

1                   A bill to be entitled  
2           An act relating to the Department of Highway  
3           Safety and Motor Vehicles; amending s.  
4           320.08056, F.S.; increasing the fee for the  
5           Florida educational license plate; amending s.  
6           322.056, F.S.; authorizing the court to direct  
7           the Department of Highway Safety and Motor  
8           Vehicles to issue a driver's license restricted  
9           to business or employment purposes only to  
10          certain persons under age 18 found guilty of  
11          certain alcohol, drug, or tobacco offenses;  
12          amending s. 316.003, F.S.; providing that  
13          certain vehicles of the Department of Health  
14          are authorized emergency vehicles; providing  
15          that a motorized scooter is not a motor vehicle  
16          for traffic control purposes; creating a  
17          definition of the term motorized scooter;  
18          amending s. 316.006, F.S.; authorizing the  
19          installation of multiparty stop signs on  
20          certain roads; providing guidelines for the  
21          installation of such signage; amending s.  
22          316.1951, F.S.; amending 316.1967, F.S.;  
23          allowing a fine designated by county ordinance;  
24          revising provisions related to parking vehicles  
25          to display for sale; amending s. 316.1975,  
26          F.S.; exempting operators of solid waste and  
27          recovered materials vehicles from provisions  
28          regarding unattended motor vehicles; amending  
29          s. 316.2065, F.S.; providing motorized scooter  
30          operating regulations; amending s. 316.228,  
31          F.S.; requiring strobe lights to be placed on

1 the exterior of a commercial vehicle  
2 transporting unprocessed forest products  
3 extending more than 4 feet beyond the rear of  
4 the vehicle; providing an alternate method for  
5 placing strobe lights in certain instances;  
6 requiring the use of a red flag on the load;  
7 amending s. 316.2397, F.S.; authorizing the  
8 emergency response vehicles of the Department  
9 of Health to use red flashing lights; amending  
10 s. 316.520, F.S.; clarifying that a violation  
11 of a provision governing loads on vehicles is a  
12 moving rather than a nonmoving violation;  
13 exempting certain vehicles carrying  
14 agricultural products; amending s. 316.640,  
15 F.S.; revising the powers and duties of traffic  
16 crash investigation officers; authorizing  
17 university police officers to enforce state  
18 traffic laws violated on or adjacent to  
19 property under control of the university or its  
20 agents; amending s. 316.650, F.S.; requiring  
21 the issuance of a copy of the traffic school  
22 reference guide with traffic citations under  
23 certain circumstances; amending s. 318.14,  
24 F.S.; deleting reference to a restriction on  
25 the number of elections a person may make to  
26 attend a basic driver improvement course;  
27 amending s. 318.1451, F.S.; providing traffic  
28 school reference guide requirements; amending  
29 s. 318.18, F.S.; allowing fine amount  
30 designated by county ordinance plus court  
31 costs; amending the date by which court clerks

1 must electronically transmit to the department  
2 specified information; amending s. 322.0261,  
3 F.S.; deleting reference to a time period and  
4 increasing the amount of damage required with  
5 respect to a crash for the screening of certain  
6 crash reports; requiring the Department of  
7 Highway Safety and Motor Vehicles to approve  
8 and regulate certain courses for driver  
9 improvement schools; amending s. 322.161, F.S.;  
10 increasing the number of points that a driver  
11 under a specified age may accumulate before the  
12 department is required to issue that driver a  
13 restricted license; creating s. 322.02615,  
14 F.S.; providing for mandatory driver  
15 improvement courses for certain violations;  
16 amending s. 319.001, F.S.; providing  
17 definitions; amending s. 319.14, F.S.;  
18 authorizing the Department of Highway Safety  
19 and Motor Vehicles to place a decal on a  
20 rebuilt vehicle so as to clarify its identity;  
21 providing a penalty for the removal of the  
22 decal; amending s. 319.23, F.S.; conforming the  
23 requirements for the transfer of ownership on  
24 an antique vehicle to that of any other motor  
25 vehicle; amending s. 319.28, F.S.; deleting the  
26 requirement that a copy of a contract for  
27 processing an application for title based on a  
28 contractual default be provided; amending s.  
29 319.30, F.S.; clarifying the major component  
30 parts of a motor vehicle; amending s. 320.01,  
31 F.S.; conforming the length limitation for a

1 motor home to that established in ch. 316,  
2 F.S.; providing that a motorized scooter is not  
3 a motor vehicle for registration purposes;  
4 amending s. 320.02, F.S.; requiring application  
5 forms for motor vehicle registration and  
6 renewal of registration to include language  
7 permitting a voluntary contribution to certain  
8 organizations; amending s. 320.023, F.S.;  
9 requiring certain organizations receiving  
10 voluntary check-off contributions to notify the  
11 department under certain circumstances and to  
12 meet specified requirements; conforming the  
13 section to the Florida Single Audit Act;  
14 requiring organizations seeking authorization  
15 to establish a voluntary check-off contribution  
16 on a motor vehicle registration application to  
17 conform to the requirements of ch. 496, F.S.;  
18 conforming this section to the Florida Single  
19 Audit Act; amending s. 320.025, Florida  
20 Statutes, conforming the vessel registration  
21 law to the motor vehicle registration law;  
22 requiring a decal to be affixed to a vessel  
23 that is registered under a fictitious name and  
24 operated by any law enforcement agency;  
25 amending s. 320.05, F.S.; conforming the vessel  
26 registration law to the motor vehicle  
27 registration law; providing instructions for  
28 the release of information regarding a vessel  
29 to the public; amending s. 320.055, F.S.;  
30 correcting the registration period for  
31 nonapportioned vehicles; amending s. 320.06,

1 F.S.; providing for the placement of only one  
2 decal rather than two on a license plate;  
3 amending s. 320.072, F.S.; reducing the  
4 timeframe a registrant can use a previous  
5 license plate for the initial registration fee  
6 exemption; amending s. 320.0805, F.S.; reducing  
7 the timeframe for a personalized license plate  
8 to remain out of circulation prior to  
9 reassignment; amending s. 320.08056, F.S.;  
10 requiring the department to count annual  
11 renewals when determining whether to  
12 discontinue a speciality license plate;  
13 requiring certain organizations to notify the  
14 department under certain circumstances;  
15 including two more colleges to the  
16 discontinuance exemptions provided for  
17 collegiate specialty license plates; amending  
18 s. 320.08052, F.S.; providing for a Florida  
19 Golf license plate; amending s. 320.08058,  
20 F.S.; requiring the department to develop the  
21 Florida Golf license plate; providing for  
22 distribution of proceeds of the annual use  
23 fees; requiring the Florida Sports Foundation  
24 to establish a youth golf program; providing  
25 for an advisory committee; amending s.  
26 320.08062, F.S.; conforming this section to the  
27 Florida Single Audit Act; amending s. 320.083,  
28 F.S.; increasing the weight restriction for a  
29 private-use vehicle so as to be eligible to  
30 apply for the Amateur Radio Operator specialty  
31 license plate; amending s. 320.089, F.S.;

1 providing for the issuance of Pearl Harbor  
 2 Survivor and Purple Heart license plates  
 3 without payment to a disabled veteran;  
 4 increasing the weight restriction for a  
 5 private-use vehicle so as to be eligible to  
 6 apply for the EX-POW or Purple Heart specialty  
 7 license plate; amending s. 320.18, F.S.;  
 8 providing for cancellation of license plates  
 9 and fuel use tax decals for failure to pay  
 10 motor carrier weight and safety violation  
 11 penalties; amending s. 320.27, F.S.; redefining  
 12 the term "motor vehicle auction"; deleting the  
 13 requirement for a licensee to have the  
 14 certificate of title or ownership indicia in  
 15 his or her possession at an auction; deleting a  
 16 requirement for establishing a pattern of  
 17 wrongdoing; revising requirements for denial,  
 18 suspension, or revocation of a motor vehicle  
 19 dealer license; amending s. 320.60, F.S.;  
 20 revising definitions used in ss. 320.61-320.70,  
 21 F.S.; amending s. 320.61, F.S.; amending  
 22 procedures to be followed when a complaint of  
 23 unfair cancellation of a dealer agreement has  
 24 been made by a motor vehicle dealer against a  
 25 licensee; defining the term "final decision";  
 26 amending s. 320.64, F.S.; providing penalties  
 27 and remedies for violations; deleting  
 28 subsections (13) and (16); amending subsection  
 29 (18); creating subsections (22) through (32)  
 30 and renumbering sections; amending s. 320.641,  
 31 F.S.; providing procedures relating to

1 discontinuations, cancellations, nonrenewals,  
2 modifications, and replacements of franchise  
3 agreements; amending s. 320.643, F.S.; amending  
4 provisions relating to the transfer,  
5 assignment, or sale of franchise agreements;  
6 amending s. 320.645, F.S.; amending provisions  
7 relating to restrictions upon a licensee's  
8 owning a dealership; providing for "dealer  
9 development arrangements"; providing  
10 exceptions; amending s. 320.699, F.S.; amending  
11 procedures for administrative hearings;  
12 creating s. 320.6991; providing for  
13 severability; amending s. 320.691 F.S.;  
14 creating the Automobile Dealers Industry  
15 Advisory Board; amending s. 322.01, F.S.;  
16 providing that a motorized scooter is not a  
17 motor vehicle for drivers' licensing purposes;  
18 amending s. 322.05, F.S.; correcting a  
19 statutory reference regarding the requirements  
20 for an individual under 18 years of age to  
21 apply for a driver's license; amending s.  
22 322.081, F.S.; requiring certain organizations  
23 receiving voluntary check-off contributions to  
24 notify the department under certain  
25 circumstances and to meet specified  
26 requirements; conforming the section to the  
27 Florida Single Audit Act; requiring  
28 organizations seeking authorization to  
29 establish a voluntary contribution on a motor  
30 vehicle registration to register with the  
31 Department of Agriculture and Consumer

1 Services; amending s. 322.095, F.S.; requiring  
2 the Department of Highway Safety and Motor  
3 Vehicles to approve and regulate certain  
4 courses for driver improvement schools;  
5 creating s. 322.222, F.S.; authorizing the  
6 Department of Highway Safety and Motor Vehicles  
7 to hold a hearing when an individual's driver's  
8 license has been suspended or revoked due to  
9 medical reasons; amending s. 322.25, F.S.;  
10 correcting a cross reference; amending s.  
11 322.2615, F.S.; complying with the USDOT's  
12 drunk driving prevention incentive program;  
13 reducing the timeframe for a temporary permit  
14 that is allotted when an individual is charged  
15 with driving with an unlawful blood-alcohol  
16 level; amending s. 322.27, F.S.; clarifying the  
17 time period for a driver's license revocation  
18 of a habitual traffic offender; amending s.  
19 322.28, F.S.; deleting obsolete language  
20 regarding the revocation of a driver's license;  
21 repealing s. 322.282, F.S., relating to the  
22 procedure when the court revokes or suspends  
23 license or driving privilege and orders  
24 reinstatement; amending s. 322.292, F.S.;  
25 adding the requirement that DUI programs must  
26 be governmental programs or not-for-profit  
27 corporations; amending s. 322.61, F.S.;  
28 complying with the Federal Motor Carrier Safety  
29 Regulations; adding two more violations for  
30 which a commercial motor vehicle may be  
31 disqualified of driving privileges; amending s.



