

By Senator Sebesta

16-701-03

1                                   A bill to be entitled  
2           An act relating to highway safety and motor  
3           vehicles; amending s. 316.1932, F.S.; revising  
4           requirements relating to the notice of consent  
5           for sobriety testing which is printed on  
6           driver's licenses; amending s. 316.302, F.S.;  
7           revising provisions relating to an exemption  
8           from federal vision standards for specified  
9           commercial driver's licenses; amending s.  
10          316.605, F.S.; providing for the placement of  
11          motor vehicle license plates on certain  
12          government-owned vehicles; amending s. 320.01,  
13          F.S.; revising the definition of the terms  
14          "apportioned vehicle" and "commercial motor  
15          vehicle"; amending s. 320.05, F.S.; providing  
16          that certain motor vehicle and vessel  
17          information is available free of charge via the  
18          website of the Department of Highway Safety and  
19          Motor Vehicles; amending s. 320.06, F.S.;  
20          correcting a cross-reference; amending s.  
21          320.0605, F.S.; exempting specified vehicles  
22          from the requirement that the certificate of  
23          registration must be carried in the vehicle at  
24          all times; amending s. 320.071, F.S.;  
25          eliminating the requirement that vehicle  
26          registration renewals must occur in the county  
27          of residency; amending s. 320.072, F.S.;  
28          revising provisions relating to certain motor  
29          vehicle registration transactions; amending s.  
30          320.0821, F.S.; revising provisions relating to  
31          the placement of motor vehicle license plates

1 on wreckers; amending s. 320.086, F.S.;  
2 revising provisions relating to historical  
3 license plates; amending s. 320.18, F.S.;  
4 authorizing the Department of Highway Safety  
5 and Motor Vehicles to withhold vessel  
6 registrations under specified conditions;  
7 amending s. 320.27, F.S.; requiring that motor  
8 vehicle dealers maintain certain records for 5  
9 years; amending s. 320.58, F.S.; authorizing  
10 inspectors employed by the Department of  
11 Highway Safety and Motor Vehicles to enforce  
12 certain provisions relating to off-highway  
13 vehicles and vessels; amending s. 320.8249,  
14 F.S.; revising provisions relating to licensed  
15 mobile home installers; amending s. 322.135,  
16 F.S.; providing a time period for county  
17 officers to pay certain funds to the State  
18 Treasury by electronic funds transfer; amending  
19 s. 322.20, F.S.; providing that certain  
20 driver's license information is available free  
21 of charge via the website of the Department of  
22 Highway Safety and Motor Vehicles; amending s.  
23 322.53, F.S.; revising provisions relating to  
24 commercial driver's license exemptions;  
25 amending s. 328.01, F.S.; revising requirements  
26 relating to the repossession of vessels;  
27 amending s. 328.03, F.S.; revising requirements  
28 relating to the cancellation of vessel titles;  
29 amending s. 328.11, F.S.; revising requirements  
30 relating to the issuance of a duplicate  
31 certificate of title for vessels; amending s.

1           328.17, F.S.; revising provisions relating to  
2           the nonjudicial sale of vessels; amending s.  
3           328.56, F.S.; revising requirements relating to  
4           the display of vessel registration numbers;  
5           amending s. 328.735, F.S.; eliminating the  
6           requirement that vessel registration renewals  
7           must occur in the county of residency;  
8           providing an effective date.

9

10 Be It Enacted by the Legislature of the State of Florida:

11

12           Section 1. Paragraph (e) of subsection (1) of section  
13 316.1932, Florida Statutes, is amended to read:

14           316.1932 Breath, blood, and urine tests for alcohol,  
15 chemical substances, or controlled substances; implied  
16 consent; refusal.--

17           (1)

18           (e)1. By applying for a driver's license and by  
19 accepting and using a driver's license, the person holding the  
20 driver's license is deemed to have expressed his or her  
21 consent to the provisions of this section.

22           2. A nonresident or any other person driving in a  
23 status exempt from the requirements of the driver's license  
24 law, by his or her act of driving in such exempt status, is  
25 deemed to have expressed his or her consent to the provisions  
26 of this section.

27           3. A warning of the consent provision of this section  
28 shall be printed ~~above the signature line~~ on each new or  
29 renewed driver's license.

