amending s. 328.56, F.S.; deleting the terms  
8 "commercial" and "recreational" when referring  
9 to vessels operated on the waters of this  
10 state; amending s. 328.72, F.S.; deleting the  
11 requirements for the transfer of ownership of  
12 an antique vessel; amending s. 328.76, F.S.;  
13 providing for the appropriation allotted for  
14 fiscal year 2000-2001 to be deposited into the  
15 Highway Safety Operating Trust Fund; amending  
16 s. 713.78, F.S.; adding the insurance company  
17 to the list of individuals to be contacted when  
18 a vehicle has been towed; repealing s.  
19 681.1096(1), F.S., relating to the Pilot RV  
20 Mediation and Arbitration Program, and s.  
21 715.05, F.S., relating to the reporting of  
22 unclaimed motor vehicles; amending s. 715.07,  
23 F.S.; conforming the vessel registration law to  
24 the motor vehicle registration law; defining  
25 the term "vessel"; authorizing the removal of  
26 an undocumented vessel parked on private  
27 property; amending s. 832.09, F.S.; authorizing  
28 the department to create a standardized form to  
29 be used for notification of satisfaction of a  
30 worthless check; providing effective dates.  
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1 Be It Enacted by the Legislature of the State of Florida:

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

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

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

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

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

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

29 316.006 Jurisdiction.--Jurisdiction to control traffic  
30 is vested as follows:

31 (2) MUNICIPALITIES.--

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

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

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

23 2. The exercise of jurisdiction provided for herein  
24 shall be in addition to jurisdictional authority presently  
25 exercised by municipalities under law, and nothing in this  
26 paragraph shall be construed to limit or remove any such  
27 jurisdictional authority. Such jurisdiction includes  
28 regulation of access to such road or roads by security devices  
29 or personnel.

30 3. Any such agreement may provide for the installation  
31 of multiparty stop signs by the parties controlling the roads



1 covered by the agreement, if a determination is made by such  
2 parties that the signage will enhance traffic safety.  
3 Multiparty stop signs must conform to the manual and  
4 specifications of the Department of Transportation. However,  
5 minimum traffic volumes may not be required for the  
6 installation of such signage. Enforcement for the signs shall  
7 be as provided in s. 316.123.

8  
9 This subsection shall not limit those counties which have the  
10 charter powers to provide and regulate arterial, toll, and  
11 other roads, bridges, tunnels, and related facilities from the  
12 proper exercise of those powers by the placement and  
13 maintenance of traffic control devices which conform to the  
14 manual and specifications of the Department of Transportation  
15 on streets and highways located within municipal boundaries.

16 (3) COUNTIES.--

17 (a) Counties shall have original jurisdiction over all  
18 streets and highways located within their boundaries, except  
19 all state roads and those streets and highways specified in  
20 subsection (2), and may place and maintain such traffic  
21 control devices which conform to the manual and specifications  
22 of the Department of Transportation upon all streets and  
23 highways under their original jurisdiction as they shall deem  
24 necessary to indicate and to carry out the provisions of this  
25 chapter or to regulate, warn, or guide traffic.

26 (b) A county may exercise jurisdiction over any  
27 private road or roads, or over any limited access road or  
28 roads owned or controlled by a special district, located in  
29 the unincorporated area within its boundaries if the county  
30 and party or parties owning or controlling such road or roads  
31 provide, by written agreement approved by the governing body

1 of the county, for county traffic control jurisdiction over  
2 the road or roads encompassed by such agreement. Pursuant  
3 thereto:

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

9 2. Prior to entering into an agreement which provides  
10 for enforcement of the traffic laws of the state over a  
11 private road or roads, or over any limited access road or  
12 roads owned or controlled by a special district, the governing  
13 body of the county shall consult with the sheriff. No such  
14 agreement shall take effect prior to October 1, the beginning  
15 of the county fiscal year, unless this requirement is waived  
16 in writing by the sheriff.

17 3. The exercise of jurisdiction provided for herein  
18 shall be in addition to jurisdictional authority presently  
19 exercised by counties under law, and nothing in this paragraph  
20 shall be construed to limit or remove any such jurisdictional  
21 authority.

22 4. Any such agreement may provide for the installation  
23 of multiparty stop signs by the parties controlling the roads  
24 covered by the agreement, if a determination is made by such  
25 parties that the signage will enhance traffic safety.  
26 Multiparty stop signs must conform to the manual and  
27 specifications of the Department of Transportation. However,  
28 minimum traffic volumes may not be required for the  
29 installation of such signage. Enforcement for the signs shall  
30 be as provided in s. 316.123.

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1 Notwithstanding the provisions of subsection (2), each county  
2 shall have original jurisdiction to regulate parking, by  
3 resolution of the board of county commissioners and the  
4 erection of signs conforming to the manual and specifications  
5 of the Department of Transportation, in parking areas located  
6 on property owned or leased by the county, whether or not such  
7 areas are located within the boundaries of chartered  
8 municipalities.

9 Section 3. Effective July 1, 2001, subsection (4) of  
10 section 316.1951, Florida Statutes, is amended to read:

11 316.1951 Parking for certain purposes prohibited.--

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

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

28 316.1975 Unattended motor vehicle.--

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

30 (a) An authorized emergency vehicle while in the  
31 performance of official duties and the vehicle is equipped

1 with an activated antitheft device that prohibits the vehicle  
2 from being driven; ~~or~~

3 (b) A licensed delivery truck or other delivery  
4 vehicle while making deliveries; ~~or~~

5 (c) A solid waste or recovered materials vehicle while  
6 collecting such items.

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

9 316.2065 Bicycle and motorized scooter regulations.--

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

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

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

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

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

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

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

25 (f) A person operating a motorized scooter may not  
26 carry passengers.

27 (4) No person riding upon any bicycle, coaster, roller  
28 skates, sled, motorized scooter, or toy vehicle may attach the  
29 same or himself or herself to any vehicle upon a roadway. This  
30 subsection does not prohibit attaching a bicycle trailer or  
31 bicycle semitrailer to a bicycle if that trailer or

1 semitrailer is commercially available and has been designed  
2 for such attachment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 316.228 Lamps or flags on projecting load.--

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

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

9 Section 7. Subsection (9) of section 316.2397, Florida  
10 Statutes, is amended to read:

11 316.2397 Certain lights prohibited; exceptions.--

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

16 Section 8. Section 316.520, Florida Statutes, is  
17 amended to read:

18 316.520 Loads on vehicles.--

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

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

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

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

7 Section 9. Subsections (1), (2), and (3) of section  
8 316.640, Florida Statutes, are amended to read:

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

11 (1) STATE.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (2) COUNTIES.--

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

1 roads over which the county has jurisdiction pursuant to a  
2 written agreement entered into under s. 316.006(3)(b).