1 322.64, F.S.; reducing the timeframe for a  
2 temporary permit allotted when an individual  
3 holding a commercial driver's license is  
4 charged with an unlawful blood-alcohol level;  
5 repealing s. 322.331, F.S., relating to the  
6 reinstatement of a license of a habitual  
7 traffic offender; creating the Driver Licensing  
8 Study Commission within the Department of  
9 Highway Safety and Motor Vehicles; providing  
10 for membership and appointment; providing for  
11 staff; providing for duties of the commission;  
12 providing for dissolution of the commission  
13 upon submission of a required report; providing  
14 an appropriation; amending s. 324.091, F.S.;  
15 providing for electronic access to vehicle  
16 insurance information; amending s. 328.01,  
17 F.S.; deleting the requirement for a copy of a  
18 contract upon which a claim of ownership of a  
19 vessel is made on a contractual default;  
20 amending s. 328.42, F.S.; authorizing the  
21 department to deny or cancel any vessel  
22 registration, license plate, or fuel use decal  
23 when given a dishonored check by the customer;  
24 amending s. 328.56, F.S.; deleting the terms  
25 "commercial" and "recreational" when referring  
26 to vessels operated on the waters of this  
27 state; amending s. 328.72, F.S.; deleting the  
28 requirements for the transfer of ownership of  
29 an antique vessel; amending s. 328.76, F.S.;  
30 providing for the appropriation allotted for  
31 fiscal year 2000-2001 to be deposited into the

1 Highway Safety Operating Trust Fund; amending  
2 s. 713.78, F.S.; adding the insurance company  
3 to the list of individuals to be contacted when  
4 a vehicle has been towed; providing storage  
5 periods before the expiration of which certain  
6 salvaged vehicles may not be sold; repealing s.  
7 715.05, F.S., relating to the reporting of  
8 unclaimed motor vehicles; amending ss. 681.1096  
9 and 681.1097, F.S.; revising program  
10 requirements for the Pilot RV Mediation and  
11 Arbitration program; amending s. 681.115, F.S.;  
12 providing that a motor vehicle sales agreement  
13 which prohibits disclosure of its terms is  
14 void; amending s. 715.07, F.S.; conforming the  
15 vessel registration law to the motor vehicle  
16 registration law; defining the term "vessel";  
17 authorizing the removal of an undocumented  
18 vessel parked on private property; amending s.  
19 832.09, F.S.; authorizing the department to  
20 create a standardized form to be used for  
21 notification of satisfaction of a worthless  
22 check; amending s. 212.08, F.S.; providing  
23 additional requirements on vehicle tax  
24 assessments; providing effective dates.

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

27  
28 Section 1. Subsections (1) and (21) of section  
29 316.003, Florida Statutes, are amended, and subsection (82) is  
30 added to said section, to read:

31

1           316.003 Definitions.--The following words and phrases,  
2 when used in this chapter, shall have the meanings  
3 respectively ascribed to them in this section, except where  
4 the context otherwise requires:

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

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

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

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

24           316.006 Jurisdiction.--Jurisdiction to control traffic  
25 is vested as follows:

26           (2) MUNICIPALITIES.--

27           (a) Chartered municipalities shall have original  
28 jurisdiction over all streets and highways located within  
29 their boundaries, except state roads, and may place and  
30 maintain such traffic control devices which conform to the  
31 manual and specifications of the Department of Transportation

1 upon all streets and highways under their original  
2 jurisdiction as they shall deem necessary to indicate and to  
3 carry out the provisions of this chapter or to regulate, warn,  
4 or guide traffic.

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

13 1. Provision for reimbursement for actual costs of  
14 traffic control and enforcement and for liability insurance  
15 and indemnification by the party or parties, and such other  
16 terms as are mutually agreeable, may be included in such an  
17 agreement.

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

25 3. Any such agreement may provide for the installation  
26 of multiparty stop signs by the parties controlling the roads  
27 covered by the agreement, if a determination is made by such  
28 parties that the signage will enhance traffic safety.  
29 Multiparty stop signs must conform to the manual and  
30 specifications of the Department of Transportation. However,  
31 minimum traffic volumes may not be required for the

1 installation of such signage. Enforcement for the signs shall  
2 be as provided in s. 316.123.

3  
4 This subsection shall not limit those counties which have the  
5 charter powers to provide and regulate arterial, toll, and  
6 other roads, bridges, tunnels, and related facilities from the  
7 proper exercise of those powers by the placement and  
8 maintenance of traffic control devices which conform to the  
9 manual and specifications of the Department of Transportation  
10 on streets and highways located within municipal boundaries.

11 (3) COUNTIES.--

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

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

30 1. Provision for reimbursement for actual costs of  
31 traffic control and enforcement and for liability insurance

1 and indemnification by the party or parties, and such other  
2 terms as are mutually agreeable, may be included in such an  
3 agreement.

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

12 3. The exercise of jurisdiction provided for herein  
13 shall be in addition to jurisdictional authority presently  
14 exercised by counties under law, and nothing in this paragraph  
15 shall be construed to limit or remove any such jurisdictional  
16 authority.

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

26  
27 Notwithstanding the provisions of subsection (2), each county  
28 shall have original jurisdiction to regulate parking, by  
29 resolution of the board of county commissioners and the  
30 erection of signs conforming to the manual and specifications  
31 of the Department of Transportation, in parking areas located

1 on property owned or leased by the county, whether or not such  
2 areas are located within the boundaries of chartered  
3 municipalities.

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

6 316.1951 Parking for certain purposes prohibited.--

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

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

23 316.1967 Liability for payment of parking ticket  
24 violations and other parking violations.--

25 (4) Any person who elects to appear before a  
26 designated official to present evidence waives his or her  
27 right to pay the civil penalty provisions of the ticket. The  
28 official, after a hearing, shall make a determination as to  
29 whether a parking violation has been committed and may impose  
30 a civil penalty not to exceed \$100 or the fine amount  
31 designated by county ordinance, plus court costs. Any person

1 who fails to pay the civil penalty within the time allowed by  
2 the court is deemed to have been convicted of a parking ticket  
3 violation, and the court shall take appropriate measures to  
4 enforce collection of the fine.

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

7 316.1975 Unattended motor vehicle.--

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

9 (a) An authorized emergency vehicle while in the  
10 performance of official duties and the vehicle is equipped  
11 with an activated antitheft device that prohibits the vehicle  
12 from being driven; ~~or~~

13 (b) A licensed delivery truck or other delivery  
14 vehicle while making deliveries; ~~or~~

15 (c) A solid waste or recovered materials vehicle while  
16 collecting such items.

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

19 316.2065 Bicycle and motorized scooter regulations.--

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

27 (2) A person operating a bicycle may not ride other  
28 than upon or astride a permanent and regular seat attached  
29 thereto.

30 (3)(a) A bicycle may not be used to carry more persons  
31 at one time than the number for which it is designed or



1 equipped, except that an adult rider may carry a child  
2 securely attached to his or her person in a backpack or sling.

3 (b) Except as provided in paragraph (a), a bicycle  
4 rider must carry any passenger who is a child under 4 years of  
5 age, or who weighs 40 pounds or less, in a seat or carrier  
6 that is designed to carry a child of that age or size and that  
7 secures and protects the child from the moving parts of the  
8 bicycle.

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

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

23 (e) Law enforcement officers and school crossing  
24 guards may issue a bicycle safety brochure and a verbal  
25 warning to a bicyclerider or passenger who violates this  
26 subsection. A bicycle rider or passenger who violates this  
27 subsection may be issued a citation by a law enforcement  
28 officer and assessed a fine for a pedestrian violation, as  
29 provided in s. 318.18. The court shall dismiss the charge  
30 against a bicycle rider or passenger for a first violation of  
31

1 paragraph (d) upon proof of purchase of a bicycle helmet that  
2 complies with this subsection.

3 (f) A person operating a motorized scooter may not  
4 carry passengers.

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

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

17 1. When overtaking and passing another bicycle,  
18 motorized scooter, or vehicle proceeding in the same  
19 direction.

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

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

31

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

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

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

14           (8) Every bicycle or motorized scooter in use between  
15 sunset and sunrise shall be equipped with a lamp on the front  
16 exhibiting a white light visible from a distance of at least  
17 500 feet to the front and a lamp and reflector on the rear  
18 each exhibiting a red light visible from a distance of 600  
19 feet to the rear. A bicycle or motorized scooter ~~its~~ rider  
20 may be equipped with lights or reflectors in addition to those  
21 required by this section.

22           (9) No parent of any minor child and no guardian of  
23 any minor ward may authorize or knowingly permit any such  
24 minor child or ward to violate any of the provisions of this  
25 section.

26           (10) A person propelling a vehicle by human power or  
27 operating a motorized scooter, upon and along a sidewalk, or  
28 across a roadway upon and along a crosswalk, has all the  
29 rights and duties applicable to a pedestrian under the same  
30 circumstances.

31

1           (11) A person propelling a bicycle upon and along a  
2 sidewalk, or across a roadway upon and along a crosswalk,  
3 shall yield the right-of-way to any pedestrian and shall give  
4 an audible signal before overtaking and passing such  
5 pedestrian.

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

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

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

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

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

- 26           1. The child possesses a bicycle helmet; or  
27           2. The lessor provides a bicycle helmet for the child  
28 to wear.

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

31

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

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

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

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

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

27 316.228 Lamps or flags on projecting load.--

28 (2) Any commercial motor vehicle or trailer, ~~except as~~  
 29 ~~stated in s. 316.515(7)~~, transporting a load of unprocessed  
 30 logs or, ~~long~~ pulpwood, ~~poles, or posts~~ which load extends  
 31 ~~extend~~ more than 4 feet beyond the rear of the body or bed of

1 such vehicle, must have securely fixed as close as practical  
2 to the end of any such projection one amber strobe-type lamp  
3 equipped with a multidirectional type lens so mounted as to be  
4 visible from the rear and both sides of the projecting load.  
5 If the mounting of one strobe lamp cannot be accomplished so  
6 that it is visible from the rear and both sides of the  
7 projecting load, multiple strobe lights shall be utilized so  
8 as to meet the visibility requirements of this subsection. The  
9 strobe lamp must flash at a rate of at least 60 flashes per  
10 minute and must be plainly visible from a distance of at least  
11 500 feet to the rear and sides of the projecting load at any  
12 time of the day or night. The lamp must be operating at any  
13 time of the day or night when the vehicle is operated on any  
14 highway or parked on the shoulder or immediately adjacent to  
15 the traveled portion of any public roadway. The projecting  
16 load shall also be marked with a red flag as described in  
17 subsection (1).

