

By the Council for Ready Infrastructure and 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. 316.006, 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; exempting certain vehicles carrying
3 agricultural products; amending s. 316.640,
4 F.S.; revising the powers and duties of traffic
5 crash investigation officers; amending s.
6 316.650, F.S.; requiring the issuance of a copy
7 of the traffic school reference guide with
8 traffic citations under certain circumstances;
9 amending s. 318.14, F.S.; deleting reference to
10 a restriction on the number of elections a
11 person may make to attend a basic driver
12 improvement course; amending s. 318.1451, F.S.;
13 providing an assessment fee with respect to
14 driver improvement courses for persons who are
15 ordered by the court to attend and for certain
16 other violations; providing traffic school
17 reference guide requirements; amending s.
18 322.0261, F.S.; deleting reference to a time
19 period and increasing the amount of damage
20 required with respect to a crash for the
21 screening of certain crash reports; requiring
22 the Department of Highway Safety and Motor
23 Vehicles to approve and regulate certain
24 courses for driver improvement schools;
25 creating s. 322.02615, F.S.; providing for
26 mandatory driver improvement courses for
27 certain violations; amending s. 322.05, F.S.;
28 adding a condition for the issuance of a
29 driver's license to certain persons; amending
30 s. 319.001, F.S.; providing definitions;
31 amending s. 319.14, F.S.; authorizing the

1 Department of Highway Safety and Motor Vehicles
2 to place a decal on a rebuilt vehicle so as to
3 clarify its identity; providing a penalty for
4 the removal of the decal; amending s. 319.22,
5 F.S.; providing a limitation on an action
6 challenging the validity of a certificate of
7 title issued pursuant to ch. 319, F.S.;
8 amending s. 319.23, F.S.; providing a
9 limitation on the issuance of certain titles;
10 amending s. 319.27, F.S.; including reference
11 to ownership interest with respect to liens on
12 motor vehicles or mobile homes; providing
13 special requirements with respect to an
14 ownership interest which is different from that
15 shown on an application for certificate of
16 title; creating s. 319.275, F.S.; providing for
17 interpleader actions for law enforcement
18 officers alleging possession of a stolen motor
19 vehicle by a good faith purchaser or person
20 duly issued a certificate of title; amending s.
21 319.32, F.S.; clarifying fees for recording of
22 liens and ownership interests; amending s.
23 319.323, F.S.; revising language with respect
24 to expedited service on title transfers;
25 amending s. 319.23, F.S.; conforming the
26 requirements for the transfer of ownership on
27 an antique vehicle to that of any other motor
28 vehicle; amending s. 319.28, F.S.; deleting the
29 requirement that a copy of a contract for
30 processing an application for title based on a
31 contractual default be provided; amending s.

1 319.30, F.S.; clarifying the major component
2 parts of a motor vehicle; amending s. 320.01,
3 F.S.; conforming the length limitation for a
4 motor home to that established in ch. 316,
5 F.S.; providing that a motorized scooter is not
6 a motor vehicle for registration purposes;
7 defining the term "extended registration
8 period"; amending s. 320.055, F.S.; authorizing
9 an extended registration period for certain
10 motor vehicles; amending s. 320.06, F.S.;
11 providing terms and conditions for the issuance
12 of extended registrations; amending s. 320.07,
13 F.S.; providing for expiration of an extended
14 registration; amending s. 320.02, F.S.;
15 requiring application forms for motor vehicle
16 registration and renewal of registration to
17 include language permitting a voluntary
18 contribution to certain organizations; amending
19 s. 320.023, F.S.; requiring certain
20 organizations receiving voluntary check-off
21 contributions to notify the department under
22 certain circumstances and to meet specified
23 requirements; conforming the section to the
24 Florida Single Audit Act; requiring
25 organizations seeking authorization to
26 establish a voluntary check-off contribution on
27 a motor vehicle registration application to
28 conform to the requirements of ch. 496, F.S.;
29 conforming this section to the Florida Single
30 Audit Act; amending s. 320.025, Florida
31 Statutes, conforming the vessel registration

1 law to the motor vehicle registration law;
2 requiring a decal to be affixed to a vessel
3 that is registered under a fictitious name and
4 operated by any law enforcement agency;
5 amending s. 320.05, F.S.; conforming the vessel
6 registration law to the motor vehicle
7 registration law; providing instructions for
8 the release of information regarding a vessel
9 to the public; amending s. 320.055, F.S.;
10 correcting the registration period for
11 nonapportioned vehicles; amending s. 320.06,
12 F.S.; providing for the placement of only one
13 decal rather than two on a license plate;
14 amending s. 320.072, F.S.; reducing the
15 timeframe a registrant can use a previous
16 license plate for the initial registration fee
17 exemption; amending s. 320.0805, F.S.; reducing
18 the timeframe for a personalized license plate
19 to remain out of circulation prior to
20 reassignment; amending s. 320.08056, F.S.;
21 requiring certain organizations to notify the
22 department under certain circumstances;
23 including two more colleges to the
24 discontinuance exemptions provided for
25 collegiate specialty license plates; amending
26 s. 320.08062, F.S.; conforming this section to
27 the Florida Single Audit Act; amending s.
28 320.083, F.S.; increasing the weight
29 restriction for a private-use vehicle so as to
30 be eligible to apply for the Amateur Radio
31 Operator specialty license plate; amending s.

1 320.089, F.S.; increasing the weight
2 restriction for a private-use vehicle so as to
3 be eligible to apply for the EX-POW or Purple
4 Heart specialty license plate; amending s.
5 320.18, F.S.; providing for cancellation of
6 license plates and fuel use tax decals for
7 failure to pay motor carrier weight and safety
8 violation penalties; amending s. 320.27, F.S.;
9 redefining the term "motor vehicle auction";
10 deleting the requirement for a licensee to have
11 the certificate of title or ownership indicia
12 in his or her possession at an auction;
13 deleting a requirement for establishing a
14 pattern of wrongdoing; revising requirements
15 for denial, suspension, or revocation of a
16 motor vehicle dealer license; amending s.
17 320.64, F.S.; providing additional grounds for
18 denial, suspension, or revocation of vehicle
19 manufacturer's license; amending s. 320.691,
20 F.S.; creating the Automobile Dealers Industry
21 Advisory Board; amending s. 322.01, F.S.;
22 providing that a motorized scooter is not a
23 motor vehicle for drivers' licensing purposes;
24 amending s. 322.05, F.S.; correcting a
25 statutory reference regarding the requirements
26 for an individual under 18 years of age to
27 apply for a driver's license; amending s.
28 322.081, F.S.; requiring certain organizations
29 receiving voluntary check-off contributions to
30 notify the department under certain
31 circumstances and to meet specified

1 requirements; conforming the section to the
2 Florida Single Audit Act; requiring
3 organizations seeking authorization to
4 establish a voluntary contribution on a motor
5 vehicle registration to register with the
6 Department of Agriculture and Consumer
7 Services; amending s. 322.095, F.S.; requiring
8 the Department of Highway Safety and Motor
9 Vehicles to approve and regulate certain
10 courses for driver improvement schools;
11 creating s. 322.222, F.S.; authorizing the
12 Department of Highway Safety and Motor Vehicles
13 to hold a hearing when an individual's driver's
14 license has been suspended or revoked due to
15 medical reasons; amending s. 322.25, F.S.;
16 correcting a cross reference; amending s.
17 322.2615, F.S.; complying with the USDOT's
18 drunk driving prevention incentive program;
19 reducing the timeframe for a temporary permit
20 that is allotted when an individual is charged
21 with driving with an unlawful blood-alcohol
22 level; amending s. 322.27, F.S.; clarifying the
23 time period for a driver's license revocation
24 of a habitual traffic offender; amending s.
25 322.28, F.S.; deleting obsolete language
26 regarding the revocation of a driver's license;
27 repealing s. 322.282, F.S., relating to the
28 procedure when the court revokes or suspends
29 license or driving privilege and orders
30 reinstatement; amending s. 322.292, F.S.;
31 adding the requirement that DUI programs must

1 be governmental programs or not-for-profit
2 corporations; amending s. 322.61, F.S.;
3 complying with the Federal Motor Carrier Safety
4 Regulations; adding two more violations for
5 which a commercial motor vehicle may be
6 disqualified of driving privileges; amending s.
7 322.64, F.S.; reducing the timeframe for a
8 temporary permit allotted when an individual
9 holding a commercial driver's license is
10 charged with an unlawful blood-alcohol level;
11 repealing s. 322.331, F.S., relating to the
12 reinstatement of a license of a habitual
13 traffic offender; amending s. 324.091, F.S.;
14 providing for electronic access to vehicle
15 insurance information; amending s. 328.01,
16 F.S.; deleting the requirement for a copy of a
17 contract upon which a claim of ownership of a
18 vessel is made on a contractual default;
19 amending s. 328.42, F.S.; authorizing the
20 department to deny or cancel any vessel
21 registration, license plate, or fuel use decal
22 when given a dishonored check by the customer;
23 amending s. 328.56, F.S.; deleting the terms
24 "commercial" and "recreational" when referring
25 to vessels operated on the waters of this
26 state; amending s. 328.72, F.S.; deleting the
27 requirements for the transfer of ownership of
28 an antique vessel; amending s. 328.76, F.S.;
29 providing for the appropriation allotted for
30 fiscal year 2000-2001 to be deposited into the
31 Highway Safety Operating Trust Fund; amending

1 s. 713.78, F.S.; adding the insurance company
2 to the list of individuals to be contacted when
3 a vehicle has been towed; providing storage
4 periods before the expiration of which certain
5 salvaged vehicles may not be sold; repealing s.
6 715.05, F.S., relating to the reporting of
7 unclaimed motor vehicles; amending ss. 681.1096
8 and 681.1097, F.S.; revising program
9 requirements for the Pilot RV Mediation and
10 Arbitration program; amending s. 681.115, F.S.;
11 providing that a motor vehicle sales agreement
12 which prohibits disclosure of its terms is
13 void; amending s. 715.07, F.S.; conforming the
14 vessel registration law to the motor vehicle
15 registration law; defining the term "vessel";
16 authorizing the removal of an undocumented
17 vessel parked on private property; amending s.
18 832.09, F.S.; authorizing the department to
19 create a standardized form to be used for
20 notification of satisfaction of a worthless
21 check; amending s. 212.08, F.S.; providing
22 additional requirements on vehicle tax
23 assessments; creating ch. 261, F.S.; creating
24 the T. Mark Schmidt Off-Highway-Vehicle Safety
25 and Recreation Act; providing legislative
26 intent; providing definitions; creating the
27 Off-Highway-Vehicle Recreation Advisory
28 Committee; providing duties and
29 responsibilities; providing for duties and
30 responsibilities of the Department of
31 Agriculture and Consumer Services; providing

1 for rulemaking authority; providing for the
2 publication and distribution of a guidebook;
3 providing for the repair, maintenance, and
4 rehabilitation of areas, trails, and lands;
5 providing for contracts and agreements;
6 providing criteria for recreation areas and
7 trails; providing for the use of designated
8 off-highway-vehicle funds within the Incidental
9 Trust Fund of the Division of Forestry,
10 Department of Agriculture and Consumer
11 Services; amending s. 316.2074, F.S.; revising
12 the definition of the term "all-terrain
13 vehicle"; prohibiting the use of all-terrain
14 vehicles on public roadways in the state;
15 creating the Florida Off-Highway-Vehicle
16 Titling and Registration Act; providing
17 legislative intent; providing definitions;
18 providing for administration by the Department
19 of Highway Safety and Motor Vehicles; providing
20 for rules, forms, and notices; requiring
21 certificates of title; providing for
22 application for and issuance of certificates of
23 title; providing for duplicate certificates of
24 title; requiring the furnishing of a
25 manufacturer's statement of origin; requiring
26 registration; providing for application for and
27 issuance of certificate of registration,
28 registration number, and decal; providing for
29 the registration period and for reregistration
30 by mail; requiring notification of change of
31 interest and address; providing for duplicate

1 registration certificate and decal; providing
2 for fees; providing for disposition of fees;
3 providing for refusal to issue and authority to
4 cancel a certificate of title or registration;
5 providing for crimes relating to certificates
6 of title and registration decals; providing
7 penalties; providing for noncriminal
8 infractions; providing penalties; amending s.
9 375.315, F.S., relating to the registration of
10 off-road vehicles; providing an appropriation;
11 amending ss. 316.605, 318.14, 318.18, and
12 322.121, F.S.; correcting cross references;
13 providing effective dates.

14
15 Be It Enacted by the Legislature of the State of Florida:

16
17 Section 1. Subsections (1) and (21) of section
18 316.003, Florida Statutes, are amended, and subsection (82) is
19 added to said section, to read:

20 316.003 Definitions.--The following words and phrases,
21 when used in this chapter, shall have the meanings
22 respectively ascribed to them in this section, except where
23 the context otherwise requires:

24 (1) AUTHORIZED EMERGENCY VEHICLES.--Vehicles of the
25 fire department (fire patrol), police vehicles, and such
26 ambulances and emergency vehicles of municipal departments,
27 public service corporations operated by private corporations,
28 the Department of Environmental Protection, the Department of
29 Health, and the Department of Transportation as are designated
30 or authorized by their respective department or the chief of
31

1 police of an incorporated city or any sheriff of any of the
2 various counties.

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

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

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

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

15 (2) MUNICIPALITIES.--

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

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

1 for municipal traffic control jurisdiction over the road or
2 roads encompassed by such agreement. Pursuant thereto:

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

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

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

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

1 (3) COUNTIES.--

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

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

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

25 2. Prior to entering into an agreement which provides
26 for enforcement of the traffic laws of the state over a
27 private road or roads, or over any limited access road or
28 roads owned or controlled by a special district, the governing
29 body of the county shall consult with the sheriff. No such
30 agreement shall take effect prior to October 1, the beginning
31

1 of the county fiscal year, unless this requirement is waived
2 in writing by the sheriff.

3 3. The exercise of jurisdiction provided for herein
4 shall be in addition to jurisdictional authority presently
5 exercised by counties under law, and nothing in this paragraph
6 shall be construed to limit or remove any such jurisdictional
7 authority.

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

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

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

28 316.1951 Parking for certain purposes prohibited.--

29 (4) A law enforcement officer, compliance examiner, or
30 license inspector, or supervisor of the department, ~~as~~
31 ~~authorized in s. 320.58(1)(a),~~ may cause to be removed at the

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

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

14 316.1975 Unattended motor vehicle.--

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

16 (a) An authorized emergency vehicle while in the
17 performance of official duties and the vehicle is equipped
18 with an activated antitheft device that prohibits the vehicle
19 from being driven; ~~or~~

20 (b) A licensed delivery truck or other delivery
21 vehicle while making deliveries; or

22 (c) A solid waste or recovered materials vehicle while
23 collecting such items.

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

26 316.2065 Bicycle and motorized scooter regulations.--

27 (1) Every person propelling a vehicle by human power,
28 or operating a motorized scooter as defined in s. 316.003, has
29 all of the rights and all of the duties applicable to the
30 driver of any other vehicle under this chapter, except as to
31 special regulations in this chapter, and except as to

1 provisions of this chapter which by their nature can have no
2 application.

3 (2) A person operating a bicycle may not ride other
4 than upon or astride a permanent and regular seat attached
5 thereto.

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

10 (b) Except as provided in paragraph (a), a bicycle
11 rider must carry any passenger who is a child under 4 years of
12 age, or who weighs 40 pounds or less, in a seat or carrier
13 that is designed to carry a child of that age or size and that
14 secures and protects the child from the moving parts of the
15 bicycle.

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

19 (d) A bicycle rider or passenger who is under 16 years
20 of age must wear a bicycle helmet that is properly fitted and
21 is fastened securely upon the passenger's head by a strap, and
22 that meets the standards of the American National Standards
23 Institute (ANSI Z 90.4 Bicycle Helmet Standards), the
24 standards of the Snell Memorial Foundation (1984 Standard for
25 Protective Headgear for Use in Bicycling), or any other
26 nationally recognized standards for bicycle helmets adopted by
27 the department. As used in this subsection, the term
28 "passenger" includes a child who is riding in a trailer or
29 semitrailer attached to a bicycle.

30 (e) Law enforcement officers and school crossing
31 guards may issue a bicycle safety brochure and a verbal

1 warning to a bicycle rider or passenger who violates this
2 subsection. A bicycle rider or passenger who violates this
3 subsection may be issued a citation by a law enforcement
4 officer and assessed a fine for a pedestrian violation, as
5 provided in s. 318.18. The court shall dismiss the charge
6 against a bicycle rider or passenger for a first violation of
7 paragraph (d) upon proof of purchase of a bicycle helmet that
8 complies with this subsection.

9 (f) A person operating a motorized scooter may not
10 carry passengers.

11 (4) No person riding upon any bicycle, coaster, roller
12 skates, sled, motorized scooter, or toy vehicle may attach the
13 same or himself or herself to any vehicle upon a roadway. This
14 subsection does not prohibit attaching a bicycle trailer or
15 bicycle semitrailer to a bicycle if that trailer or
16 semitrailer is commercially available and has been designed
17 for such attachment.

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

23 1. When overtaking and passing another bicycle,
24 motorized scooter, or vehicle proceeding in the same
25 direction.

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

28 3. When reasonably necessary to avoid any condition,
29 including, but not limited to, a fixed or moving object,
30 parked or moving vehicle, bicycle, motorized scooter,
31 pedestrian, animal, surface hazard, or substandard-width lane,

1 that makes it unsafe to continue along the right-hand curb or
2 edge. For the purposes of this subsection, a
3 "substandard-width lane" is a lane that is too narrow for a
4 bicycle or motorized scooter and another vehicle to travel
5 safely side by side within the lane.

