

By the Committee on Transportation; and Senator Sebesta

306-2035-02

1 A bill to be entitled
2 An act relating to motor vehicles and vessels;
3 amending s. 316.003, F.S.; providing that
4 certain vehicles of the Department of Health
5 are authorized emergency vehicles; amending s.
6 316.006, F.S.; authorizing the installation of
7 multiparty stop signs on certain roads;
8 providing guidelines for the installation of
9 such signage; revising the traffic control
10 jurisdiction of a county over certain roads and
11 rights-of-way dedicated in a residential
12 subdivision under certain circumstances;
13 creating s. 316.00825, F.S.; authorizing the
14 governing body of a county to abandon the roads
15 and rights-of-way dedicated in a recorded
16 subdivision plat under certain circumstances;
17 providing for traffic control jurisdiction of
18 such roads; amending s. 316.061, F.S.;
19 authorizing certain entities to remove crashed
20 motor vehicles from roadways under certain
21 circumstances; providing a limitation of
22 liability; amending s. 316.1975, F.S.;
23 exempting operators of solid waste and
24 recovered materials vehicles from provisions
25 regarding unattended motor vehicles under
26 certain circumstances; amending s. 316.2397,
27 F.S.; authorizing emergency response vehicles
28 of the Department of Health to use red flashing
29 lights; amending s. 316.640, F.S.; revising
30 traffic law enforcement authority of university
31 police officers; revising the powers and duties

1 of traffic crash investigation officers;
2 amending s. 318.18, F.S.; providing for
3 assessment of doubled fines for speeding in
4 toll collection zones; amending s. 319.28,
5 F.S.; revising requirements for processing an
6 application for title based on a contractual
7 default; amending s. 320.025, F.S.; providing
8 for confidential registration and issuance
9 under fictitious name of decals for vessels
10 operated by a law enforcement agency; requiring
11 registration number and decal to be affixed to
12 such vessel; amending s. 320.05, F.S.;
13 providing for release of vessel registration
14 information; providing exceptions; amending s.
15 320.055, F.S.; providing registration period
16 for certain nonapportioned vehicles; amending
17 s. 320.06, F.S.; revising form of license plate
18 validation stickers; reducing the number of
19 required validation stickers per plate;
20 amending s. 320.072, F.S.; revising initial
21 registration fee exemptions; amending s.
22 320.0805, F.S.; reducing the timeframe for a
23 personalized license plate to remain out of
24 circulation prior to reassignment; amending s.
25 320.08058, F.S.; revising the date after which
26 a newly created collegiate license plate is
27 subject to the requirements of s. 320.08053,
28 F.S.; amending s. 320.083, F.S.; revising
29 requirements for the Amateur Radio Operator
30 specialty license plate; amending s. 320.089,
31 F.S.; revising weight restriction for the

1 Ex-POW and Purple Heart license plates;
2 amending s. 321.02, F.S.; prescribing colors
3 for use on Florida Highway Patrol motor
4 vehicles and motorcycles; amending s. 322.051,
5 F.S.; requiring acceptance of the Florida
6 identification card as proof of identification
7 by persons accepting the driver's license as
8 proof of identification; amending s. 322.056,
9 F.S.; providing an exception to mandatory
10 revocation or suspension of a juvenile's
11 driver's license under certain circumstances;
12 amending s. 322.25, F.S.; conforming a
13 cross-reference; amending s. 322.27, F.S.;
14 revising language relating to habitual traffic
15 offender license revocation; amending s.
16 322.271, F.S.; conforming a cross-reference;
17 amending s. 322.28, F.S.; deleting obsolete
18 language relating to revocation of a driver's
19 license; repealing s. 322.282, F.S., relating
20 to procedure when court revokes or suspends
21 license or driving privilege and orders
22 reinstatement; amending s. 328.01, F.S.;
23 deleting the requirement that a copy of a
24 contract upon which a claim of ownership of a
25 vessel is made be submitted if an application
26 for transfer of title is based on a contractual
27 default; amending s. 328.42, F.S.; authorizing
28 the department to deny or cancel a vessel
29 registration, license plate, or fuel-use tax
30 decal when given a dishonored check by the
31 customer; amending s. 328.56, F.S.; revising