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

20 316.2397 Certain lights prohibited; exceptions.--

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

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

27 316.520 Loads on vehicles.--

28 (1) A vehicle may not be driven or moved on any  
29 highway unless the vehicle is so constructed or loaded as to  
30 prevent any of its load from dropping, shifting, leaking,  
31 blowing, or otherwise escaping therefrom, except that sand may

1 be dropped only for the purpose of securing traction or water  
2 or other substance may be sprinkled on a roadway in cleaning  
3 or maintaining the roadway.

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

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

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

21 Section 10. Subsections (1), (2), and (3) of section  
22 316.640, Florida Statutes, are amended to read:

23 316.640 Enforcement.--The enforcement of the traffic  
24 laws of this state is vested as follows:

25 (1) STATE.--

26 (a)1.a. The Division of Florida Highway Patrol of the  
27 Department of Highway Safety and Motor Vehicles, the Division  
28 of Law Enforcement of the Fish and Wildlife Conservation  
29 Commission, the Division of Law Enforcement of the Department  
30 of Environmental Protection, and law enforcement officers of  
31 the Department of Transportation each have authority to

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

25       b. University police officers shall have authority to  
26 enforce all of the traffic laws of this state when such  
27 violations occur on or about any property or facilities that  
28 are under the guidance, supervision, regulation, or control of  
29 a state university, a direct support organization of such  
30 state university, or any other organization controlled by the  
31 state university or a direct support organization of the state



1 university ~~the State University System~~, except that traffic  
2 laws may be enforced off-campus when hot pursuit originates  
3 ~~on-campus~~ on or adjacent to any such property or facilities.

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 11. 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 12. 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 13. Subsection (6) and paragraph (a) of  
5 subsection (8) of section 318.18, Florida Statutes, are  
6 amended to read:

7 318.18 Amount of civil penalties.--The penalties  
8 required for a noncriminal disposition pursuant to s. 318.14  
9 are as follows:

10 (6) One hundred dollars or the fine amount designated  
11 by county ordinance, plus court costs for illegally parking,  
12 under s. 316.1955, in a parking space provided for people who  
13 have disabilities. However, this fine will be waived if a  
14 person provides to the law enforcement agency that issued the  
15 citation for such a violation proof that the person committing  
16 the violation has a valid parking permit or license plate  
17 issued pursuant to s. 316.1958, s. 320.0842, s. 320.0843, s.  
18 320.0845, or s. 320.0848 or a signed affidavit that the owner  
19 of the disabled parking permit or license plate was present at  
20 the time the violation occurred, and that such a parking  
21 permit or license plate was valid at the time the violation  
22 occurred. The law enforcement officer, upon determining that  
23 all required documentation has been submitted verifying that  
24 the required parking permit or license plate was valid at the  
25 time of the violation, must sign an affidavit of compliance.  
26 Upon provision of the affidavit of compliance and payment of a  
27 \$5 dismissal fee to the clerk of the circuit court, the clerk  
28 shall dismiss the citation.

29 (8)(a) Any person who fails to comply with the court's  
30 requirements or who fails to pay the civil penalties specified  
31 in this section within the 30-day period provided for in s.



1 318.14 must pay an additional civil penalty of \$12, \$2.50 of  
2 which must be deposited into the General Revenue Fund, and  
3 \$9.50 of which must be deposited in the Highway Safety  
4 Operating Trust Fund. There is hereby appropriated from the  
5 Highway Safety Operating Trust Fund for fiscal year 1996-1997  
6 the amount of \$4 million. From this appropriation the  
7 department shall contract with the Florida Association of  
8 Court Clerks, Inc., to design, establish, operate, upgrade,  
9 and maintain an automated statewide Uniform Traffic Citation  
10 Accounting System to be operated by the clerks of the court  
11 which shall include, but not be limited to, the accounting for  
12 traffic infractions by type, a record of the disposition of  
13 the citations, and an accounting system for the fines assessed  
14 and the subsequent fine amounts paid to the clerks of the  
15 court. On or before December 1, 2002 ~~2001~~, the clerks of the  
16 court must provide the information required by this chapter to  
17 be transmitted to the department by electronic transmission  
18 pursuant to the contract.

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

1 authorized to satisfy such civil penalties by public works or  
2 community service in the same manner.

3 (c) If the noncriminal infraction has caused or  
4 resulted in the death of another, the person who committed the  
5 infraction may perform 120 community service hours under s.  
6 316.027(4), in addition to any other penalties.

7 Section 14. Paragraph (b) of subsection (1) and  
8 subsection (2) of section 322.0261, Florida Statutes, are  
9 amended to read:

10 322.0261 Mandatory driver improvement course; certain  
11 crashes.--

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

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

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

28 Section 15. Section 322.02615, Florida Statutes, is  
29 created to read:

30 322.02615 Mandatory driver improvement course; certain  
31 violations.--

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

3           (a) Are less than 21 years of age and have been  
4 convicted of, or pleaded nolo contendere to, a noncriminal  
5 moving infraction and have also been convicted of, or pleaded  
6 nolo contendere to, another noncriminal moving infraction  
7 since initial license issuance.

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

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

21           (3) Attendance of a course approved by the department  
22 as a driver improvement course for purposes of s. 318.14(9)  
23 shall satisfy the requirements of this section. However,  
24 attendance of a course as required by this section is not  
25 included in the limitation on course elections under s.  
26 318.14(9).

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

29           318.1451 Driver improvement schools.--

30           (5)(a) No governmental entity or court shall provide,  
31 issue, or maintain any information or orders regarding driver

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

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

31

1           Section 17. Section 319.001, Florida Statutes, is  
2 amended to read:

3           319.001 Definitions.--As used in this chapter, the  
4 term:

5           (1) "Department" means the Department of Highway  
6 Safety and Motor Vehicles.

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

9           (3)~~(2)~~ "Licensed dealer," unless otherwise  
10 specifically provided, means a motor vehicle dealer licensed  
11 under s. 320.27, a mobile home dealer licensed under s.  
12 320.77, or a recreational vehicle dealer licensed under s.  
13 320.771.

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

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

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

19           (7)~~(3)~~ "New mobile home" means a mobile home the  
20 equitable or legal title to which has never been transferred  
21 by a manufacturer, distributor, importer, or dealer to an  
22 ultimate purchaser.

23           (8)~~(4)~~ "New motor vehicle" means a motor vehicle the  
24 equitable or legal title to which has never been transferred  
25 by a manufacturer, distributor, importer, or dealer to an  
26 ultimate purchaser; however, when legal title is not  
27 transferred but possession of a motor vehicle is transferred  
28 pursuant to a conditional sales contract or lease and the  
29 conditions are not satisfied and the vehicle is returned to  
30 the motor vehicle dealer, the motor vehicle may be resold by  
31 the motor vehicle dealer as a new motor vehicle, provided the

1 selling motor vehicle dealer gives the following written  
2 notice to the purchaser: "THIS VEHICLE WAS DELIVERED TO A  
3 PREVIOUS PURCHASER." The purchaser shall sign an  
4 acknowledgment, a copy of which is kept in the selling  
5 dealer's file.

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

8 (10)~~(5)~~ "Satisfaction of lien" means full payment of a  
9 debt or release of a debtor from a lien by the lienholder.

10 (11)~~(6)~~ "Used motor vehicle" means any motor vehicle  
11 that is not a "new motor vehicle" as defined in subsection  
12 (8)~~(4)~~.

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

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

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

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

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

29 (c) As used in this section:  
30  
31

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

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

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

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

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

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

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

24           ~~5.6.~~ "Kit car" means a motor vehicle assembled with a  
25 kit supplied by a manufacturer to rebuild a wrecked or  
26 outdated motor vehicle with a new body kit.

27           ~~6.7.~~ "Glider kit" means a vehicle assembled with a kit  
28 supplied by a manufacturer to rebuild a wrecked or outdated  
29 truck or truck tractor.

30           ~~7.8.~~ "Replica" means a complete new motor vehicle  
31 manufactured to look like an old vehicle.



1           8.9. "Flood vehicle" means a motor vehicle or mobile  
2 home that has been declared to be a total loss pursuant to s.  
3 319.30(3)(a) resulting from damage caused by water.

4           9.10. "Nonconforming vehicle" means a motor vehicle  
5 which has been purchased by a manufacturer pursuant to a  
6 settlement, determination, or decision under chapter 681.

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

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

23           (3) Any person who, with intent to offer for sale or  
24 exchange any vehicle referred to in subsection (1), knowingly  
25 or intentionally advertises, publishes, disseminates,  
26 circulates, or places before the public in any communications  
27 medium, whether directly or indirectly, any offer to sell or  
28 exchange the vehicle shall clearly and precisely state in each  
29 such offer that the vehicle has previously been titled,  
30 registered, or used as a taxicab, police vehicle, or  
31 short-term-lease vehicle or that the vehicle or mobile home is

1 a vehicle that is rebuilt or assembled from parts, ~~or~~  
2 ~~combined~~, or is a kit car, glider kit, replica, or flood  
3 vehicle, or a nonconforming vehicle, as the case may be. Any  
4 person who violates this subsection is guilty of a misdemeanor  
5 of the second degree, punishable as provided in s. 775.082 or  
6 s. 775.083.

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

12 Section 19. 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~~

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 20. 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 21. 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 unrebuildable 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 22. 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 23. Subsections (18) and (19) are added to  
6 section 320.02, Florida Statutes, to read:

7 320.02 Registration required; application for  
8 registration; forms.--

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

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

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

24 320.023 Requests to establish voluntary checkoff on  
25 motor vehicle registration application.--

26 (4)

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

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

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

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

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

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 \$15,000 in voluntary contributions~~  
 30 ~~directly from the department may annually attest report, under~~  
 31 ~~penalties of perjury, that such proceeds were used in~~

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

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

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

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

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

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

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

3           320.025 Registration certificate and license plate  
4 issued under fictitious name; application.--

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

23           (2) Except as provided in subsection (1), any motor  
24 vehicle owned or exclusively operated by the state or any  
25 county, municipality, or other governmental entity must at all  
26 times display a license plate of the type prescribed in s.  
27 320.0655. Any vessel owned or exclusively operated by the  
28 state or any county, municipality, or other governmental  
29 entity must at all times display a registration number as  
30 required in s. 328.56 and a vessel decal as required in s.  
31 328.48(5).