3 (b) The sheriff's office of each county may employ as  
4 a traffic crash investigation officer any individual who  
5 successfully completes at least 200 hours of instruction in  
6 traffic crash investigation and court presentation through the  
7 Selective Traffic Enforcement Program (STEP) as approved by  
8 the Criminal Justice Standards and Training Commission and  
9 funded through the National Highway Traffic Safety

10 Administration (NHTSA) or a similar program approved by the  
11 commission, but who does not necessarily otherwise meet the  
12 uniform minimum standards established by the commission for  
13 law enforcement officers or auxiliary law enforcement officers  
14 under chapter 943. Any such traffic crash investigation  
15 officer who makes an investigation at the scene of a traffic  
16 crash may issue traffic citations when, based upon personal  
17 investigation, he or she has reasonable and probable grounds  
18 to believe that a person who was involved in the crash has  
19 committed an offense under this chapter, chapter 319, chapter  
20 320, or chapter 322 in connection with the crash ~~accident~~.

21 This paragraph does not permit the carrying of firearms or  
22 other weapons, nor do such officers have arrest authority  
23 ~~other than for the issuance of a traffic citation as~~  
24 ~~authorized in this paragraph.~~

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

1 the commission for law enforcement officers or auxiliary or  
2 part-time officers under s. 943.12.

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

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

16 (3) MUNICIPALITIES.--

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

29 (b) The police department of a chartered municipality  
30 may employ as a traffic crash investigation officer any  
31 individual who successfully completes at least 200 hours of



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

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

30 2. A parking enforcement specialist employed by a  
31 chartered municipality or its authorized agency or

1 instrumentality is authorized to enforce all state, county,  
2 and municipal laws and ordinances governing parking within the  
3 boundaries of the municipality employing the specialist, by  
4 appropriate state, county, or municipal traffic citation.

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

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

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

13 319.001 Definitions.--As used in this chapter, the  
14 term:

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

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

19 (3)~~(2)~~ "Licensed dealer," unless otherwise  
20 specifically provided, means a motor vehicle dealer licensed  
21 under s. 320.27, a mobile home dealer licensed under s.  
22 320.77, or a recreational vehicle dealer licensed under s.  
23 320.771.

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

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

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

29 (7)~~(3)~~ "New mobile home" means a mobile home the  
30 equitable or legal title to which has never been transferred  
31

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

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

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

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

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

24 Section 11. Subsections (1), (2), and (3) of section  
25 319.14, Florida Statutes, are amended, subsections (6), (7),  
26 and (8) are renumbered as subsections (7), (8), and (9),  
27 respectively, and a new subsection (6) is added to said  
28 section, to read:

29 319.14 Sale of motor vehicles registered or used as  
30 taxicabs, police vehicles, lease vehicles, or rebuilt vehicles  
31 and nonconforming vehicles.--

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

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

1 kit, replica, or flood vehicle has been made to the department  
2 in accordance with this chapter and the department or its  
3 agent has conducted the physical examination of the vehicle to  
4 assure the identity of the vehicle and all major component  
5 parts, as defined in s. 319.30(1)(e), which have been repaired  
6 or replaced. Thereafter, the department shall affix a decal to  
7 the vehicle, in the manner prescribed by the department,  
8 showing the vehicle to be rebuilt.

9 (c) As used in this section:

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

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

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

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

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

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

30  
31

1           ~~5. "Combined" means assembled by combining two motor~~  
2 ~~vehicles neither of which has been titled and branded as~~  
3 ~~"Salvage Unrebuildable."~~

4           5.6. "Kit car" means a motor vehicle assembled with a  
5 kit supplied by a manufacturer to rebuild a wrecked or  
6 outdated motor vehicle with a new body kit.

7           ~~6.7.~~ "Glider kit" means a vehicle assembled with a kit  
8 supplied by a manufacturer to rebuild a wrecked or outdated  
9 truck or truck tractor.

10           ~~7.8.~~ "Replica" means a complete new motor vehicle  
11 manufactured to look like an old vehicle.

12           ~~8.9.~~ "Flood vehicle" means a motor vehicle or mobile  
13 home that has been declared to be a total loss pursuant to s.  
14 319.30(3)(a) resulting from damage caused by water.

15           ~~9.10.~~ "Nonconforming vehicle" means a motor vehicle  
16 which has been purchased by a manufacturer pursuant to a  
17 settlement, determination, or decision under chapter 681.

18           ~~10.11.~~ "Settlement" means an agreement entered into  
19 between a manufacturer and a consumer that occurs after a  
20 dispute is submitted to a program, or an informal dispute  
21 settlement procedure established by a manufacturer or is  
22 approved for arbitration before the New Motor Vehicle  
23 Arbitration Board as defined in s. 681.102.

24           (2) No person shall knowingly sell, exchange, or  
25 transfer a vehicle referred to in subsection (1) without,  
26 prior to consummating the sale, exchange, or transfer,  
27 disclosing in writing to the purchaser, customer, or  
28 transferee the fact that the vehicle has previously been  
29 titled, registered, or used as a taxicab, police vehicle, or  
30 short-term-lease vehicle or is a vehicle that is rebuilt or,  
31 assembled from parts, ~~or combined~~, or is a kit car, glider

1 kit, replica, or flood vehicle, or is a nonconforming vehicle,  
2 as the case may be.

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

18 (6) Any person who removes a rebuilt decal from a  
19 rebuilt vehicle or who knowingly possesses a rebuilt vehicle  
20 from which a rebuilt decal has been removed is guilty of a  
21 felony of the third degree punishable as provided in s.  
22 775.082, s. 775.083, or s. 775.084.

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

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

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

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

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

13  
14 Verification of the vehicle identification number is not  
15 required for any new motor vehicle; any mobile home; any  
16 trailer or semitrailer with a net weight of less than 2,000  
17 pounds; or any travel trailer, camping trailer, truck camper,  
18 or fifth-wheel recreation trailer.

19 Section 13. Paragraph (a) of subsection (1) of section  
20 319.28, Florida Statutes, is amended to read:

21 319.28 Transfer of ownership by operation of law.--

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



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

17 Section 14. Paragraphs (e) and (f) of subsection (1)  
18 and paragraph (b) of subsection (3) of section 319.30, Florida  
19 Statutes, are amended to read:

20 319.30 Definitions; dismantling, destruction, change  
21 of identity of motor vehicle or mobile home; salvage.--

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

23 (e) "Major component parts" means:

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

30 2. For trucks, in addition to 1. above: the truck  
31 bed.

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

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

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

13           (3)

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

1 certificate of destruction is sought. If the estimated costs  
2 of repairing the physical and mechanical damage to the vehicle  
3 are equal to 80 percent or more of the current retail cost of  
4 the vehicle, as established in any official used car or used  
5 mobile home guide, the department shall declare the vehicle  
6 unbuildable and print a certificate of destruction, which  
7 authorizes the dismantling or destruction of the motor vehicle  
8 or mobile home described therein. This certificate of  
9 destruction shall be reassignable a maximum of two times  
10 before dismantling or destruction of the vehicle shall be  
11 required, and shall accompany the motor vehicle or mobile home  
12 for which it is issued, when such motor vehicle or mobile home  
13 is sold for such purposes, in lieu of a certificate of title,  
14 and, thereafter, the department shall refuse issuance of any  
15 certificate of title for that vehicle. Nothing in this  
16 subsection shall be applicable when a vehicle is worth less  
17 than \$1,500 retail in undamaged condition in any official used  
18 motor vehicle guide or used mobile home guide. An insurer  
19 paying a total loss claim may obtain a certificate of  
20 destruction for such vehicle. ~~or~~ When a stolen motor vehicle  
21 or mobile home is recovered in substantially intact condition  
22 and is readily resalable without extensive repairs to or  
23 replacement of the frame or engine, the insurer shall obtain a  
24 certificate of title in its own name before the vehicle may be  
25 sold or transferred. Any person who willfully and deliberately  
26 violates this paragraph or falsifies any document to avoid the  
27 requirements of this paragraph commits a misdemeanor of the  
28 first degree, punishable as provided in s. 775.082 or s.  
29 775.083.