30           Section 2. Paragraph (i) of subsection (2) of section  
31 316.302, Florida Statutes, is amended to read:

1           316.302 Commercial motor vehicles; safety regulations;  
2 transporters and shippers of hazardous materials;  
3 enforcement.--

4           (2)

5           (i) ~~A person who was a regularly employed driver of a~~  
6 ~~commercial motor vehicle on July 4, 1987, and whose driving~~  
7 record shows no traffic convictions, pursuant to s. 322.61,  
8 during the 2-year period immediately preceding the application  
9 for the commercial driver's license, and who is otherwise  
10 qualified as a driver under 49 C.F.R. part 391, and who  
11 operates a commercial vehicle in intrastate commerce only,  
12 shall be exempt from the requirements of 49 C.F.R. part 391,  
13 subpart E, s. 391.41(b)(10). However, such operators are still  
14 subject to the requirements of ss. 322.12 and 322.121. As  
15 proof of eligibility such driver shall have in his or her  
16 possession a physical examination form dated within the past  
17 24 months.

18           Section 3. Subsection (1) of section 316.605, Florida  
19 Statutes, is amended to read:

20           316.605 Licensing of vehicles.--

21           (1) Every vehicle, at all times while driven, stopped,  
22 or parked upon any highways, roads, or streets of this state,  
23 shall be licensed in the name of the owner thereof in  
24 accordance with the laws of this state unless such vehicle is  
25 not required by the laws of this state to be licensed in this  
26 state and shall, except as otherwise provided in s. 320.0706  
27 for front-end registration license plates on truck tractors or  
28 wreckers, display the license plate or both of the license  
29 plates assigned to it by the state, one on the rear and, if  
30 two, the other on the front of the vehicle, each to be  
31 securely fastened to the vehicle outside the main body of the

1 vehicle in such manner as to prevent the plates from swinging,  
2 with all letters, numerals, printing, writing, and other  
3 identification marks upon the plates clear and distinct and  
4 free from defacement, mutilation, grease, and other obscuring  
5 matter, so that they will be plainly visible and legible at  
6 all times 100 feet from the rear or front. In addition, if  
7 only one registration plate is issued for a motor vehicle  
8 equipped with a mechanical loading device that may damage the  
9 plate, the plate may be attached to the front of the vehicle.  
10 Nothing shall be placed upon the face of a Florida plate  
11 except as permitted by law or by rule or regulation of a  
12 governmental agency. No license plates other than those  
13 furnished by the state shall be used. However, if the vehicle  
14 is not required to be licensed in this state, the license  
15 plates on such vehicle issued by another state, by a  
16 territory, possession, or district of the United States, or by  
17 a foreign country, substantially complying with the provisions  
18 hereof, shall be considered as complying with this chapter. A  
19 government license plate that is issued to a truck tractor or  
20 heavy truck owned by a governmental entity having a GVWR of  
21 26,001 pounds or more may be placed on the front of the  
22 vehicle and shall be in compliance with this chapter.A  
23 violation of this subsection is a noncriminal traffic  
24 infraction, punishable as a nonmoving violation as provided in  
25 chapter 318.

26 Section 4. Subsections (25) and (26) of section  
27 320.01, Florida Statutes, are amended to read:

28 320.01 Definitions, general.--As used in the Florida  
29 Statutes, except as otherwise provided, the term:

30 (25) "Apportionable vehicle" means any vehicle, except  
31 recreational vehicles, vehicles displaying restricted plates,

1 city pickup and delivery vehicles, buses used in  
2 transportation of chartered parties, and government-owned  
3 vehicles, which is used or intended for use in two or more  
4 member jurisdictions that allocate or proportionally register  
5 vehicles and which is used for the transportation of persons  
6 for hire or is designed, used, or maintained primarily for the  
7 transportation of property and:

8 (a) Is a power unit having a gross vehicle weight ~~in~~  
9 ~~excess~~ of 26,001 pounds or more;

10 (b) Is a power unit having three or more axles,  
11 regardless of weight; or

12 (c) Is used in combination, when the weight of such  
13 combination is ~~exceeds~~ 26,001 pounds or more gross vehicle  
14 weight.

15  
16 Vehicles, or combinations thereof, having a gross vehicle  
17 weight of 26,001 pounds or more ~~less~~ and two-axle vehicles may  
18 be proportionally registered.