1 provisions governing display of vessel
2 registration number; amending s. 328.72, F.S.;
3 deleting certain requirements for the transfer
4 of ownership of an antique vessel; amending s.
5 832.09, F.S.; requiring the department to
6 create a standardized form for notification
7 from clerks of courts of satisfaction of a
8 worthless check; amending s. 860.20, F.S.;
9 revising provisions relating to the issuance of
10 serial numbers on certain vessel motors;
11 providing an effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Subsection (1) of section 316.003, Florida
16 Statutes, is amended to read:

17 316.003 Definitions.--The following words and phrases,
18 when used in this chapter, shall have the meanings
19 respectively ascribed to them in this section, except where
20 the context otherwise requires:

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

30 Section 2. Paragraph (b) of subsection (2) and
31 paragraph (b) of subsection (3) of section 316.006, Florida

1 Statutes, are amended, and paragraph (c) is added to
2 subsection (3) of that section, to read:

3 316.006 Jurisdiction.--Jurisdiction to control traffic
4 is vested as follows:

5 (2) MUNICIPALITIES.--

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

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

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

26 3. Any such agreement may provide for the installation
27 of multiparty stop signs by the parties controlling the roads
28 covered by the agreement if a determination is made by such
29 parties that the signage will enhance traffic safety.
30 Multiparty stop signs must conform to the manual and
31 specifications of the Department of Transportation; however,

1 minimum traffic volumes may not be required for the
2 installation of such signage. Enforcement for the signs shall
3 be as provided in s. 316.123.

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

12 (3) COUNTIES.--

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

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

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

1 agreement shall take effect prior to October 1, the beginning
2 of the county fiscal year, unless this requirement is waived
3 in writing by the sheriff.

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

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

18 (c) If the governing body of a county abandons the
19 roads and rights-of-way dedicated in a recorded residential
20 subdivision, and simultaneously conveys the county's interest
21 therein to a homeowners' association for the subdivision in
22 the manner prescribed in s. 316.00825, that county's traffic
23 control jurisdiction over the abandoned and conveyed roads
24 ceases unless the requirements of paragraph (b) are met.

25
26 Notwithstanding the provisions of subsection (2), each county
27 shall have original jurisdiction to regulate parking, by
28 resolution of the board of county commissioners and the
29 erection of signs conforming to the manual and specifications
30 of the Department of Transportation, in parking areas located
31 on property owned or leased by the county, whether or not such

1 areas are located within the boundaries of chartered
2 municipalities.

3 Section 3. Section 316.00825, Florida Statutes, is
4 created to read:

5 316.00825 Closing and abandonment of roads; optional
6 conveyance to homeowners' association; traffic control
7 jurisdiction.--

8 (1)(a) In addition to the authority provided in s.
9 336.12, the governing body of the county may abandon the roads
10 and rights-of-way dedicated in a recorded residential
11 subdivision plat and simultaneously convey the county's
12 interest in such roads, rights-of-way, and appurtenant
13 drainage facilities to a homeowners' association for the
14 subdivision, if the following conditions have been met:

15 1. The homeowners' association has requested the
16 abandonment and conveyance in writing for the purpose of
17 converting the subdivision to a gated neighborhood with
18 restricted public access.

19 2. No fewer than four-fifths of the owners of record
20 of property located in the subdivision have consented in
21 writing to the abandonment and simultaneous conveyance to the
22 homeowners' association.

23 3. The homeowners' association is both a corporation
24 not for profit organized and in good standing under chapter
25 617, and is a homeowners' association as defined in s.
26 720.301(7) with the power to levy and collect assessments for
27 routine and periodic major maintenance and operation of street
28 lighting, drainage, sidewalks, and pavement in the
29 subdivision.

30 4. The homeowners' association has entered into and
31 executed such agreements, covenants, warranties, and other

1 instruments; has provided, or has provided assurance of, such
2 funds, reserve funds, and funding sources; and has satisfied
3 such other requirements and conditions as may be established
4 or imposed by the county with respect to the ongoing
5 operation, maintenance, and repair and the periodic
6 reconstruction or replacement of the roads, drainage, street
7 lighting, and sidewalks in the subdivision after the
8 abandonment by the county.

9 (b) The homeowners' association shall install,
10 operate, maintain, repair, and replace all signs, signals,
11 markings, striping, guardrails, and other traffic control
12 devices necessary or useful for the private roads unless an
13 agreement has been entered into between the county and the
14 homeowners' association, as authorized under s. 316.006(3)(b),
15 expressly providing that the county has traffic control
16 jurisdiction.