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

10 (6) Persons riding bicycles or motorized scooters upon
11 a roadway may not ride more than two abreast except on paths
12 or parts of roadways set aside for the exclusive use of
13 bicycles. Persons riding two abreast may not impede traffic
14 when traveling at less than the normal speed of traffic at the
15 time and place and under the conditions then existing and
16 shall ride within a single lane.

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

19 (8) Every bicycle or motorized scooter in use between
20 sunset and sunrise shall be equipped with a lamp on the front
21 exhibiting a white light visible from a distance of at least
22 500 feet to the front and a lamp and reflector on the rear
23 each exhibiting a red light visible from a distance of 600
24 feet to the rear. A bicycle or motorized scooter ~~its~~ rider
25 may be equipped with lights or reflectors in addition to those
26 required by this section.

27 (9) No parent of any minor child and no guardian of
28 any minor ward may authorize or knowingly permit any such
29 minor child or ward to violate any of the provisions of this
30 section.

31

1 (10) A person propelling a vehicle by human power or
2 operating a motorized scooter, upon and along a sidewalk, or
3 across a roadway upon and along a crosswalk, has all the
4 rights and duties applicable to a pedestrian under the same
5 circumstances.

6 (11) A person propelling a bicycle upon and along a
7 sidewalk, or across a roadway upon and along a crosswalk,
8 shall yield the right-of-way to any pedestrian and shall give
9 an audible signal before overtaking and passing such
10 pedestrian.

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

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

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

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

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

- 31 1. The child possesses a bicycle helmet; or

1 2. The lessor provides a bicycle helmet for the child
2 to wear.

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

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

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

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

20 (20) Except as otherwise provided in this section, a
21 violation of this section is a noncriminal traffic infraction,
22 punishable as a pedestrian violation as provided in chapter
23 318. A law enforcement officer may issue traffic citations for
24 a violation of subsection (3) or subsection (16) only if the
25 violation occurs on a bicycle path or road, as defined in s.
26 334.03. However, they may not issue citations to persons on
27 private property, except any part thereof which is open to the
28 use of the public for purposes of vehicular traffic.

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

31 316.228 Lamps or flags on projecting load.--

1 (2) Any commercial motor vehicle or trailer, ~~except as~~
2 ~~stated in s. 316.515(7)~~, transporting a load of unprocessed
3 logs ~~or, long~~ pulpwood, ~~poles, or posts~~ which load extends
4 ~~extend~~ more than 4 feet beyond the rear of the body or bed of
5 such vehicle, must have securely fixed as close as practical
6 to the end of any such projection one amber strobe-type lamp
7 equipped with a multidirectional type lens so mounted as to be
8 visible from the rear and both sides of the projecting load.
9 If the mounting of one strobe lamp cannot be accomplished so
10 that it is visible from the rear and both sides of the
11 projecting load, multiple strobe lights shall be utilized so
12 as to meet the visibility requirements of this subsection.The
13 strobe lamp must flash at a rate of at least 60 flashes per
14 minute and must be plainly visible from a distance of at least
15 500 feet to the rear and sides of the projecting load at any
16 time of the day or night. The lamp must be operating at any
17 time of the day or night when the vehicle is operated on any
18 highway or parked on the shoulder or immediately adjacent to
19 the traveled portion of any public roadway. The projecting
20 load shall also be marked with a red flag as described in
21 subsection (1).

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

24 316.2397 Certain lights prohibited; exceptions.--

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

29 Section 8. Section 316.520, Florida Statutes, is
30 amended to read:

31 316.520 Loads on vehicles.--

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

8 (2) It is the duty of every owner and driver,
9 severally, of any vehicle hauling, upon any public road or
10 highway open to the public, dirt, sand, lime rock, gravel,
11 silica, or other similar aggregate or trash, garbage, or any
12 similar material that could fall or blow from such vehicle, to
13 prevent such materials from falling, blowing, or in any way
14 escaping from such vehicle. Covering and securing the load
15 with a close-fitting tarpaulin or other appropriate cover is
16 required.

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

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

25 Section 9. Subsections (1), (2), and (3) of section
26 316.640, Florida Statutes, are amended to read:

27 316.640 Enforcement.--The enforcement of the traffic
28 laws of this state is vested as follows:

29 (1) STATE.--

30 (a)1.a. The Division of Florida Highway Patrol of the
31 Department of Highway Safety and Motor Vehicles, the Division

1 of Law Enforcement of the Fish and Wildlife Conservation
2 Commission, the Division of Law Enforcement of the Department
3 of Environmental Protection, and law enforcement officers of
4 the Department of Transportation each have authority to
5 enforce all of the traffic laws of this state on all the
6 streets and highways thereof and elsewhere throughout the
7 state wherever the public has a right to travel by motor
8 vehicle. The Division of the Florida Highway Patrol may employ
9 as a traffic accident investigation officer any individual who
10 successfully completes at least 200 hours of instruction in
11 traffic accident investigation and court presentation through
12 the Selective Traffic Enforcement Program as approved by the
13 Criminal Justice Standards and Training Commission and funded
14 through the National Highway Traffic Safety Administration or
15 a similar program approved by the commission, but who does not
16 necessarily meet the uniform minimum standards established by
17 the commission for law enforcement officers or auxiliary law
18 enforcement officers under chapter 943. Any such traffic
19 accident investigation officer who makes an investigation at
20 the scene of a traffic accident may issue traffic citations,
21 based upon personal investigation, when he or she has
22 reasonable and probable grounds to believe that a person who
23 was involved in the accident committed an offense under this
24 chapter, chapter 319, chapter 320, or chapter 322 in
25 connection with the accident. This paragraph does not permit
26 the carrying of firearms or other weapons, nor do such
27 officers have arrest authority ~~other than for the issuance of~~
28 ~~a traffic citation as authorized in this paragraph.~~

29 b. University police officers shall have authority to
30 enforce all of the traffic laws of this state when such
31 violations occur on or about any property or facilities that

1 are under the guidance, supervision, regulation, or control of
2 the State University System, except that traffic laws may be
3 enforced off-campus when hot pursuit originates on-campus.

4 c. Community college police officers shall have the
5 authority to enforce all the traffic laws of this state only
6 when such violations occur on any property or facilities that
7 are under the guidance, supervision, regulation, or control of
8 the community college system.

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

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

24 (II) A parking enforcement specialist employed by an
25 airport authority is authorized to enforce all state, county,
26 and municipal laws and ordinances governing parking only when
27 such violations are on property or facilities owned or
28 operated by the airport authority employing the specialist, by
29 appropriate state, county, or municipal traffic citation.

30 e. The Office of Agricultural Law Enforcement of the
31 Department of Agriculture and Consumer Services shall have the

1 authority to enforce traffic laws of this state only as
2 authorized by the provisions of chapter 570. However, nothing
3 in this section shall expand the authority of the Office of
4 Agricultural Law Enforcement at its agricultural inspection
5 stations to issue any traffic tickets except those traffic
6 tickets for vehicles illegally passing the inspection station.

7 f. School safety officers shall have the authority to
8 enforce all of the traffic laws of this state when such
9 violations occur on or about any property or facilities which
10 are under the guidance, supervision, regulation, or control of
11 the district school board.

12 2. An agency of the state as described in subparagraph
13 1. is prohibited from establishing a traffic citation quota. A
14 violation of this subparagraph is not subject to the penalties
15 provided in chapter 318.

16 3. Any disciplinary action taken or performance
17 evaluation conducted by an agency of the state as described in
18 subparagraph 1. of a law enforcement officer's traffic
19 enforcement activity must be in accordance with written
20 work-performance standards. Such standards must be approved by
21 the agency and any collective bargaining unit representing
22 such law enforcement officer. A violation of this subparagraph
23 is not subject to the penalties provided in chapter 318.

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

27 2.a. The Department of Transportation shall develop
28 training and qualifications standards for toll enforcement
29 officers whose sole authority is to enforce the payment of
30 tolls pursuant to s. 316.1001. Nothing in this subparagraph
31 shall be construed to permit the carrying of firearms or other

1 weapons, nor shall a toll enforcement officer have arrest
2 authority.

3 b. For the purpose of enforcing s. 316.1001,
4 governmental entities, as defined in s. 334.03, which own or
5 operate a toll facility may employ independent contractors or
6 designate employees as toll enforcement officers; however, any
7 such toll enforcement officer must successfully meet the
8 training and qualifications standards for toll enforcement
9 officers established by the Department of Transportation.

10 (2) COUNTIES.--

11 (a) The sheriff's office of each of the several
12 counties of this state shall enforce all of the traffic laws
13 of this state on all the streets and highways thereof and
14 elsewhere throughout the county wherever the public has the
15 right to travel by motor vehicle. In addition, the sheriff's
16 office may be required by the county to enforce the traffic
17 laws of this state on any private or limited access road or
18 roads over which the county has jurisdiction pursuant to a
19 written agreement entered into under s. 316.006(3)(b).

20 (b) The sheriff's office of each county may employ as
21 a traffic crash investigation officer any individual who
22 successfully completes at least 200 hours of instruction in
23 traffic crash investigation and court presentation through the
24 Selective Traffic Enforcement Program (STEP) as approved by
25 the Criminal Justice Standards and Training Commission and
26 funded through the National Highway Traffic Safety
27 Administration (NHTSA) or a similar program approved by the
28 commission, but who does not necessarily otherwise meet the
29 uniform minimum standards established by the commission for
30 law enforcement officers or auxiliary law enforcement officers
31 under chapter 943. Any such traffic crash investigation

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

11 (c) The sheriff's office of each of the several
12 counties of this state may employ as a parking enforcement
13 specialist any individual who successfully completes a
14 training program established and approved by the Criminal
15 Justice Standards and Training Commission for parking
16 enforcement specialists, but who does not necessarily
17 otherwise meet the uniform minimum standards established by
18 the commission for law enforcement officers or auxiliary or
19 part-time officers under s. 943.12.

20 1. A parking enforcement specialist employed by the
21 sheriff's office of each of the several counties of this state
22 is authorized to enforce all state and county laws,
23 ordinances, regulations, and official signs governing parking
24 within the unincorporated areas of the county by appropriate
25 state or county citation and may issue such citations for
26 parking in violation of signs erected pursuant to s.
27 316.006(3) at parking areas located on property owned or
28 leased by a county, whether or not such areas are within the
29 boundaries of a chartered municipality.

30
31

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

4 (3) MUNICIPALITIES.--

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

17 (b) The police department of a chartered municipality
18 may employ as a traffic crash investigation officer any
19 individual who successfully completes at least 200 hours of
20 instruction in traffic crash investigation and court
21 presentation through the Selective Traffic Enforcement Program
22 (STEP) as approved by the Criminal Justice Standards and
23 Training Commission and funded through the National Highway
24 Traffic Safety Administration (NHTSA) or a similar program
25 approved by the commission, but who does not otherwise meet
26 the uniform minimum standards established by the commission
27 for law enforcement officers or auxiliary law enforcement
28 officers under chapter 943. Any such traffic crash
29 investigation officer who makes an investigation at the scene
30 of a traffic crash is authorized to issue traffic citations
31 when, based upon personal investigation, he or she has

1 reasonable and probable grounds to believe that a person
2 involved in the crash has committed an offense under the
3 provisions of this chapter, chapter 319, chapter 320, or
4 chapter 322 in connection with the crash. ~~Nothing in This~~
5 paragraph does not ~~shall be construed to~~ permit the carrying
6 of firearms or other weapons, nor do ~~shall~~ such officers have
7 arrest authority ~~other than for the issuance of a traffic~~
8 ~~citation as authorized above.~~

9 (c)1. A chartered municipality or its authorized
10 agency or instrumentality may employ as a parking enforcement
11 specialist any individual who successfully completes a
12 training program established and approved by the Criminal
13 Justice Standards and Training Commission for parking
14 enforcement specialists, but who does not otherwise meet the
15 uniform minimum standards established by the commission for
16 law enforcement officers or auxiliary or part-time officers
17 under s. 943.12.

18 2. A parking enforcement specialist employed by a
19 chartered municipality or its authorized agency or
20 instrumentality is authorized to enforce all state, county,
21 and municipal laws and ordinances governing parking within the
22 boundaries of the municipality employing the specialist, by
23 appropriate state, county, or municipal traffic citation.
24 ~~Nothing in this paragraph shall be construed to permit the~~
25 ~~carrying of firearms or other weapons, nor shall such a~~
26 ~~parking enforcement specialist have arrest authority.~~

27 3. A parking enforcement specialist employed pursuant
28 to this subsection may not carry firearms or other weapons or
29 have arrest authority.

30 Section 10. Subsection (3) of section 316.650, Florida
31 Statutes, is amended to read:

1 316.650 Traffic citations.--

2 (3) Every traffic enforcement officer, upon issuing a
3 traffic citation to an alleged violator of any provision of
4 the motor vehicle laws of this state or of any traffic
5 ordinance of any city or town, shall deposit the original and
6 one copy of such traffic citation or, in the case of a traffic
7 enforcement agency which has an automated citation issuance
8 system, shall provide an electronic facsimile with a court
9 having jurisdiction over the alleged offense or with its
10 traffic violations bureau within 5 days after issuance to the
11 violator. If a law enforcement officer distributes additional
12 information, such information shall be a copy of the traffic
13 school reference guide.

14 Section 11. Subsection (9) of section 318.14, Florida
15 Statutes, is amended to read:

16 318.14 Noncriminal traffic infractions; exception;
17 procedures.--

18 (9) Any person who is cited for an infraction under
19 this section other than a violation of s. 320.0605, s.
20 320.07(3)(a) or (b), s. 322.065, s. 322.15(1), s. 322.61, or
21 s. 322.62 may, in lieu of a court appearance, elect to attend
22 in the location of his or her choice within this state a basic
23 driver improvement course approved by the Department of
24 Highway Safety and Motor Vehicles. In such a case,
25 adjudication must be withheld; points, as provided by s.
26 322.27, may not be assessed; and the civil penalty that is
27 imposed by s. 318.18(3) must be reduced by 18 percent;
28 however, a person may not make an election under this
29 subsection if the person has made an election under this
30 subsection in the preceding 12 months. ~~A person may make no~~
31 ~~more than five elections under this subsection.~~The

1 requirement for community service under s. 318.18(8) is not
2 waived by a plea of nolo contendere or by the withholding of
3 adjudication of guilt by a court.

4 Section 12. Subsection (4) of section 318.1451,
5 Florida Statutes, is amended to read:

6 318.1451 Driver improvement schools.--

7 (4) In addition to a regular course fee, an assessment
8 fee in the amount of \$2.50 shall be collected by the school
9 from each person who is court ordered to attend a course or
10 elects to attend a course, as it relates to ss. 318.14(9),
11 322.0261, 322.2615, 322.05(2), 322.291, and 627.06501, which
12 shall be remitted to the Department of Highway Safety and
13 Motor Vehicles and deposited in the Highway Safety Operating
14 Trust Fund to administer this program and to fund the general
15 operations of the department.

16 Section 13. Paragraph (b) of subsection (1) and
17 subsection (2) of section 322.0261, Florida Statutes, are
18 amended to read:

19 322.0261 Mandatory driver improvement course; certain
20 crashes.--

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

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

27 (2) With respect to an operator convicted of, or who
28 pleaded nolo contendere to, a traffic offense giving rise to a
29 crash identified pursuant to subsection (1), the department
30 shall require that the operator, in addition to other
31 applicable penalties, attend a departmentally approved basic

1 driver improvement course in order to maintain driving
2 privileges. If the operator fails to complete the course
3 within 90 days of receiving notice from the department, the
4 operator's driver's license shall be canceled by the
5 department until the course is successfully completed.

6 Section 14. Section 322.02615, Florida Statutes, is
7 created to read:

8 322.02615 Mandatory driver improvement course; certain
9 violations.--

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

12 (a) Are less than 21 years of age and have been
13 convicted of, or pleaded nolo contendere to, a noncriminal
14 moving infraction and have also been convicted of, or pleaded
15 nolo contendere to, another noncriminal moving infraction
16 since initial license issuance.

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

20 (2) With respect to an operator convicted of, or who
21 has pleaded nolo contendere to, a noncriminal traffic offense
22 identified under subsection (1), the department shall require
23 that the operator, in addition to other applicable penalties,
24 attend a departmentally approved basic driver improvement
25 course in order to maintain driving privileges. If the
26 operator fails to complete the course within 90 days after
27 receiving notice from the department, the operator's driver's
28 license shall be suspended by the department until the course
29 is successfully completed.

30 (3) Attendance of a course approved by the department
31 as a driver improvement course for purposes of s. 318.14(9)

1 shall satisfy the requirements of this section. However,
2 attendance of a course as required by this section is not
3 included in the limitation on course elections under s.
4 318.14(9).

5 Section 15. Subsection (2) of section 322.05, Florida
6 Statutes, is amended to read:

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

9 (2) To a person who is at least 16 years of age but is
10 under 18 years of age unless the person has satisfactorily
11 completed a Department of Education driver's education course
12 offered pursuant to s. 233.063 or a driver's education course
13 licensed pursuant to s. 488.01 or a basic driver improvement
14 course which has been approved by the Department of Highway
15 Safety and Motor Vehicles and meets the requirements of s.
16 322.091 and holds a valid:

17 (a) Learner's driver's license for at least 12 months,
18 with no traffic convictions, before applying for a license;

19 (b) Learner's driver's license for at least 12 months
20 and who has a traffic conviction but elects to attend a
21 traffic driving school for which adjudication must be withheld
22 pursuant to s. 318.14; or

23 (c) License that was issued in another state or in a
24 foreign jurisdiction and that would not be subject to
25 suspension or revocation under the laws of this state.