19 (26) "Commercial motor vehicle" means any vehicle that  
20 ~~which~~ is not owned or operated by a governmental entity, which  
21 uses special fuel or motor fuel on the public highways, and  
22 which has a gross vehicle weight of 26,001 pounds or more, or  
23 has three or more axles regardless of weight, or is used in  
24 combination when the weight of such combination is ~~exceeds~~  
25 26,001 pounds or more gross vehicle weight.

26 Section 5. Subsection (3) of section 320.05, Florida  
27 Statutes, is amended to read:

28 320.05 Records of the department; inspection  
29 procedure; lists and searches; fees.--

30 (3)(a) The department is authorized, upon application  
31 of any person and payment of the proper fees, to prepare and

1 furnish lists containing motor vehicle or vessel information  
2 in such form as the department may authorize, to search the  
3 records of the department and make reports thereof, and to  
4 make photographic copies of the department records and  
5 attestations thereof.

6 (b) Fees therefor shall be charged and collected as  
7 follows:

8 1. For providing lists of motor vehicle or vessel  
9 records for the entire state, or any part or parts thereof,  
10 divided according to counties, a sum computed at a rate of not  
11 less than 1 cent nor more than 5 cents per item.

12 2. For providing noncertified photographic copies of  
13 motor vehicle or vessel documents, \$1 per page.

14 3. For providing noncertified photographic copies of  
15 micrographic records, \$1 per page.

16 4. For providing certified copies of motor vehicle or  
17 vessel records, \$3 per record.

18 5. For providing noncertified computer-generated  
19 printouts of motor vehicle or vessel records, 50 cents per  
20 record.

21 6. For providing certified computer-generated  
22 printouts of motor vehicle or vessel records, \$3 per record.

23 7. For providing electronic access to motor vehicle,  
24 vessel, and mobile home registration data requested by tag,  
25 vehicle identification number, title number, or decal number,  
26 50 cents per item, except that information provided via the  
27 department's Internet website is free of charge.

28 ~~8. For providing electronic access to driver's license~~  
29 ~~status report by name, sex, and date of birth or by driver~~  
30 ~~license number, 50 cents per item.~~

31

1           ~~8.9.~~ For providing lists of licensed mobile home  
2 dealers and manufacturers and recreational vehicle dealers and  
3 manufacturers, \$15 per list.

4           ~~9.10.~~ For providing lists of licensed motor vehicle  
5 dealers, \$25 per list.

6           ~~10.11.~~ For each copy of a videotape record, \$15 per  
7 tape.

8           ~~11.12.~~ For each copy of the Division of Motor Vehicles  
9 Procedures Manual, \$25.

10           (c) Fees collected pursuant to paragraph (b) shall be  
11 deposited into the Highway Safety Operating Trust Fund.

12           (d) The department shall furnish such information  
13 without charge to any court or governmental entity.

14           (e) When motor vehicle, vessel, or mobile home  
15 registration data is provided by electronic access through a  
16 tax collector's office, a fee for the electronic access is not  
17 required to be assessed. However, at the tax collector's  
18 discretion, a fee equal to or less than the fee charged by the  
19 department for such information may be assessed by the tax  
20 collector for the electronic access. Notwithstanding paragraph  
21 (c), any funds collected by the tax collector as a result of  
22 providing such access shall be retained by the tax collector.

23           Section 6. Subsection (4) of section 320.06, Florida  
24 Statutes, is amended to read:

25           320.06 Registration certificates, license plates, and  
26 validation stickers generally.--

27           (4) The corporation organized under chapter 946 may  
28 manufacture license plates, validation stickers, and decals,  
29 as well as temporary tags, disabled hang tags, vessel decals,  
30 and fuel use decals, for the Department of Highway Safety and  
31 Motor Vehicles as provided in this chapter and chapter 328



1 ~~327~~. The Department of Highway Safety and Motor Vehicles is  
2 not required to obtain competitive bids in order to contract  
3 with the corporation.

4 Section 7. Section 320.0605, Florida Statutes, is  
5 amended to read:

6 320.0605 Certificate of registration; possession  
7 required; exception.--The registration certificate or an  
8 official copy thereof, a true copy of a rental or lease  
9 agreement issued for a motor vehicle or issued for a  
10 replacement vehicle in the same registration period, a  
11 temporary receipt printed upon self-initiated electronic  
12 renewal of a registration via the Internet, or a cab card  
13 issued for a vehicle registered under the International  
14 Registration Plan shall, at all times while the vehicle is  
15 being used or operated on the roads of this state, be in the  
16 possession of the operator thereof or be carried in the  
17 vehicle for which issued and shall be exhibited upon demand of  
18 any authorized law enforcement officer or any agent of the  
19 department, except for vehicles registered under s. 320.0657.  
20 The provisions of this section do not apply during the first  
21 30 days after purchase of a replacement vehicle. A violation  
22 of this section is a noncriminal traffic infraction,  
23 punishable as a nonmoving violation as provided in chapter  
24 318.