30 Section 15. Subsection (1) of section 320.01, Florida  
31 Statutes, is amended to read:

1           320.01 Definitions, general.--As used in the Florida  
2 Statutes, except as otherwise provided, the term:

3           (1) "Motor vehicle" means:

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

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

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

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

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

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

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

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

23           7. The "park trailer," which is a transportable unit  
24 which has a body width not exceeding 14 feet and which is  
25 built on a single chassis and is designed to provide seasonal  
26 or temporary living quarters when connected to utilities  
27 necessary for operation of installed fixtures and appliances.  
28 The total area of the unit in a setup mode, when measured from  
29 the exterior surface of the exterior stud walls at the level  
30 of maximum dimensions, not including any bay window, does not  
31 exceed 400 square feet when constructed to ANSI A-119.5

1 standards, and 500 square feet when constructed to United  
2 States Department of Housing and Urban Development Standards.  
3 The length of a park trailer means the distance from the  
4 exterior of the front of the body (nearest to the drawbar and  
5 coupling mechanism) to the exterior of the rear of the body  
6 (at the opposite end of the body), including any protrusions.

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

15 Section 16. Subsections (5), (6), and (7) of section  
16 320.023, Florida Statutes, are amended to read:

17 320.023 Requests to establish voluntary checkoff on  
18 motor vehicle registration application.--

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

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

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

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

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

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

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

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

1 to comply within 12 months after the voluntary contributions  
2 are withheld by the department, the proceeds shall be  
3 deposited into the Highway Safety Operating Trust Fund to  
4 offset department costs.

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

8 Section 17. Subsections (1) and (2) of section  
9 320.025, Florida Statutes, are amended to read:

10 320.025 Registration certificate and license plate  
11 issued under fictitious name; application.--

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

30 (2) Except as provided in subsection (1), any motor  
31 vehicle owned or exclusively operated by the state or any



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

8 Section 18. Subsections (1) and (2) of section 320.05,  
9 Florida Statutes, are amended read:

10 320.05 Records of the department; inspection  
11 procedure; lists and searches; fees.--

12 (1) Except as provided in ~~ss. s-119.07(3)~~ and  
13 320.025(3), the department may release records as provided in  
14 this section.

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

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

16 Section 19. Subsection (5) of section 320.055, Florida  
17 Statutes, is amended to read:

18 320.055 Registration periods; renewal periods.--The  
19 following registration periods and renewal periods are  
20 established:

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

1 320.08(4), (5)(a)1., (6)(b), or (14), the registration period  
2 begins December 1 and ends November 30. The renewal period is  
3 the 31-day period beginning December 1.

4 Section 20. Paragraphs (b) and (c) of subsection (1)  
5 of section 320.06, Florida Statutes, are amended to read:

6 320.06 Registration certificates, license plates, and  
7 validation stickers generally.--

8 (1)

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

1 stickers shall be issued based on the applicant's appropriate  
2 renewal period. The registration period shall be a period of  
3 12 months, and all expirations shall occur based on the  
4 applicant's appropriate registration period. A vehicle with  
5 an apportioned registration shall be issued an annual license  
6 plate and a cab card that denote the declared gross vehicle  
7 weight for each apportioned jurisdiction in which the vehicle  
8 is authorized to operate.

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

1 has the same owner's name and address as the vehicle to which  
2 the validation sticker was originally assigned.

3 Section 21. Paragraphs (h) and (i) are added to  
4 subsection (2) of section 320.072, Florida Statutes, to read:

5 320.072 Additional fee imposed on certain motor  
6 vehicle registration transactions.--

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

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

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

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

18 Section 22. Subsection (6) of section 320.0805,  
19 Florida Statutes, is amended to read:

20 320.0805 Personalized prestige license plates.--

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

30 Section 23. Paragraph (c) of subsection (8) of section  
31 320.08056, Florida Statutes, is amended to read:

1           320.08056 Specialty license plates.--

2           (8)

3           (c) The requirements of paragraph (a) shall not apply  
4 to collegiate specialty license plates authorized in s.  
5 320.08058(3), and (13), (21), and (26).

6           Section 24. Section 320.08062, Florida Statutes, is  
7 amended to read:

8           320.08062 Audits and attestation required; annual use  
9 fees of specialty license plates.--

10           (1)(a) All organizations that receive annual use fee  
11 proceeds from the department are responsible for ensuring that  
12 proceeds are used in accordance with ss. 320.08056 and  
13 320.08058.

14           ~~(b) All organizational recipients of any specialty~~  
15 ~~license plate annual use fee authorized in this chapter, not~~  
16 ~~otherwise subject to annual audit by the Office of the Auditor~~  
17 ~~General, shall submit an annual audit of the expenditures of~~  
18 ~~annual use fees and interest earned from these fees, 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 ss. 320.08056 and~~  
25 ~~320.08058.~~

26           **(b)(c) Any organization not subject to** ~~In lieu of an~~  
27 ~~annual audit pursuant to s. 215.97 shall, any organization~~  
28 ~~receiving less than \$25,000 in annual use fee proceeds~~  
29 ~~directly from the department, or from another state agency,~~  
30 ~~may annually attest report~~, under penalties of perjury, that  
31 such proceeds were used in compliance with ss. 320.08056 and

1 320.08058. The attestation shall be made annually in a form  
2 and format determined by the department.

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

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

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

26 Section 25. Subsection (1) of section 320.083, Florida  
27 Statutes, is amended to read:

28 320.083 Amateur radio operators; special license  
29 plates; fees.--

30 (1) A person who is the owner or lessee of an  
31 automobile or truck for private use, a truck weighing not more

1 than 7,999 ~~5,000~~ pounds, or a recreational vehicle as  
2 specified in s. 320.08(9)(c) or (d), which is not used for  
3 hire or commercial use; who is a resident of the state; and  
4 who holds a valid official amateur radio station license  
5 issued by the Federal Communications Commission shall be  
6 issued a special license plate upon application, accompanied  
7 by proof of ownership of such radio station license, and  
8 payment of the following tax and fees:  
9 (a) The license tax required for the vehicle, as  
10 prescribed by s. 320.08(2), (3)(a), (b), or (c), (4)(a), (b),  
11 (c), (d), (e), or (f), or (9); and  
12 (b) An initial additional fee of \$5, and an additional  
13 fee of \$1.50 thereafter.  
14 Section 26. Subsections (2) and (3) of section  
15 320.089, Florida Statutes, are amended to read:  
16 320.089 Members of National Guard and active United  
17 States Armed Forces reservists; former prisoners of war;  
18 survivors of Pearl Harbor; Purple Heart medal recipients;  
19 special license plates; fee.--  
20 (2) Each owner or lessee of an automobile or truck for  
21 private use, truck weighing not more than 7,999 ~~5,000~~ pounds,  
22 or recreational vehicle as specified in s. 320.08(9)(c) or  
23 (d), which is not used for hire or commercial use, who is a  
24 resident of the state and who is a former prisoner of war, or  
25 their unremarried surviving spouse, shall, upon application  
26 therefor to the department, be issued a license plate as  
27 provided in s. 320.06, on which license plate are stamped the  
28 words "Ex-POW" followed by the serial number. Each application  
29 shall be accompanied by proof that the applicant meets the  
30 qualifications specified in paragraph (a) or paragraph (b).  
31



1           (a) A citizen of the United States who served as a  
2 member of the Armed Forces of the United States or the armed  
3 forces of a nation allied with the United States who was held  
4 as a prisoner of war at such time as the Armed Forces of the  
5 United States were engaged in combat, or their unremarried  
6 surviving spouse, may be issued the special license plate  
7 provided for in this subsection without payment of the license  
8 tax imposed by s. 320.08.