17 (2) Upon abandonment of the roads and rights-of-way
18 and the conveyance thereof to the homeowners' association, the
19 homeowners' association shall have all the rights, title, and
20 interest in the roads and rights-of-way, including all
21 appurtenant drainage facilities, as were previously vested in
22 the county. Thereafter, the homeowners' association shall
23 hold the roads and rights-of-way in trust for the benefit of
24 the owners of the property in the subdivision, and shall
25 operate, maintain, repair, and, from time to time, replace and
26 reconstruct the roads, street lighting, sidewalks, and
27 drainage facilities as necessary to ensure their use and
28 enjoyment by the property owners, tenants, and residents of
29 the subdivision and their guests and invitees. The provisions
30 of this section shall be regarded as supplemental and

31

1 additional to the provisions of s. 336.12, and shall not be
2 regarded as in derogation of that section.

3 Section 4. Subsection (3) is added to section 316.061,
4 Florida Statutes, to read:

5 316.061 Crashes involving damage to vehicle or
6 property.--

7 (3) Employees or authorized agents of the Department
8 of Transportation, law enforcement with proper jurisdiction,
9 and an expressway authority created pursuant to chapter 348,
10 in the exercise, management, control, and maintenance of its
11 highway system, may undertake the removal from the main
12 traveled way of roads on its highway system of all vehicles
13 incapacitated as a result of a motor vehicle crash and of
14 debris caused thereby. Such removal is applicable when such a
15 crash results only in damage to a vehicle or other property,
16 and where such removal can be accomplished safely and will
17 result in the improved safety or convenience of travel upon
18 the road. The driver or any other person who has removed a
19 vehicle from the main traveled way of the road as provided in
20 this subsection shall not be considered liable or at fault
21 regarding the cause of the accident solely by reason of moving
22 the vehicle.

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

25 316.1975 Unattended motor vehicle.--

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

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

31

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

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

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

7 316.2397 Certain lights prohibited; exceptions.--

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

12 Section 7. Paragraph (a) of subsection (1), paragraph
13 (b) of subsection (2), and paragraphs (b) and (c) of
14 subsection (3) of section 316.640, Florida Statutes, are
15 amended to read:

16 316.640 Enforcement.--The enforcement of the traffic
17 laws of this state is vested as follows:

18 (1) STATE.--

19 (a)1.a. The Division of Florida Highway Patrol of the
20 Department of Highway Safety and Motor Vehicles, the Division
21 of Law Enforcement of the Fish and Wildlife Conservation
22 Commission, the Division of Law Enforcement of the Department
23 of Environmental Protection, and law enforcement officers of
24 the Department of Transportation each have authority to
25 enforce all of the traffic laws of this state on all the
26 streets and highways thereof and elsewhere throughout the
27 state wherever the public has a right to travel by motor
28 vehicle. The Division of the Florida Highway Patrol may employ
29 as a traffic accident investigation officer any individual who
30 successfully completes at least 200 hours of instruction in
31 traffic accident investigation and court presentation through

1 the Selective Traffic Enforcement Program as approved by the
2 Criminal Justice Standards and Training Commission and funded
3 through the National Highway Traffic Safety Administration or
4 a similar program approved by the commission, but who does not
5 necessarily meet the uniform minimum standards established by
6 the commission for law enforcement officers or auxiliary law
7 enforcement officers under chapter 943. Any such traffic
8 accident investigation officer who makes an investigation at
9 the scene of a traffic accident may issue traffic citations,
10 based upon personal investigation, when he or she has
11 reasonable and probable grounds to believe that a person who
12 was involved in the accident committed an offense under this
13 chapter, chapter 319, chapter 320, or chapter 322 in
14 connection with the accident. This paragraph does not permit
15 the carrying of firearms or other weapons, nor do such
16 officers have arrest authority ~~other than for the issuance of~~
17 ~~a traffic citation as authorized in this paragraph.~~

18 b. University police officers shall have authority to
19 enforce all of the traffic laws of this state when such
20 violations occur on or about any property or facilities that
21 are under the guidance, supervision, regulation, or control of
22 a state university, a direct-support organization of such
23 state university, or any other organization controlled by the
24 state university or a direct-support organization of the state
25 university System, except that traffic laws may be enforced
26 off-campus when hot pursuit originates on or adjacent to any
27 such property or facilities on-campus.