25 Section 8. Paragraph (a) of subsection (1) of section  
26 320.071, Florida Statutes, is amended to read:

27 320.071 Advance registration renewal; procedures.--

28 (1)(a) The owner of any motor vehicle or mobile home  
29 currently registered in this state may file an application for  
30 renewal of registration with the department, or its authorized  
31 agent ~~in the county wherein the owner resides~~, any time during

1 the 3 months preceding the date of expiration of the  
2 registration period.

3 Section 9. Paragraph (b) of subsection (2) of section  
4 320.072, Florida Statutes, is amended to read:

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

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

9 (b) A transfer or exchange of a registration license  
10 plate from a motor vehicle that has been disposed of to a  
11 newly acquired motor vehicle pursuant to s. 320.0609(2) or  
12 (5). However, the department is responsible only for a search  
13 of its records for the previous 7-year period prior to the  
14 date the transaction is processed.

15 Section 10. Section 320.0821, Florida Statutes, is  
16 amended to read:

17 320.0821 Wrecker license plates.--

18 (1) The department shall issue one ~~a~~ wrecker license  
19 plate, regardless of gross vehicle weight, to the owner of any  
20 motor vehicle that is used to tow, carry, or otherwise  
21 transport motor vehicles and that is equipped for that purpose  
22 with a boom, winch, carrier, or other similar equipment,  
23 except a motor vehicle registered under the International  
24 Registration Plan, upon application and payment of the  
25 appropriate license tax and fees in accordance with s.  
26 320.08(5)(d) or (e).

27 (2) A license plate issued under this section shall  
28 have the word "Wrecker" imprinted on the bottom of the plate  
29 in place of the county name.

30 (3) Any license plate issued under s. 320.08(5)(e)  
31 shall be in a distinctive color approved by the department.

1           (4) For any license plate issued under this section to  
2 any wrecker, when the combined gross vehicle weight of the  
3 wrecker and any towed vehicle or vehicles is 55,000 pounds or  
4 more, at the time of registration or renewal of registration,  
5 every owner or person in charge of such wrecker shall present  
6 proof of filing or proof of payment, as applicable, of the  
7 federal heavy vehicle use tax in accordance with s. 320.02(7).

8           (5) A wrecker license plate shall be displayed on the  
9 rear of the vehicle.

10           Section 11. Subsection (4) of section 320.086, Florida  
11 Statutes, is amended to read:

12           320.086 Ancient or antique motor vehicles; "horseless  
13 carriage," antique, or historical license plates.--

14           (4) Any person who is the registered owner of a motor  
15 vehicle as defined in this section and manufactured in the  
16 model year 1975 ~~1974~~ or earlier, may apply to the department  
17 for permission to use a historical Florida license plate that  
18 clearly represents the model year of the vehicle as a  
19 personalized prestige license plate. This plate shall be  
20 furnished by such person and shall be presented to the  
21 department with a reasonable fee to be determined by the  
22 department for approval and for authentication that the  
23 historic license plate and any applicable decals were issued  
24 by this state in the same year as the model year of the car or  
25 truck. The requirements of s. 320.0805(8)(b) do not apply to  
26 historical plates authorized under this subsection.

27           Section 12. Subsection (1) of section 320.18, Florida  
28 Statutes, is amended to read:

29           320.18 Withholding registration.--

30           (1) The department may withhold the registration of  
31 any motor vehicle, vessel, or mobile home the owner of which

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

18 Section 13. Subsection (6) of section 320.27, Florida  
19 Statutes, is amended to read:

20 320.27 Motor vehicle dealers.--

21 (6) RECORDS TO BE KEPT BY LICENSEE.--Every licensee  
22 shall keep for 5 years a book or record in a such form ~~as~~  
23 ~~shall be~~ prescribed or approved by the department, in which  
24 the licensee shall keep a record of the purchase, sale, or  
25 exchange, or receipt for the purpose of sale, of any motor  
26 vehicle, the date upon which any temporary tag was issued, the  
27 date of title transfer, and a description of such motor  
28 vehicle together with the name and address of the seller, the  
29 purchaser, and the alleged owner or other person from whom  
30 such motor vehicle was purchased or received or to whom it was  
31 sold or delivered, as the case may be. Such description shall

1 include the identification or engine number, maker's number,  
2 if any, chassis number, if any, and such other numbers or  
3 identification marks as may be thereon and shall also include  
4 a statement that a number has been obliterated, defaced, or  
5 changed, if such is the fact.