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

17           (3) Each owner or lessee of an automobile or truck for  
18 private use, truck weighing not more than 7,999 ~~5,000~~ pounds,  
19 or recreational vehicle as specified in s. 320.08(9)(c) or  
20 (d), which is not used for hire or commercial use, who is a  
21 resident of this state and who is the unremarried surviving  
22 spouse of a recipient of the Purple Heart medal shall, upon  
23 application therefor to the department, with the payment of  
24 the required fees, be issued a license plate as provided in s.  
25 320.06, on which license plate are stamped the words "Purple  
26 Heart" and the likeness of the Purple Heart medal followed by  
27 the serial number. Each application shall be accompanied by  
28 proof that the applicant is the unremarried surviving spouse  
29 of a recipient of the Purple Heart medal.

30           Section 27. Subsection (1) of section 320.18, Florida  
31 Statutes, is amended to read:

1           320.18 Withholding registration.--  
2           (1) The department may withhold the registration of  
3 any motor vehicle or mobile home the owner of which has failed  
4 to register it under the provisions of law for any previous  
5 period or periods for which it appears registration should  
6 have been made in this state, until the tax for such period or  
7 periods is paid. The department may cancel any license plate  
8 or fuel-use tax decal if the owner pays for the license plate,  
9 fuel-use tax decal, or any tax liability, penalty, or interest  
10 specified in chapter 207 by a dishonored check, or if the  
11 vehicle owner or motor carrier has failed to pay a penalty for  
12 a weight or safety violation issued by the Department of  
13 Transportation Motor Carrier Compliance Office. The Department  
14 of Transportation and the Department of Highway Safety and  
15 Motor Vehicles may impound any commercial motor vehicle that  
16 has a canceled license plate or fuel-use tax decal until the  
17 tax liability, penalty, and interest specified in chapter 207,  
18 the license tax, or the fuel-use decal fee, and applicable  
19 administrative fees have been paid for by certified funds.

20           Section 28. Paragraph (c) of subsection (1) and  
21 subsections (7) and (9) of section 320.27, Florida Statutes,  
22 are amended to read:

23           320.27 Motor vehicle dealers.--

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

28           (c) "Motor vehicle dealer" means any person engaged in  
29 the business of buying, selling, or dealing in motor vehicles  
30 or offering or displaying motor vehicles for sale at wholesale  
31 or retail, or who may service and repair motor vehicles

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

1 selling, or dealing in motor vehicles pursuant to an agreement  
2 as defined in s. 320.60(1).

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

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

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

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

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

29 (7) CERTIFICATE OF TITLE REQUIRED.--For each used  
30 motor vehicle in the possession of a licensee and offered for  
31 sale by him or her, the licensee either shall have in his or

1 her possession or control a duly assigned certificate of title  
2 from the owner in accordance with the provisions of chapter  
3 319, from the time when the motor vehicle is delivered to the  
4 licensee and offered for sale by him or her until it has been  
5 disposed of by the licensee, or shall have reasonable indicia  
6 of ownership or right of possession, or shall have made proper  
7 application for a certificate of title or duplicate  
8 certificate of title in accordance with the provisions of  
9 chapter 319. A motor vehicle dealer may not sell or offer for  
10 sale a vehicle in his or her possession unless the dealer  
11 satisfies the requirements of this subsection. Reasonable  
12 indicia of ownership shall include a duly assigned certificate  
13 of title; in the case of a new motor vehicle, a manufacturer's  
14 certificate of origin issued to or reassigned to the dealer; a  
15 consignment contract between the owner and the dealer along  
16 with a secure power of attorney from the owner to the dealer  
17 authorizing the dealer to apply for a duplicate certificate of  
18 title and assign the title on behalf of the owner; a court  
19 order awarding title to the vehicle to the dealer; a salvage  
20 certificate of title; a photocopy of a duly assigned  
21 certificate of title being held by a financial institution as  
22 collateral for a business loan of money to the dealer ("floor  
23 plan"); a copy of a canceled check or other documentation  
24 evidencing that an outstanding lien on a vehicle taken in  
25 trade by a licensed dealer has been satisfied and that the  
26 certificate of title will be, but has not yet been, received  
27 by the dealer; a vehicle purchase order or installment  
28 contract for a specific vehicle identifying that vehicle as a  
29 trade-in on a replacement vehicle; or a duly executed odometer  
30 disclosure statement as required by Title IV of the Motor  
31 Vehicle Information and Cost Savings Act of 1972 (Pub. L. No.

1 92-513, as amended by Pub. L. No. 94-364 and Pub. L. No.  
2 100-561) and by 49 C.F.R. part 580 bearing the signatures of  
3 the titled owners of a traded-in vehicle.

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

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

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

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

25 (d) Representation that a demonstrator is a new motor  
26 vehicle, or the attempt to sell or the sale of a demonstrator  
27 as a new motor vehicle without written notice to the purchaser  
28 that the vehicle is a demonstrator. For the purposes of this  
29 section, a "demonstrator," a "new motor vehicle," and a "used  
30 motor vehicle" shall be defined as under s. 320.60.

31

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

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

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

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

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

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

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

30           (l) Violation of any of the provisions of s. 319.35 by  
31 any motor vehicle dealer.



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

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

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

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

16 (q) Conviction of a felony.

17 (r) Failure to continually meet the requirements of  
18 the licensure law.

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

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

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

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

22           Section 29. Subsection (24) is added to section  
23 320.64, Florida Statutes, to read:

24           320.64 Denial, suspension, or revocation of license;  
25 grounds.--A license may be denied, suspended, or revoked  
26 within the entire state or at any specific location or  
27 locations within the state at which the applicant or licensee  
28 engages or proposes to engage in business, upon proof that an  
29 applicant or licensee has failed to comply with any of the  
30 following provisions with sufficient frequency so as to  
31

1 establish a pattern of wrongdoing on the part of the  
2 applicant:

3 (24) The applicant or licensee has, directly or  
4 indirectly, competed with a motor vehicle dealer of the same  
5 line-make located in this state with which the applicant or  
6 licensee has entered into a franchise agreement, except as  
7 permitted in s. 320.645.