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

28 318.1451 Driver improvement schools.--

29 (5)(a) No governmental entity or court shall provide,
30 issue, or maintain any information or orders regarding driver
31 improvement schools or course providers, with the exception of

1 the traffic school reference guide or course provider list
2 referred to in paragraph (b) directing inquiries or requests
3 to the local telephone directory heading of driving
4 instruction or the traffic school reference guide. However,
5 the department is authorized to maintain the information and
6 records necessary to administer its duties and
7 responsibilities for driver improvement courses. Where such
8 information is a public record as defined in chapter 119, it
9 shall be made available to the public upon request pursuant to
10 s. 119.07(1). Course providers receiving requests for
11 information about traffic schools from geographic areas that
12 they do not serve shall provide a telephone number for a
13 course provider that they believe services such geographic
14 area.

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

30 Section 17. Section 319.001, Florida Statutes, is
31 amended to read:

1 319.001 Definitions.--As used in this chapter, the
2 term:
3 (1) "Department" means the Department of Highway
4 Safety and Motor Vehicles.
5 (2) "Front-end assembly" means fenders, hood, grill,
6 and bumper.
7 (3)~~(2)~~ "Licensed dealer," unless otherwise
8 specifically provided, means a motor vehicle dealer licensed
9 under s. 320.27, a mobile home dealer licensed under s.
10 320.77, or a recreational vehicle dealer licensed under s.
11 320.771.
12 (4) "Motorcycle body assembly" means frame, fenders,
13 and gas tanks.
14 (5) "Motorcycle engine" means cylinder block, heads,
15 engine case, and crank case.
16 (6) "Motorcycle transmission" means drive train.
17 (7)~~(3)~~ "New mobile home" means a mobile home the
18 equitable or legal title to which has never been transferred
19 by a manufacturer, distributor, importer, or dealer to an
20 ultimate purchaser.
21 (8)~~(4)~~ "New motor vehicle" means a motor vehicle the
22 equitable or legal title to which has never been transferred
23 by a manufacturer, distributor, importer, or dealer to an
24 ultimate purchaser; however, when legal title is not
25 transferred but possession of a motor vehicle is transferred
26 pursuant to a conditional sales contract or lease and the
27 conditions are not satisfied and the vehicle is returned to
28 the motor vehicle dealer, the motor vehicle may be resold by
29 the motor vehicle dealer as a new motor vehicle, provided the
30 selling motor vehicle dealer gives the following written
31 notice to the purchaser: "THIS VEHICLE WAS DELIVERED TO A

1 PREVIOUS PURCHASER." The purchaser shall sign an
2 acknowledgment, a copy of which is kept in the selling
3 dealer's file.

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

6 (10)~~(5)~~ "Satisfaction of lien" means full payment of a
7 debt or release of a debtor from a lien by the lienholder.

8 (11)~~(6)~~ "Used motor vehicle" means any motor vehicle
9 that is not a "new motor vehicle" as defined in subsection
10 (8)~~(4)~~.

11 Section 18. Subsections (1), (2), and (3) of section
12 319.14, Florida Statutes, are amended, subsections (6), (7),
13 and (8) are renumbered as subsections (7), (8), and (9),
14 respectively, and a new subsection (6) is added to said
15 section, to read:

16 319.14 Sale of motor vehicles registered or used as
17 taxicabs, police vehicles, lease vehicles, or rebuilt vehicles
18 and nonconforming vehicles.--

19 (1)(a) No person shall knowingly offer for sale, sell,
20 or exchange any vehicle that has been licensed, registered, or
21 used as a taxicab, police vehicle, or short-term-lease
22 vehicle, or a vehicle that has been repurchased by a
23 manufacturer pursuant to a settlement, determination, or
24 decision under chapter 681, until the department has stamped
25 in a conspicuous place on the certificate of title of the
26 vehicle, or its duplicate, words stating the nature of the
27 previous use of the vehicle or the title has been stamped
28 "Manufacturer's Buy Back" to reflect that the vehicle is a
29 nonconforming vehicle. If the certificate of title or
30 duplicate was not so stamped upon initial issuance thereof or
31 if, subsequent to initial issuance of the title, the use of

1 the vehicle is changed to a use requiring the notation
2 provided for in this section, the owner or lienholder of the
3 vehicle shall surrender the certificate of title or duplicate
4 to the department prior to offering the vehicle for sale, and
5 the department shall stamp the certificate or duplicate as
6 required herein. When a vehicle has been repurchased by a
7 manufacturer pursuant to a settlement, determination, or
8 decision under chapter 681, the title shall be stamped
9 "Manufacturer's Buy Back" to reflect that the vehicle is a
10 nonconforming vehicle.

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

27 (c) As used in this section:

28 1. "Police vehicle" means a motor vehicle owned or
29 leased by the state or a county or municipality and used in
30 law enforcement.

31

- 1 2.a. "Short-term-lease vehicle" means a motor vehicle
2 leased without a driver and under a written agreement to one
3 or more persons from time to time for a period of less than 12
4 months.
- 5 b. "Long-term-lease vehicle" means a motor vehicle
6 leased without a driver and under a written agreement to one
7 person for a period of 12 months or longer.
- 8 c. "Lease vehicle" includes both short-term-lease
9 vehicles and long-term-lease vehicles.
- 10 3. "Rebuilt vehicle" means a motor vehicle or mobile
11 home built from salvage or junk, as defined in s. 319.30(1).
- 12 4. "Assembled from parts" means a motor vehicle or
13 mobile home assembled from parts or combined from parts of
14 motor vehicles or mobile homes, new or used. "Assembled from
15 parts" does not mean a motor vehicle defined as a "rebuilt
16 vehicle" in subparagraph 3., which has been declared a total
17 loss pursuant to s. 319.30.
- 18 ~~5. "Combined" means assembled by combining two motor~~
19 ~~vehicles neither of which has been titled and branded as~~
20 ~~"Salvage Unrebuildable."~~
- 21 5.6. "Kit car" means a motor vehicle assembled with a
22 kit supplied by a manufacturer to rebuild a wrecked or
23 outdated motor vehicle with a new body kit.
- 24 6.7. "Glider kit" means a vehicle assembled with a kit
25 supplied by a manufacturer to rebuild a wrecked or outdated
26 truck or truck tractor.
- 27 7.8. "Replica" means a complete new motor vehicle
28 manufactured to look like an old vehicle.
- 29 8.9. "Flood vehicle" means a motor vehicle or mobile
30 home that has been declared to be a total loss pursuant to s.
31 319.30(3)(a) resulting from damage caused by water.

1 9.10. "Nonconforming vehicle" means a motor vehicle
2 which has been purchased by a manufacturer pursuant to a
3 settlement, determination, or decision under chapter 681.

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

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

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

1 person who violates this subsection is guilty of a misdemeanor
2 of the second degree, punishable as provided in s. 775.082 or
3 s. 775.083.

4 (6) Any person who removes a rebuilt decal from a
5 rebuilt vehicle or who knowingly possesses a rebuilt vehicle
6 from which a rebuilt decal has been removed is guilty of a
7 felony of the third degree punishable as provided in s.
8 775.082, s. 775.083, or s. 775.084.

9 Section 19. Sections 19-25 of this act may be cited as
10 the "Beverly Gagliardi Act."

11 Section 20. Subsection (1) of section 319.22, Florida
12 Statutes, is amended to read:

13 319.22 Transfer of title.--

14 (1) Except as provided in ss. 319.21 and 319.28, a
15 person acquiring a motor vehicle or mobile home from the owner
16 thereof, whether or not the owner is a licensed dealer, shall
17 not acquire marketable title to the motor vehicle or mobile
18 home until he or she has had issued to him or her a
19 certificate of title to the motor vehicle or mobile home; nor
20 shall any waiver or estoppel operate in favor of such person
21 against a person having possession of such certificate of
22 title or an assignment of such certificate for such motor
23 vehicle or mobile home for a valuable consideration. Except
24 as otherwise provided herein, no court shall recognize the
25 right, title, claim, or interest of any person in or to any
26 motor vehicle or mobile home sold, disposed of, mortgaged, or
27 encumbered, unless evidenced by a certificate of title duly
28 issued to that person, in accordance with the provisions of
29 this chapter. Any action challenging the validity of a
30 certificate of title issued under this chapter to a
31 titleholder who obtained the title certificate as a good faith

1 purchase shall be brought within 1 year after the date of
2 issuance shown on the face of the certificate or such action
3 shall be barred, provided such limitation shall not be
4 interpreted to bar an action brought by any creditor seeking
5 to establish or perfect a lien on a motor vehicle or mobile
6 home noted on any such certificate of title or securing a debt
7 of the titleholder evidenced in writing.

8 Section 21. Subsection (11) is added to section
9 319.23, Florida Statutes, to read:

10 319.23 Application for, and issuance of, certificate
11 of title.--

12 (11) An application for certificate of title based
13 upon a title certificate issued by another state or country
14 shall not result in issuance of title until 30 days after the
15 filing of the application, unless the application is in the
16 name of the person to whom the non-Florida title was issued.

17 Section 22. Subsection (4) of section 319.27, Florida
18 Statutes, is amended to read:

19 319.27 Notice of lien on motor vehicles or mobile
20 homes; notation on certificate; recording of lien.--

21 (4)(a) Notwithstanding the provisions of subsection
22 (2), any person holding a lien for purchase money or as
23 security for a debt in the form of a security agreement,
24 retain title contract, conditional bill of sale, chattel
25 mortgage, or other similar instrument or any ownership
26 interest covering a motor vehicle or mobile home previously
27 titled or registered outside this state upon which no Florida
28 certificate of title has been issued may use the facilities of
29 the department for the recording of such lien or ownership
30 interest as constructive notice of such lien or ownership
31 interest to creditors and purchasers of such motor vehicle or

1 mobile home in this state provided such lienholder or claimant
2 files a sworn notice of such lien or ownership interest in the
3 department, showing the following information:

- 4 1. The date of the lien or ownership interest;
- 5 2. The name and address of the registered owner;
- 6 3. A description of the motor vehicle or mobile home,
7 showing the make, type, and vehicle identification number; and
- 8 4. The name and address of the lienholder or claimant
9 asserting the ownership interest.

10
11 Upon the filing of such notice of lien or ownership interest
12 and the payment of the fee provided in s. 319.32, the lien or
13 ownership interest shall be recorded in the department and
14 shall be valid for a period of 4 years from the date of
15 filing.

16 (b) In the case of ownership interest filed with the
17 department which is different from that shown on an
18 application for certificate of title, a certificate of title
19 shall not be issued until 30 days after the claimant filing
20 the ownership interest has been notified of the conflict by
21 certified mail. If, within the 30-day period, the claimant
22 files with the department a written statement under oath that
23 the ownership interest on that particular vehicle is still
24 outstanding, the department shall not issue the certificate
25 for a period of 90 days after receipt of the statement. The
26 claimant may file an action to enforce the ownership interest
27 in a court of competent jurisdiction within the 90-day period.
28 If the department is served with a copy of the court action
29 within the 90-day period, the department shall not issue the
30 certificate to anyone until after such conflict has been
31 settled by a final ruling by the court. If, within the 30-day

1 period, the claimant fails to file such written statement
2 under oath with the department or, within the 90-day period,
3 fails to file and serve the department with an action in a
4 court of competent jurisdiction to enforce the ownership
5 interest, the ownership interest shall be removed from the
6 records of the department and shall thereafter be
7 unenforceable, and the certificate of title may be issued in
8 accordance with the pending application, subject to, and
9 reflecting on such certificate of title, all liens of
10 creditors of the types listed in paragraph (c).

11 (c)~~(b)~~ When a Florida certificate of title is first
12 issued on a motor vehicle or mobile home previously titled or
13 registered outside this state, the department shall note on
14 the Florida certificate of title the following liens:

- 15 1. Any lien shown on the application for Florida
16 certificate of title;
- 17 2. Any lien filed in the department in accordance with
18 paragraph (a); and
- 19 3. Any lien shown on the existing certificate of title
20 issued by another state.

21 (d)~~(c)~~ When a Florida certificate of title has been
22 issued on a motor vehicle or mobile home previously titled or
23 registered outside this state, liens valid in and registered
24 under the law of the state wherein such liens were created are
25 not valid in this state unless filed and noted upon the
26 certificate of title under the provisions of this section.

27 Section 23. Section 319.275, Florida Statutes, is
28 created to read:

29 319.275 Interpleader actions for law enforcement
30 alleging possession of stolen motor vehicle by good faith
31 purchaser.--

1 (1) Whenever a law enforcement officer has probable
2 cause to believe that a Florida resident is in possession of a
3 motor vehicle alleged by another to be stolen and the officer
4 has authority to take possession of the motor vehicle, but the
5 officer has reason to believe that the resident in possession
6 is a good faith purchaser of the motor vehicle or is a person
7 who has been duly issued a certificate of title, the officer
8 may not take physical possession of the motor vehicle until
9 lawful ownership has been determined by a court, unless the
10 competing claimants agree to another resolution or unless,
11 until judicial resolution, the vehicle is stored within the
12 county of residence of the resident in possession of the
13 vehicle or in the county of residence of the Florida
14 titleholder. The officer may, in lieu of seizing the motor
15 vehicle, assert constructive possession by bringing an action
16 to compel all claimants to interplead in county court. The
17 petition in such action shall set forth, under oath, the
18 following facts:

19 (a) The identity of the motor vehicle, with reasonable
20 specificity.

21 (b) The identity and address of the person in
22 possession of the motor vehicle.

23 (c) The basis upon which the law enforcement officer
24 claims authority to take possession of the motor vehicle.

25 (d) The fact and date of written notice delivered in
26 person to the person in possession of the motor vehicle.

27 (e) The fact that the person in possession of the
28 motor vehicle may be a good faith purchaser of the motor
29 vehicle or a person who has been duly issued a certificate of
30 title.

31

1 (f) The identity and address of any other claimant to
2 the motor vehicle, including any creditor claiming a lien on
3 such vehicle.

4 (g) The probable cause upon which the officer believes
5 the motor vehicle to be stolen.

6 (2) A verified copy of the written notice delivered to
7 the person in possession of the motor vehicle as provided in
8 this section shall be attached to the petition.

9 (3) Prior to filing the petition, the officer shall
10 ensure that written notice has been delivered to the person in
11 possession of the motor vehicle. The written notice shall
12 inform the person that the officer claims authority to take
13 possession of the motor vehicle, and that an action to compel
14 the person to interplead will be filed in county court unless
15 the person first surrenders possession voluntarily to the
16 officer. The notice shall inform the person of the address of
17 the court and the business telephone number of the officer or
18 a business agent of the law enforcement agency through whom
19 additional information about the filing of the action may be
20 later obtained.

21 (4) The case shall proceed as an interpleader action
22 as may be provided by law and court rule.

23 (5) If the motor vehicle is subject to certification
24 of title by the department, the law enforcement officer shall
25 deliver a certified copy of the petition to the appropriate
26 office to place a hold on transfer of the title to such motor
27 vehicle.

28 (6) Title to such motor vehicle shall not be
29 transferred, except among and between all parties named in the
30 petition or intervening in the action, unless and until a
31

1 judgment adjudicating title is entered in the interpleader
2 action.

3 (7) If the person in possession of the motor vehicle
4 answers the petition and establishes his or her status as a
5 good faith purchaser of the motor vehicle or a person who has
6 been duly issued a certificate of title, an adverse claimant
7 to the motor vehicle shall default upon such claim and lose
8 all right and title in and to the motor vehicle unless, within
9 30 days after service of process in the action upon a
10 claimant, the claimant files an answer establishing his or her
11 right and title in and to the motor vehicle. Upon default of
12 all such claimants, the person in possession of the motor
13 vehicle shall be adjudged the rightful owner of the motor
14 vehicle. In case of default by all nonpossessory claimants, no
15 costs shall be charged to any party. This section shall not
16 serve to extend any time to answer provided under an
17 applicable rule of civil procedure.

18 (8) If a claimant not in possession of the motor
19 vehicle files an answer in the action alleging his or her
20 ownership of the motor vehicle or intervenes in the action
21 alleging ownership, such claimant shall pay costs in an amount
22 of \$250 or 5 percent of the estimated value of the motor
23 vehicle, whichever is less. No other filing fees or costs
24 shall be assessed to any party in such action.

25 (9) If more than one party claiming ownership appears
26 in the action, the court shall determine the legal owner of
27 the motor vehicle pursuant to law.

28 Section 24. Subsection (1) of section 319.32, Florida
29 Statutes, is amended to read:

30 319.32 Fees; service charges; disposition.--
31

1 (1) The department shall charge a fee of \$24 for each
2 original certificate of title except for a certificate of
3 title for a motor vehicle for hire registered under s.
4 320.08(6), for which the title fee shall be \$3, \$24 for each
5 duplicate copy of a certificate of title except for a
6 certificate of title for a motor vehicle for hire registered
7 under s. 320.08(6), for which the title fee shall be \$3, \$2
8 for each salvage certificate of title, and \$3 for each
9 assignment by a lienholder. It shall also charge a fee of \$2
10 for noting a lien on a title certificate or otherwise
11 recording a lien or ownership interest pursuant to s. 319.27,
12 which fee shall include the services for the subsequent
13 issuance of a corrected certificate or cancellation of lien
14 when that lien is satisfied. If an application for a
15 certificate of title is for a rebuilt vehicle, the department
16 shall charge an additional fee of \$40 for conducting a
17 physical examination of the vehicle to assure its identity. In
18 addition to all other fees charged, a sum of \$1 shall be paid
19 for the issuance of an original or duplicate certificate of
20 title to cover the cost of materials used for security
21 purposes.