6 Section 14. Paragraph (a) of subsection (1) of section  
7 320.58, Florida Statutes, is amended to read:

8 320.58 License inspectors; powers, appointment.--

9 (1)(a) The department shall appoint as many license  
10 inspectors and supervisors as it deems necessary to enforce  
11 the provisions of this chapter and chapters 317,319, 322, and  
12 324, and 328. In order to enforce the provisions of these  
13 laws, the inspectors are empowered to enter on both publicly  
14 owned and privately owned property and to issue uniform  
15 traffic citations to persons found in violation thereof. The  
16 department is further empowered to delegate the power to issue  
17 uniform traffic citations to persons acting as its agents for  
18 the purpose of enforcing the registration provisions of this  
19 chapter, which may include, but not be limited to, personnel  
20 employed by district school boards as agreed to by the school  
21 board and the county tax collector.

22 Section 15. Subsection (9) of section 320.8249,  
23 Florida Statutes, is amended to read:

24 320.8249 Mobile home installers license.--

25 (9) No licensed person nor licensed applicant shall:

26 (a) Obtain a mobile home installers license by fraud  
27 or misrepresentation.

28 (b) Be convicted or found guilty of, or enter a plea  
29 of nolo contendere to, regardless of adjudication, a crime in  
30 any jurisdiction which directly relates to the practice of  
31 mobile home installation or the ability to practice.

1 (c) Violate any lawful order of the department or any  
2 other law of this state, including chapter 319 or this  
3 chapter.

4 (d) Commit fraud or deceit in the practice of  
5 contracting.

6 (e) Commit incompetence or misconduct in the practice  
7 of contracting.

8 (f) Commit gross negligence, repeated negligence, or  
9 negligence resulting in a significant danger to life or  
10 property.

11 (g) Commit violations of the installation standards  
12 for mobile homes or manufactured homes contained in rules  
13 15C-1 and 15C-2 ~~15C-1.0102 to 15C-1.0104~~, Florida  
14 Administrative Code.

15 Section 16. Subsection (9) is added to section  
16 322.135, Florida Statutes, to read:

17 322.135 Driver's license agents.--

18 (9) Notwithstanding chapter 116, each county officer  
19 within this state who is authorized to collect funds provided  
20 for in this chapter shall pay all sums officially received by  
21 the officer into the State Treasury no later than 5 working  
22 days after the close of the business day in which the officer  
23 received the funds. Payment by county officers to the state  
24 shall be made by means of electronic funds transfers.

25 Section 17. Subsection (11) of section 322.20, Florida  
26 Statutes, is amended to read:

27 322.20 Records of the department; fees; destruction of  
28 records.--

29 (11)(a) The department is authorized to charge the  
30 following fees for the following services and documents:

31

- 1           1. For providing a transcript of any one individual's  
2 driver history record or any portion thereof for the past 3  
3 years or for searching for such record when no record is found  
4 to be on file.....\$2.10  
5           2. For providing a transcript of any one individual's  
6 driver history record or any portion thereof for the past 7  
7 years or for searching for such record when no record is found  
8 to be on file.....\$3.10  
9           3. For providing a certified copy of a transcript of  
10 the driver history record or any portion thereof for any one  
11 individual.....\$3.10  
12           4. For providing a certified photographic copy of a  
13 document, per page.....\$1.00  
14           5. For providing an exemplified record.....\$15.00  
15           6. For providing photocopies of documents, papers,  
16 letters, clearances, or license or insurance status reports,  
17 per page.....\$0.50  
18           7. For assisting persons in searching any one  
19 individual's driver record at a terminal located at the  
20 department's general headquarters in Tallahassee.....\$2.00  
21           8. For providing electronic access to driver's license  
22 status reports by name, gender, and date of birth, or by  
23 driver license number.....\$0.50 per  
24 item; except that information provided via the department's  
25 Internet website shall be free of charge.  
26           (b) The department shall furnish such information  
27 without charge to any local, state, or federal law enforcement  
28 agency or court upon proof satisfactory to the department as  
29 to the purpose of the investigation.  
30           Section 18. Section 322.53, Florida Statutes, is  
31 amended to read:

1           322.53 License required; exemptions.--

2           (1) Except as provided in subsection (2), every person  
3 who drives a commercial motor vehicle in this state is  
4 required to possess a valid commercial driver's license issued  
5 in accordance with the requirements of this chapter.