28 c. Community college police officers shall have the
29 authority to enforce all the traffic laws of this state only
30 when such violations occur on any property or facilities that
31

1 are under the guidance, supervision, regulation, or control of
2 the community college system.

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

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

18 (II) A parking enforcement specialist employed by an
19 airport authority is authorized to enforce all state, county,
20 and municipal laws and ordinances governing parking only when
21 such violations are on property or facilities owned or
22 operated by the airport authority employing the specialist, by
23 appropriate state, county, or municipal traffic citation.

24 e. The Office of Agricultural Law Enforcement of the
25 Department of Agriculture and Consumer Services shall have the
26 authority to enforce traffic laws of this state only as
27 authorized by the provisions of chapter 570. However, nothing
28 in this section shall expand the authority of the Office of
29 Agricultural Law Enforcement at its agricultural inspection
30 stations to issue any traffic tickets except those traffic
31 tickets for vehicles illegally passing the inspection station.

1 f. School safety officers shall have the authority to
2 enforce all of the traffic laws of this state when such
3 violations occur on or about any property or facilities which
4 are under the guidance, supervision, regulation, or control of
5 the district school board.

6 2. An agency of the state as described in subparagraph
7 1. is prohibited from establishing a traffic citation quota. A
8 violation of this subparagraph is not subject to the penalties
9 provided in chapter 318.

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

18 (2) COUNTIES.--

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

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

10 (3) MUNICIPALITIES.--

11 (b) The police department of a chartered municipality
12 may employ as a traffic crash investigation officer any
13 individual who successfully completes at least 200 hours of
14 instruction in traffic crash investigation and court
15 presentation through the Selective Traffic Enforcement Program
16 (STEP) as approved by the Criminal Justice Standards and
17 Training Commission and funded through the National Highway
18 Traffic Safety Administration (NHTSA) or a similar program
19 approved by the commission, but who does not otherwise meet
20 the uniform minimum standards established by the commission
21 for law enforcement officers or auxiliary law enforcement
22 officers under chapter 943. Any such traffic crash
23 investigation officer who makes an investigation at the scene
24 of a traffic crash is authorized to issue traffic citations
25 when, based upon personal investigation, he or she has
26 reasonable and probable grounds to believe that a person
27 involved in the crash has committed an offense under the
28 provisions of this chapter, chapter 319, chapter 320, or
29 chapter 322 in connection with the crash. ~~Nothing in This~~
30 ~~paragraph does not shall be construed to~~ permit the carrying
31 of firearms or other weapons, nor do ~~shall~~ such officers have

1 ~~arrest authority other than for the issuance of a traffic~~
2 ~~citation as authorized above.~~

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

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

21 3. A parking enforcement specialist employed pursuant
22 to this subsection may not carry firearms or other weapons or
23 have arrest authority.

24 Section 8. Paragraph (f) is added to subsection (3) of
25 section 318.18, Florida Statutes, to read:

26 318.18 Amount of civil penalties.--The penalties
27 required for a noncriminal disposition pursuant to s. 318.14
28 are as follows:

29 (3)

30 (b) For moving violations involving unlawful speed,
31 the fines are as follows:

1		
2	For speed exceeding the limit by:	Fine:
3	1-5 m.p.h.....	Warning
4	6-9 m.p.h.....	\$ 25
5	10-14 m.p.h.....	\$100
6	15-19 m.p.h.....	\$125
7	20-29 m.p.h.....	\$150
8	30 m.p.h. and above.....	\$250

9

10 (f) A person cited for exceeding the speed limit
11 within a zone posted for any electronic or manual toll
12 collection facility will be assessed a fine double the amount
13 listed in paragraph (b). However, no person cited for
14 exceeding the speed limit in any toll collection zone shall be
15 subject to a doubled fine unless the governmental entity or
16 authority controlling the toll collection zone first installs
17 a traffic control device providing warning that speeding fines
18 are doubled. Any such traffic control device must meet the
19 requirements of the uniform system of traffic control devices.