22 Section 25. Section 319.323, Florida Statutes, is
23 amended to read:

24 319.323 Expedited service; applications; fees.--The
25 department shall establish a separate title office which may
26 be utilized by private citizens and licensed motor vehicle
27 dealers to receive expedited service on title transfers, title
28 issuances, duplicate titles, and recordation of liens, and
29 certificates of repossession. A fee of \$7 shall be charged for
30 this service, which fee is in addition to the fees imposed by
31 s. 319.32. Application for such expedited service may be made

1 by mail or in person. The department shall issue each title
2 applied for pursuant to this section within 5 working days
3 after receipt of the application except for an application for
4 a duplicate title certificate covered by s. 319.23(4), in
5 which case the title must be issued within 5 working days
6 after compliance with the department's verification
7 requirements. This section shall not apply to an application
8 based upon a title certificate issued by another state or
9 country unless the application is for a title to be issued to
10 the person to whom the current non-Florida certificate was
11 issued.

12 Section 26. Paragraph (c) of subsection (3) of section
13 319.23, Florida Statutes, is amended to read:

14 319.23 Application for, and issuance of, certificate
15 of title.--

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

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

31

1 ~~identification or engine number, year make, color, selling~~
2 ~~price, and signatures of the seller and purchaser.~~

3

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

9 Section 27. Paragraph (a) of subsection (1) of section
10 319.28, Florida Statutes, is amended to read:

11 319.28 Transfer of ownership by operation of law.--

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

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

7 Section 28. Paragraphs (e) and (f) of subsection (1)
8 and paragraph (b) of subsection (3) of section 319.30, Florida
9 Statutes, are amended to read:

10 319.30 Definitions; dismantling, destruction, change
11 of identity of motor vehicle or mobile home; salvage.--

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

13 (e) "Major component parts" means:

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

19 2. For trucks, in addition to 1. above: the truck
20 bed.

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

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

29 (f) "Major part" means the front-end assembly
30 ~~(fenders, hood, grill, and bumper); cowl assembly; or rear~~
31

1 ~~body section (both quarter panels, decklid, bumper, and floor~~
2 ~~pan).~~

3 (3)

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

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

20 Section 29. Subsection (1) of section 320.01, Florida
21 Statutes, is amended to read:

22 320.01 Definitions, general.--As used in the Florida
23 Statutes, except as otherwise provided, the term:

24 (1) "Motor vehicle" means:

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

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

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

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

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

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

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

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

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

28 8. The "fifth-wheel trailer," which is a vehicular
29 unit mounted on wheels, designed to provide temporary living
30 quarters for recreational, camping, or travel use, of such
31 size or weight as not to require a special highway movement

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

5 Section 30. Subsection (45) is added to section
6 320.01, Florida Statutes, to read:

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

9 (45) "Extended registration period" means a period of
10 24 months during which a motor vehicle or mobile home
11 registration is valid.

12 Section 31. Present subsections (2) through (7) of
13 section 320.055, Florida Statutes, are renumbered as
14 subsections (3) through (8), respectively, and a new
15 subsection (2) is added to said section to read:

16 320.055 Registration periods; renewal periods.--The
17 following registration periods and renewal periods are
18 established:

19 (2) Any motor vehicle that is subject to registration
20 under s. 320.08(1), (2), or (3) and is owned by a natural
21 person is eligible for an extended registration period, which
22 begins the first day of the birth month of the owner and ends
23 the last day of the month immediately preceding the owner's
24 birth month 24 months after the beginning of the registration
25 period. If the vehicle is registered in the name of more than
26 one person, the birth month of the person whose name first
27 appears on the registration shall be used to determine the
28 extended registration period. For a vehicle subject to this
29 extended registration period, the renewal period is the 30-day
30 period ending at midnight on the vehicle owner's date of
31 birth.

1 Section 32. Paragraphs (b) and (c) of subsection (1)
2 of section 320.06, Florida Statutes, are amended to read:

3 320.06 Registration certificates, license plates, and
4 validation stickers generally.--

5 (1)

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

1 period. A vehicle with an apportioned registration shall be
2 issued an annual license plate and a cab card that denote the
3 declared gross vehicle weight for each apportioned
4 jurisdiction in which the vehicle is authorized to operate.
5 (c) Registration license plates equipped with
6 validation stickers subject to the registration period shall
7 be valid for not more than 12 months and shall expire at
8 midnight on the last day of the registration period.
9 Registration license plates equipped with validation stickers
10 subject to the extended registration period shall be valid for
11 not more than 24 months and shall expire at midnight on the
12 last day of the extended registration period. For each
13 registration period after the one in which the metal
14 registration license plate is issued, and until the license
15 plate is required to be replaced, a validation sticker showing
16 the year of expiration shall be issued upon payment of the
17 proper license tax amount and fees and shall be valid for not
18 more than 12 months. For each extended registration period
19 occurring after the period in which the metal registration
20 license plate is issued, and until the license plate is
21 required to be replaced, a validation sticker showing the year
22 of expiration shall be issued upon payment of the proper
23 license tax amount and fees and shall be valid for not more
24 than 24 months.When license plates equipped with validation
25 stickers are issued in any month other than the owner's birth
26 month or the designated registration period for any other
27 motor vehicle, the effective date shall reflect the birth
28 month or month and the year of renewal. However, when a
29 license plate or validation sticker is issued for a period of
30 less than 12 months, the applicant shall pay the appropriate
31 amount of license tax and the applicable fee under the

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

10 Section 33. Subsection (1) of section 320.07, Florida
11 Statutes, is amended, present subsections (3) through (5) are
12 renumbered as subsections (4) through (6), respectively, and a
13 new subsection (3) is added to said section, to read:

14 320.07 Expiration of registration; annual renewal
15 required; penalties.--

16 (1) The registration of a motor vehicle or mobile home
17 shall expire at midnight on the last day of the registration
18 or extended registration period. A vehicle shall not be
19 operated on the roads of this state after expiration of the
20 renewal period unless the registration has been renewed
21 according to law.

22 (3) Any person who owns a motor vehicle registered
23 under s. 320.08(1), (2), or (3) may alternatively renew the
24 vehicle registration biennially during the applicable renewal
25 period, upon payment of the cumulative of all applicable
26 license tax amounts required by s. 320.08, service charges
27 required by s. 320.04, and any additional fees required by law
28 for the 24-month extended registration period.

29 Section 34. Subsections (18) and (19) are added to
30 section 320.02, Florida Statutes, to read:

31

1 320.02 Registration required; application for
2 registration; forms.--

3 (18) The application form for motor vehicle
4 registration and renewal of registration must include language
5 permitting a voluntary contribution of \$2 per applicant, which
6 shall be distributed to the Hearing Research Institute,
7 Incorporated, for the purpose of infant hearing screening in
8 Florida.

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

14 Section 35. Paragraph (b) of subsection (4) and
15 subsections (5), (6), and (7) of section 320.023, Florida
16 Statutes, are amended, and subsection (8) is added to said
17 section, to read:

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

20 (4)

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

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~~ shall 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 (8) All organizations seeking to establish a voluntary
23 contribution on a motor vehicle registration application that
24 are required to operate under the Solicitation of
25 Contributions Act, as provided in chapter 496, must do so
26 before funds may be distributed.

27 Section 36. Subsections (1) and (2) of section
28 320.025, Florida Statutes, are amended to read:

29 320.025 Registration certificate and license plate
30 issued under fictitious name; application.--

31

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

19 (2) Except as provided in subsection (1), any motor
20 vehicle owned or exclusively operated by the state or any
21 county, municipality, or other governmental entity must at all
22 times display a license plate of the type prescribed in s.
23 320.0655. Any vessel owned or exclusively operated by the
24 state or any county, municipality, or other governmental
25 entity must at all times display a registration number as
26 required in s. 328.56 and a vessel decal as required in s.
27 328.48(5).

28 Section 37. Subsections (1) and (2) of section 320.05,
29 Florida Statutes, are amended read:

30 320.05 Records of the department; inspection
31 procedure; lists and searches; fees.--

1 (1) Except as provided in ~~ss. s-119.07(3)~~ and
2 320.025(3), the department may release records as provided in
3 this section.

4 (2) Upon receipt of an application for the
5 registration of a motor vehicle, vessel, or mobile home, as
6 herein provided for, the department shall register the motor
7 vehicle, vessel, or mobile home under the distinctive number
8 assigned to such motor vehicle, vessel, or mobile home by the
9 department. Electronic registration records shall be open to
10 the inspection of the public during business hours.

11 Information on a motor vehicle or vessel registration may not
12 be made available to a person unless the person requesting the
13 information furnishes positive proof of identification. The
14 agency that furnishes a motor vehicle or vessel registration
15 record shall record the name and address of any person other
16 than a representative of a law enforcement agency who requests
17 and receives information from a motor vehicle or vessel
18 registration record and shall also record the name and address
19 of the person who is the subject of the inquiry or other
20 information identifying the entity about which information is
21 requested. A record of each such inquiry must be maintained
22 for a period of 6 months from the date upon which the
23 information was released to the inquirer. Nothing in this
24 section shall prohibit any financial institution, insurance
25 company, motor vehicle dealer, licensee under chapter 493,
26 attorney, or other agency which the department determines has
27 the right to know from obtaining, for professional or business
28 use only, information in such records from the department
29 through any means of telecommunication pursuant to a code
30 developed by the department providing all fees specified in
31 subsection (3) have been paid. The department shall disclose

1 records or information to the child support enforcement agency
2 to assist in the location of individuals who owe or
3 potentially owe child support or to whom such an obligation is
4 owed pursuant to Title IV-D of the Social Security Act.

5 Section 38. Subsection (5) of section 320.055, Florida
6 Statutes, is amended to read:

7 320.055 Registration periods; renewal periods.--The
8 following registration periods and renewal periods are
9 established:

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

24 Section 39. Paragraphs (b) and (c) of subsection (1)
25 of section 320.06, Florida Statutes, are amended to read:

26 320.06 Registration certificates, license plates, and
27 validation stickers generally.--

28 (1)

29 (b) Registration license plates bearing a graphic
30 symbol and the alphanumeric system of identification shall be
31 issued for a 5-year period. At the end of said 5-year period,

1 upon renewal, the plate shall be replaced. The fee for such
2 replacement shall be \$10, \$2 of which shall be paid each year
3 before the plate is replaced, to be credited towards the next
4 \$10 replacement fee. The fees shall be deposited into the
5 Highway Safety Operating Trust Fund. A credit or refund shall
6 not be given for any prior years' payments of such prorated
7 replacement fee when the plate is replaced or surrendered
8 before the end of the 5-year period. With each license plate,
9 there shall be issued a validation sticker showing the owner's
10 birth month, license plate number, and the year of expiration
11 or the appropriate renewal period if the owner is not a
12 natural person. The validation sticker is to be placed on the
13 upper right corner of the license plate.~~This validation~~
14 ~~sticker shall be placed on the upper left corner of the~~
15 ~~license plate and shall be issued one time during the life of~~
16 ~~the license plate, or upon request when it has been damaged or~~
17 ~~destroyed. There shall also be issued with each license plate~~
18 ~~a serially numbered validation sticker showing the year of~~
19 ~~expiration, which sticker shall be placed on the upper right~~
20 ~~corner of the license plate.~~Such license plate and validation
21 stickers shall be issued based on the applicant's appropriate
22 renewal period. The registration period shall be a period of
23 12 months, and all expirations shall occur based on the
24 applicant's appropriate registration period. A vehicle with
25 an apportioned registration shall be issued an annual license
26 plate and a cab card that denote the declared gross vehicle
27 weight for each apportioned jurisdiction in which the vehicle
28 is authorized to operate.

29 (c) Registration license plates equipped with
30 validation stickers shall be valid for not more than 12 months
31 and shall expire at midnight on the last day of the

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

23 Section 40. Paragraphs (h) and (i) are added to
24 subsection (2) of section 320.072, Florida Statutes, to read:

25 320.072 Additional fee imposed on certain motor
26 vehicle registration transactions.--

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

31

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

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

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

8 Section 41. Subsection (6) of section 320.0805,
9 Florida Statutes, is amended to read:

10 320.0805 Personalized prestige license plates.--

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

20 Section 42. Paragraphs (b) and (c) of subsection (8)
21 of section 320.08056, Florida Statutes, are amended to read:

22 320.08056 Specialty license plates.--

23 (8)

24 (b) The department is authorized to discontinue the
25 issuance of a specialty license plate and distribution of
26 associated annual use fee proceeds if the organization no
27 longer exists, if the organization has stopped providing
28 services that are authorized to be funded from the annual use
29 fee proceeds, or pursuant to an organizational recipient's
30 request. Organizations are required to notify the department
31 immediately to stop all warrants for plate sales if any of the

1 conditions in this section exist, and must meet the
2 requirements of s. 320.08062 for any period of operation
3 during a fiscal year.

4 (c) The requirements of paragraph (a) shall not apply
5 to collegiate specialty license plates authorized in s.
6 320.08058(3), ~~and(13)~~, (21), and (26).

7 Section 43. Section 320.08062, Florida Statutes, is
8 amended to read:

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

11 (1)(a) All organizations that receive annual use fee
12 proceeds from the department are responsible for ensuring that
13 proceeds are used in accordance with ss. 320.08056 and
14 320.08058.

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

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

1 such proceeds were used in compliance with ss. 320.08056 and
2 320.08058. The attestation shall be made annually in a form
3 and format determined by the department.

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

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

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

27 Section 44. Subsection (1) of section 320.083, Florida
28 Statutes, is amended to read:

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

31

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

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

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

16 Section 45. Subsections (2) and (3) of section
17 320.089, Florida Statutes, are amended to read:

18 320.089 Members of National Guard and active United
19 States Armed Forces reservists; former prisoners of war;
20 survivors of Pearl Harbor; Purple Heart medal recipients;
21 special license plates; fee.--

22 (2) Each owner or lessee of an automobile or truck for
23 private use, truck weighing not more than 7,999 ~~5,000~~ pounds,
24 or recreational vehicle as specified in s. 320.08(9)(c) or
25 (d), which is not used for hire or commercial use, who is a
26 resident of the state and who is a former prisoner of war, or
27 their unremarried surviving spouse, shall, upon application
28 therefor to the department, be issued a license plate as
29 provided in s. 320.06, on which license plate are stamped the
30 words "Ex-POW" followed by the serial number. Each application
31

1 shall be accompanied by proof that the applicant meets the
2 qualifications specified in paragraph (a) or paragraph (b).
3 (a) A citizen of the United States who served as a
4 member of the Armed Forces of the United States or the armed
5 forces of a nation allied with the United States who was held
6 as a prisoner of war at such time as the Armed Forces of the
7 United States were engaged in combat, or their unremarried
8 surviving spouse, may be issued the special license plate
9 provided for in this subsection without payment of the license
10 tax imposed by s. 320.08.
11 (b) A person who was serving as a civilian with the
12 consent of the United States Government, or a person who was a
13 member of the Armed Forces of the United States who was not a
14 United States citizen and was held as a prisoner of war when
15 the Armed Forces of the United States were engaged in combat,
16 or their unremarried surviving spouse, may be issued the
17 special license plate provided for in this subsection upon
18 payment of the license tax imposed by s. 320.08.
19 (3) Each owner or lessee of an automobile or truck for
20 private use, truck weighing not more than 7,999 ~~5,000~~ pounds,
21 or recreational vehicle as specified in s. 320.08(9)(c) or
22 (d), which is not used for hire or commercial use, who is a
23 resident of this state and who is the unremarried surviving
24 spouse of a recipient of the Purple Heart medal shall, upon
25 application therefor to the department, with the payment of
26 the required fees, be issued a license plate as provided in s.
27 320.06, on which license plate are stamped the words "Purple
28 Heart" and the likeness of the Purple Heart medal followed by
29 the serial number. Each application shall be accompanied by
30 proof that the applicant is the unremarried surviving spouse
31 of a recipient of the Purple Heart medal.

1 Section 46. Subsection (1) of section 320.18, Florida
2 Statutes, is amended to read:

3 320.18 Withholding registration.--

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

23 Section 47. Paragraph (c) of subsection (1) of section
24 320.27, Florida Statutes, is amended, paragraph (f) is added
25 to said subsection, and subsections (7) and (9) of said
26 section are amended, to read:

27 320.27 Motor vehicle dealers.--

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

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

1 vehicle. The classifications of motor vehicle dealers are
2 defined as follows:

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

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

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

28 4. "Motor vehicle auction" means any person offering
29 motor vehicles or recreational vehicles for sale to the
30 highest bidder where ~~both sellers and~~ buyers are licensed
31

1 motor vehicle dealers. Such person shall not sell a vehicle to
2 anyone other than a licensed motor vehicle dealer.

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

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

1 buses, or similar vehicles are not presently available through
2 motor vehicle dealers licensed by the department.

3 (f) "Bona fide employee" means a person who is
4 employed by a licensed motor vehicle dealer and receives
5 annually an Internal Revenue Service Form W-2, or an
6 independent contractor who has a written contract with a
7 licensed motor vehicle dealer and receives annually an
8 Internal Revenue Service Form 1099, for the purpose of acting
9 in the capacity of or conducting motor vehicle sales
10 transactions as a motor vehicle dealer.