8  
9 A motor vehicle dealer who can demonstrate that a violation  
10 of, or failure to comply with, any of the preceding provisions  
11 by an applicant or licensee will or can adversely and  
12 pecuniarily affect the complaining dealer, shall be entitled  
13 to pursue all of the remedies, procedures, and rights of  
14 recovery available under ss. 320.695 and 320.697.

15 Section 30. Section 320.691, Florida Statutes, is  
16 created to read:

17 320.691 Automobile Dealers Industry Advisory Board.--

18 (1) AUTOMOBILE DEALERS INDUSTRY ADVISORY BOARD.--The  
19 Automobile Dealers Industry Advisory Board is created within  
20 the Department of Highway Safety and Motor Vehicles. The board  
21 shall make recommendations on proposed legislation, make  
22 recommendations on proposed rules and procedures, present  
23 licensed motor vehicle industry dealer issues to the  
24 department for its consideration, consider any matters  
25 relating to the motor vehicle industry presented to it by the  
26 department, and submit an annual report to the Executive  
27 Director of the department and file copies with the Governor,  
28 President of the Senate, and the Speaker of the House of  
29 Representatives.

30 (2) MEMBERSHIP, TERMS, MEETINGS.--  
31

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

26        (b)1. The Executive Director shall appoint the  
27 following initial members to 1-year terms: one representative  
28 from the motor vehicle auction industry who represents an  
29 auction chain, one representative from the independent motor  
30 vehicle industry, one representative from the franchise motor  
31 vehicle industry, one representative from the Department of

1 Revenue, one Florida Tax Collector, and one representative  
2 from the Better Business Bureau.

3 2. The Executive Director shall appoint the following  
4 initial members to 2-year terms: one representative from the  
5 motor vehicle auction industry who represents an independent  
6 auction, one representative from the independent motor vehicle  
7 industry, one representative from the franchise motor vehicle  
8 industry, one representative from the Division of Consumer  
9 Services, one representative from the insurance industry, and  
10 one representative from the Division of Motor Vehicles.

11 3. As the initial terms expire, the Executive Director  
12 shall appoint successors from the same designated category for  
13 terms of 2 years. If renominated, a member may succeed himself  
14 or herself.

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

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

25 (3) PER DIEM, TRAVEL, AND STAFFING.--Members of the  
26 board from the private sector are not entitled to per diem or  
27 reimbursement for travel expenses. However, members of the  
28 board from the public sector are entitled to reimbursement, if  
29 any, from their respective agency. Members of the board may  
30 request assistance from the Department of Highway Safety and  
31 Motor Vehicles as necessary.

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

3           322.01 Definitions.--As used in this chapter:

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

9           Section 32. Subsection (4) of section 322.05, Florida  
10 Statutes, is amended to read:

11           322.05 Persons not to be licensed.--The department may  
12 not issue a license:

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

28           Section 33. Subsections (5), (6), and (7) of section  
29 322.081, Florida Statutes, are amended to read:

30           322.081 Requests to establish voluntary checkoff on  
31 driver's license application.--

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

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

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

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

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

31

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

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

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

22            Section 34. Subsections (2) and (3) of section  
23 322.126, Florida Statutes, are amended to read:

24            322.126 Report of disability to department; content;  
25 use.--

26            (2) Any physician, health care professional, ~~person,~~  
27 ~~or agency,~~ or two family members having knowledge of any  
28 licensed driver's or applicant's mental or physical disability  
29 to drive or need to obtain or to wear a medical identification  
30 bracelet is authorized to report such knowledge to the  
31 Department of Highway Safety and Motor Vehicles. A person may



1 report a driver to any law enforcement agency in a sworn  
2 statement. The law enforcement agency may investigate the  
3 basis of the report and determine if the driver should be  
4 reported to the department.The report should be made in  
5 writing giving the full name, date of birth, address, and a  
6 description of the alleged disability of any person over 15  
7 years of age having mental or physical disorders that could  
8 affect his or her driving ability.

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

16 Section 35. Section 322.222, Florida Statutes, is  
17 created to read:

18 322.222 Right to review.--A driver may request an  
19 administrative hearing to review a revocation pursuant to s.  
20 322.221(3). The hearing shall be held in accordance with the  
21 department's administrative rules that the department shall  
22 have promulgated pursuant to chapter 120.

23 Section 36. Subsection (7) of section 322.25, Florida  
24 Statutes, is amended to read:

25 322.25 When court to forward license to department and  
26 report convictions; temporary reinstatement of driving  
27 privileges.--

28 (7) Any licensed driver convicted of driving, or being  
29 in the actual physical control of, a vehicle within this state  
30 while under the influence of alcoholic beverages, any chemical  
31 substance set forth in s. 877.111, or any substance controlled

1 under chapter 893, when affected to the extent that his or her  
2 normal faculties are impaired, and whose license and driving  
3 privilege have been revoked as provided in subsection (1) may  
4 be issued a court order for reinstatement of a driving  
5 privilege on a temporary basis; provided that, as a part of  
6 the penalty, upon conviction, the defendant is required to  
7 enroll in and complete a driver improvement course for the  
8 rehabilitation of drinking drivers and the driver is otherwise  
9 eligible for reinstatement of the driving privilege ~~as~~  
10 ~~provided by s. 322.282~~. The court order for reinstatement  
11 shall be on a form provided by the department and must be  
12 taken by the person convicted to a Florida driver's license  
13 examining office, where a temporary driving permit may be  
14 issued. The period of time for which a temporary permit issued  
15 in accordance with this subsection is valid shall be deemed to  
16 be part of the period of revocation imposed by the court.

17 Section 37. Subsections (1), (3), and (10) of section  
18 322.2615, Florida Statutes, are amended to read:

19 322.2615 Suspension of license; right to review.--

20 (1)(a) A law enforcement officer or correctional  
21 officer shall, on behalf of the department, suspend the  
22 driving privilege of a person who has been arrested by a law  
23 enforcement officer for a violation of s. 316.193, relating to  
24 unlawful blood-alcohol level or breath-alcohol level, or of a  
25 person who has refused to submit to a breath, urine, or blood  
26 test authorized by s. 316.1932. The officer shall take the  
27 person's driver's license and issue the person a 10-day ~~30-day~~  
28 temporary permit if the person is otherwise eligible for the  
29 driving privilege and shall issue the person a notice of  
30 suspension. If a blood test has been administered, the results  
31 of which are not available to the officer at the time of the

1 arrest, the agency employing the officer shall transmit such  
2 results to the department within 5 days after receipt of the  
3 results. If the department then determines that the person  
4 was arrested for a violation of s. 316.193 and that the person  
5 had a blood-alcohol level or breath-alcohol level of 0.08 or  
6 higher, the department shall suspend the person's driver's  
7 license pursuant to subsection (3).

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

11 1.a. The driver refused to submit to a lawful breath,  
12 blood, or urine test and his or her driving privilege is  
13 suspended for a period of 1 year for a first refusal or for a  
14 period of 18 months if his or her driving privilege has been  
15 previously suspended as a result of a refusal to submit to  
16 such a test; or

17 b. The driver violated s. 316.193 by driving with an  
18 unlawful blood-alcohol level as provided in that section and  
19 his or her driving privilege is suspended for a period of 6  
20 months for a first offense or for a period of 1 year if his or  
21 her driving privilege has been previously suspended for a  
22 violation of s. 316.193.