20 Section 9. Paragraph (a) of subsection (1) of section
21 319.28, Florida Statutes, is amended to read:

22 319.28 Transfer of ownership by operation of law.--

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

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

18 Section 10. Section 320.025, Florida Statutes, is
19 amended to read:

20 320.025 Registration certificate and license plate or
21 decal issued under fictitious name; application.--

22 (1) A confidential registration certificate and
23 registration license plate or decal shall be issued under a
24 fictitious name only for a motor vehicle or vessel owned or
25 operated by a law enforcement agency of state, county,
26 municipal, or federal government, the Attorney General's
27 Medicaid Fraud Control Unit, or any state public defender's
28 office. The requesting agency shall file a written application
29 with the department on forms furnished by the department,
30 which includes a statement that the license plate or decal
31 will be used for the Attorney General's Medicaid Fraud Control

1 Unit ~~or~~ law enforcement or any state public defender's office
2 activities requiring concealment of publicly leased or owned
3 motor vehicles or vessels and a statement of the position
4 classifications of the individuals who are authorized to use
5 the license plate or decal. The department may modify its
6 records to reflect the fictitious identity of the owner or
7 lessee until such time as the license plate or decal and
8 registration certificate are surrendered to it.

9 (2) Except as provided in subsection (1), any motor
10 vehicle owned or exclusively operated by the state or any
11 county, municipality, or other governmental entity must at all
12 times display a license plate of the type prescribed in s.
13 320.0655. Any vessel owned or exclusively operated by the
14 state or any county, municipality, or other governmental
15 entity must at all times display a registration number as
16 required in s. 328.56 and a vessel decal as required in s.
17 328.48(5).

18 (3) This section constitutes an exception to other
19 statutes relating to falsification of public records, false
20 swearing, and similar matters. All records relating to the
21 registration application of the Attorney General's Medicaid
22 Fraud Control Unit, a law enforcement agency, or any state
23 public defender's office, and records necessary to carry out
24 the intended purpose of this section, are exempt from the
25 provisions of s. 119.07(1), and s. 24(a), Art. I of the State
26 Constitution as long as the information is retained by the
27 department. This section does not prohibit other personations,
28 fabrications, or creations of false identifications by the
29 Attorney General's Medicaid Fraud Control Unit, or law
30 enforcement or public defender's officers in the official
31 performance of covert operations.

1 Section 11. Subsections (1) and (2) of section 320.05,
2 Florida Statutes, are amended to 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 support, as defined in s. 409.2554, or to whom
8 such an obligation is owed pursuant to Title IV-D of the
9 Social Security Act.

10 Section 12. Subsection (5) of section 320.055, Florida
11 Statutes, is amended to read:

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

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

29 Section 13. Paragraphs (b) and (c) of subsection (1)
30 of section 320.06, Florida Statutes, are amended to read:

31

1 320.06 Registration certificates, license plates, and
2 validation stickers generally.--
3 (1)
4 (b) Registration license plates bearing a graphic
5 symbol and the alphanumeric system of identification shall be
6 issued for a 5-year period. At the end of said 5-year period,
7 upon renewal, the plate shall be replaced. The fee for such
8 replacement shall be \$10, \$2 of which shall be paid each year
9 before the plate is replaced, to be credited towards the next
10 \$10 replacement fee. The fees shall be deposited into the
11 Highway Safety Operating Trust Fund. A credit or refund shall
12 not be given for any prior years' payments of such prorated
13 replacement fee when the plate is replaced or surrendered
14 before the end of the 5-year period. With each license plate,
15 there shall be issued a validation sticker showing the owner's
16 birth month, license plate number, and the year of expiration
17 or the appropriate renewal period if the owner is not a
18 natural person. The ~~This~~ validation sticker is to ~~shall~~ be
19 placed on the upper right ~~left~~ corner of the license plate ~~and~~
20 ~~shall be issued one time during the life of the license plate,~~
21 ~~or upon request when it has been damaged or destroyed. There~~
22 ~~shall also be issued with each license plate a serially~~
23 ~~numbered validation sticker showing the year of expiration,~~
24 ~~which sticker shall be placed on the upper right corner of the~~
25 ~~license plate.~~ Such license plate and validation sticker
26 ~~stickers~~ shall be issued based on the applicant's appropriate
27 renewal period. The registration period shall be a period of
28 12 months, and all expirations shall occur based on the
29 applicant's appropriate registration period. A vehicle with an
30 apportioned registration shall be issued an annual license
31 plate and a cab card that denote the declared gross vehicle

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

3 (h) Any license plate issued during the 10 years
4 preceding the date the transaction is being processed.