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

3           320.05 Records of the department; inspection  
4 procedure; lists and searches; fees.--

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

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

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

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

11 320.055 Registration periods; renewal periods.--The  
12 following registration periods and renewal periods are  
13 established:

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

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

30 320.06 Registration certificates, license plates, and  
31 validation stickers generally.--

1 (1)

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

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

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

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

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



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

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

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

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

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

14 320.0805 Personalized prestige license plates.--

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

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

26 320.08056 Specialty license plates.--

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

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

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

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

3 320.08056 Specialty license plates.--

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

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

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

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

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

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

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

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

31 320.08058 Specialty license plates.--

1           (32) FLORIDA GOLF LICENSE PLATES.--

2           (a) The Department of Highway Safety and Motor  
3 Vehicles shall develop a Florida Golf license plate as  
4 provided in this section. The word "Florida" must appear at  
5 the bottom of the plate. The Dade Amateur Golf Association,  
6 following consultation with the PGA TOUR, the Florida Sports  
7 Foundation, the LPGA and the PGA of America may submit a  
8 revised sample plate for consideration by the department.

9           (b) The department shall distribute the Florida Golf  
10 license plate annual use fee to the Florida Sports Foundation,  
11 a direct support organization of the Office of Tourism, Trade,  
12 and Economic Development. The license plate annual use fees  
13 are to be annually allocated as follows:

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

17           2. The Dade Amateur Golf Association shall receive the  
18 first \$80,000 in proceeds from the annual use fees for the  
19 operation of youth golf programs in Miami-Dade County.  
20 Thereafter, 15 percent of the proceeds from the annual use fee  
21 shall be provided to the Dade Amateur Golf Association for the  
22 operation of youth golf programs in Miami-Dade County.

23           3. The remaining proceeds from the annual use fee  
24 shall be available for grants to nonprofit organizations to  
25 operate youth golf programs and for the purpose of marketing  
26 the Florida Golf License Plates. All grant recipients,  
27 including the Dade Amateur Golf Association, shall be required  
28 to provide to the Florida Sports Foundation an annual program  
29 and financial report regarding the use of grant funds. Such  
30 reports shall be made available to the public.

31

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

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

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

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

17           (1)(a) All organizations that receive annual use fee  
18 proceeds from the department are responsible for ensuring that  
19 proceeds are used in accordance with ss. 320.08056 and  
20 320.08058.

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

31

1 ~~expenditures were made in accordance with ss. 320.08056 and~~  
 2 ~~320.08058.~~

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 \$25,000 in annual use fee proceeds~~  
 6 ~~directly from the department, or from another state agency,~~  
 7 ~~may~~ annually attest report, under penalties of perjury, that  
 8 such proceeds were used in compliance with ss. 320.08056 and  
 9 320.08058. The attestation shall be made annually in a form  
 10 and format determined by the department.

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

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

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

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

6           320.083 Amateur radio operators; special license  
7 plates; fees.--

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

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

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

23           Section 36. Subsections (1), (2), and (3) of section  
24 320.089, Florida Statutes, are amended to read:

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

29           (1)(a) Each owner or lessee of an automobile or truck  
30 for private use or recreational vehicle as specified in s.  
31 320.08(9)(c) or (d), which is not used for hire or commercial

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

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

30 (c) Notwithstanding any provisions of law to the  
31 contrary, an applicant for a Pearl Harbor Survivor license

1 plate or a Purple Heart license plate who also qualifies for a  
2 disabled veteran's license plate under s. 320.084 shall be  
3 issued one appropriate special license plate without payment  
4 of the license tax imposed by s. 320.08.

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

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

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



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

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

16           320.18 Withholding registration.--

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

1 decal until the tax liability, penalty, and interest specified  
2 in chapter 207, the license tax, or the fuel-use decal fee,  
3 and applicable administrative fees have been paid for by  
4 certified funds.

5 Section 38. Paragraph (c) of subsection (1) of section  
6 320.27, Florida Statutes, is amended, paragraph (f) is added  
7 to said subsection, and subsections (7) and (9) of said  
8 section are amended, to read:

9 320.27 Motor vehicle dealers.--

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

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

1 vehicle dealer may apply for a certificate of title to a motor  
2 vehicle required to be registered under s. 320.08(2)(b), (c),  
3 and (d), using a manufacturer's statement of origin as  
4 permitted by s. 319.23(1), only if such dealer is authorized  
5 by a franchised agreement as defined in s. 320.60(1), to buy,  
6 sell, or deal in such vehicle and is authorized by such  
7 agreement to perform delivery and preparation obligations and  
8 warranty defect adjustments on the motor vehicle; provided  
9 this limitation shall not apply to recreational vehicles, van  
10 conversions, or any other motor vehicle manufactured on a  
11 truck chassis. The transfer of a motor vehicle by a dealer not  
12 meeting these qualifications shall be titled as a used  
13 vehicle. The classifications of motor vehicle dealers are  
14 defined as follows:

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

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

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

1 bona fide employee of such licensed motor vehicle dealer is  
2 not required to be licensed as a wholesale motor vehicle  
3 dealer. In such cases it shall be prima facie presumed that a  
4 bona fide employer-employee relationship exists. A wholesale  
5 motor vehicle dealer shall be exempt from the display  
6 provisions of this section but shall maintain an office  
7 wherein records are kept in order that those records may be  
8 inspected.

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

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

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

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

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

22 (7) CERTIFICATE OF TITLE REQUIRED.--For each used  
23 motor vehicle in the possession of a licensee and offered for  
24 sale by him or her, the licensee either shall have in his or  
25 her possession or control a duly assigned certificate of title  
26 from the owner in accordance with the provisions of chapter  
27 319, from the time when the motor vehicle is delivered to the  
28 licensee and offered for sale by him or her until it has been  
29 disposed of by the licensee, or shall have reasonable indicia  
30 of ownership or right of possession, or shall have made proper  
31 application for a certificate of title or duplicate

1 certificate of title in accordance with the provisions of  
2 chapter 319. A motor vehicle dealer may not sell or offer for  
3 sale a vehicle in his or her possession unless the dealer  
4 satisfies the requirements of this subsection. Reasonable  
5 indicia of ownership shall include a duly assigned certificate  
6 of title; in the case of a new motor vehicle, a manufacturer's  
7 certificate of origin issued to or reassigned to the dealer; a  
8 consignment contract between the owner and the dealer along  
9 with a secure power of attorney from the owner to the dealer  
10 authorizing the dealer to apply for a duplicate certificate of  
11 title and assign the title on behalf of the owner; a court  
12 order awarding title to the vehicle to the dealer; a salvage  
13 certificate of title; a photocopy of a duly assigned  
14 certificate of title being held by a financial institution as  
15 collateral for a business loan of money to the dealer ("floor  
16 plan"); a copy of a canceled check or other documentation  
17 evidencing that an outstanding lien on a vehicle taken in  
18 trade by a licensed dealer has been satisfied and that the  
19 certificate of title will be, but has not yet been, received  
20 by the dealer; a vehicle purchase order or installment  
21 contract for a specific vehicle identifying that vehicle as a  
22 trade-in on a replacement vehicle; or a duly executed odometer  
23 disclosure statement as required by Title IV of the Motor  
24 Vehicle Information and Cost Savings Act of 1972 (Pub. L. No.  
25 92-513, as amended by Pub. L. No. 94-364 and Pub. L. No.  
26 100-561) and by 49 C.F.R. part 580 bearing the signatures of  
27 the titled owners of a traded-in vehicle.

28 (9) DENIAL, SUSPENSION, OR REVOCATION.--The department  
29 may deny, suspend, or revoke any license issued hereunder or  
30 under the provisions of s. 320.77 or s. 320.771, upon proof  
31 that a licensee has failed to comply with any of the following

1 ~~provisions with sufficient frequency so as to establish a~~  
2 ~~pattern of wrongdoing on the part of the licensee:~~

3 (a) Willful violation of any other law of this state,  
4 including chapter 319, this chapter, or ss. 559.901-559.9221,  
5 which has to do with dealing in or repairing motor vehicles or  
6 mobile homes or willful failure to comply with any  
7 administrative rule promulgated by the department.

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

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

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

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

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

30 (f) Misrepresentation or false, deceptive, or  
31 misleading statements with regard to the sale or financing of

1 motor vehicles which any motor vehicle dealer has, or causes  
2 to have, advertised, printed, displayed, published,  
3 distributed, broadcast, televised, or made in any manner with  
4 regard to the sale or financing of motor vehicles.

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

8 (h) Requirement by any motor vehicle dealer that any  
9 customer or purchaser finance a motor vehicle with a specific  
10 financial institution or company.

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

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

19 (k) Requirement by the motor vehicle dealer that the  
20 purchaser of a motor vehicle contract with the dealer for  
21 physical damage insurance.

22 (l) Violation of any of the provisions of s. 319.35 by  
23 any motor vehicle dealer.

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

27 (n) Failure to disclose damage to a new motor vehicle  
28 as defined in s. 320.60(10) of which the dealer had actual  
29 knowledge if the dealer's actual cost of repair, excluding  
30 tires, bumpers, and glass, exceeds 3 percent of the  
31 manufacturer's suggested retail price; provided, however, if



1 only the application of exterior paint is involved, disclosure  
2 shall be made if such touch-up paint application exceeds \$100.

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

5 (p) Use of the dealer license identification number by  
6 any person other than the licensed dealer or his or her  
7 designee.

8 (q) Conviction of a felony.

9 (r) Failure to continually meet the requirements of  
10 the licensure law.

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

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

30 (u) Failure to honor a bank draft or check given to a  
31 motor vehicle dealer for the purchase of a motor vehicle by

1 another motor vehicle dealer within 10 days after notification  
2 that the bank draft or check has been dishonored. A single  
3 violation of this paragraph is sufficient for revocation or  
4 suspension. If the transaction is disputed, the maker of the  
5 bank draft or check shall post a bond in accordance with the  
6 provisions of s. 559.917, and no proceeding for revocation or  
7 suspension shall be commenced until the dispute is resolved.

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

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

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

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

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

28 2. Who sells, exchanges, buys, leases or rents, or  
29 offers, or attempts to negotiate a sale or exchange of any  
30 interest in, motor vehicles, or  
31

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

4           (15) "Sell," "selling," "sold," "exchange," "retail  
5 sales," and "leases" includes any transaction where the title  
6 of motor vehicle or used motor vehicle is transferred to a  
7 retail consumer, and also any retail lease transaction where a  
8 retail customer leases a vehicle for a period of at least 12  
9 months. Establishing a price for sale pursuant to s.  
10 320.64(24) does not constitute a sale or lease.