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

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

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

1 date of arrest or issuance of the notice of suspension,  
2 whichever is later.

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

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

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

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

1           (b) If the suspension of the driver's license of the  
2 person arrested for a violation of s. 316.193, relating to  
3 unlawful blood-alcohol level, is sustained, the person is not  
4 eligible to receive a license for business or employment  
5 purposes only pursuant to s. 322.271 until 30 days have  
6 elapsed after the expiration of the last temporary permit  
7 issued. If the driver is not issued a 10-day ~~30-day~~ permit  
8 pursuant to this section or s. 322.64 because he or she is  
9 ineligible for the permit and the suspension for a violation  
10 of s. 316.193, relating to unlawful blood-alcohol level, is  
11 not invalidated by the department, the driver is not eligible  
12 to receive a business or employment license pursuant to s.  
13 322.271 until 30 days have elapsed from the date of the  
14 arrest.

15           Section 38. Subsection (5) of section 322.27, Florida  
16 Statutes, is amended to read:

17           322.27 Authority of department to suspend or revoke  
18 license.--

19           (5) The department shall revoke the license of any  
20 person designated a habitual offender, as set forth in s.  
21 322.264, and such person shall not be eligible to be  
22 relicensed for ~~a minimum of~~ 5 years from the date of  
23 revocation, except as provided for in s. 322.271. Any person  
24 whose license is revoked may, by petition to the department,  
25 show cause why his or her license should not be revoked.

26           Section 39. Subsection (2) of section 322.28, Florida  
27 Statutes, is amended to read:

28           322.28 Period of suspension or revocation.--

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

31

1           (a) Upon conviction of the driver, the court, along  
2 with imposing sentence, shall revoke the driver's license or  
3 driving privilege of the person so convicted, effective on the  
4 date of conviction, and shall prescribe the period of such  
5 revocation in accordance with the following provisions:

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

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

15           3. Upon a third conviction within a period of 10 years  
16 from the date of conviction of the first of three or more  
17 convictions for the violation of the provisions of s. 316.193  
18 or former s. 316.1931 or a combination of such sections, the  
19 driver's license or driving privilege shall be revoked for not  
20 less than 10 years.

21  
22 For the purposes of this paragraph, a previous conviction  
23 outside this state for driving under the influence, driving  
24 while intoxicated, driving with an unlawful blood-alcohol  
25 level, or any other alcohol-related or drug-related traffic  
26 offense similar to the offense of driving under the influence  
27 as proscribed by s. 316.193 will be considered a previous  
28 conviction for violation of s. 316.193, and a conviction for  
29 violation of former s. 316.028, former s. 316.1931, or former  
30 s. 860.01 is considered a conviction for violation of s.  
31 316.193.

1           (b) If the period of revocation was not specified by  
2 the court at the time of imposing sentence or within 30 days  
3 thereafter, and is not otherwise specified by law, the  
4 department shall forthwith revoke the driver's license or  
5 driving privilege for the maximum period applicable under  
6 paragraph (a) for a first conviction and for the minimum  
7 period applicable under paragraph (a) for any subsequent  
8 convictions. The driver may, within 30 days after such  
9 revocation by the department, petition the court for further  
10 hearing on the period of revocation, and the court may reopen  
11 the case and determine the period of revocation within the  
12 limits specified in paragraph (a).

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

1 appropriate motion contesting the forfeiture is filed within  
2 the 20-day period.

3 ~~(d) When any driver's license or driving privilege has~~  
4 ~~been revoked pursuant to the provisions of this section, the~~  
5 ~~department shall not grant a new license, except upon~~  
6 ~~reexamination of the licensee after the expiration of the~~  
7 ~~period of revocation so prescribed. However, the court may,~~  
8 ~~in its sound discretion, issue an order of reinstatement on a~~  
9 ~~form furnished by the department which the person may take to~~  
10 ~~any driver's license examining office for reinstatement by the~~  
11 ~~department pursuant to s. 322.282.~~

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



1 similar alcohol-related or drug-related traffic offense  
2 outside this state is considered a conviction for the purposes  
3 of this paragraph.

4 Section 40. Section 322.282, Florida Statutes, is  
5 repealed.

6 Section 41. Subsection (3) is added to section  
7 322.292, Florida Statutes, to read:

8 322.292 DUI programs supervision; powers and duties of  
9 the department.--

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

12 Section 42. Section 322.331, Florida Statutes, is  
13 repealed.

14 Section 43. Subsections (8), (9), and (10) are added  
15 to section 322.61, Florida Statutes, to read:

16 322.61 Disqualification from operating a commercial  
17 motor vehicle.--

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

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

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

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

31

1       (d) Not less than 180 days nor more than 2 years if  
2 the driver is convicted of a first violation of an  
3 out-of-service order while transporting hazardous materials  
4 required to be placarded under the Hazardous Materials  
5 Transportation Act, 49 U.S.C. 5101 et. seq., or while  
6 operating motor vehicles designed to transport more than 15  
7 passengers, including the driver. A driver is disqualified  
8 for a period of not less than 3 years nor more than 5 years  
9 if, during any 10-year period, the driver is convicted of any  
10 subsequent violations of out-of-service orders, in separate  
11 incidents, while transporting hazardous materials required to  
12 be placarded under the Hazardous Materials Transportation Act,  
13 49 U.S.C. 5101 et. seq., or while operating motor vehicles  
14 designed to transport more than 15 passengers, including the  
15 driver.

16       (9) A driver who is convicted of operating a CMV in  
17 violation of Federal, State, or local law or regulation  
18 pertaining to one of the following six offenses at a  
19 railroad-highway grade crossing must be disqualified for the  
20 period of time specified in subsection (10):

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

24       (b) For drivers who are not always required to stop,  
25 failing to stop before reaching the crossing if the tracks are  
26 not clear;

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

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

31

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

4       (f) For all drivers, failing to negotiate a crossing  
5 because of insufficient undercarriage clearance;

6       (10)(a) A driver must be disqualified for not less  
7 than 60 days if the driver is convicted of a first violation  
8 of a railroad-highway grade crossing violation.

9       (b) A driver must be disqualified for not less than  
10 120 days if, during any 3-year period, the driver is convicted  
11 of a second railroad-highway grade crossing violation in  
12 separate incidents.

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

17       Section 44. Subsections (1) and (3) of section 322.64,  
18 Florida Statutes, are amended to read:

19       322.64 Holder of commercial driver's license; driving  
20 with unlawful blood-alcohol level; refusal to submit to  
21 breath, urine, or blood test.--

22       (1)(a) A law enforcement officer or correctional  
23 officer shall, on behalf of the department, disqualify from  
24 operating any commercial motor vehicle a person who while  
25 operating or in actual physical control of a commercial motor  
26 vehicle is arrested for a violation of s. 316.193, relating to  
27 unlawful blood-alcohol level or breath-alcohol level, or a  
28 person who has refused to submit to a breath, urine, or blood  
29 test authorized by s. 322.63 arising out of the operation or  
30 actual physical control of a commercial motor vehicle. Upon  
31 disqualification of the person, the officer shall take the

1 person's driver's license and issue the person a 10-day ~~30-day~~  
2 temporary permit if the person is otherwise eligible for the  
3 driving privilege and shall issue the person a notice of  
4 disqualification. If the person has been given a blood,  
5 breath, or urine test, the results of which are not available  
6 to the officer at the time of the arrest, the agency employing  
7 the officer shall transmit such results to the department  
8 within 5 days after receipt of the results. If the department  
9 then determines that the person was arrested for a violation  
10 of s. 316.193 and that the person had a blood-alcohol level or  
11 breath-alcohol level of 0.08 or higher, the department shall  
12 disqualify the person from operating a commercial motor  
13 vehicle pursuant to subsection (3).