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

8 Section 15. Subsection (6) of section 320.0805,
9 Florida Statutes, is amended to read:

10 320.0805 Personalized prestige license plates.--

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

20 Section 16. Subsection (3) of section 320.08058,
21 Florida Statutes, is amended to read:

22 320.08058 Specialty license plates.--

23 (3) COLLEGIATE LICENSE PLATES.--

24 (a) The department shall develop a collegiate license
25 plate as provided in this section for state and independent
26 universities domiciled in this state. However, any collegiate
27 license plate created or established after October 1, 2002
28 ~~January 1, 1997~~, must comply with the requirements of s.
29 320.08053 and be specifically authorized by an act of the
30 Legislature. Collegiate license plates must bear the colors
31 and design approved by the department as appropriate for each

1 state and independent university. The word "Florida" must be
2 stamped across the bottom of the plate in small letters.

3 (b) A collegiate plate annual use fee is to be
4 distributed to the state or independent university foundation
5 designated by the purchaser for deposit in an unrestricted
6 account. The Board of Regents shall require each state
7 university to submit a plan for approval of the expenditure of
8 all funds so designated. These funds may be used only for
9 academic enhancement, including scholarships and private
10 fundraising activities.

11 Section 17. Subsection (1) of section 320.083, Florida
12 Statutes, is amended to read:

13 320.083 Amateur radio operators; special license
14 plates; fees.--

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

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

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

30 Section 18. Subsections (2) and (3) of section
31 320.089, Florida Statutes, are amended to read:

1 320.089 Members of National Guard and active United
2 States Armed Forces reservists; former prisoners of war;
3 survivors of Pearl Harbor; Purple Heart medal recipients;
4 special license plates; fee.--

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 19. Section 321.02, Florida Statutes, is
15 amended to read:

16 321.02 Powers and duties of department, highway
17 patrol.--The director of the Division of Highway Patrol of the
18 Department of Highway Safety and Motor Vehicles shall also be
19 the commander of the Florida Highway Patrol. The said
20 department shall set up and promulgate rules and regulations
21 by which the personnel of the Florida Highway Patrol officers
22 shall be examined, employed, trained, located, suspended,
23 reduced in rank, discharged, recruited, paid and pensioned,
24 subject to civil service provisions hereafter set out. The
25 department may enter into contracts or agreements, with or
26 without competitive bidding or procurement, to make available,
27 on a fair, reasonable, nonexclusive, and nondiscriminatory
28 basis, property and other structures under division control
29 for the placement of new facilities by any wireless provider
30 of mobile service as defined in 47 U.S.C. s. 153(n) or s.
31 332(d), and any telecommunications company as defined in s.

1 364.02 when it is determined to be practical and feasible to
2 make such property or other structures available. The
3 department may, without adopting a rule, charge a just,
4 reasonable, and nondiscriminatory fee for placement of the
5 facilities, payable annually, based on the fair market value
6 of space used by comparable communications facilities in the
7 state. The department and a wireless provider or
8 telecommunications company may negotiate the reduction or
9 elimination of a fee in consideration of services provided to
10 the division by the wireless provider or the
11 telecommunications company. All such fees collected by the
12 department shall be deposited directly into the State Agency
13 Law Enforcement Radio System Trust Fund, and may be used to
14 construct, maintain, or support the system. The department is
15 further specifically authorized to purchase, sell, trade,
16 rent, lease and maintain all necessary equipment, uniforms,
17 motor vehicles, communication systems, housing facilities,
18 office space, and perform any other acts necessary for the
19 proper administration and enforcement of this chapter.
20 However, all supplies and equipment consisting of single items
21 or in lots shall be purchased under the requirements of s.
22 287.057. Purchases shall be made by accepting the bid of the
23 lowest responsive bidder, the right being reserved to reject
24 all bids. The department shall prescribe a distinctive uniform
25 and distinctive emblem to be worn by all officers of the
26 Florida Highway Patrol. It shall be unlawful for any other
27 person or persons to wear a similar uniform or emblem, or any
28 part or parts thereof. The department shall also prescribe
29 distinctive colors for use on motor vehicles and motorcycles
30 operated by the Florida Highway Patrol. The prescribed colors
31 shall be referred to as "Florida Highway Patrol black and

1 ~~tan."The department shall also prescribe a distinctive color~~
2 ~~or colors for all motor vehicles and motorcycles to be used by~~
3 ~~the Florida Highway Patrol.~~

4 Section 20. Subsection (7) is added to section
5 322.051, Florida Statutes, to read:

6 322.051 Identification cards.--

7 (7) Any person accepting the Florida driver's license
8 as proof of identification must accept a Florida
9 identification card as proof of identification when the bearer
10 of the identification card does not also have a driver's
11 license.