6           (2) The following persons are exempt from the  
7 requirement to obtain a commercial driver's license:

8           (a) Drivers of authorized emergency vehicles.

9           (b) Military personnel driving military vehicles.

10           (c) Farmers transporting farm supplies or farm  
11 machinery within 150 miles of their farm, or transporting  
12 agricultural products to or from the first place of storage or  
13 processing or directly to or from market, within 150 miles of  
14 their farm.

15           (d) Drivers of recreational vehicles, as defined in s.  
16 320.01.

17           (e) Drivers who operate straight trucks, as defined in  
18 s. 316.003, that are exclusively transporting their own  
19 tangible personal property which is not for sale.

20           (f) An employee of a publicly owned transit system who  
21 is limited to moving vehicles for maintenance or parking  
22 purposes exclusively within the restricted-access confines of  
23 a transit system's property.

24           (3) Notwithstanding subsection (2), all drivers of  
25 for-hire commercial motor vehicles are required to possess a  
26 valid commercial driver's license issued in accordance with  
27 the requirements of this chapter.

28           ~~(4) A resident who is exempt from obtaining a~~  
29 ~~commercial driver's license pursuant to paragraph (2)(a) or~~  
30 ~~paragraph (2)(c) and who drives a commercial motor vehicle~~  
31 ~~must obtain a Class D driver's license endorsed to authorize~~



1 ~~the operation of the particular type of vehicle for which his~~  
2 ~~or her exemption is granted.~~

3 (4)~~(5)~~ A resident who is exempt from obtaining a  
4 commercial driver's license pursuant to paragraph (2)(b),  
5 paragraph (2)(d), paragraph (2)(e), or paragraph (2)(f) may  
6 drive a commercial motor vehicle pursuant to the exemption  
7 granted in paragraph (2)(b), paragraph (2)(d), paragraph  
8 (2)(e), or paragraph (2)(f) if he or she possesses a valid  
9 Class D or Class E driver's license or a military license.

10 (5)~~(6)~~ The department shall adopt rules and enter into  
11 necessary agreements with other jurisdictions to provide for  
12 the operation of commercial vehicles by nonresidents pursuant  
13 to the exemption granted in subsection (2).

14 Section 19. Paragraph (b) of subsection (3) of section  
15 328.01, Florida Statutes, is amended to read:

16 328.01 Application for certificate of title.--

17 (3)

18 (b) If the application for transfer of title is based  
19 upon a contractual default, the recorded lienholder shall  
20 establish proof of right to ownership by submitting with the  
21 application the original certificate of title ~~and a copy of~~  
22 ~~the applicable contract upon which the claim of ownership is~~  
23 ~~made~~. If the claim is based upon a court order or judgment, a  
24 copy of such document shall accompany the application for  
25 transfer of title. If, on the basis of departmental records,  
26 there appears to be any other lien on the vessel, the  
27 certificate of title must contain a statement of such a lien,  
28 unless the application for a certificate of title is either  
29 accompanied by proper evidence of the satisfaction or  
30 extinction of the lien or contains a statement certifying that  
31 any lienholder named on the last-issued certificate of title

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

17 Section 20. Subsection (4) of section 328.03, Florida  
18 Statutes, is amended to read:

19 328.03 Certificate of title required.--

20 (4) A certificate of title is prima facie evidence of  
21 the ownership of the vessel. A certificate of title is good  
22 for the life of the vessel so long as the certificate is owned  
23 or held by the legal holder. If a titled vessel is destroyed  
24 or abandoned, the owner, with the consent of any recorded  
25 lienholders, shall, within 30 days after the destruction or  
26 abandonment, surrender to the department for cancellation any  
27 and all title documents. If a titled vessel is insured and  
28 the insurer has paid the owner for the total loss of the  
29 vessel, the insurer shall obtain the title to the vessel and  
30 transfer the title, within 30 days ~~after receiving the title,~~  
31 ~~forward the title to the Department of Highway Safety and~~