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

13           320.61 Licenses required of motor vehicle  
14 manufacturers, distributors, importers, etc.--

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

26           Section 41. Section 320.64, Florida Statutes, is  
27 amended to read:

28           320.64 Denial, suspension, or revocation of license;  
29 grounds.--A license of a licensee under s. 320.61 may be  
30 denied, suspended, or revoked within the entire state or at  
31 any specific location or locations within the state at which

1 the applicant or licensee engages or proposes to engage in  
2 business, upon a proof that the section was violated with  
3 sufficient frequency to establish a pattern of wrongdoing and  
4 a licensee or applicant shall be liable for claims and  
5 remedies provided in s. 320.695 and s. 320.697 for any  
6 violation of any of the following provisions. A licensee is  
7 prohibited from committing the following acts:~~upon proof that~~  
8 ~~an applicant or licensee has failed to comply with any of the~~  
9 ~~following provisions with sufficient frequency so as to~~  
10 ~~establish a pattern of wrongdoing on the part of the~~  
11 ~~applicant:~~

12 (1) The applicant or licensee is determined to be  
13 unable to carry out contractual obligations with its motor  
14 vehicle dealers.

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

17 (3) The applicant or licensee willfully has failed to  
18 comply with significant provisions of ss. 320.60-320.70 or  
19 with any lawful rule or regulation adopted or promulgated by  
20 the department.

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

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

28 (6) The applicant or licensee has coerced or attempted  
29 to coerce any motor vehicle dealer to enter into any agreement  
30 with the licensee.

31

1           (7) The applicant or licensee has threatened to  
2 discontinue, cancel, or not to renew a franchise agreement of  
3 a licensed motor vehicle dealer, where the threatened  
4 discontinuation, cancellation, or nonrenewal, if implemented,  
5 would be in violation of any of the provisions of s. 320.641.

6           (8) The applicant or licensee discontinued, canceled,  
7 or failed to renew, a franchise agreement of a licensed motor  
8 vehicle dealer in violation of any of the provisions of s.  
9 320.641.

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

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

24           (11) The applicant or licensee has coerced a motor  
25 vehicle dealer to provide installment financing for the motor  
26 vehicle dealer's purchasers with a specified financial  
27 institution.

28           (12) The applicant or licensee has advertised,  
29 printed, displayed, published, distributed, broadcast, or  
30 televised, or caused or permitted to be advertised, printed,  
31 displayed, published, distributed, broadcast, or televised, in

1 any manner whatsoever, any statement or representation with  
 2 regard to the sale or financing of motor vehicles which is  
 3 false, deceptive, or misleading.

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

20 (13)~~(14)~~ The applicant or licensee has sold,  
 21 exchanged, or rented a motorcycle which produces in excess of  
 22 5 brake horsepower, knowing the use thereof to be by, or  
 23 intended for, the holder of a restricted Florida driver's  
 24 license.

25 (14)~~(15)~~ The applicant or licensee has engaged in  
 26 previous conduct which would have been a ground for revocation  
 27 or suspension of a license if the applicant or licensee had  
 28 been licensed.

29 ~~(16) Notwithstanding the terms of any franchise~~  
 30 ~~agreement, and unless it can be shown that the licensee's~~  
 31 ~~franchised dealer is actively negligent, the applicant or~~

1 ~~licensee has failed to indemnify and hold harmless its~~  
2 ~~franchised motor vehicle dealer against any judgment for~~  
3 ~~damages or settlement agreed to in writing by the applicant or~~  
4 ~~licensee, including, but not limited to, court costs and~~  
5 ~~reasonable attorney's fees of the motor vehicle dealer, which~~  
6 ~~judgment or settlement arose out of complaints, claims, or~~  
7 ~~lawsuits based upon such grounds as strict liability;~~  
8 ~~negligence; misrepresentation; warranty, express or implied;~~  
9 ~~or rescission of the sale as described in s. 672.608, less any~~  
10 ~~offset for use recovered by the licensee's franchised motor~~  
11 ~~vehicle dealer, and only to the extent that the judgment or~~  
12 ~~settlement relates to the alleged defective or negligent~~  
13 ~~manufacture, assembly, or design of new motor vehicles, parts,~~  
14 ~~or accessories or other functions of the manufacturer.~~

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

30 (16)~~(18)~~ Notwithstanding the terms of any franchise  
31 agreement, the applicant or licensee prevents or refuses to

1 accept the succession to any interest in a franchise agreement  
2 by any legal heir or devisee under the will of a motor vehicle  
3 dealer or under the laws of descent and distribution of this  
4 state; provided, the applicant or licensee is not required to  
5 accept a succession where such heir or devisee does not meet  
6 licensee's written, reasonable, and uniformly applied minimal  
7 standard qualifications for dealer applicants or which, after  
8 notice and administrative hearing pursuant to chapter 120, is  
9 demonstrated to be detrimental to the public interest or to  
10 the representation of the applicant or licensee. Nothing  
11 contained herein, however, shall prevent a motor vehicle  
12 dealer, during his or her lifetime, from designating any  
13 person as his or her successor in interest by written  
14 instrument filed with and accepted by the applicant or  
15 licensee. A licensee who rejects the successor transferee  
16 under this subsection shall have the burden of establishing in  
17 any proceeding where such rejection is in issue that the  
18 rejection of the successor transferee complies with this  
19 subsection.

20 (17)~~(19)~~ The applicant or licensee has included in any  
21 franchise agreement with a motor vehicle dealer terms or  
22 provisions that are contrary to, prohibited by, or otherwise  
23 inconsistent with the provisions contained in ss.  
24 320.60-320.70, or has failed to include in such franchise  
25 agreement a provision conforming to the requirements of s.  
26 320.63(3).

27 (18)~~(20)~~ The applicant or licensee has established a  
28 system of motor vehicle allocation or distribution or has  
29 implemented a system of allocation or distribution of motor  
30 vehicles to one or more of its franchised motor vehicle  
31 dealers which is unfair, inequitable, unreasonably



1 discriminatory, or not supportable by reason and good cause  
2 after considering the equities of the affected motor vehicles  
3 dealer or dealers. An applicant or licensee shall maintain  
4 for 3 years records that describe its methods or formula of  
5 allocation and distribution of its motor vehicles and records  
6 of its actual allocation and distribution of motor vehicles  
7 to its motor vehicle dealers in this state.

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

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

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

31

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

27           (23) The applicant or licensee has competed or is  
28 competing with respect to any activity covered by the  
29 franchise agreement with a motor vehicle dealer of the same  
30 line-make located in this state with whom the applicant or  
31

1 licensee has entered into a franchise agreement, except as  
2 permitted in s. 320.645.

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

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

28 (26) Notwithstanding the terms of any franchise  
29 agreement, the applicant or licensee has refused to allocate,  
30 sell, or deliver motor vehicles, charged back or withheld  
31 payments or other things of value for which the dealer is

1 otherwise eligible under a sales promotion, program, or  
2 contest, or prevented the motor vehicle dealer from  
3 participating in any promotion, program, or contest for  
4 selling a motor vehicle to a customer who was present at the  
5 dealership and the motor vehicle dealer did not know or should  
6 not have reasonably known that the vehicle would be shipped to  
7 a foreign country. There will be a rebuttable presumption  
8 that the dealer did not know or should not have reasonably  
9 known that the vehicle would be shipped to a foreign country  
10 if the vehicle is titled in one of the fifty United States.

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

25 (28) The applicant or licensee has published,  
26 disclosed, or otherwise made available in any form information  
27 provided by a motor vehicle dealer with respect to sales  
28 prices of motor vehicles or profit per motor vehicle sold.  
29 Other confidential financial information provided by motor  
30 vehicle dealers shall not be published, disclosed, or  
31 otherwise made publicly available except in composite form.

1 However, this information may be disclosed with the written  
2 consent of the dealer or in response to a subpoena or order of  
3 the Department, a court or a lawful tribunal, or introduced  
4 into evidence in such a proceeding, after timely notice to an  
5 affected dealer.

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

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

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

24 (a) Requires that a motor vehicle dealer bring an  
25 administrative or legal action in a venue outside of this  
26 state, or

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

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

1           (32) Notwithstanding the terms of any franchise  
2 agreement, the applicant or licensee has rejected or withheld  
3 approval of any proposed transfer in violation of s. 320.643  
4 or a proposed change of executive management in violation of  
5 s. 320.644.

6  
7 A motor vehicle dealer who can demonstrate that a violation  
8 of, or failure to comply with, any of the preceding provisions  
9 by an applicant or licensee will or can adversely and  
10 pecuniarily affect the complaining dealer, shall be entitled  
11 to pursue all of the remedies, procedures, and rights of  
12 recovery available under ss. 320.695 and 320.697.

13           Section 42. Section 320.641, Florida Statutes, is  
14 amended to read:

15           320.641 Discontinuations, cancellations, nonrenewals,  
16 modifications, and replacement~~Unfair cancellation~~ of franchise  
17 agreements.--

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

30           (b) The failure by the licensee to comply with the  
31 90-day notice period and procedure prescribed herein shall

1 render voidable, at the option of the motor vehicle dealer,  
2 any discontinuation, cancellation, nonrenewal, modification,  
3 or replacement of any franchise agreement. Designation of a  
4 franchise agreement at a specific location as a "nondesignated  
5 point" shall be deemed an evasion of this section and  
6 constitutes an unfair cancellation.

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

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

1 licensee. A modification or replacement is unfair if it is  
2 not clearly permitted by the franchise agreement; is not  
3 undertaken in good faith; or is not undertaken for good cause.  
4 The applicant or licensee shall have burden of proof that such  
5 action is fair and not prohibited.

6 (4) Notwithstanding any other provision of this  
7 section, the failure of a motor vehicle dealer to be engaged  
8 in business with the public for 10 consecutive business days  
9 constitutes abandonment by the dealer of his or her franchise  
10 agreement. If any motor vehicle dealer abandons his or her  
11 franchise agreement, he or she has no cause of action under  
12 this section. For the purpose of this section, a dealer shall  
13 be considered to be engaged in business with the public if a  
14 sales and service facility is open and is performing such  
15 services 8 hours a day, 5 days a week, excluding holidays.  
16 However, it will not be considered abandonment if such failure  
17 to engage in business is due to an act of God, a work  
18 stoppage, or a delay due to a strike or labor difficulty, a  
19 freight embargo, or other cause over which the motor vehicle  
20 dealer has no control, including any violation of ss.  
21 320.60-320.70.

22 (5) Notwithstanding any other provision of this  
23 section, if a motor vehicle dealer has abandoned his or her  
24 franchise agreement as provided in subsection (4), the  
25 licensee may give written notice to the dealer and the  
26 department of the licensee's intention to discontinue, cancel,  
27 or fail to renew the franchise agreement with the dealer at  
28 least 15 days before the effective date thereof, specifying  
29 the grounds for such action. A motor vehicle dealer receiving  
30 such notice may file a petition or complaint for determination  
31



1 of whether in fact there has been an abandonment of the  
2 franchise.