11 (7) CERTIFICATE OF TITLE REQUIRED.--For each used
12 motor vehicle in the possession of a licensee and offered for
13 sale by him or her, the licensee either shall have in his or
14 her possession or control a duly assigned certificate of title
15 from the owner in accordance with the provisions of chapter
16 319, from the time when the motor vehicle is delivered to the
17 licensee and offered for sale by him or her until it has been
18 disposed of by the licensee, or shall have reasonable indicia
19 of ownership or right of possession, or shall have made proper
20 application for a certificate of title or duplicate
21 certificate of title in accordance with the provisions of
22 chapter 319. A motor vehicle dealer may not sell or offer for
23 sale a vehicle in his or her possession unless the dealer
24 satisfies the requirements of this subsection. Reasonable
25 indicia of ownership shall include a duly assigned certificate
26 of title; in the case of a new motor vehicle, a manufacturer's
27 certificate of origin issued to or reassigned to the dealer; a
28 consignment contract between the owner and the dealer along
29 with a secure power of attorney from the owner to the dealer
30 authorizing the dealer to apply for a duplicate certificate of
31 title and assign the title on behalf of the owner; a court

1 order awarding title to the vehicle to the dealer; a salvage
2 certificate of title; a photocopy of a duly assigned
3 certificate of title being held by a financial institution as
4 collateral for a business loan of money to the dealer ("floor
5 plan"); a copy of a canceled check or other documentation
6 evidencing that an outstanding lien on a vehicle taken in
7 trade by a licensed dealer has been satisfied and that the
8 certificate of title will be, but has not yet been, received
9 by the dealer; a vehicle purchase order or installment
10 contract for a specific vehicle identifying that vehicle as a
11 trade-in on a replacement vehicle; or a duly executed odometer
12 disclosure statement as required by Title IV of the Motor
13 Vehicle Information and Cost Savings Act of 1972 (Pub. L. No.
14 92-513, as amended by Pub. L. No. 94-364 and Pub. L. No.
15 100-561) and by 49 C.F.R. part 580 bearing the signatures of
16 the titled owners of a traded-in vehicle.

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

23 (a) Willful violation of any other law of this state,
24 including chapter 319, this chapter, or ss. 559.901-559.9221,
25 which has to do with dealing in or repairing motor vehicles or
26 mobile homes or willful failure to comply with any
27 administrative rule promulgated by the department.
28 Additionally, in the case of used motor vehicles, the willful
29 violation of the federal law and rule in 15 U.S.C. s. 2304, 16
30 C.F.R. part 455, pertaining to the consumer sales window form.
31

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

3 (c) Perpetration of a fraud upon any person as a
4 result of dealing in motor vehicles, including, without
5 limitation, the misrepresentation to any person by the
6 licensee of the licensee's relationship to any manufacturer,
7 importer, or distributor.

8 (d) Representation that a demonstrator is a new motor
9 vehicle, or the attempt to sell or the sale of a demonstrator
10 as a new motor vehicle without written notice to the purchaser
11 that the vehicle is a demonstrator. For the purposes of this
12 section, a "demonstrator," a "new motor vehicle," and a "used
13 motor vehicle" shall be defined as under s. 320.60.

14 (e) Unjustifiable refusal to comply with a licensee's
15 responsibility under the terms of the new motor vehicle
16 warranty issued by its respective manufacturer, distributor,
17 or importer. However, if such refusal is at the direction of
18 the manufacturer, distributor, or importer, such refusal shall
19 not be a ground under this section.

20 (f) Misrepresentation or false, deceptive, or
21 misleading statements with regard to the sale or financing of
22 motor vehicles which any motor vehicle dealer has, or causes
23 to have, advertised, printed, displayed, published,
24 distributed, broadcast, televised, or made in any manner with
25 regard to the sale or financing of motor vehicles.

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

29 (h) Requirement by any motor vehicle dealer that any
30 customer or purchaser finance a motor vehicle with a specific
31 financial institution or company.

- 1 (i) Failure by any motor vehicle dealer to provide a
2 customer or purchaser with an odometer disclosure statement
3 and a copy of any bona fide written, executed sales contract
4 or agreement of purchase connected with the purchase of the
5 motor vehicle purchased by the customer or purchaser.
- 6 (j) Failure of any motor vehicle dealer to comply with
7 the terms of any bona fide written, executed agreement,
8 pursuant to the sale of a motor vehicle.
- 9 (k) Requirement by the motor vehicle dealer that the
10 purchaser of a motor vehicle contract with the dealer for
11 physical damage insurance.
- 12 (l) Violation of any of the provisions of s. 319.35 by
13 any motor vehicle dealer.
- 14 (m) Either a history of bad credit or an unfavorable
15 credit rating as revealed by the applicant's official credit
16 report or by investigation by the department.
- 17 (n) Failure to disclose damage to a new motor vehicle
18 as defined in s. 320.60(10) of which the dealer had actual
19 knowledge if the dealer's actual cost of repair, excluding
20 tires, bumpers, and glass, exceeds 3 percent of the
21 manufacturer's suggested retail price; provided, however, if
22 only the application of exterior paint is involved, disclosure
23 shall be made if such touch-up paint application exceeds \$100.
- 24 (o) Failure to apply for transfer of a title as
25 prescribed in s. 319.23(6).
- 26 (p) Use of the dealer license identification number by
27 any person other than the licensed dealer or his or her
28 designee.
- 29 (q) Conviction of a felony.
- 30 (r) Failure to continually meet the requirements of
31 the licensure law.

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

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

20 (u) Failure to honor a bank draft or check given to a
21 motor vehicle dealer for the purchase of a motor vehicle by
22 another motor vehicle dealer within 10 days after notification
23 that the bank draft or check has been dishonored. A single
24 violation of this paragraph is sufficient for revocation or
25 suspension. If the transaction is disputed, the maker of the
26 bank draft or check shall post a bond in accordance with the
27 provisions of s. 559.917, and no proceeding for revocation or
28 suspension shall be commenced until the dispute is resolved.

29 (v) Sale by a motor vehicle dealer of a vehicle
30 offered in trade by a customer prior to consummation of the
31 sale, exchange, or transfer of a newly acquired vehicle to the

1 customer, unless the customer provides written authorization
2 for the sale of the trade-in vehicle prior to delivery of the
3 newly acquired vehicle.

4 Section 48. Subsection (24) is added to section
5 320.64, Florida Statutes, to read:

6 320.64 Denial, suspension, or revocation of license;
7 grounds.--A license may be denied, suspended, or revoked
8 within the entire state or at any specific location or
9 locations within the state at which the applicant or licensee
10 engages or proposes to engage in business, upon proof that an
11 applicant or licensee has failed to comply with any of the
12 following provisions with sufficient frequency so as to
13 establish a pattern of wrongdoing on the part of the
14 applicant:

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

21
22 A motor vehicle dealer who can demonstrate that a violation
23 of, or failure to comply with, any of the preceding provisions
24 by an applicant or licensee will or can adversely and
25 pecuniarily affect the complaining dealer, shall be entitled
26 to pursue all of the remedies, procedures, and rights of
27 recovery available under ss. 320.695 and 320.697.

28 Section 49. Section 320.691, Florida Statutes, is
29 created to read:

30 320.691 Automobile Dealers Industry Advisory Board.--
31

1 (1) AUTOMOBILE DEALERS INDUSTRY ADVISORY BOARD.--The
2 Automobile Dealers Industry Advisory Board is created within
3 the Department of Highway Safety and Motor Vehicles. The board
4 shall make recommendations on proposed legislation, make
5 recommendations on proposed rules and procedures, present
6 licensed motor vehicle dealer industry issues to the
7 department for its consideration, consider any matters
8 relating to the motor vehicle industry presented to it by the
9 department, and submit an annual report to the Executive
10 Director of the department and file copies with the Governor,
11 President of the Senate, and the Speaker of the House of
12 Representatives.

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

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

1 Revenue; a Florida Tax Collector representative recommended by
2 the Florida Tax Collectors Association; one representative
3 from the Better Business Bureau; one representative from the
4 Department of Agriculture and Consumer Services, who must
5 represent the Division of Consumer Services; and one
6 representative of the insurance industry who writes motor
7 vehicle dealer surety bonds.

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

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

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

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

30 (c) The board shall meet at least two times per year.
31 Meetings may be called by the chair of the board or by the

1 Executive Director of the department. One meeting shall be
2 held in the fall of the year to review legislative proposals.
3 The board shall conduct all meetings in accordance with
4 applicable Florida Statutes and shall keep minutes of all
5 meetings. Meetings may be held in locations around the state
6 in department facilities or in other appropriate locations.

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

14 Section 50. Subsection (26) of section 322.01, Florida
15 Statutes, is amended to read:

16 322.01 Definitions.--As used in this chapter:

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

22 Section 51. Subsections (4) and (5) are added to
23 section 322.0261, Florida Statutes, to read:

24 322.0261 Mandatory driver improvement course; certain
25 crashes.--

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

30 (5) In determining whether to approve courses of
31 driver improvement schools that use technology as the delivery

1 method as the courses relate to this section, the department
2 shall consider only those courses submitted by a person,
3 business, or entity which receive:

4 (a) Approval for statewide delivery.

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

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

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

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

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

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

1 (4)
2 (b) The department is authorized to discontinue the
3 voluntary contribution and distribution of associated proceeds
4 if the organization no longer exists, if the organization has
5 stopped providing services that are authorized to be funded
6 from the voluntary contributions, or pursuant to an
7 organizational recipient's request. Organizations are required
8 to notify the department immediately to stop warrants for
9 voluntary check-off contribution, if any of the conditions in
10 this subsection exist, and must meet the requirements of
11 paragraph (5)(b) or paragraph (5)(c), if applicable, for any
12 period of operation during the fiscal year.

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

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

22 ~~(b) All organizational recipients of any voluntary~~
23 ~~contributions in excess of \$15,000, not otherwise subject to~~
24 ~~annual audit by the Office of the Auditor General, shall~~
25 ~~submit an annual audit of the expenditures of these~~
26 ~~contributions and interest earned from these contributions, to~~
27 ~~determine if expenditures are being made in accordance with~~
28 ~~the specifications outlined by law. The audit shall be~~
29 ~~prepared by a certified public accountant licensed under~~
30 ~~chapter 473 at that organizational recipient's expense. The~~
31

1 ~~notes to the financial statements should state whether~~
2 ~~expenditures were made in accordance with law.~~

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

10 **(c)(d)** Any voluntary contributions authorized by law
11 shall only be distributed to an organization under an
12 appropriation by the Legislature.

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

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

31

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

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

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

13 322.095 Traffic law and substance abuse education
14 program for driver's license applicants.--

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

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

25 (a) Approval for statewide delivery.

26 (b) Independent scientific research evidence of course
27 effectiveness.

28 Section 55. Section 322.222, Florida Statutes, is
29 created to read:

30 322.222 Right to review.--A driver may request an
31 administrative hearing to review a revocation pursuant to s.

1 322.221(3). The hearing shall be held in accordance with the
2 department's administrative rules that the department shall
3 have promulgated pursuant to chapter 120.

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

6 322.25 When court to forward license to department and
7 report convictions; temporary reinstatement of driving
8 privileges.--

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

29 Section 57. Subsections (1), (3), and (10) of section
30 322.2615, Florida Statutes, are amended to read:

31 322.2615 Suspension of license; right to review.--

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

20 (b) The suspension under paragraph (a) shall be
21 pursuant to, and the notice of suspension shall inform the
22 driver of, the following:

23 1.a. The driver refused to submit to a lawful breath,
24 blood, or urine test and his or her driving privilege is
25 suspended for a period of 1 year for a first refusal or for a
26 period of 18 months if his or her driving privilege has been
27 previously suspended as a result of a refusal to submit to
28 such a test; or

29 b. The driver violated s. 316.193 by driving with an
30 unlawful blood-alcohol level as provided in that section and
31 his or her driving privilege is suspended for a period of 6

1 months for a first offense or for a period of 1 year if his or
2 her driving privilege has been previously suspended for a
3 violation of s. 316.193.

4 2. The suspension period shall commence on the date of
5 arrest or issuance of the notice of suspension, whichever is
6 later.

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

11 4. The temporary permit issued at the time of arrest
12 will expire at midnight of the 10th ~~30th~~ day following the
13 date of arrest or issuance of the notice of suspension,
14 whichever is later.

15 5. The driver may submit to the department any
16 materials relevant to the arrest.

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

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

31

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

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

28 Section 58. Subsection (5) of section 322.27, Florida
29 Statutes, is amended to read:

30 322.27 Authority of department to suspend or revoke
31 license.--

1 (5) The department shall revoke the license of any
2 person designated a habitual offender, as set forth in s.
3 322.264, and such person shall not be eligible to be
4 relicensed for ~~a minimum of~~ 5 years from the date of
5 revocation, except as provided for in s. 322.271. Any person
6 whose license is revoked may, by petition to the department,
7 show cause why his or her license should not be revoked.

8 Section 59. Subsection (2) of section 322.28, Florida
9 Statutes, is amended to read:

10 322.28 Period of suspension or revocation.--

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

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

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

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

27 3. Upon a third conviction within a period of 10 years
28 from the date of conviction of the first of three or more
29 convictions for the violation of the provisions of s. 316.193
30 or former s. 316.1931 or a combination of such sections, the
31

1 driver's license or driving privilege shall be revoked for not
2 less than 10 years.

3
4 For the purposes of this paragraph, a previous conviction
5 outside this state for driving under the influence, driving
6 while intoxicated, driving with an unlawful blood-alcohol
7 level, or any other alcohol-related or drug-related traffic
8 offense similar to the offense of driving under the influence
9 as proscribed by s. 316.193 will be considered a previous
10 conviction for violation of s. 316.193, and a conviction for
11 violation of former s. 316.028, former s. 316.1931, or former
12 s. 860.01 is considered a conviction for violation of s.
13 316.193.

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

26 (c) The forfeiture of bail bond, not vacated within 20
27 days, in any prosecution for the offense of driving while
28 under the influence of alcoholic beverages, chemical
29 substances, or controlled substances to the extent of
30 depriving the defendant of his or her normal faculties shall
31 be deemed equivalent to a conviction for the purposes of this

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

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

25 (d)(e) The court shall permanently revoke the driver's
26 license or driving privilege of a person who has been
27 convicted four times for violation of s. 316.193 or former s.
28 316.1931 or a combination of such sections. The court shall
29 permanently revoke the driver's license or driving privilege
30 of any person who has been convicted of DUI manslaughter in
31 violation of s. 316.193. If the court has not permanently

1 revoked such driver's license or driving privilege within 30
2 days after imposing sentence, the department shall permanently
3 revoke the driver's license or driving privilege pursuant to
4 this paragraph. No driver's license or driving privilege may
5 be issued or granted to any such person. This paragraph
6 applies only if at least one of the convictions for violation
7 of s. 316.193 or former s. 316.1931 was for a violation that
8 occurred after July 1, 1982. For the purposes of this
9 paragraph, a conviction for violation of former s. 316.028,
10 former s. 316.1931, or former s. 860.01 is also considered a
11 conviction for violation of s. 316.193. Also, a conviction of
12 driving under the influence, driving while intoxicated,
13 driving with an unlawful blood-alcohol level, or any other
14 similar alcohol-related or drug-related traffic offense
15 outside this state is considered a conviction for the purposes
16 of this paragraph.

17 Section 60. Section 322.282, Florida Statutes, is
18 repealed.

19 Section 61. Subsection (3) is added to section
20 322.292, Florida Statutes, to read:

21 322.292 DUI programs supervision; powers and duties of
22 the department.--

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

25 Section 62. Section 322.331, Florida Statutes, is
26 repealed.

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

29 322.61 Disqualification from operating a commercial
30 motor vehicle.--

31

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

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

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

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

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

31

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

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

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

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

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

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

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

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

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

31

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

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

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

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

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

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

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

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

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

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

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

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

31

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

11 Section 65. Section 324.091, Florida Statutes, is
12 amended to read:

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

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

1 time take such action as it is otherwise authorized to do
2 under this chapter. Proof of mailing to the insurer or surety
3 insurer may be made by the department by naming the insurer or
4 surety insurer to whom such mailing was made and specifying
5 the time, place and manner of mailing.

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

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

19 Section 66. Paragraph (b) of subsection (3) of section
20 328.01, Florida Statutes, is amended to read:

21 328.01 Application for certificate of title.--

22 (3)

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

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

22

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

26 Section 67. Subsection (2) of section 328.42, Florida
27 Statutes, is amended to read:

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

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

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

5 Section 68. Section 328.56, Florida Statutes, is
6 amended to read:

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

10 (1) A vessel used exclusively on private lakes and
11 ponds.

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

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

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

15 (5) A federally documented vessel.

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

23 (7) A vessel operating under a valid temporary
24 certificate of number.

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

27 (9) An undocumented vessel used exclusively for
28 racing.