1 ~~Motor Vehicles for cancellation. The insurer may retain the~~  
2 ~~certificate of title when payment for the loss was made~~  
3 ~~because of the theft of the vessel.~~

4 Section 21. Subsection (2) of section 328.11, Florida  
5 Statutes, is amended to read:

6 328.11 Duplicate certificate of title.--

7 (2) In addition to the fee imposed by subsection (1),  
8 the Department of Highway Safety and Motor Vehicles shall  
9 charge a fee of \$5 for expedited service in issuing a  
10 ~~duplicate~~ certificate of title. Application for such expedited  
11 service may be made by mail or in person. The department  
12 shall issue each certificate of title applied for under this  
13 subsection within 5 working days after receipt of a proper  
14 application or shall refund the additional \$5 fee upon written  
15 request by the applicant.

16 Section 22. Section 328.17, Florida Statutes, is  
17 amended to read:

18 328.17 Nonjudicial sale of vessels.--

19 (1) It is the intent of the Legislature that any  
20 nonjudicial sale of any unclaimed vessel held for unpaid costs  
21 of repairs, improvements, or other work and related storage  
22 charges, or any vessel held for failure to pay removal costs  
23 pursuant to s. 327.53(7), or any undocumented vessel in  
24 default of marina storage fees be disposed of pursuant to the  
25 provisions of this section.

26 (2) The Department of Highway Safety and Motor  
27 Vehicles shall provide certification forms for the nonjudicial  
28 sale of vessels as authorized by this section.

29 ~~(3) Unless otherwise stated, all nonjudicial sales as~~  
30 ~~provided in this section shall be subject to prior recorded~~  
31 ~~liens against said vessels.~~

1           (3)~~(4)~~ Written leases for the storage of undocumented  
2 vessels which are executed between a marina in this state and  
3 persons who own such undocumented vessels shall contain a  
4 provision which authorizes the marina to sell such vessels at  
5 a nonjudicial sale in the event of nonpayment of rent for a  
6 period of 6 months. Said provision shall be set forth in bold  
7 print. Such leases are valid and enforceable under the  
8 following conditions:

9           (a) The written lease contains the address of the  
10 vessel owner and the marina sends written notice by certified  
11 or registered mail, return receipt requested, to the address  
12 of the vessel owner as set forth in the lease at least 30 days  
13 prior to the proposed sale.

14           (b) The marina sends written notice of nonjudicial  
15 sale by certified or registered letter, return receipt  
16 requested, to each recorded lienholder of such vessel  
17 registered with this state as shown by the records of the  
18 Department of Highway Safety and Motor Vehicles at least 30  
19 days prior to the proposed sale. In the event the vessel is  
20 registered with another state, such verification and  
21 notification of lienholder interests shall be based on records  
22 maintained by the vessel registering authority of the other  
23 state.

24           (c) The marina publishes in a newspaper of general  
25 circulation in the county in which the marina is located a  
26 notice indicating the time and place of the sale; a complete  
27 description of the vessel; and a statement that the sale will  
28 be a public sale at auction to the highest bidder, provided  
29 the sale price is greater than 50 percent of the fair market  
30 value of said vessel. Fair market value shall be determined by  
31 two independent appraisals by factory representatives of the

1 vessel's manufacturer or licensed marine surveyors. The notice  
2 shall be published at least 10 days prior to the sale.

3 (4)~~(5)~~ In the event the proceeds from a sale conducted  
4 in conformance with the provisions of subsection~~(3)~~~~(4)~~  
5 exceed the storage fees due and owing on the vessel as of the  
6 date of sale, together with the costs of the sale, including  
7 publication costs and appraisal costs, the balance of the  
8 proceeds shall be deposited within 72 hours of the sale with  
9 the clerk of the circuit court of the county in which the sale  
10 is held, to be returned to the owner or lienholder of the  
11 vessel sold upon application within 1 year from the date of  
12 the sale by the owner or lienholder, less any fee charged by  
13 the clerk for such deposit, as allowed by law.