12 Section 21. 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 discretion under this
17 subsection, direct the department to issue a license for
18 driving privileges restricted to business or employment
19 purposes only, as defined by s. 322.271, if the person is
20 otherwise qualified for such a license.

21 Section 22. Subsection (7) of section 322.25, Florida
22 Statutes, is amended to read:

23 322.25 When court to forward license to department and
24 report convictions; temporary reinstatement of driving
25 privileges.--

26 (7) Any licensed driver convicted of driving, or being
27 in the actual physical control of, a vehicle within this state
28 while under the influence of alcoholic beverages, any chemical
29 substance set forth in s. 877.111, or any substance controlled
30 under chapter 893, when affected to the extent that his or her
31 normal faculties are impaired, and whose license and driving

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

15 Section 23. 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 after ~~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 24. Subsection (4) of section 322.271, Florida
27 Statutes, is amended to read:

28 322.271 Authority to modify revocation, cancellation,
29 or suspension order.--

30 (4) Notwithstanding the provisions of s.
31 322.28(2)(~~e~~)(d), a person whose driving privilege has been

1 permanently revoked because he or she has been convicted of
2 DUI manslaughter in violation of s. 316.193 and has no prior
3 convictions for DUI-related offenses may, upon the expiration
4 of 5 years after the date of such revocation or the expiration
5 of 5 years after the termination of any term of incarceration
6 under s. 316.193 or former s. 316.1931, whichever date is
7 later, petition the department for reinstatement of his or her
8 driving privilege.

9 (a) Within 30 days after the receipt of such a
10 petition, the department shall afford the petitioner an
11 opportunity for a hearing. At the hearing, the petitioner must
12 demonstrate to the department that he or she:

13 1. Has not been arrested for a drug-related offense
14 during the 5 years preceding the filing of the petition;

15 2. Has not driven a motor vehicle without a license
16 for at least 5 years prior to the hearing;

17 3. Has been drug-free for at least 5 years prior to
18 the hearing; and

19 4. Has completed a DUI program licensed by the
20 department.

21 (b) At such hearing, the department shall determine
22 the petitioner's qualification, fitness, and need to drive.
23 Upon such determination, the department may, in its
24 discretion, reinstate the driver's license of the petitioner.
25 Such reinstatement must be made subject to the following
26 qualifications:

27 1. The license must be restricted for employment
28 purposes for not less than 1 year; and

29 2. Such person must be supervised by a DUI program
30 licensed by the department and report to the program for such
31 supervision and education at least four times a year or

1 additionally as required by the program for the remainder of
2 the revocation period. Such supervision shall include
3 evaluation, education, referral into treatment, and other
4 activities required by the department.

5 (c) Such person must assume the reasonable costs of
6 supervision. If such person fails to comply with the required
7 supervision, the program shall report the failure to the
8 department, and the department shall cancel such person's
9 driving privilege.

10 (d) If, after reinstatement, such person is convicted
11 of an offense for which mandatory revocation of his or her
12 license is required, the department shall revoke his or her
13 driving privilege.

14 (e) The department shall adopt rules regulating the
15 providing of services by DUI programs pursuant to this
16 section.

17 Section 25. Paragraphs (d) and (e) of subsection (2)
18 of section 322.28, Florida Statutes, are amended to read:

19 322.28 Period of suspension or revocation.--

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

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

31

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

24 Section 26. Section 322.282, Florida Statutes, is
25 repealed.

26 Section 27. Paragraph (b) of subsection (3) of section
27 328.01, Florida Statutes, is amended to read:

28 328.01 Application for certificate of title.--

29 (3)

30 (b) If the application for transfer of title is based
31 upon a contractual default, the recorded lienholder shall

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

29 Section 28. Subsection (2) of section 328.42, Florida
30 Statutes, is amended to read:

31

1 328.42 Suspension or denial of a vessel registration
2 due to support delinquency; dishonored checks.--

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

8 Section 29. Section 328.56, Florida Statutes, is
9 amended to read:

10 328.56 Vessel registration number.--Each vessel that
11 is used on the waters of the state must display a ~~commercial~~
12 ~~or recreational~~ Florida registration number, unless it is:

13 (1) A vessel used exclusively on private lakes and
14 ponds.