29 Section 69. Subsection (4) of section 328.72, Florida
30 Statutes, is amended to read:

31

1 328.72 Classification; registration; fees and charges;
2 surcharge; disposition of fees; fines; marine turtle
3 stickers.--

4 (4) TRANSFER OF OWNERSHIP.--

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

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

21 Section 70. Effective July 1, 2001, subsection (1) of
22 section 328.76, Florida Statutes, is amended to read:

23 328.76 Marine Resources Conservation Trust Fund;
24 vessel registration funds; appropriation and distribution.--

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

1 the counties pursuant to s. 328.72(1), shall be deposited in
2 the Marine Resources Conservation Trust Fund for recreational
3 channel marking; public launching facilities; law enforcement
4 and quality control programs; aquatic weed control; manatee
5 protection, recovery, rescue, rehabilitation, and release; and
6 marine mammal protection and recovery. The funds collected
7 pursuant to s. 328.72(1) shall be transferred as follows:

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

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

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

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

25 Section 71. Subsections (4) and (6) of section 713.78,
26 Florida Statutes, are amended to read:

27 713.78 Liens for recovering, towing, or storing
28 vehicles and ~~documented~~ vessels.--

29 (4)(a) Any person regularly engaged in the business of
30 recovering, towing, or storing vehicles or vessels who comes
31 into possession of a vehicle or vessel pursuant to subsection

1 (2), and who claims a lien for recovery, towing, or storage
2 services, shall give notice to the registered owner, the
3 insurance company insuring the vehicle notwithstanding the
4 provisions of s. 627.736, and to all persons claiming a lien
5 thereon, as disclosed by the records in the Department of
6 Highway Safety and Motor Vehicles or of a corresponding agency
7 in any other state.

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

29 (c)~~(b)~~ Notice by certified mail, return receipt
30 requested, shall be sent within 7 business days after the date
31 of storage of the vehicle or vessel to the registered owner,

1 the insurance company insuring the vehicle notwithstanding the
2 provisions of s. 627.736, and to all persons of record
3 claiming a lien against the vehicle or vessel. It shall state
4 the fact of possession of the vehicle or vessel, that a lien
5 as provided in subsection (2) is claimed, that charges have
6 accrued and the amount thereof, that the lien is subject to
7 enforcement pursuant to law, and that the owner or lienholder,
8 if any, has the right to a hearing as set forth in subsection
9 (5), and that any vehicle or vessel which remains unclaimed,
10 or for which the charges for recovery, towing, or storage
11 services remain unpaid, may be sold ~~after 35 days~~ free of all
12 prior liens after 35 days if the vehicle or vessel is more
13 than 3 years of age and after 50 days if the vehicle or vessel
14 is 3 years of age or less.

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

27 1. Check of vehicle or vessel for any type of tag, tag
28 record, temporary tag, or regular tag.

29 2. Check of law enforcement report for tag number or
30 other information identifying the vehicle or vessel, if the
31

1 vehicle or vessel was towed at the request of a law
2 enforcement officer.

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

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

10 5. Check of vehicle or vessel for inspection sticker
11 or other stickers and decals that may indicate a state of
12 possible registration.

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

16 7. Check of vehicle for vehicle identification number.

17 8. Check of vessel for vessel registration number.

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

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

1 rental amount after 35 days from the time the vehicle or
2 vessel is stored therein if the vehicle or vessel is more than
3 3 years of age and after 50 days from the time the vehicle or
4 vessel is stored therein if the vehicle or vessel is 3 years
5 of age or less. The sale shall be at public auction for cash.
6 If the date of the sale was not included in the notice
7 required in subsection (4), notice of the sale shall be given
8 to the person in whose name the vehicle, vessel, or mobile
9 home is registered, to the mobile home park owner, and to all
10 persons claiming a lien on the vehicle or vessel as shown on
11 the records of the Department of Highway Safety and Motor
12 Vehicles or of the corresponding agency in any other state.
13 Notice shall be sent by certified mail, return receipt
14 requested, to the owner of the vehicle or vessel and the
15 person having the recorded lien on the vehicle or vessel at
16 the address shown on the records of the registering agency and
17 shall be mailed not less than 15 days before the date of the
18 sale. After diligent search and inquiry, if the name and
19 address of the registered owner or the owner of the recorded
20 lien cannot be ascertained, the requirements of notice by mail
21 may be dispensed with. In addition to the notice by mail,
22 public notice of the time and place of sale shall be made by
23 publishing a notice thereof one time, at least 10 days prior
24 to the date of the sale, in a newspaper of general circulation
25 in the county in which the sale is to be held. The proceeds
26 of the sale, after payment of reasonable towing and storage
27 charges, costs of the sale, and the unpaid lot rental amount,
28 in that order of priority, shall be deposited with the clerk
29 of the circuit court for the county if the owner is absent,
30 and the clerk shall hold such proceeds subject to the claim of
31 the person legally entitled thereto. The clerk shall be

1 entitled to receive 5 percent of such proceeds for the care
2 and disbursement thereof. The certificate of title issued
3 under this law shall be discharged of all liens unless
4 otherwise provided by court order.

5 Section 72. Section 715.05, Florida Statutes, is
6 repealed.

7 Section 73. Subsection (1) of section 681.1096,
8 Florida Statutes, is amended to read:

9 681.1096 Pilot RV Mediation and Arbitration Program;
10 creation and qualifications.--

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

22 Section 74. Subsections (5) and (7) of section
23 681.1097, Florida Statutes, are amended to read:

24 681.1097 Pilot RV Mediation and Arbitration Program;
25 dispute eligibility and program function.--

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

1 (a) The arbitration hearing shall be conducted by a
2 single arbitrator assigned by the program administrator. The
3 arbitrator shall not be the same person as the mediator who
4 conducted the prior mediation conference in the dispute. The
5 parties may factually object to an arbitrator based on the
6 arbitrator's past or present relationship with a party or a
7 party's attorney, direct or indirect, whether financial,
8 professional, social, or of any other kind. The program
9 administrator shall consider any such objection, determine its
10 validity, and notify the parties of any determination. If the
11 objection is determined valid, the program administrator shall
12 assign another arbitrator to the case.

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

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

29 (d) The program arbitrator may continue a hearing on
30 his or her own motion or upon the request of a party for good
31 cause shown. A request for continuance by the consumer

1 constitutes a waiver of the time period set forth in s.
2 681.1096(3)(k) for completion of all proceedings under the
3 program.

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

9 (f) The arbitrator shall grant relief if a reasonable
10 number of attempts have been undertaken to correct a
11 nonconformity or nonconformities.

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

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

1 under s. 681.1095(10). In any civil action arising under this
2 chapter and relating to a dispute arbitrated pursuant to this
3 section, the decision of the arbitrator is admissible in
4 evidence.

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

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

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

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

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

1 Section 75. Section 681.115, Florida Statutes, is
2 amended to read:

3 681.115 Certain agreements void.--Any agreement
4 entered into by a consumer that waives, limits, or disclaims
5 the rights set forth in this chapter, or that requires a
6 consumer not to disclose the terms of such agreement as a
7 condition thereof, is void as contrary to public policy. The
8 rights set forth in this chapter shall extend to a subsequent
9 transferee of such motor vehicle.

10 Section 76. Section 715.07, Florida Statutes, is
11 amended to read:

12 715.07 Vehicles and vessels parked on private
13 property; towing.--

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

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

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

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

31

1 (a) The towing or removal of any vehicle or vessel
2 from private property without the consent of the registered
3 owner or other legally authorized person in control of that
4 vehicle or vessel is subject to strict compliance with the
5 following conditions and restrictions:

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

20 b. If no towing business providing such service is
21 located within the area of towing limitations set forth in
22 sub-subparagraph a., the following limitations apply: any
23 towed or removed vehicle or vessel must be stored at a site
24 within 20 miles of the point of removal in any county of
25 500,000 population or more, and within 30 miles of the point
26 of removal in any county of less than 500,000 population.

27 2. The person or firm towing or removing the vehicle
28 or vessel shall, within 30 minutes of completion of such
29 towing or removal, notify the municipal police department or,
30 in an unincorporated area, the sheriff of such towing or
31 removal, the storage site, the time the vehicle or vessel was

1 towed or removed, and the make, model, color, and license
2 plate number of the vehicle or the make, model, color, and
3 registration number of the vessel and shall obtain the name of
4 the person at that department to whom such information was
5 reported and note that name on the trip record.

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

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

23 5. Except for property appurtenant to and obviously a
24 part of a single-family residence, and except for instances
25 when notice is personally given to the owner or other legally
26 authorized person in control of the vehicle or vessel that the
27 area in which that vehicle or vessel is parked is reserved or
28 otherwise unavailable for unauthorized vehicles or vessels and
29 subject to being removed at the owner's or operator's expense,
30 any property owner or lessee, or person authorized by the
31 property owner or lessee, prior to towing or removing any

1 vehicle or vessel from private property without the consent of
2 the owner or other legally authorized person in control of
3 that vehicle or vessel, must post a notice meeting the
4 following requirements:

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

11 b. The notice must clearly indicate, in not less than
12 2-inch high, light-reflective letters on a contrasting
13 background, that unauthorized vehicles will be towed away at
14 the owner's expense. Owners or lessees that remove vessels
15 from their properties shall post notice, consistent with the
16 requirements of this subparagraph, that unauthorized vehicles
17 or vessels will be towed at the owner's expense. The words
18 "tow-away zone" must be included on the sign in not less than
19 4-inch high letters.

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

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

31

1 e. The local government may require permitting and
2 inspection of these signs prior to any towing or removal of
3 vehicles or vessels being authorized.

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

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

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

30 7. Any person or firm towing or removing any vehicles
31 or vessels from private property without the consent of the

1 owner or other legally authorized person in control of the
2 vehicles or vessels shall, on any trucks, wreckers as defined
3 in s. 713.78(1)(b), or other vehicles used in the towing or
4 removal, have the name, address, and telephone number of the
5 company performing such service clearly printed in contrasting
6 colors on the driver and passenger sides of the vehicle. The
7 name shall be in at least 3-inch permanently affixed letters,
8 and the address and telephone number shall be in at least
9 1-inch permanently affixed letters.

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

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

31

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

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

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

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

20 ~~(6)(5)(a)~~ Any person who violates the provisions of
21 subparagraph (2)(a)2. or subparagraph (2)(a)6. commits is
22 ~~guilty~~ of a misdemeanor of the first degree, punishable as
23 provided in s. 775.082 or s. 775.083.

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

28 Section 77. Subsection (3) is added to section 832.09,
29 Florida Statutes, to read:

30 832.09 Suspension of driver license after warrant or
31 capias is issued in worthless check case.--

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

8 Section 78. Subsection (10) of section 212.08, Florida
9 Statutes, is amended to read:

10 212.08 Sales, rental, use, consumption, distribution,
11 and storage tax; specified exemptions.--The sale at retail,
12 the rental, the use, the consumption, the distribution, and
13 the storage to be used or consumed in this state of the
14 following are hereby specifically exempt from the tax imposed
15 by this chapter.

16 (10) PARTIAL EXEMPTION; MOTOR VEHICLE SOLD TO RESIDENT
17 OF ANOTHER STATE.--The tax collected on the sale of a new or
18 used motor vehicle in this state to a resident of another
19 state shall be an amount equal to the sales tax which would be
20 imposed on such sale under the laws of the state of which the
21 purchaser is a resident, except that such tax shall not exceed
22 the tax that would otherwise be imposed under this chapter.

23 At the time of the sale, the purchaser shall execute a
24 notarized statement of his or her intent to license the
25 vehicle in the state of which the purchaser is a resident
26 within 45 days of the sale and of the fact of the payment to
27 the State of Florida of a sales tax in an amount equivalent to
28 the sales tax of his or her state of residence and shall
29 submit the statement to the appropriate sales tax collection
30 agency in his or her state of residence. Nothing in this
31 subsection shall be construed to require the removal of the

1 vehicle from this state following the filing of an intent to
2 license the vehicle in the purchaser's home state if the
3 purchaser licenses the vehicle in his or her home state within
4 45 days after the date of sale. Nothing herein shall require
5 the payment of tax to the State of Florida for assessments
6 made prior to July 1, 2001, if the tax imposed by this section
7 has been paid to the state in which the vehicle was licensed
8 and the department has assessed a like amount of tax on the
9 same transactions. This provision shall apply retroactively to
10 assessments that have been protested prior to August 1, 1999,
11 and have not been paid on the date this act takes effect.

12 Section 79. Chapter 261, Florida Statutes, consisting
13 of sections 261.01, 261.02, 261.03, 261.04, 261.05, 261.06,
14 261.07, 261.08, 261.09, 261.10, 261.11, and 261.12, Florida
15 Statutes, is created to read:

16 261.01 Short title.--This chapter may be cited as the
17 "T. Mark Schmidt Off-Highway-Vehicle Safety and Recreation
18 Act."

19 261.02 Legislative findings, declarations, and
20 intent.--

21 (1) The Legislature finds that off-highway vehicles
22 are becoming increasingly popular in this state and that the
23 use of these vehicles should be controlled and managed to
24 minimize negative effects on the environment, wildlife
25 habitats, native wildlife, and native flora.

26 (2) The Legislature declares that effectively managed
27 areas and adequate facilities for the use of off-highway
28 vehicles are compatible with this state's overall recreation
29 plan and the underlying goal of multiple use.

30 (3) It is the intent of the Legislature that:
31

1 (a) Existing off-highway-vehicle recreational areas,
2 facilities, and opportunities be improved and appropriately
3 expanded, and be managed in a manner consistent with this
4 chapter, in order to maintain natural resources and sustained
5 long-term use of off-highway-vehicle trails and areas.

6 (b) New off-highway-vehicle recreational areas,
7 facilities, and opportunities be provided and managed pursuant
8 to this chapter in a manner that will sustain both long-term
9 use and the environment.

10 (c) Nothing contained within this act shall be
11 construed to require the construction or maintenance of
12 off-highway-vehicle recreation areas, facilities, or trails on
13 public lands where such construction or maintenance would be
14 inconsistent with the property's management objectives or land
15 management plan.

16 261.03 Definitions.--As used in this chapter, the
17 term:

18 (1) "Advisory committee" means the Off-Highway-Vehicle
19 Recreation Advisory Committee created by s. 261.04.

20 (2) "ATV" means any motorized off-highway or
21 all-terrain vehicle 50 inches or less in width, having a dry
22 weight of 900 pounds or less, designed to travel on three or
23 more low-pressure tires, having a seat designed to be
24 straddled by the operator and handlebars for steering control,
25 and intended for use by a single operator with no passenger.

26 (3) "Department" means the Department of Agriculture
27 and Consumer Services.

28 (4) "Division" means the Division of Forestry of the
29 Department of Agriculture and Consumer Services.

30 (5) "OHM" or "off-highway motorcycle" means any motor
31 vehicle used off the roads or highways of this state which has

1 a seat or saddle for the use of the rider and is designed to
2 travel with not more than two wheels in contact with the
3 ground, but excludes a tractor or a moped.

4 (6) "Off-highway vehicle" means any ATV or OHM used
5 off the roads or highways of this state for recreational
6 purposes and which is not registered and licensed for highway
7 use under chapter 320.

8 (7) "Program" means the Off-Highway-Vehicle Recreation
9 Program.

10 (8) "Public lands" means lands within the State of
11 Florida which are available for public use and which are
12 owned, operated, or managed by a federal, state, county, or
13 municipal governmental entity.

14 (9) "System" means the off-highway-vehicle recreation
15 areas and trails on public lands within the state.

16 (10) "Trust fund" means the Incidental Trust Fund of
17 the Division of Forestry of the Department of Agriculture and
18 Consumer Services.

19 261.04 Creation of the Off-Highway-Vehicle Recreation
20 Advisory Committee; members; appointment.--

21 (1) The Off-Highway-Vehicle Recreation Advisory
22 Committee is created within the Division of Forestry and shall
23 consist of nine members, all of whom shall appointed by the
24 Commissioner of Agriculture. The appointees shall include one
25 representative of the Department of Agriculture and Consumer
26 Services, one representative of the Department of Highway
27 Safety and Motor Vehicles, one representative of the Office of
28 Greenways and Trails of the Department of Environmental
29 Protection, one representative of the Fish and Wildlife
30 Conservation Commission, one citizen with scientific expertise
31 in disciplines relating to ecology, wildlife biology, or other

1 environmental sciences, one representative of a licensed
2 off-highway-vehicle dealer, and three representatives of
3 off-highway-vehicle recreation groups. In making these
4 appointments, the commissioner shall consider the places of
5 residence of the members to ensure statewide representation.

6 (2) The term of office of each member of the advisory
7 committee is 2 years. The members first appointed shall
8 classify themselves by lot so that the terms of four members
9 expire June 30, 2003, and the terms of five members expire
10 June 30, 2004.

11 (3) In case of a vacancy on the committee, the
12 commissioner shall appoint a successor member for the
13 unexpired portion of the term.

14 (4) The members shall elect a chair from among
15 themselves who shall serve for 1 year or until a successor is
16 elected.

17 (5) The members shall not receive a salary; however,
18 they shall be entitled to be reimbursed for the actual and
19 necessary expenses incurred in the performance of their
20 duties.

21 261.05 Duties and responsibilities of the
22 Off-Highway-Vehicle Recreation Advisory Committee.--

23 (1) The advisory committee shall establish policies to
24 guide the department regarding the off-highway-vehicle
25 recreational program and the system of off-highway-vehicle
26 recreation areas and trails.

27 (2) The advisory committee shall make recommendations
28 to the department regarding off-highway-vehicle safety and
29 training and education programs in the operation of such
30 vehicles.

31

1 (3) The advisory committee must be informed of all
2 governmental activities affecting the program.

3 (4) The advisory committee must be informed of
4 off-highway-vehicle impacts and effects on the environment,
5 wildlife habitats, and native flora and fauna, and shall make
6 recommendations to avoid or minimize adverse environmental
7 impacts and promote sustained, long-term use.

8 (5) The advisory committee must be fully informed of
9 the inventory of off-highway-vehicle access and opportunities.

10 (6) The advisory committee shall meet at various times
11 and locations throughout the state to receive public comments
12 on the implementation of the program and shall take these
13 public comments into consideration when making its
14 recommendations.