14 (b) The disqualification under paragraph (a) shall be  
15 pursuant to, and the notice of disqualification shall inform  
16 the driver of, the following:

17 1.a. The driver refused to submit to a lawful breath,  
18 blood, or urine test and he or she is disqualified from  
19 operating a commercial motor vehicle for a period of 1 year,  
20 for a first refusal, or permanently, if he or she has  
21 previously been disqualified as a result of a refusal to  
22 submit to such a test; or

23 b. The driver violated s. 316.193 by driving with an  
24 unlawful blood-alcohol level and he or she is disqualified  
25 from operating a commercial motor vehicle for a period of 6  
26 months for a first offense or for a period of 1 year if he or  
27 she has previously been disqualified, or his or her driving  
28 privilege has been previously suspended, for a violation of s.  
29 316.193.

30  
31

1           2. The disqualification period shall commence on the  
2 date of arrest or issuance of notice of disqualification,  
3 whichever is later.

4           3. The driver may request a formal or informal review  
5 of the disqualification by the department within 10 days after  
6 the date of arrest or issuance of notice of disqualification,  
7 whichever is later.

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

11          5. The driver may submit to the department any  
12 materials relevant to the arrest.

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

23          Section 45. Section 324.091, Florida Statutes, is  
24 amended to read:

25           324.091 Notice to department; notice to insurer.--

26           (1) Each owner and operator involved in a crash or  
27 conviction case within the purview of this chapter shall  
28 furnish evidence of automobile liability insurance, motor  
29 vehicle liability insurance, or surety bond within 30 days  
30 from the date of the mailing of notice of crash by the  
31 department in such form and manner as it may designate. Upon

1 receipt of evidence that an automobile liability policy, motor  
2 vehicle liability policy, or surety bond was in effect at the  
3 time of the crash or conviction case, the department shall  
4 forward by United States mail, postage prepaid, to the insurer  
5 or surety insurer a copy of such information and shall assume  
6 that such policy or bond was in effect unless the insurer or  
7 surety insurer shall notify the department otherwise within 20  
8 days from the mailing of the notice to the insurer or surety  
9 insurer; provided that if the department shall later ascertain  
10 that an automobile liability policy, motor vehicle liability  
11 policy, or surety bond was not in effect and did not provide  
12 coverage for both the owner and the operator, it shall at such  
13 time take such action as it is otherwise authorized to do  
14 under this chapter. Proof of mailing to the insurer or surety  
15 insurer may be made by the department by naming the insurer or  
16 surety insurer to whom such mailing was made and specifying  
17 the time, place and manner of mailing.

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

24 (3) Electronic access to the vehicle insurer  
25 information maintained in the department's vehicle database  
26 may be provided by an approved third-party provider to  
27 insurers, lawyers, and financial institutions in compliance  
28 with s. 627.736(9)(a) and for subrogation and claims purposes  
29 only. The compilation and retention of this information is  
30 strictly prohibited.

31

1           Section 46. Paragraph (b) of subsection (3) of section  
2 328.01, Florida Statutes, is amended to read:  
3           328.01 Application for certificate of title.--  
4           (3)  
5           (b) If the application for transfer of title is based  
6 upon a contractual default, the recorded lienholder shall  
7 establish proof of right to ownership by submitting with the  
8 application the original certificate of title ~~and a copy of~~  
9 ~~the applicable contract upon which the claim of ownership is~~  
10 ~~made~~. If the claim is based upon a court order or judgment, a  
11 copy of such document shall accompany the application for  
12 transfer of title. If, on the basis of departmental records,  
13 there appears to be any other lien on the vessel, the  
14 certificate of title must contain a statement of such a lien,  
15 unless the application for a certificate of title is either  
16 accompanied by proper evidence of the satisfaction or  
17 extinction of the lien or contains a statement certifying that  
18 any lienholder named on the last-issued certificate of title  
19 has been sent notice by certified mail, at least 5 days before  
20 the application was filed, of the applicant's intention to  
21 seek a repossessed title. If such notice is given and no  
22 written protest to the department is presented by a subsequent  
23 lienholder within 15 days after the date on which the notice  
24 was mailed, the certificate of title shall be issued showing  
25 no liens. If the former owner or any subsequent lienholder  
26 files a written protest under oath within the 15-day period,  
27 the department shall not issue the repossessed certificate for  
28 10 days thereafter. If, within the 10-day period, no  
29 injunction or other order of a court of competent jurisdiction  
30 has been served on the department commanding it not to deliver  
31 the certificate, the department shall deliver the repossessed

1 certificate to the applicant, or as is otherwise directed in  
2 the application, showing no other liens than those shown in  
3 the application.

4  
5 The department shall adopt suitable language that must appear  
6 upon the certificate of title to effectuate the manner in  
7 which the interest in or title to the vessel is held.

8 Section 47. Subsection (2) of section 328.42, Florida  
9 Statutes, is amended to read:

10 328.42 Suspension or denial of a vessel registration  
11 due to child support delinquency; dishonored checks.--

12 (2) The department may deny or cancel any vessel  
13 registration, license plate, or fuel-use tax decal if the  
14 owner pays for the registration, license plate, fuel-use tax  
15 decal, or any tax liability, penalty, or interest specified in  
16 chapter 207 by a dishonored check if the owner pays for the  
17 registration by a dishonored check.

18 Section 48. Section 328.56, Florida Statutes, is  
19 amended to read:

20 328.56 Vessel registration number.--Each vessel that  
21 is used on the waters of the state must display a ~~commercial~~  
22 ~~or recreational~~ Florida registration number, unless it is:

23 (1) A vessel used exclusively on private lakes and  
24 ponds.

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

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

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

28 (5) A federally documented vessel.

29 (6) A vessel already covered by a registration number  
30 in full force and effect which has been awarded to it pursuant  
31 to a federally approved numbering system of another state or



1 by the United States Coast Guard in a state without a  
2 federally approved numbering system, if the vessel has not  
3 been within this state for a period in excess of 90  
4 consecutive days.

5 (7) A vessel operating under a valid temporary  
6 certificate of number.

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

9 (9) An undocumented vessel used exclusively for  
10 racing.

11 Section 49. Subsection (4) of section 328.72, Florida  
12 Statutes, is amended to read:

13 328.72 Classification; registration; fees and charges;  
14 surcharge; disposition of fees; fines; marine turtle  
15 stickers.--

16 (4) TRANSFER OF OWNERSHIP.--

17 ~~(a)~~ When the ownership of a registered vessel changes,  
18 an application for transfer of registration shall be filed  
19 with the county tax collector by the new owner within 30 days  
20 with a fee of \$3.25. The county tax collector shall retain  
21 \$2.25 of the fee and shall remit \$1 to the department. A  
22 refund may not be made for any unused portion of a  
23 registration period.