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

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

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

18 (5) A federally documented vessel.

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

26 (7) A vessel operating under a valid temporary
27 certificate of number.

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

30 (9) An undocumented vessel used exclusively for
31 racing.

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

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

6 (4) TRANSFER OF OWNERSHIP.--

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

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

23 Section 31. Subsection (3) is added to section 832.09,
24 Florida Statutes, to read:

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

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

1 court's requirements shall be on the standardized form
2 provided by the department.

3 Section 32. Subsections (1) and (3) of section 860.20,
4 Florida Statutes, are amended to read:

5 860.20 Outboard motors; identification numbers.--

6 (1)(a) The Department of Highway Safety and Motor
7 Vehicles ~~Environmental Protection~~ shall adopt rules specifying
8 the locations and manner in which serial numbers for outboard
9 motors shall be affixed. In adopting such rules, the
10 department shall consider the adequacy of voluntary industry
11 standards, the current state of technology, and the overall
12 purpose of reducing vessel and motor thefts in the state.

13 (b) Any outboard motor manufactured after October 1,
14 1985, which is for sale in the state shall comply with the
15 serial number rules promulgated by the department. Any
16 person, firm, or corporation which sells or offers for sale
17 any outboard boat motor manufactured after October 1, 1985,
18 which does not comply with this section is guilty of a
19 misdemeanor of the first degree, punishable as provided in s.
20 775.082 or s. 775.083.

21 (3) If any of the serial numbers required by this
22 section to identify ownership of an outboard motor do not
23 exist or have been removed, erased, defaced, or otherwise
24 altered to prevent identification and its true identity cannot
25 be determined, the outboard motor may be seized as contraband
26 property by a law enforcement agency and shall be subject to
27 forfeiture pursuant to ss. 932.701-932.704. Such outboard
28 motor may not be sold or used to propel a vessel on the waters
29 of the state unless the department ~~Division of Law Enforcement~~
30 ~~of the Department of Environmental Protection~~ is directed by
31 written order of a court of competent jurisdiction to issue to

1 the outboard motor a replacement identifying number which
2 shall be affixed to the outboard motor and shall thereafter be
3 used for identification purposes.

4 Section 33. This act shall take effect October 1,
5 2002.

6

7 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
8 COMMITTEE SUBSTITUTE FOR
9 Senate Bill 478

10 This CS addresses a number of highway safety, motor vehicle,
11 and driver license issues. Many of the provisions in the CS
12 relate to the functions of the Department of Highway Safety
13 and Motor Vehicles (DHSMV). Major provisions contained in the
14 CS are summarized below.

15 Traffic Control/Enforcement - The CS authorizes the Department
16 of Health's emergency response vehicles to display flashing
17 red lights when responding to an emergency. The CS authorizes
18 law enforcement officers to enforce stop signs on private
19 roads under certain circumstances, and allows traffic crash
20 investigators employed by city and county law enforcement
21 agencies to issue citations for violations of motor vehicle
22 and driver license laws. The CS provides for the doubling of
23 fines for speeding in a posted toll collection zone.

24 Motor Vehicle/Vessel Titles and Registration - The CS conforms
25 certain vessel registration requirements and procedures to
26 those for motor vehicles. The CS provides for the use of one
27 registration decal on a license plate to conform decal
28 provisions to DHSMV's implementation of the new decal
29 dispenser system. The CS restricts the time frame a person can
30 use a previous license plate for exemption from the \$100
31 initial motor vehicle registration fee to 10 years. The CS
32 increases the maximum weight restriction for Amateur Radio
33 Operator, Ex-POW, Purple Heart Recipient, and Pearl Harbor
34 Survivor license plates to include vehicles weighing less than
35 8,000 pounds.

36 Driver Licenses - The CS requires that if a Florida driver
37 license is accepted for identification purposes, a Florida
38 identification card must also be accepted if the person
39 presenting it does not have a driver's license. The CS
40 enables the court to direct DHSMV to issue a temporary
41 driver's license, restricted to business or employment
42 purposes only, to a minor whose driving privileges have been
43 revoked or delayed, if the child is otherwise qualified for
44 such a license.

45 The CS provides for an effective date.

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