15 (7) The advisory committee shall review and make
16 recommendations annually regarding the department's proposed
17 budget of expenditures from the designated off-highway-vehicle
18 funds in the trust fund, which may include providing funds to
19 match grant funds available from other sources.

20 (8) The advisory committee shall make recommendations
21 regarding all capital outlay expenditures from the trust fund
22 proposed for inclusion in the budget.

23 (9) The advisory committee shall review grant
24 applications submitted by any governmental agency or entity or
25 nongovernmental entity requesting moneys from the trust fund
26 to create, operate, manage, or improve off-highway-vehicle
27 recreation areas or trails within the state, protect and
28 restore affected natural areas in the system, or provide
29 off-highway-vehicle driver education. The advisory committee
30 shall recommend to the department approval or denial of such
31

- 1 grant applications based upon criteria established by the
2 advisory committee.
- 3 261.06 Functions, duties, and responsibilities of the
4 department.--The following are functions, duties, and
5 responsibilities of the department through the division:
- 6 (1) Coordination of the planning, development,
7 conservation, and rehabilitation of state lands in and for the
8 system.
- 9 (2) Coordination of the management, maintenance,
10 administration, and operation of state lands in the system,
11 and the provision of law enforcement and appropriate public
12 safety activities.
- 13 (3) Management of the trust fund and approval of the
14 advisory committee's budget recommendations.
- 15 (4) Implementation of the program, including the
16 ultimate approval of grant applications submitted by
17 governmental agencies or entities or nongovernmental entities.
- 18 (5) Coordination to help ensure compliance with
19 environmental laws and regulations of the program and lands in
20 the system.
- 21 (6) The implementation of the policies established by
22 the advisory committee.
- 23 (7) Provision of staff assistance to the advisory
24 committee.
- 25 (8) Preparation of plans for lands in, or proposed to
26 be included in, the system.
- 27 (9) Conducting surveys and the preparation of studies
28 as are necessary or desirable for implementing the program.
- 29 (10) Recruitment and utilization of volunteers to
30 further the program.
- 31

1 (11) Rulemaking authority to implement the provisions
2 of ss. 261.01-261.10.

3 261.07 Publication and distribution of guidebook;
4 contents.--In consultation with the advisory committee, the
5 department shall publish a guidebook, including the text of
6 this chapter, other laws and regulations relating to the
7 program, and maps of areas and trails for the system. The
8 guidebook may include other public areas, trails, and
9 facilities for the use of off-highway vehicles. The guidebook
10 must include information regarding the responsibilities of
11 users of the system and must set forth pertinent laws, rules,
12 and regulations, including particular provisions and other
13 information intended to prevent trespass and damage to public
14 or private property. The guidebook must be prepared at minimal
15 cost to facilitate the broadest possible distribution and must
16 be available for distribution no later than October 1, 2002.

17 261.08 Repair, maintenance, and rehabilitation of
18 areas, trails, and lands.--

19 (1) The protection of public safety, the appropriate
20 use of lands in the system, and the conservation of the
21 environment, wildlife habitats, native wildlife, and native
22 flora in the system are of the highest priority in the
23 management of the system. Accordingly, the public land
24 managing agency shall avoid or minimize adverse impacts to the
25 environment, promptly repair and continuously maintain areas
26 and trails, anticipate and prevent accelerated erosion, and
27 rehabilitate lands to the extent damaged by
28 off-highway-vehicle use in accordance with the management
29 plans of the public land managing agency.

30 (2) The public land managing agency shall monitor the
31 condition of soils and wildlife habitat in each area of the

1 system to determine whether there is compliance with
2 applicable environmental laws and regulations and take
3 appropriate action as necessary.

4 261.09 Contracts and agreements.--The public land
5 managing agency may contract with private persons or entities
6 and enter into cooperative agreements with other public
7 agencies for the care and maintenance of lands in the system,
8 including contracts for law enforcement services with public
9 agencies having law enforcement powers.

10 261.10 Criteria for recreation areas and
11 trails.--Publicly owned or operated off-highway-vehicle
12 recreation areas and trails shall be designated and maintained
13 for recreational travel by off-highway vehicles. These areas
14 and trails need not be generally suitable or maintained for
15 normal travel by conventional two-wheel-drive vehicles, and
16 should not be designated as recreational foot paths. State
17 off-highway-vehicle recreation areas and trails must be
18 selected and managed in accordance with this chapter.

19 261.11 Penalties.--No off-highway vehicle may be
20 operated upon the public roads, streets, or highways of this
21 state, except as otherwise permitted by the managing state or
22 federal agency. A violation of this section is a noncriminal
23 traffic infraction, punishable as provided in chapter 318.

24 261.12 Designated off-highway-vehicle funds within the
25 Incidental Trust Fund of the Division of Forestry of the
26 Department of Agriculture and Consumer Services.--

27 (1) The designated off-highway-vehicle funds of the
28 trust fund shall consist of deposits from the following
29 sources:

30
31

- 1 (a) Fees paid to the Department of Highway Safety and
2 Motor Vehicles for the titling and registration of off-highway
3 vehicles;
- 4 (b) Revenues and income from any other sources
5 required by law or as appropriated by the Legislature to be
6 deposited into the trust fund as designated
7 off-highway-vehicle funds;
- 8 (c) Donations from private sources that are designated
9 as off-highway-vehicle funds; and
- 10 (d) Interest earned on designated off-highway-vehicle
11 funds on deposit in the trust fund.
- 12 (2) Designated off-highway-vehicle funds in the trust
13 fund shall be available for recommended allocation by the
14 Off-Highway-Vehicle Recreation Advisory Committee and the
15 Department of Agriculture and Consumer Services and upon
16 annual appropriation by the Legislature, exclusively for the
17 following:
- 18 (a) Implementation of the Off-Highway-Vehicle
19 Recreation Program by the Department of Agriculture and
20 Consumer Services, which includes personnel and other related
21 expenses; administrative and operating expenses; expenses
22 related to safety, training, rider education programs,
23 management, maintenance, and rehabilitation of lands in the
24 Off-Highway-Vehicle Recreation Program's system of lands and
25 trails; and, if funds are available, acquisition of lands to
26 be included in the system and the management, maintenance, and
27 rehabilitation of such lands.
- 28 (b) Approved grants to governmental agencies or
29 entities or nongovernmental entities that wish to provide or
30 improve off-highway-vehicle recreation areas or trails for
31 public use on public lands, provide environmental protection

1 and restoration to affected natural areas in the system, or
2 provide education in the operation of off-highway vehicles.

3 (c) Matching funds to be used to match grant funds
4 available from other sources.

5 (3) Notwithstanding s. 216.301 and pursuant to s.
6 216.351, any balance of designated off-highway-vehicle funds
7 in the trust fund at the end of any fiscal year shall remain
8 therein and shall be available for the purposes set out in
9 this section and as otherwise provided by law.

10 Section 80. Section 316.2074, Florida Statutes, is
11 amended to read:

12 316.2074 All-terrain vehicles.--

13 (1) It is the intent of the Legislature, through the
14 adoption of this section to provide safety protection for
15 minors while operating an all-terrain vehicle in this state.

16 (2) As used in this section, the term "all-terrain
17 vehicle" means any motorized off-highway vehicle 50 inches
18 (~~1270 mm~~) or less in width, having a dry weight of 900 ~~600~~
19 pounds(~~273 kg~~) or less, designed to travel ~~traveling~~ on three
20 or more low-pressure tires, ~~designed for operator use only~~
21 ~~with no passengers,~~ having a seat ~~or saddle~~ designed to be
22 straddled by the operator, ~~and having~~ handlebars for steering
23 control, and intended for use by a single operator with no
24 passenger.

25 (3) No person under 16 years of age shall operate,
26 ride, or be otherwise propelled on an all-terrain vehicle
27 unless the person wears a safety helmet meeting United States
28 Department of Transportation standards and eye protection.

29 (4) If a crash results in the death of any person or
30 in the injury of any person which results in treatment of the
31 person by a physician, the operator of each all-terrain

1 vehicle involved in the crash shall give notice of the crash
2 pursuant to s. 316.066.

3 (5) Except as provided in this section, an all-terrain
4 vehicle may not be operated upon the public roads, streets, or
5 highways of this state, except as otherwise permitted by the
6 managing state or federal agency.

7 ~~(6)(5)~~ An all-terrain vehicle having four wheels may
8 be used by police officers on public beaches designated as
9 public roadways for the purpose of enforcing the traffic laws
10 of the state. All-terrain vehicles may also be used by the
11 police to travel on public roadways within 5 miles of beach
12 access only when getting to and from the beach.

13 ~~(7)(6)~~ A violation of this section is a noncriminal
14 traffic infraction, punishable as a nonmoving violation as
15 provided in chapter 318.

16 Section 81. Short title.--Sections 81 through 98 of
17 this act may be cited as the "Florida Off-Highway-Vehicle
18 Titling and Registration Act."

19 Section 82. Legislative intent.--It is the
20 Legislature's intent that all off-highway vehicles purchased
21 after the effective date of this act and all off-highway
22 vehicles operated on public lands be titled and issued a
23 certificate of title to allow for easy determination of
24 ownership. It is also the Legislature's intent that all
25 off-highway vehicles that are operated on public lands be
26 registered and issued a registration decal containing a
27 registration identification number to provide funding for the
28 creation, management, and maintenance of off-highway-vehicle
29 recreation areas and trails and their associated natural
30 resources within the state. Finally, it is the Legislature's
31 intent that all off-highway vehicles owned by non-Florida

1 residents shall be exempt from the titling and registration
2 requirements of this act and that all off-highway vehicles
3 owned by governmental entities shall be exempt from the
4 titling and registration fees imposed by this act with the
5 exception of the applicable fees as set forth in this act
6 which are necessary to cover the administrative costs of the
7 department and the service fees of the county tax collectors.
8 However, all applicable laws, rules, and regulations governing
9 off-highway-vehicle use and operation established by the
10 applicable public land managing agencies shall apply to all
11 off-highway-vehicle users, including users that are
12 non-Florida residents and governmental entities.

13 Section 83. Definitions.--As used in sections 81
14 through 98 of this act, the term:

15 (1) "ATV" means any motorized off-highway or
16 all-terrain vehicle 50 inches or less in width, having a dry
17 weight of 900 pounds or less, designed to travel on three or
18 more low-pressure tires, having a seat designed to be
19 straddled by the operator and handlebars for steering control,
20 and intended for use by a single operator with no passenger.

21 (2) "Dealer" means any person authorized by the
22 Department of Revenue to buy, sell, resell, or otherwise
23 distribute off-highway vehicles. Such person must have a valid
24 sales tax certificate of registration issued by the Department
25 of Revenue and a valid commercial or occupational license
26 required by any county, municipality, or political subdivision
27 of the state in which the person operates.

28 (3) "Department" means the Department of Highway
29 Safety and Motor Vehicles.

30 (4) "Florida resident" means a person who has had a
31 principal place of domicile in this state for a period of more

1 than 6 consecutive months, who has registered to vote in this
2 state, who has made a statement of domicile pursuant to s.
3 222.17, Florida Statutes, or who has filed for homestead tax
4 exemption on property in this state.

5 (5) "OHM" or "off-highway motorcycle" means any motor
6 vehicle used off the roads or highways of this state which has
7 a seat or saddle for the use of the rider and is designed to
8 travel with not more than two wheels in contact with the
9 ground, but excludes a tractor or a moped.

10 (6) "Off-highway vehicle" means any ATV or OHM used
11 off the roads or highways of this state for recreational
12 purposes which is not registered and licensed for highway use
13 pursuant to chapter 320.

14 (7) "Owner" means a person, other than a lienholder,
15 having the property in or title to an off-highway vehicle,
16 including a person entitled to the use or possession of an
17 off-highway vehicle subject to an interest held by another
18 person, reserved or created by agreement and securing payment
19 of performance of an obligation, but the term excludes a
20 lessee under a lease not intended as security.

21 (8) "Public lands" means lands within the state which
22 are available for public use and which are owned, operated, or
23 managed by a federal, state, county, or municipal governmental
24 entity.

25 Section 84. Administration of off-highway-vehicle
26 titling and registration laws; records.--

27 (1) The administration of off-highway-vehicle titling
28 and registration laws in sections 81 through 98 of this act is
29 under the Department of Highway Safety and Motor Vehicles,
30 which shall provide for the issuing, handling, and recording
31 of all off-highway-vehicle titling and registration

1 applications and certificates, including the receipt and
2 accounting of off-highway-vehicle titling and registration
3 fees.

4 (2) The department shall keep records and perform
5 other clerical duties pertaining to off-highway-vehicle
6 titling and registration as required.

7 Section 85. Rules, forms, and notices.--

8 (1) The department may adopt rules under ss.
9 120.536(1) and 120.54, Florida Statutes, which pertain to
10 off-highway-vehicle titling and registration to implement the
11 provisions of sections 81 through 98 of this act conferring
12 duties upon it.

13 (2) The department shall prescribe and provide
14 suitable forms for applications and other notices and forms
15 necessary to administer the provisions of sections 81 through
16 98 of this act.

17 Section 86. Certificate of title required.--

18 (1) Any off-highway vehicle that is purchased by a
19 resident of this state after the effective date of this act or
20 which is owned by a resident and is operated on the public
21 lands of this state must be titled pursuant to sections 81
22 through 98 of this act.

23 (2) A person may not sell, assign, or transfer an
24 off-highway vehicle titled by the state without delivering to
25 the purchaser or transferee a valid certificate of title with
26 an assignment on it showing the transfer of title to the
27 purchaser or transferee. A person may not purchase or
28 otherwise acquire an off-highway vehicle required to be titled
29 without obtaining a certificate of title for the vehicle in
30 his or her name. The purchaser or transferee shall, within 30
31 days after a change in off-highway-vehicle ownership, file an

1 application for a title transfer with the county tax
2 collector. An additional \$10 fee shall be charged against a
3 purchaser or transferee who files a title transfer application
4 after the 30-day period. The county tax collector may retain
5 \$5 of the additional amount.

6 (3) A certificate of title is prima facie evidence of
7 the ownership of the off-highway vehicle and is good for the
8 life of the off-highway vehicle so long as the certificate is
9 owned or held by the legal holder. If a titled off-highway
10 vehicle is destroyed or abandoned, the owner, with the consent
11 of any recorded lienholders, shall, within 30 days after the
12 destruction or abandonment, surrender to the department all
13 title documents for cancellation.

14 (4) The department shall provide labeled places on the
15 title where the seller's price shall be indicated when an
16 off-highway vehicle is sold and where a selling dealer shall
17 record his or her valid sales tax certificate of registration
18 number.

19 (5)(a) There shall be a service charge of \$4.25 for
20 each application that is handled in connection with the
21 issuance, duplication, or transfer of any certificate of
22 title. There shall be a service charge of \$1.25 for each
23 application that is handled in connection with the recordation
24 or notation of a lien on an off-highway vehicle which is not
25 in connection with the purchase of such vehicle.

26 (b) The service charges specified in paragraph (a)
27 shall be collected by the department on any application
28 handled directly from its office. Otherwise, these service
29 charges shall be collected and retained by the tax collector
30 who handles the application.

31

1 (c) In addition to the fees provided in paragraph (a),
2 any tax collector may impose an additional service charge of
3 not more than 50 cents on any transaction specified in
4 paragraph (a) or on any transaction specified in subsection
5 (2) of section 94 of this act, when such transaction occurs at
6 any tax collector's branch office.

7 Section 87. Application for and issuance of
8 certificate of title.--

9 (1) The owner of an off-highway vehicle that is
10 required to be titled must apply to the county tax collector
11 for a certificate of title. The application must include the
12 true name of the owner, the residence or business address of
13 the owner, and a complete description of the vehicle. The
14 application must be signed by the owner and must be
15 accompanied by a fee of \$29.

16 (2) The owner must establish, by submitting with the
17 application an executed bill of sale, a manufacturer's
18 statement of origin, an affidavit of ownership for off-highway
19 vehicles purchased before the effective date of this act, or
20 any other document acceptable to the department.

21 (3) To apply for a title upon transfer of ownership of
22 an off-highway vehicle, the new owner must surrender to the
23 department the last title document issued for that vehicle.
24 The document must be properly executed. Proper execution
25 includes the previous owner's signature and certification that
26 the off-highway vehicle to be transferred is debt-free or is
27 subject to a lien. If a lien exists, the previous owner must
28 furnish the new owner, on forms supplied by the department,
29 the names and addresses of all lienholders and the dates of
30 all liens, with a statement from each lienholder that the
31

1 lienholder has knowledge of and consents to the transfer of
2 title to the new owner.

3 (4) An application for an initial title or a title
4 transfer must include payment of the applicable state sales
5 tax or proof of payment of such tax, except for off-highway
6 vehicles purchased or transferred before the effective date of
7 this act.

8 (5) If the owner submits a complete application and
9 complies with all of the other requirements of this section,
10 the department shall issue a certificate of title that states
11 that the title is for an off-highway vehicle that is not
12 suitable for highway use. After October 1, 2002, the
13 department shall also issue a copy of the guidebook prepared
14 by the Department of Agriculture and Consumer Services
15 pursuant to s. 261.07, Florida Statutes.

16 Section 88. Duplicate certificate of title.--

17 (1) The department may issue a duplicate certificate
18 of title upon application by the person entitled to hold such
19 a certificate if the department is satisfied that the original
20 certificate has been lost, destroyed, or mutilated. A fee of
21 \$15 shall be charged for issuing a duplicate certificate.