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

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

26 (8) If a transfer is proposed pursuant to s.  
27 320.643(1) or (2) after a notice of intent to discontinue,  
28 cancel, or not renew a franchise agreement is received but,  
29 prior to the final determination, including exhaustion of all  
30 appellate remedies of a motor vehicle dealer's complaint or  
31 petition contesting such action, the termination proceedings

1 shall be stayed, without bond, during the period that the  
 2 transfer is being reviewed by the licensee pursuant to s.  
 3 320.643. During the period that the transfer is being  
 4 reviewed by the licensee, pursuant to s. 320.643, the  
 5 franchise agreement shall remain in full force and effect, and  
 6 the motor vehicle dealer shall retain all rights and remedies  
 7 pursuant to the terms and conditions of the franchise  
 8 agreement and applicable law, including all rights of transfer  
 9 until such time as the licensee has accepted or rejected the  
 10 proposed transfer. If the proposed transfer is rejected, the  
 11 motor vehicle dealer shall retain all of its rights pursuant  
 12 to s. 320.643 to an administrative determination as to whether  
 13 the licensee's rejection is in compliance with the provisions  
 14 of s. 320.643, and during the pendency of any such  
 15 administrative proceeding, and any related appellate  
 16 proceedings, the termination proceedings shall remain stayed  
 17 without bond, the franchise agreement shall remain in full  
 18 force and effect and the motor vehicle dealer shall retain all  
 19 rights and remedies pursuant to the terms and conditions of  
 20 the franchise agreement and applicable law, including all  
 21 rights of transfer. If a transfer is approved by the licensee  
 22 or mandated by law, the termination proceedings shall be  
 23 dismissed with prejudice as moot. This subsection applies  
 24 only to the first two proposed transfers pursuant to s.  
 25 320.643(1) or (2) after notice of intent to discontinue,  
 26 cancel, or not renew is received.

27 Section 43. Section 320.643, Florida Statutes, is  
 28 amended to read:

29 320.643 Transfer, assignment, or sale of franchise  
 30 agreements.--

31

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

1 ~~a transferee under~~ this section. The licensee has the burden  
2 of proof with respect to all issues raised by such verified  
3 complaint. The department shall determine, and enter an order  
4 providing, that the proposed transferee is either qualified or  
5 is not and cannot be qualified for specified reasons, or the  
6 order may provide the conditions under which a proposed  
7 transferee would be qualified. If the licensee fails to file  
8 such a response to the motor vehicle dealer's verified  
9 complaint within 30 days after receipt of the complaint,  
10 ~~unless the parties agree in writing to an extension, such 60~~  
11 ~~day period~~ or if the department, after a hearing,  
12 disqualifying the proposed transferee, the franchise agreement  
13 between the motor vehicle dealer and the licensee shall be  
14 deemed amended to incorporate such transfer or amended in  
15 accordance with the determination and order rendered,  
16 effective upon compliance by the proposed transferee with any  
17 conditions set forth in the determination or order.

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

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

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

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

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

20 Section 44. Section 320.645, Florida Statutes, is  
 21 amended to read:

22 320.645 Restriction upon ownership of dealership by  
 23 licensee.--

24 (1) No licensee, including a manufacturer or agent of  
 25 a manufacturer, or any parent, subsidiary, common entity, or  
 26 officer or representative of the licensee shall own or  
 27 operate, either directly or indirectly, a motor vehicle  
 28 dealership in this state for the sale or service of motor  
 29 vehicles which have been or are offered for sale under a  
 30 franchise agreement with a motor vehicle dealer in this state.  
 31 A licensee may not be issued a motor vehicle dealer license

1 pursuant to s. 320.27. However, no such licensee will be  
2 deemed to be in violation of this section:

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

6 (b) When operating a motor vehicle dealership  
7 temporarily for a reasonable period for the exclusive purpose  
8 of broadening the diversity of its dealer body and enhancing  
9 opportunities for qualified persons who are part of a group  
10 that has historically been underrepresented in its dealer  
11 body, or for other qualified persons who the licensee deems  
12 lack the resources to purchase or capitalize the dealership  
13 outright, ~~not to exceed 1 year, or~~ in a bona fide relationship  
14 with an independent person, other than a licensee or its agent  
15 or affiliate, who has made a significant investment that is  
16 subject to loss in the dealership within the dealership's  
17 first year of operation and who can reasonably expect to  
18 acquire full ownership of the dealership on reasonable terms  
19 and conditions; or

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

25  
26 In any such case, the licensee must continue to make the motor  
27 vehicle dealership available for sale to an independent person  
28 at a fair and reasonable price. Approval of the sale of such a  
29 motor vehicle dealership to a proposed motor vehicle dealer  
30 shall not be unreasonably withheld.

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

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

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

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

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

31



1           (a) The business activities, including, without  
2 limitation, the dealings with motor vehicle manufacturers and  
3 their representatives and affiliates, of any person that is  
4 primarily engaged in the business of short term not to exceed  
5 12 months rental of motor vehicles and industrial and  
6 construction equipment and activities incidental to that  
7 business, provided that:

8           1. Any motor vehicles sold by such person are limited  
9 to used motor vehicles that have been previously used  
10 exclusively and regularly by such person in the conduct of its  
11 rental business and used motor vehicles traded in on motor  
12 vehicles sold by such person;

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

21           3. Motor vehicle financing provided by such person to  
22 retail consumers for motor vehicles is limited to used motor  
23 vehicles sold by such person in the conduct of its business;  
24 or

25           (b) The direct or indirect ownership, affiliation or  
26 control of a person described in paragraph (a) of this  
27 subsection.

28           (4) This section does not apply to any dealership that  
29 is owned, controlled, or operated by a licensee on July 1,  
30 2000.

31

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

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

7           320.699 Administrative hearings and adjudications;  
8 procedure.--

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

24           Section 46. Section 320.6991, Florida Statutes, is  
25 created to read:

26           Section 320.6991 Severability.--If a provision of ss.  
27 320.60-320.70 or its application to any person or circumstance  
28 is held invalid, the invalidity does not affect other  
29 provisions or applications of ss. 320.60-320.70 that can be  
30 given effect without the invalid provision or application, and  
31 to this end the provisions of 320.60-320.70 are severable.

1           Section 47. Section 320.691, Florida Statutes, is  
2 created to read:

3           320.691 Automobile Dealers Industry Advisory Board.--

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

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

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

1 vehicle industry who is from an independent auction and is  
2 recommended by a group affiliated with the National Auto  
3 Auction Association; one representative from the Department of  
4 Revenue; a Florida Tax Collector representative recommended by  
5 the Florida Tax Collectors Association; one representative  
6 from the Better Business Bureau; one representative from the  
7 Department of Agriculture and Consumer Services, who must  
8 represent the Division of Consumer Services; and one  
9 representative of the insurance industry who writes motor  
10 vehicle dealer surety bonds.

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

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

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

31

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

3           (c) The board shall meet at least two times per year.  
4 Meetings may be called by the chair of the board or by the  
5 Executive Director of the department. One meeting shall be  
6 held in the fall of the year to review legislative proposals.  
7 The board shall conduct all meetings in accordance with  
8 applicable Florida Statutes and shall keep minutes of all  
9 meetings. Meetings may be held in locations around the state  
10 in department facilities or in other appropriate locations.

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

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

20           322.01 Definitions.--As used in this chapter:

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

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

28           322.0261 Mandatory driver improvement course; certain  
29 crashes.--

30           (4) The Department of Highway Safety and Motor  
31 Vehicles shall approve and regulate courses that use

1 technology as the delivery method of all driver improvement  
2 schools as the courses relate to this section.

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

8 (a) Approval for statewide delivery.

9 (b) Independent scientific research evidence of course  
10 effectiveness.

11 Section 50. Section 322.161, Florida Statutes, is  
12 amended to read:

13 322.161 High-risk drivers; restricted licenses.--

14 (1)(a) Notwithstanding any provision of law to the  
15 contrary, the department shall restrict the driving privilege  
16 of any Class D or Class E licensee who is age 15 through 17  
17 and who has accumulated six ~~four~~ or more points pursuant to s.  
18 318.14, excluding parking violations, within a 12-month  
19 period.

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

28 (c) The restriction shall be automatically withdrawn  
29 by the department after 1 year if the licensee does not  
30 accumulate any additional points. If the licensee accumulates  
31 any additional points, then the period of restriction shall be

1 extended 90 days for each point. The restriction shall also  
2 be automatically withdrawn upon the licensee's 18th birthday  
3 if no other grounds for restriction exist. The licensee must  
4 appear before the department to have the restriction removed  
5 and a duplicate license issued.

6 (2)(a) Any Class E licensee who is age 15 through 17  
7 and who has accumulated six ~~four~~ or more points pursuant to s.  
8 318.14, excluding parking violations, within a 12-month period  
9 shall not be eligible to obtain a Class D license for a period  
10 of no less than 1 year. The period of ineligibility shall  
11 begin on the date of conviction for the violation that results  
12 in the licensee's accumulation of six ~~four~~ or more points.

13 (b) The period of ineligibility shall automatically  
14 expire after 1 year if the licensee does not accumulate any  
15 additional points. If the licensee accumulates any additional  
16 points, then the period of ineligibility shall be extended 90  
17 days for each point. The period of ineligibility shall also  
18 automatically expire upon the licensee's 18th birthday if no  
19 other grounds for ineligibility exist.

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

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

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

27 322.05 Persons not to be licensed.--The department may  
28 not issue a license:

29 (4) Except as provided by this subsection, to any  
30 person, as a Class A licensee, Class B licensee, Class C  
31 licensee, or Class D licensee, who is under the age of 18

1 years. A person age 16 or 17 years who applies for a Class D  
 2 driver's license is subject to all the requirements and  
 3 provisions of ss. 322.05(2)(a) and (b), 322.09, and 322.16(2)  
 4 and (3). ~~Any person who applies for a Class D driver's license~~  
 5 ~~who is age 16 or 17 years must have had a learner's driver's~~  
 6 ~~license or a driver's license for at least 90 days before he~~  
 7 ~~or she is eligible to receive a Class D driver's license.~~The  
 8 department may require of any such applicant for a Class D  
 9 driver's license such examination of the qualifications of the  
 10 applicant as the department considers proper, and the  
 11 department may limit the use of any license granted as it  
 12 considers proper.

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

17 322.081 Requests to establish voluntary check-off  
 18 ~~checkoff~~ on driver's license application.--

19 (4)

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

31



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

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

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

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

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

31

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

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

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

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

27            Section 53. Present subsections (2) through (7) of  
 28 section 322.095, Florida Statutes, are renumbered as  
 29 subsections (4) through (9), respectively, and new subsections  
 30 (2) and (3) are added to said section, to read:

31

1           322.095 Traffic law and substance abuse education  
2 program for driver's license applicants.--

3           (2) The Department of Highway Safety and Motor  
4 Vehicles shall approve and regulate courses that use  
5 technology as the delivery method of all driver improvement  
6 schools as the courses relate to this section.

7           (3) In determining whether to approve courses of  
8 driver improvement schools that use technology as the delivery  
9 method as the courses relate to this section, for courses  
10 submitted on or after July 1, 2001, the department shall  
11 consider only those courses submitted by a person, business,  
12 or entity which receive:

13           (a) Approval for statewide delivery.