24 ~~(b) If a vessel is an antique as defined in subsection~~  
25 ~~(2), the application shall be accompanied by either a~~  
26 ~~certificate of title, a bill of sale and a registration, or a~~  
27 ~~bill of sale and an affidavit by the owner defending the title~~  
28 ~~from all claims. The bill of sale must contain a complete~~  
29 ~~vessel description to include the hull identification number~~  
30 ~~and engine number, if appropriate; the year, make, and color~~  
31

1 ~~of the vessel; the selling price; and the signatures of the~~  
2 ~~seller and purchaser.~~

3 Section 50. Effective July 1, 2001, subsection (1) of  
4 section 328.76, Florida Statutes, is amended to read:

5 328.76 Marine Resources Conservation Trust Fund;  
6 vessel registration funds; appropriation and distribution.--

7 (1) Except as otherwise specified and less \$1.4  
8 million for any administrative costs which shall be deposited  
9 in the Highway Safety Operating Trust Fund, in each fiscal  
10 year beginning on or after July 1, 2001, all funds collected  
11 from the registration of vessels through the Department of  
12 Highway Safety and Motor Vehicles and the tax collectors of  
13 the state, except for those funds designated for the use of  
14 the counties pursuant to s. 328.72(1), shall be deposited in  
15 the Marine Resources Conservation Trust Fund for recreational  
16 channel marking; public launching facilities; law enforcement  
17 and quality control programs; aquatic weed control; manatee  
18 protection, recovery, rescue, rehabilitation, and release; and  
19 marine mammal protection and recovery. The funds collected  
20 pursuant to s. 328.72(1) shall be transferred as follows:  
21 (a) In each fiscal year, an amount equal to \$1.50 for  
22 each vessel registered in this state shall be transferred to  
23 the Save the Manatee Trust Fund and shall be used only for the  
24 purposes specified in s. 370.12(4).  
25 (b) Two dollars from each noncommercial vessel  
26 registration fee, except that for class A-1 vessels, shall be  
27 transferred to the Invasive Plant Control Trust Fund for  
28 aquatic weed research and control.  
29 (c) Forty percent of the registration fees from  
30 commercial vessels shall be transferred to the Invasive Plant  
31 Control Trust Fund for aquatic plant research and control.

1 (d) Forty percent of the registration fees from  
2 commercial vessels shall be transferred by the Department of  
3 Highway Safety and Motor Vehicles, on a monthly basis, to the  
4 General Inspection Trust Fund of the Department of Agriculture  
5 and Consumer Services. These funds shall be used for shellfish  
6 and aquaculture law enforcement and quality control programs.

7 Section 51. Subsection (4) of section 713.78, Florida  
8 Statutes, is amended to read:

9 713.78 Liens for recovering, towing, or storing  
10 vehicles and ~~documented~~ vessels.--

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

21 (b) Whenever any law enforcement agency authorizes the  
22 removal of a vehicle or whenever any towing service, garage,  
23 repair shop, or automotive service, storage, or parking place  
24 notifies the law enforcement agency of possession of a vehicle  
25 pursuant to s. 715.07(2)(a)2., the applicable law enforcement  
26 agency shall contact the Department of Highway Safety and  
27 Motor Vehicles, or the appropriate agency of the state of  
28 registration, if known, within 24 hours through the medium of  
29 electronic communications, giving the full description of the  
30 vehicle. Upon receipt of the full description of the vehicle,  
31 the department shall search its files to determine the owner's

1 name, the insurance company insuring the vehicle, and whether  
2 any person has filed a lien upon the vehicle as provided in s.  
3 319.27(2) and (3) and notify the applicable law enforcement  
4 agency within 72 hours. The person in charge of the towing  
5 service, garage, repair shop, or automotive service, storage,  
6 or parking place shall obtain such information from the  
7 applicable law enforcement agency within 5 days from the date  
8 of storage and shall give notice pursuant to subsection  
9 (4)(a). The department may release the insurance company  
10 information to the requestor notwithstanding the provisions of  
11 s. 627.736.

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

27 (d)~~(e)~~ If attempts to locate the owner or lienholder  
28 prove unsuccessful, the towing-storage operator shall, after 7  
29 working days, excluding Saturday and Sunday, of the initial  
30 tow or storage, notify the public agency of jurisdiction in  
31 writing by certified mail or acknowledged hand delivery that

1 the towing-storage company has been unable to locate the owner  
2 or lienholder and a physical search of the vehicle or vessel  
3 has disclosed no ownership information and a good faith effort  
4 has been made. For purposes of this paragraph and, subsection  
5 (9), ~~and s. 715.05,~~ "good faith effort" means that the  
6 following checks have been performed by the company to  
7 establish prior state of registration and for title:  
8         1. Check of vehicle or vessel for any type of tag, tag  
9 record, temporary tag, or regular tag.  
10         2. Check of law enforcement report for tag number or  
11 other information identifying the vehicle or vessel, if the  
12 vehicle or vessel was towed at the request of a law  
13 enforcement officer.  
14         3. Check of trip sheet or tow ticket of tow truck  
15 operator to see if a tag was on vehicle at beginning of tow,  
16 if private tow.  
17         4. If there is no address of the owner on the impound  
18 report, check of law enforcement report to see if an  
19 out-of-state address is indicated from driver license  
20 information.  
21         5. Check of vehicle or vessel for inspection sticker  
22 or other stickers and decals that may indicate a state of  
23 possible registration.  
24         6. Check of the interior of the vehicle or vessel for  
25 any papers that may be in the glove box, trunk, or other areas  
26 for a state of registration.  
27         7. Check of vehicle for vehicle identification number.  
28         8. Check of vessel for vessel registration number.  
29         9. Check of vessel hull for a hull identification  
30 number which should be carved, burned, stamped, embossed, or  
31 otherwise permanently affixed to the outboard side of the

1 transom or, if there is no transom, to the outmost seaboard  
2 side at the end of the hull that bears the rudder or other  
3 steering mechanism.

4 Section 52. Subsection (1) of section 681.1096,  
5 Florida Statutes, and section 715.05, Florida Statutes, are  
6 repealed.

7 Section 53. Section 715.07, Florida Statutes, is  
8 amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

30           (3) This section does not apply to law enforcement,  
31 firefighting, rescue squad, ambulance, or other emergency

1 vehicles or vessels which are marked as such or to property  
2 owned by any governmental entity.

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

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

13 (6)~~(5)~~(a) Any person who violates the provisions of  
14 subparagraph (2)(a)2. or subparagraph (2)(a)6. commits is  
15 ~~guilty of~~ a misdemeanor of the first degree, punishable as  
16 provided in s. 775.082 or s. 775.083.

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

21 Section 54. Subsection (3) is added to section 832.09,  
22 Florida Statutes, to read:

23 832.09 Suspension of driver license after warrant or  
24 capias is issued in worthless check case.--

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

1           Section 55. Except as otherwise provided herein, this  
2 act shall take effect October 1, 2001.  
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