22 (2) In addition to the fee imposed by subsection (1),
23 a fee of \$7 shall be charged for expedited service in issuing
24 a duplicate certificate of title. Application for such
25 expedited service may be made by mail or in person. The
26 department shall issue each certificate of title applied for
27 under this subsection within 5 working days after receipt of a
28 proper application or shall refund the additional \$7 fee upon
29 written request by the applicant.

30 (3) If, following the issuance of an original,
31 duplicate, or corrected certificate of title by the

1 department, the certificate is lost in transit and is not
2 delivered to the addressee, the owner of the off-highway
3 vehicle or the holder of a lien thereon may, within 180 days
4 after the date of issuance of the title, apply to the
5 department for reissuance of the certificate of title. An
6 additional fee may not be charged for reissuance under this
7 subsection.

8 (4) The department shall implement a system to verify
9 that the application is signed by a person authorized to
10 receive a duplicate title certificate under this section if
11 the address shown on the application is different from the
12 address shown for the applicant on the records of the
13 department.

14 Section 89. Manufacturer's statement of origin to be
15 furnished.--

16 (1) Any person selling a new off-highway vehicle in
17 this state must furnish a manufacturer's statement of origin
18 to the purchaser. The statement, which must be in English or
19 accompanied by an English translation if the vehicle was
20 purchased outside the United States, must be signed and dated
21 by an authorized representative of the manufacturer, indicate
22 the complete name and address of the purchaser, include a
23 complete description of the vehicle, and contain as many
24 assignments as necessary to show title in the name of the
25 purchaser.

26 (2) It is unlawful for an off-highway-vehicle
27 manufacturer, manufacturer's representative, or dealer to
28 issue a manufacturer's certificate of origin describing an
29 off-highway vehicle with the knowledge that the description is
30 false or that the off-highway vehicle described does not
31 exist. It is unlawful for any person to obtain or attempt to

1 obtain a certificate of origin with the knowledge that the
2 description is false or that the off-highway vehicle does not
3 exist. Any person who violates this subsection commits a
4 felony of the third degree, punishable as provided in s.
5 775.082, s. 775.083, or s. 775.084, Florida Statutes.

6 Section 90. Registration required.--

7 (1) Off-highway vehicles operated on public lands of
8 this state, with the exception of off-highway vehicles owned
9 by non-Florida residents or those used for agricultural
10 purposes, must be registered within 30 days after purchase.

11 (2) Nothing in this act prohibits the owner, operator,
12 or manager of public lands containing improved and maintained
13 off-highway-vehicle recreation areas or trails from charging
14 an entrance or admission fee for the use of such lands to help
15 offset the cost of operation and maintenance of such
16 off-highway-vehicle facilities.

17 Section 91. Application for and issuance of
18 certificate of registration, registration number, and decal.--

19 (1) The owner of each off-highway vehicle that
20 requires registration in this state must file a registration
21 application with the county tax collector.

22 (a) The application must provide the owner's name and
23 address, residency status, a Florida identification card
24 number such as a driver's license number, and a complete
25 description of the vehicle to be registered, and must be
26 accompanied by a fee of \$25.

27 (b) Proof of ownership must be established by
28 presenting a title for the off-highway vehicle.

29 (2) The department shall issue a certificate of
30 registration and a registration number upon submittal of a
31 complete application and compliance with the other

1 requirements of this section. The certificate of registration
2 does not constitute a license.

3 (3) The department shall furnish with each
4 registration certificate issued a decal signifying the years
5 during which the certificate is valid and containing the
6 assigned registration number, and such decal must be affixed
7 to the rear of the off-highway vehicle.

8 Section 92. Registration period and reregistration by
9 mail.--

10 (1) An off-highway-vehicle certificate of registration
11 is valid through the owner's next birthday. If the owner's
12 birthday falls within the first 3 months after issuance of the
13 certificate of registration, the certificate is valid through
14 the owner's following birthday. However, a certificate of
15 registration may not be valid for more than 15 months.

16 (2) The department shall provide for annual
17 reregistration of off-highway vehicles either in person at the
18 county tax collector's office or by mail.

19 Section 93. Change of interest and address.--

20 (1) The owner must furnish to the department notice of
21 the transfer of any whole or partial interest in an
22 off-highway vehicle registered or titled in this state or of
23 the destruction or abandonment of such vehicle within 30 days
24 thereafter. The certificate shall expire upon such transfer,
25 destruction, or abandonment, unless the transfer of a partial
26 interest does not affect the owner's right to operate the
27 vehicle.

28 (2) Any holder of a certificate of registration must
29 notify the department or the county tax collector within 30
30 days after a change of address to an address other than the
31 address on the certificate and must furnish the department or

1 the county tax collector with the new address. The department
2 may provide by rule for the surrender of the certificate
3 bearing the former address and for its replacement with a new
4 certificate bearing the new address or for the alteration of a
5 certificate to include the new address of the holder.

6 Section 94. Duplicate registration certificate or
7 decal; service fees.--

8 (1) A duplicate off-highway-vehicle registration
9 certificate or decal to replace a lost or misplaced
10 certificate or decal may be obtained from the county tax
11 collector for \$10. A duplicate certificate or decal may not be
12 issued except upon written request of the registered owner or
13 a person authorized by the owner.

14 (2) Included in the registration fee for off-highway
15 vehicles is a \$2.50 service fee to be retained by the county
16 tax collector for each registration certificate or decal
17 issued, replaced, or renewed. The remainder of the fees
18 collected by the county tax collector shall be remitted to the
19 department.

20 (3) A mail service charge may be collected for each
21 registration or reregistration mailed by the department or any
22 tax collector. All registrations and reregistrations must be
23 mailed by first-class mail. The amount of the mail service
24 charge must be the actual postage required rounded to the
25 nearest 5 cents, plus a 25-cent handling charge. The mail
26 service charge is in addition to the registration fee in
27 section 91.

28 Section 95. Disposition of fees.--The department shall
29 deposit all funds received under sections 81 through 98, less
30 administrative costs of \$2 per title transaction and \$2 per
31 registration transaction, into the Incidental Trust Fund of

1 the Division of Forestry of the Department of Agriculture and
2 Consumer Services.

3 Section 96. Refusal to issue and authority to cancel a
4 certificate of title or registration.--

5 (1) If the department finds that an applicant for an
6 off-highway-vehicle certificate of title or registration has
7 given a false statement or false or incomplete information in
8 applying for the certificate or has otherwise failed to comply
9 with the applicable provisions pertaining to the application
10 for a certificate, it may refuse to issue the certificate.

11 (2) If the department finds that an owner or dealer
12 named in an off-highway-vehicle certificate of title or
13 registration has given a false statement or false or
14 incomplete information in applying for the certificate or has
15 otherwise failed to comply with the applicable provisions
16 pertaining to the application for a certificate, it may cancel
17 the certificate.

18 (3) The department may cancel any pending application
19 or any certificate if it finds that any title or registration
20 fee or sales tax pertaining to such registration has not been
21 paid, unless the fee or tax is paid within a reasonable time
22 after the department has given notice.

23 Section 97. Crimes relating to certificates of title
24 and registration decals; penalties.--

25 (1) It is unlawful for any person to procure or
26 attempt to procure a certificate of title or duplicate
27 certificate of title to an off-highway vehicle, or to pass or
28 attempt to pass a certificate of title or duplicate
29 certificate of title to an off-highway vehicle or any
30 assignment thereof, if such person knows or has reason to
31 believe that the vehicle has been stolen. Any person who

1 violates this subsection commits a felony of the third degree,
2 punishable as provided in s. 775.082, s. 775.083, or s.
3 775.084, Florida Statutes.

4 (2) It is unlawful for any person, knowingly and with
5 intent to defraud, to have in his or her possession, sell,
6 offer to sell, counterfeit, or supply a blank, forged,
7 fictitious, counterfeit, stolen, or fraudulently or unlawfully
8 obtained certificate of title, duplicate certificate of title,
9 registration, bill of sale, or other indicia of ownership of
10 an off-highway vehicle or to conspire to do any of the
11 foregoing. Any person who violates this subsection commits a
12 felony of the third degree, punishable as provided in s.
13 775.082, s. 775.083, or s. 775.084, Florida Statutes.

14 (3) It is unlawful:

15 (a) To alter or forge any certificate of title to an
16 off-highway vehicle or any assignment thereof or any
17 cancellation of any lien on an off-highway vehicle.

18 (b) To retain or use such certificate, assignment, or
19 cancellation knowing that it has been altered or forged.

20 (c) To use a false or fictitious name, give a false or
21 fictitious address, or make any false statement in any
22 application or affidavit required by sections 81 through 98 of
23 this act or in a bill of sale or sworn statement of ownership
24 or otherwise commit a fraud in any application.

25 (d) To knowingly obtain goods, services, credit, or
26 money by means of an invalid, duplicate, fictitious, forged,
27 counterfeit, stolen, or unlawfully obtained certificate of
28 title, registration, bill of sale, or other indicia of
29 ownership of an off-highway vehicle.

30 (e) To knowingly obtain goods, services, credit, or
31 money by means of a certificate of title to an off-highway

1 vehicle which certificate is required by law to be surrendered
2 to the department. Any person who violates this subsection
3 commits a felony of the third degree, punishable as provided
4 in s. 775.082, s. 775.083, or s. 775.084, Florida Statutes. A
5 violation of this subsection with respect to any off-highway
6 vehicle makes such off-highway vehicle contraband which may be
7 seized by a law enforcement agency and forfeited under ss.
8 932.701-932.704, Florida Statutes.

9 (4) It is unlawful for any person:

10 (a) To make, alter, forge, counterfeit, or reproduce
11 an off-highway-vehicle registration decal unless authorized by
12 the department.

13 (b) To knowingly have in his or her possession a
14 forged, counterfeit, or imitation off-highway-vehicle
15 registration decal, or reproduction of a decal, unless such
16 possession has been authorized by the department.

17 (c) To barter, trade, sell, supply, agree to supply,
18 aid in supplying, or give away an off-highway-vehicle
19 registration decal or to conspire to barter, trade, sell,
20 supply, agree to supply, aid in supplying, or give away an
21 off-highway-vehicle registration decal, unless authorized by
22 the department. Any person who violates this subsection
23 commits a felony of the third degree, punishable as provided
24 in s. 775.082, s. 775.083, or s. 775.084, Florida Statutes.

25 Section 98. Nonmoving traffic violations.--Any person
26 who fails to comply with any provision of sections 81 through
27 98 of this act for which a penalty is not otherwise provided
28 commits of a nonmoving traffic violation, punishable as
29 provided in s. 318.18, Florida Statutes.

30 Section 99. Subsection (1) of section 375.315, Florida
31 Statutes, is amended to read:

1 375.315 Registration of off-road vehicles.--
2 (1) Any off-road vehicle operated upon public lands,
3 ~~and~~ not registered or licensed under s. 320.02 or s. 320.06,
4 and not otherwise required to be registered pursuant to the
5 Florida Off-Highway-Vehicle Titling and Registration Act must
6 be registered as provided in this section.

7 Section 100. There is appropriated to the Department
8 of Agriculture and Consumer Services from the designated
9 off-highway-vehicle funds in the Incidental Trust Fund of the
10 Division of Forestry of the Department of Agriculture and
11 Consumer Services, for fiscal year 2001-2002, one position and
12 \$156,660 to carry out the provisions of this act.

13 Section 101. Subsection (2) of section 316.605,
14 Florida Statutes, is amended to read:

15 316.605 Licensing of vehicles.--

16 (2) Any commercial motor vehicle, as defined in s.
17 316.003(66), operating over the highways of this state with an
18 expired registration, with no registration from this or any
19 other jurisdiction, or with no registration under the
20 applicable provisions of chapter 320 shall be in violation of
21 s. 320.07(4)~~(3)~~and shall subject the owner or operator of
22 such vehicle to the penalty provided. In addition, a
23 commercial motor vehicle found in violation of this section
24 may be detained by any law enforcement officer until the owner
25 or operator produces evidence that the vehicle has been
26 properly registered and that any applicable delinquent
27 penalties have been paid.

28 Section 102. Subsections (1), (4), and (9) of section
29 318.14, Florida Statutes, are amended to read:

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

1 (1) Except as provided in ss. 318.17 and
2 320.07(4)(c)~~(3)(c)~~, any person cited for a violation of s.
3 240.265, chapter 316, s. 320.0605, s. 320.07(4)(a)~~(3)(a)~~ or
4 (b), s. 322.065, s. 322.15(1), s. 322.16(2) or (3), s.
5 322.161(5), or s. 322.19 is charged with a noncriminal
6 infraction and must be cited for such an infraction and cited
7 to appear before an official. If another person dies as a
8 result of the noncriminal infraction, the person cited may be
9 required to perform 120 community service hours under s.
10 316.027(4), in addition to any other penalties.

11 (4) Any person charged with a noncriminal infraction
12 under this section who does not elect to appear shall pay the
13 civil penalty and delinquent fee, if applicable, either by
14 mail or in person, within 30 days after the date of receiving
15 the citation. If the person cited follows the above
16 procedure, he or she shall be deemed to have admitted the
17 infraction and to have waived his or her right to a hearing on
18 the issue of commission of the infraction. Such admission
19 shall not be used as evidence in any other proceedings. Any
20 person who is cited for a violation of s. 320.0605 or s.
21 322.15(1), or subject to a penalty under s. 320.07(4)(a)~~(3)(a)~~
22 or (b) or s. 322.065, and who makes an election under this
23 subsection shall submit proof of compliance with the
24 applicable section to the clerk of the court. For the purposes
25 of this subsection, proof of compliance consists of a valid
26 driver's license or a valid registration certificate.

27 (9) Any person who is cited for an infraction under
28 this section other than a violation of s. 320.0605, s.
29 320.07(4)(a)~~(3)(a)~~ or (b), s. 322.065, s. 322.15(1), s.
30 322.61, or s. 322.62 may, in lieu of a court appearance, elect
31 to attend in the location of his or her choice within this

1 state a basic driver improvement course approved by the
2 Department of Highway Safety and Motor Vehicles. In such a
3 case, adjudication must be withheld; points, as provided by s.
4 322.27, may not be assessed; and the civil penalty that is
5 imposed by s. 318.18(3) must be reduced by 18 percent;
6 however, a person may not make an election under this
7 subsection if the person has made an election under this
8 subsection in the preceding 12 months. A person may make no
9 more than five elections under this subsection. The
10 requirement for community service under s. 318.18(8) is not
11 waived by a plea of nolo contendere or by the withholding of
12 adjudication of guilt by a court.

13 Section 103. Paragraph (b) of subsection (2) of
14 section 318.18, Florida Statutes, is amended to read:

15 318.18 Amount of civil penalties.--The penalties
16 required for a noncriminal disposition pursuant to s. 318.14
17 are as follows:

18 (2) Thirty dollars for all nonmoving traffic
19 violations and:

20 (b) For all violations of ss. 320.0605, 320.07(1),
21 322.065, and 322.15(1). Any person who is cited for a
22 violation of s. 320.07(1) shall be charged a delinquent fee
23 pursuant to s. 320.07(5)~~(4)~~.

24 1. If a person who is cited for a violation of s.
25 320.0605 or s. 320.07 can show proof of having a valid
26 registration at the time of arrest, the clerk of the court may
27 dismiss the case and may assess a \$5 dismissal fee. A person
28 who finds it impossible or impractical to obtain a valid
29 registration certificate must submit an affidavit detailing
30 the reasons for the impossibility or impracticality. The
31 reasons may include, but are not limited to, the fact that the

1 vehicle was sold, stolen, or destroyed; that the state in
2 which the vehicle is registered does not issue a certificate
3 of registration; or that the vehicle is owned by another
4 person.

5 2. If a person who is cited for a violation of s.
6 322.03, s. 322.065, or s. 322.15 can show a driver's license
7 issued to him or her and valid at the time of arrest, the
8 clerk of the court may dismiss the case and may assess a \$5
9 dismissal fee.

10 3. If a person who is cited for a violation of s.
11 316.646 can show proof of security as required by s. 627.733,
12 issued to the person and valid at the time of arrest, the
13 clerk of the court may dismiss the case and may assess a \$5
14 dismissal fee. A person who finds it impossible or impractical
15 to obtain proof of security must submit an affidavit detailing
16 the reasons for the impracticality. The reasons may include,
17 but are not limited to, the fact that the vehicle has since
18 been sold, stolen, or destroyed; that the owner or registrant
19 of the vehicle is not required by s. 627.733 to maintain
20 personal injury protection insurance; or that the vehicle is
21 owned by another person.

22 Section 104. Subsection (3) of section 322.121,
23 Florida Statutes, is amended to read:

24 322.121 Periodic reexamination of all drivers.--

25 (3) For each licensee whose driving record does not
26 show any revocations, disqualifications, or suspensions for
27 the preceding 7 years or any convictions for the preceding 3
28 years except for convictions of the following nonmoving
29 violations:

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- 1 (a) Failure to exhibit a vehicle registration
2 certificate, rental agreement, or cab card pursuant to s.
3 320.0605;
- 4 (b) Failure to renew a motor vehicle or mobile home
5 registration that has been expired for 4 months or less
6 pursuant to s. 320.07(4)(a)(3)(a);
- 7 (c) Operating a motor vehicle with an expired license
8 that has been expired for 4 months or less pursuant to s.
9 322.065;
- 10 (d) Failure to carry or exhibit a license pursuant to
11 s. 322.15(1); or
- 12 (e) Failure to notify the department of a change of
13 address or name within 10 days pursuant to s. 322.19,
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15 the department shall cause such licensee's license to be
16 prominently marked with the notation "Safe Driver."
- 17 Section 105. Except as otherwise provided herein, this
18 act shall take effect October 1, 2001.
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