14           (b) Independent scientific research evidence of course  
15 effectiveness.

16           Section 54. Section 322.222, Florida Statutes, is  
17 created to read:

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

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

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

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

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

17 Section 56. Subsections (1), (3), and (10) of section  
 18 322.2615, Florida Statutes, are amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 322.28 Period of suspension or revocation.--

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

31

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

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

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

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

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



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

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

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

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

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

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

4 Section 59. Section 322.282, Florida Statutes, is  
5 repealed.

6 Section 60. Subsection (3) is added to section  
7 322.292, Florida Statutes, to read:

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

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

12 Section 61. Section 322.331, Florida Statutes, is  
13 repealed.

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

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

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

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

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

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

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

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

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

26           (b) For drivers who are not always required to stop,  
27 failing to stop before reaching the crossing if the tracks are  
28 not clear.

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

31

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

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

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

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

12           (b) A driver must be disqualified for not less than  
13 120 days if, during any 3-year period, the driver is convicted  
14 of or otherwise found to have committed a second  
15 railroad-highway grade crossing violation in separate  
16 incidents.

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

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

24           322.64 Holder of commercial driver's license; driving  
25 with unlawful blood-alcohol level; refusal to submit to  
26 breath, urine, or blood test.--

27           (1)(a) A law enforcement officer or correctional  
28 officer shall, on behalf of the department, disqualify from  
29 operating any commercial motor vehicle a person who while  
30 operating or in actual physical control of a commercial motor  
31 vehicle is arrested for a violation of s. 316.193, relating to

1 unlawful blood-alcohol level or breath-alcohol level, or a  
2 person who has refused to submit to a breath, urine, or blood  
3 test authorized by s. 322.63 arising out of the operation or  
4 actual physical control of a commercial motor vehicle. Upon  
5 disqualification of the person, the officer shall take the  
6 person's driver's license and issue the person a 10-day ~~30-day~~  
7 temporary permit if the person is otherwise eligible for the  
8 driving privilege and shall issue the person a notice of  
9 disqualification. If the person has been given a blood,  
10 breath, or urine test, the results of which are not available  
11 to the officer at the time of the arrest, the agency employing  
12 the officer shall transmit such results to the department  
13 within 5 days after receipt of the results. If the department  
14 then determines that the person was arrested for a violation  
15 of s. 316.193 and that the person had a blood-alcohol level or  
16 breath-alcohol level of 0.08 or higher, the department shall  
17 disqualify the person from operating a commercial motor  
18 vehicle pursuant to subsection (3).

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

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

28 b. The driver violated s. 316.193 by driving with an  
29 unlawful blood-alcohol level and he or she is disqualified  
30 from operating a commercial motor vehicle for a period of 6  
31 months for a first offense or for a period of 1 year if he or

1 she has previously been disqualified, or his or her driving  
2 privilege has been previously suspended, for a violation of s.  
3 316.193.

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

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

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

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

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

26 Section 64. Driver Licensing Study Commission  
27 created.--

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

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

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

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

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

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

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

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

22           (4) A vacancy in the commission shall be filled within  
23 30 days after its occurrence in the same manner as the  
24 original appointment.

25           (5) The Department of Highway Safety and Motor  
26 Vehicles shall serve as primary staff to the commission,  
27 providing technical and administrative assistance and ensuring  
28 that commission meetings are electronically recorded. Such  
29 recordings shall be preserved pursuant to chs. 119 and 257,  
30 Florida Statutes.

31



1           (6) The commission shall study and make  
2 recommendations on the feasibility of using privatization,  
3 outsourcing, and public-private partnership techniques in the  
4 delivery of driver's license services. The commission shall  
5 review local government driver's licensing programs and shall  
6 review results available from driver's licensing privatization  
7 pilot projects in the state. The study shall address the  
8 following issues:

9           (a) Identification of functions that are appropriate  
10 for privatization or outsourcing and functions for which the  
11 public sector should maintain direct control.

12           (b) Technology and re-engineering of business  
13 processes to achieve greater efficiencies, ultimately  
14 resulting in cost reduction.

15           (c) The format and type of necessary procurement  
16 procedures and oversight and audit mechanisms to protect the  
17 interests of the State of Florida in dealings with private  
18 service providers.

19           (d) Contractual controls to ensure appropriate service  
20 delivery and customer satisfaction levels.

21           (e) Safeguards for control of personal information.

22           (f) Ways to encourage the use of alternative service  
23 delivery options.

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

26           (h) Issues related to utilization and placement of  
27 current public driver's license employees in public-private  
28 licensing enterprises.

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

31

1           (7) The commission shall prepare an initial report of  
2 its findings and recommendations on the issues listed in  
3 subsection (6) and shall submit the report to the Governor,  
4 the Speaker of the House of Representatives, and the President  
5 of the Senate on or before January 1, 2002. The commission  
6 shall prepare a final report of its findings and  
7 recommendations, taking into consideration the results of any  
8 pilot projects for delivery of driver's license services, and  
9 shall submit the report to the Governor, the Speaker of the  
10 House of Representatives, and the President of the Senate on  
11 or before January 1, 2003. The commission is dissolved at the  
12 time it submits its final report.

13           Section 65. There is appropriated from the Highway  
14 Safety Operating Trust Fund to the Driver Licensing Study  
15 Commission the sum of \$100,000 for the purpose of conducting  
16 the study required in this act.

17           Section 66. Section 324.091, Florida Statutes, is  
18 amended to read:

19           324.091 Notice to department; notice to insurer.--

20           (1) Each owner and operator involved in a crash or  
21 conviction case within the purview of this chapter shall  
22 furnish evidence of automobile liability insurance, motor  
23 vehicle liability insurance, or surety bond within 30 days  
24 from the date of the mailing of notice of crash by the  
25 department in such form and manner as it may designate. Upon  
26 receipt of evidence that an automobile liability policy, motor  
27 vehicle liability policy, or surety bond was in effect at the  
28 time of the crash or conviction case, the department shall  
29 forward by United States mail, postage prepaid, to the insurer  
30 or surety insurer a copy of such information and shall assume  
31 that such policy or bond was in effect unless the insurer or

1 surety insurer shall notify the department otherwise within 20  
2 days from the mailing of the notice to the insurer or surety  
3 insurer; provided that if the department shall later ascertain  
4 that an automobile liability policy, motor vehicle liability  
5 policy, or surety bond was not in effect and did not provide  
6 coverage for both the owner and the operator, it shall at such  
7 time take such action as it is otherwise authorized to do  
8 under this chapter. Proof of mailing to the insurer or surety  
9 insurer may be made by the department by naming the insurer or  
10 surety insurer to whom such mailing was made and specifying  
11 the time, place and manner of mailing.

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

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

25 Section 67. Paragraph (b) of subsection (3) of section  
26 328.01, Florida Statutes, is amended to read:

27 328.01 Application for certificate of title.--

28 (3)

29 (b) If the application for transfer of title is based  
30 upon a contractual default, the recorded lienholder shall  
31 establish proof of right to ownership by submitting with the

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

28  
29 The department shall adopt suitable language that must appear  
30 upon the certificate of title to effectuate the manner in  
31 which the interest in or title to the vessel is held.

1           Section 68. Subsection (2) of section 328.42, Florida  
2 Statutes, is amended to read:

3           328.42 Suspension or denial of a vessel registration  
4 due to child support delinquency; dishonored checks.--

5           (2) The department may deny or cancel any vessel  
6 registration, license plate, or fuel-use tax decal if the  
7 owner pays for the registration, license plate, fuel-use tax  
8 decal, or any tax liability, penalty, or interest specified in  
9 chapter 207 by a dishonored check if the owner pays for the  
10 registration by a dishonored check.

11           Section 69. Section 328.56, Florida Statutes, is  
12 amended to read:

13           328.56 Vessel registration number.--Each vessel that  
14 is used on the waters of the state must display a ~~commercial~~  
15 ~~or recreational~~ Florida registration number, unless it is:

16           (1) A vessel used exclusively on private lakes and  
17 ponds.

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

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

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

21           (5) A federally documented vessel.

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

29           (7) A vessel operating under a valid temporary  
30 certificate of number.

31

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

3 (9) An undocumented vessel used exclusively for  
4 racing.

5 Section 70. Subsection (4) of section 328.72, Florida  
6 Statutes, is amended to read:

7 328.72 Classification; registration; fees and charges;  
8 surcharge; disposition of fees; fines; marine turtle  
9 stickers.--

10 (4) TRANSFER OF OWNERSHIP.--

11 (a) When the ownership of a registered vessel changes,  
12 an application for transfer of registration shall be filed  
13 with the county tax collector by the new owner within 30 days  
14 with a fee of \$3.25. The county tax collector shall retain  
15 \$2.25 of the fee and shall remit \$1 to the department. A  
16 refund may not be made for any unused portion of a  
17 registration period.

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

27 Section 71. Effective July 1, 2001, subsection (1) of  
28 section 328.76, Florida Statutes, is amended to read:

29 328.76 Marine Resources Conservation Trust Fund;  
30 vessel registration funds; appropriation and distribution.--

31

1           (1) Except as otherwise specified and less \$1.4  
2 million for any administrative costs which shall be deposited  
3 in the Highway Safety Operating Trust Fund, in each fiscal  
4 year beginning on or after July 1, 2001, all funds collected  
5 from the registration of vessels through the Department of  
6 Highway Safety and Motor Vehicles and the tax collectors of  
7 the state, except for those funds designated for the use of  
8 the counties pursuant to s. 328.72(1), shall be deposited in  
9 the Marine Resources Conservation Trust Fund for recreational  
10 channel marking; public launching facilities; law enforcement  
11 and quality control programs; aquatic weed control; manatee  
12 protection, recovery, rescue, rehabilitation, and release; and  
13 marine mammal protection and recovery. The funds collected  
14 pursuant to s. 328.72(1) shall be transferred as follows:

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

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

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

26           (d) Forty percent of the registration fees from  
27 commercial vessels shall be transferred by the Department of  
28 Highway Safety and Motor Vehicles, on a monthly basis, to the  
29 General Inspection Trust Fund of the Department of Agriculture  
30 and Consumer Services. These funds shall be used for shellfish  
31 and aquaculture law enforcement and quality control programs.

1 Section 72. Subsections (4) and (6) of section 713.78,  
2 Florida Statutes, are amended to read:

3 713.78 Liens for recovering, towing, or storing  
4 vehicles and ~~documented~~ vessels.--

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

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



1 applicable law enforcement agency within 5 days from the date  
2 of storage and shall give notice pursuant to paragraph (a).  
3 The department may release the insurance company information  
4 to the requestor notwithstanding the provisions of s. 627.736.