14 (5)~~(6)~~ In making application for transfer of title  
15 from a previous owner in default of marina storage fees, the  
16 new owner shall establish proof of ownership by submitting  
17 with the application, which includes the applicable fees and  
18 original bill of sale executed by the marina, a certified copy  
19 of the written lease signed by the marina and the previous  
20 owner, a copy of each registered or certified letter sent by  
21 the marina to the previous owner and lienholder, certified  
22 copies of the appraisals as required in paragraph~~(3)~~~~(c)~~  
23 ~~(4)~~~~(c)~~, a certified copy of the signed receipt from the clerk  
24 of the circuit court for any proceeds from the sale deposited  
25 with the county in which the sale was held, and a certified  
26 copy of the public notice of intent to sell published in a  
27 newspaper of general circulation in the county in which the  
28 marina is located. At the time the purchase price is paid,  
29 the marina shall provide the documentation required by this  
30 subsection to the purchaser.

31

1           (6)~~(7)~~ Any person who, with the consent of the owner,  
2 has physical possession of an undocumented unclaimed vessel  
3 for repairs, improvements, or other work shall have an  
4 unrecorded lien against the vessel for all reasonable costs of  
5 the completed work and associated reasonable towing and  
6 storage charges levied against the vessel. If the costs which  
7 give rise to such a lien are due and unpaid 90 days after the  
8 vessel owner is given written notice of the completed work,  
9 said person may sell the vessel, including its machinery,  
10 rigging, and accessories, at public auction. Wrecker service  
11 in and of itself shall not constitute repair or storage, and  
12 the charge for such service shall not be grounds for the  
13 establishment of a lien interest in the vessel. The sale of  
14 such vessel shall be valid and enforceable under the following  
15 conditions:

16           (a) The person who intends to sell an undocumented  
17 vessel registered with the state sends written notice of  
18 nonjudicial sale and an itemized invoice of the charges owed  
19 and due to the owners and recorded lienholders of said vessel  
20 at least 30 days prior to the sale. Such notice shall be  
21 considered made when certified or registered letters, return  
22 receipt requested, are mailed to the owners and recorded  
23 lienholders at the latest address of each as shown by the  
24 records of the Department of Highway Safety and Motor  
25 Vehicles. In the event said vessel is registered in another  
26 state, such verification and notification shall be based on  
27 ownership and lienholder interest records maintained by the  
28 vessel registering authority of the other state.

29           (b) A notice is published in a newspaper of general  
30 circulation in the county in which the repair business is  
31 located and in the county of the owner's last known address at

1 least 10 days prior to the date of the sale. Such notice shall  
2 indicate the time and place of the sale; shall contain a  
3 complete description of the vessel, including the name of any  
4 known owner; and shall contain a statement that the sale will  
5 be a public sale at auction to the highest bidder, provided  
6 the sale price is greater than 50 percent of the fair market  
7 value of said vessel. Fair market value shall be determined by  
8 two independent appraisals by factory representatives of the  
9 vessel's manufacturer or licensed marine surveyors.

10 (c) The proceeds from the sale, less the costs  
11 incurred in the sale and the reasonable costs for the work  
12 done on the vessel and associated reasonable towing and  
13 storage costs, shall be deposited within 72 hours after the  
14 sale with the clerk of the circuit court of the county in  
15 which the sale is held. Upon receipt of the proceeds, the  
16 clerk shall be entitled to receive 5 percent of said proceeds  
17 for the care and disbursement thereof. At any time within 1  
18 year after the sale of such vessel, the former owners or  
19 lienholders of the vessel may recover the net proceeds by  
20 filing a claim with the clerk against the county.

21 ~~(7)(8)~~ When any vessel is sold pursuant to subsection  
22 ~~(6)(7)~~, the person selling the vessel, at the time the  
23 purchase price is paid, shall deliver to the purchaser an  
24 executed bill of sale and certified copies of the  
25 documentation required by subsection ~~(6)(7)~~.

26 ~~(8)(9)~~ In making application for transfer of title  
27 from a previous owner whose vessel is sold pursuant to  
28 subsection ~~(6)(7)~~, the new owner shall establish proof of  
29 ownership by submitting with the application, which includes  
30 the applicable fees and sales tax, the original bill of sale  
31 executed by the repair business, certified copies of the

1 documentation required by subsection (6)~~(7)~~, and a certified  
2 copy of the signed receipt from the clerk of the circuit court  
3 for any proceeds from the sale deposited with the county in  
4 which the sale was held.

5 Section 23. Section 328.56, Florida Statutes, is  
6 amended to read:

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

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

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

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

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

15 (5) A federally documented vessel.

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

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

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

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

29 Section 24. Subsection (1) of section 328.735, Florida  
30 Statutes, is amended to read:

31 328.735 Advanced registration renewal; procedures.--