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

22 (d)(c) If attempts to locate the owner or lienholder  
23 prove unsuccessful, the towing-storage operator shall, after 7  
24 working days, excluding Saturday and Sunday, of the initial  
25 tow or storage, notify the public agency of jurisdiction in  
26 writing by certified mail or acknowledged hand delivery that  
27 the towing-storage company has been unable to locate the owner  
28 or lienholder and a physical search of the vehicle or vessel  
29 has disclosed no ownership information and a good faith effort  
30 has been made. For purposes of this paragraph and subsection  
31 (9), ~~and s. 715.05,~~ "good faith effort" means that the

- 1 following checks have been performed by the company to  
2 establish prior state of registration and for title:
- 3 1. Check of vehicle or vessel for any type of tag, tag  
4 record, temporary tag, or regular tag.
  - 5 2. Check of law enforcement report for tag number or  
6 other information identifying the vehicle or vessel, if the  
7 vehicle or vessel was towed at the request of a law  
8 enforcement officer.
  - 9 3. Check of trip sheet or tow ticket of tow truck  
10 operator to see if a tag was on vehicle at beginning of tow,  
11 if private tow.
  - 12 4. If there is no address of the owner on the impound  
13 report, check of law enforcement report to see if an  
14 out-of-state address is indicated from driver license  
15 information.
  - 16 5. Check of vehicle or vessel for inspection sticker  
17 or other stickers and decals that may indicate a state of  
18 possible registration.
  - 19 6. Check of the interior of the vehicle or vessel for  
20 any papers that may be in the glove box, trunk, or other areas  
21 for a state of registration.
  - 22 7. Check of vehicle for vehicle identification number.
  - 23 8. Check of vessel for vessel registration number.
  - 24 9. Check of vessel hull for a hull identification  
25 number which should be carved, burned, stamped, embossed, or  
26 otherwise permanently affixed to the outboard side of the  
27 transom or, if there is no transom, to the outmost seaboard  
28 side at the end of the hull that bears the rudder or other  
29 steering mechanism.
  - 30 (6) Any vehicle or vessel which is stored pursuant to  
31 subsection (2) and which remains unclaimed, or for which

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

1 of the sale, after payment of reasonable towing and storage  
2 charges, costs of the sale, and the unpaid lot rental amount,  
3 in that order of priority, shall be deposited with the clerk  
4 of the circuit court for the county if the owner is absent,  
5 and the clerk shall hold such proceeds subject to the claim of  
6 the person legally entitled thereto. The clerk shall be  
7 entitled to receive 5 percent of such proceeds for the care  
8 and disbursement thereof. The certificate of title issued  
9 under this law shall be discharged of all liens unless  
10 otherwise provided by court order.

11 Section 73. Section 715.05, Florida Statutes, is  
12 repealed.

13 Section 74. Subsection (1) of section 681.1096,  
14 Florida Statutes, is amended to read:

15 681.1096 Pilot RV Mediation and Arbitration Program;  
16 creation and qualifications.--

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

28 Section 75. Subsections (5) and (7) of section  
29 681.1097, Florida Statutes, are amended to read:

30 681.1097 Pilot RV Mediation and Arbitration Program;  
31 dispute eligibility and program function.--

1           (5) If the mediation ends in an impasse, or if a  
2 manufacturer fails to comply with the settlement entered into  
3 between the parties, the program administrator shall schedule  
4 the dispute for an arbitration hearing. Arbitration  
5 proceedings shall be open to the public on reasonable and  
6 nondiscriminatory terms.

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

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

27           (c) At all program arbitration proceedings, the  
28 parties may present oral and written testimony, present  
29 witnesses and evidence relevant to the dispute, cross-examine  
30 witnesses, and be represented by counsel. The arbitrator  
31 shall record the arbitration hearing and shall have the power

1 to administer oaths. The arbitrator may inspect the vehicle  
2 if requested by a party or if the arbitrator considers such  
3 inspection appropriate.

4 (d) The program arbitrator may continue a hearing on  
5 his or her own motion or upon the request of a party for good  
6 cause shown. A request for continuance by the consumer  
7 constitutes a waiver of the time period set forth in s.  
8 681.1096(3)(k) for completion of all proceedings under the  
9 program.

10 (e) Where the arbitration is the result of a  
11 manufacturer's failure to perform in accordance with a  
12 settlement ~~mediation~~ agreement, any relief to the consumer  
13 granted by the arbitration will be no less than the relief  
14 agreed to by the manufacturer in the settlement agreement.

15 (f) The arbitrator shall grant relief if a reasonable  
16 number of attempts have been undertaken to correct a  
17 nonconformity or nonconformities.

18 (g) The program arbitrator shall render a decision  
19 within 10 days of the closing of the hearing. The decision  
20 shall be in writing on a form prescribed or approved by the  
21 department. The program administrator shall send a copy of the  
22 decision to the consumer and each involved manufacturer by  
23 registered mail. The program administrator shall also send a  
24 copy of the decision to the department within 5 days of  
25 mailing to the parties.

26 (h) A manufacturer shall comply with an arbitration  
27 decision within 40 days of the date the manufacturer receives  
28 the written decision. Compliance occurs on the date the  
29 consumer receives delivery of an acceptable replacement motor  
30 vehicle or the refund specified in the arbitration award. If a  
31 manufacturer fails to comply within the time required, the

1 consumer must notify the program administrator in writing  
2 within 10 days. The program administrator shall notify the  
3 department of a manufacturer's failure to comply. The  
4 department shall have the authority to enforce compliance with  
5 arbitration decisions under this section in the same manner as  
6 is provided for enforcement of compliance with board decisions  
7 under s. 681.1095(10). In any civil action arising under this  
8 chapter and relating to a dispute arbitrated pursuant to this  
9 section, the decision of the arbitrator is admissible in  
10 evidence.

11 (i) Either party may request that the program  
12 arbitrator make a technical correction to the decision by  
13 filing a written request with the program administrator within  
14 10 days after receipt of the written decision. Technical  
15 corrections shall be limited to computational errors,  
16 correction of a party's name or information regarding the  
17 recreational vehicle, and typographical or spelling errors.  
18 Technical correction of a decision shall not toll the time for  
19 filing an appeal or for manufacturer compliance.

20 (7) A decision of the arbitrator is binding unless  
21 appealed by either party by filing a petition with the circuit  
22 court within the time and in the manner prescribed by s.  
23 681.1095(10) and (12). Section 681.1095(13) and (14) apply to  
24 appeals filed under this section.~~Either party may make~~  
25 ~~application to the circuit court for the county in which one~~  
26 ~~of the parties resides or has a place of business or, if~~  
27 ~~neither party resides or has a place of business in this~~  
28 ~~state, the county where the arbitration hearing was held, for~~  
29 ~~an order confirming, vacating, modifying, or correcting any~~  
30 ~~award, in accordance with the provisions of this section and~~  
31 ~~ss. 682.12, 682.13, 682.14, 682.15, and 682.17. Such~~

1 ~~application must be filed within 30 days of the moving party's~~  
2 ~~receipt of the written decision or the decision becomes final.~~  
3 ~~Upon filing such application, the moving party shall mail a~~  
4 ~~copy to the department and, upon entry of any judgment or~~  
5 ~~decree, shall mail a copy of such judgment or decree to the~~  
6 ~~department. A review of such application by the circuit court~~  
7 ~~shall be confined to the record of the proceedings before the~~  
8 ~~program arbitrator. The court shall conduct a de novo review~~  
9 ~~of the questions of law raised in the application. In addition~~  
10 ~~to the grounds set forth in ss. 682.13 and 682.14, the court~~  
11 ~~shall consider questions of fact raised in the application. In~~  
12 ~~reviewing questions of fact, the court shall uphold the award~~  
13 ~~unless it determines that the factual findings of the~~  
14 ~~arbitrator are not supported by substantial evidence in the~~  
15 ~~record and that the substantial rights of the moving party~~  
16 ~~have been prejudiced. If the arbitrator fails to state~~  
17 ~~findings or reasons for the stated award, or the findings or~~  
18 ~~reasons are inadequate, the court shall search the record to~~  
19 ~~determine whether a basis exists to uphold the award. The~~  
20 ~~court shall expedite consideration of any application filed~~  
21 ~~under this section on the calendar.~~

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



1 court shall double, and may triple, the amount of the total  
2 award.

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

7 Section 76. Section 681.115, Florida Statutes, is  
8 amended to read:

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

16 Section 77. Section 715.07, Florida Statutes, is  
17 amended to read:

18 715.07 Vehicles and vessels parked on private  
19 property; towing.--

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

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

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

27 (2) The owner or lessee of real property, or any  
28 person authorized by the owner or lessee, which person may be  
29 the designated representative of the condominium association  
30 if the real property is a condominium, may cause any vehicle  
31 or vessel parked on such property without her or his

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

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

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

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

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

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

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

28           5. Except for property appurtenant to and obviously a  
29 part of a single-family residence, and except for instances  
30 when notice is personally given to the owner or other legally  
31 authorized person in control of the vehicle or vessel that the

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

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

16 b. The notice must clearly indicate, in not less than  
17 2-inch high, light-reflective letters on a contrasting  
18 background, that unauthorized vehicles will be towed away at  
19 the owner's expense. Owners or lessees that remove vessels  
20 from their properties shall post notice, consistent with the  
21 requirements of this subparagraph, that unauthorized vehicles  
22 or vessels will be towed at the owner's expense. The words  
23 "tow-away zone" must be included on the sign in not less than  
24 4-inch high letters.

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

30 d. The sign structure containing the required notices  
31 must be permanently installed with the words "tow-away zone"

1 not less than 3 feet and not more than 6 feet above ground  
2 level and must be continuously maintained on the property for  
3 not less than 24 hours prior to the towing or removal of any  
4 vehicles or vessels.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31

1 Section 78. Subsection (3) is added to section 832.09,  
2 Florida Statutes, to read:

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

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

12 Section 79. Subsection (1) of section 322.056, Florida  
13 Statutes, is amended to read:

14 322.056 Mandatory revocation or suspension of, or  
15 delay of eligibility for, driver's license for persons under  
16 age 18 found guilty of certain alcohol, drug, or tobacco  
17 offenses; prohibition.--

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

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

26 1. Not less than 6 months and not more than 1 year for  
27 the first violation.

28 2. Two years, for a subsequent violation.

29 (b) The person's driver's license or driving privilege  
30 is under suspension or revocation for any reason, the court

31



1 shall direct the department to extend the period of suspension  
2 or revocation by an additional period of:

3 1. Not less than 6 months and not more than 1 year for  
4 the first violation.

5 2. Two years, for a subsequent violation.

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

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

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

15

16 However, the court may, in its sound discretion, direct the  
17 department to issue a license for driving privileges  
18 restricted to business or employment purposes only, as defined  
19 in s. 322.271, if the person is otherwise qualified for such a  
20 license.

21 Section 80. Except as otherwise provided herein, this  
22 act shall take effect October 1, 2001.

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