

By the Committee on Transportation; and Senator Sebesta

306-2048-03

1 A bill to be entitled
2 An act relating to highway safety and motor
3 vehicles; amending s. 316.085, F.S.;
4 prohibiting a person from overtaking a vehicle
5 when the vehicle is clearly signaling a left
6 turn or when approaching a clearly marked
7 intersection; amending s. 316.1932, F.S.;
8 revising requirements relating to the notice of
9 consent for sobriety testing which is printed
10 on driver's licenses; amending s. 316.302,
11 F.S.; revising provisions relating to an
12 exemption from federal vision standards for
13 specified commercial driver's licenses;
14 amending s. 316.605, F.S.; providing for the
15 placement of motor vehicle license plates on
16 certain government-owned vehicles; amending s.
17 316.613, F.S.; eliminating authorization of the
18 Department of Highway Safety and Motor Vehicles
19 to expend certain funds; creating s. 316.6131,
20 F.S.; authorizing the use of certain funds on
21 educational campaigns; amending s. 320.01,
22 F.S.; revising the definition of the terms
23 "apportioned vehicle" and "commercial motor
24 vehicle"; amending s. 320.05, F.S.; providing
25 that certain motor vehicle and vessel
26 information is available free of charge via the
27 website of the department; amending s. 320.06,
28 F.S.; correcting a cross-reference; amending s.
29 320.0605, F.S.; exempting specified vehicles
30 from the requirement that the certificate of
31 registration must be carried in the vehicle at

1 all times; amending s. 320.071, F.S.;
2 eliminating the requirement that vehicle
3 registration renewals must occur in the county
4 of residency; amending s. 320.072, F.S.;
5 revising provisions relating to certain motor
6 vehicle registration transactions; amending s.
7 320.0821, F.S.; revising provisions relating to
8 the placement of motor vehicle license plates
9 on wreckers; amending s. 320.086, F.S.;
10 revising provisions relating to historical
11 license plates; amending s. 320.18, F.S.;
12 authorizing the Department of Highway Safety
13 and Motor Vehicles to withhold vessel
14 registrations under specified conditions;
15 amending s. 320.27, F.S.; requiring that motor
16 vehicle dealers maintain certain records for 5
17 years; amending s. 320.58, F.S.; authorizing
18 inspectors employed by the Department of
19 Highway Safety and Motor Vehicles to enforce
20 certain provisions relating to off-highway
21 vehicles and vessels; amending s. 320.8249,
22 F.S.; revising provisions relating to licensed
23 mobile home installers; amending s. 322.135,
24 F.S.; providing a time period for county
25 officers to pay certain funds to the State
26 Treasury by electronic funds transfer; amending
27 s. 322.20, F.S.; providing that certain
28 driver's license information is available free
29 of charge via the website of the Department of
30 Highway Safety and Motor Vehicles; amending s.
31 322.53, F.S.; revising provisions relating to

1 commercial driver's license exemptions;
2 amending s. 328.01, F.S.; revising requirements
3 relating to the repossession of vessels;
4 amending s. 328.03, F.S.; revising requirements
5 relating to the cancellation of vessel titles;
6 amending s. 328.11, F.S.; revising requirements
7 relating to the issuance of a duplicate
8 certificate of title for vessels; amending s.
9 328.17, F.S.; revising provisions relating to
10 the nonjudicial sale of vessels; amending s.
11 328.56, F.S.; revising requirements relating to
12 the display of vessel registration numbers;
13 amending s. 328.735, F.S.; eliminating the
14 requirement that vessel registration renewals
15 must occur in the county of residency;
16 providing an effective date.

17

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

19

20 Section 1. Subsection (2) of section 316.085, Florida
21 Statutes, is amended to read:

22 316.085 Limitations on overtaking, passing, changing
23 lanes and changing course.--

24 (2) No vehicle shall be driven from a direct course in
25 any lane on any highway until the driver has determined that
26 the vehicle is not being approached or passed by any other
27 vehicle in the lane or on the side to which the driver desires
28 to move and that the move can be completely made with safety
29 and without interfering with the safe operation of any vehicle
30 approaching from the same direction. However, no person may

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1 overtake a vehicle when the vehicle is clearly signaling a
2 left turn, or when approaching a clearly marked intersection.

3 Section 2. Paragraph (e) of subsection (1) of section
4 316.1932, Florida Statutes, is amended to read:

5 316.1932 Breath, blood, and urine tests for alcohol,
6 chemical substances, or controlled substances; implied
7 consent; refusal.--

8 (1)
9 (e)1. By applying for a driver's license and by
10 accepting and using a driver's license, the person holding the
11 driver's license is deemed to have expressed his or her
12 consent to the provisions of this section.

13 2. A nonresident or any other person driving in a
14 status exempt from the requirements of the driver's license
15 law, by his or her act of driving in such exempt status, is
16 deemed to have expressed his or her consent to the provisions
17 of this section.

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

21 Section 3. Paragraph (i) of subsection (2) of section
22 316.302, Florida Statutes, is amended to read:

23 316.302 Commercial motor vehicles; safety regulations;
24 transporters and shippers of hazardous materials;
25 enforcement.--

26 (2)
27 (i) ~~A person who was a regularly employed driver of a~~
28 ~~commercial motor vehicle on July 4, 1987, and whose driving~~
29 record shows no traffic convictions, pursuant to s. 322.61,
30 during the 2-year period immediately preceding the application
31 for the commercial driver's license, and who is otherwise

1 qualified as a driver under 49 C.F.R. part 391, and who
2 operates a commercial vehicle in intrastate commerce only,
3 shall be exempt from the requirements of 49 C.F.R. part 391,
4 subpart E, s. 391.41(b)(10). However, such operators are still
5 subject to the requirements of ss. 322.12 and 322.121. As
6 proof of eligibility such driver shall have in his or her
7 possession a physical examination form dated within the past
8 24 months.

9 Section 4. Subsection (1) of section 316.605, Florida
10 Statutes, is amended to read:

11 316.605 Licensing of vehicles.--

12 (1) Every vehicle, at all times while driven, stopped,
13 or parked upon any highways, roads, or streets of this state,
14 shall be licensed in the name of the owner thereof in
15 accordance with the laws of this state unless such vehicle is
16 not required by the laws of this state to be licensed in this
17 state and shall, except as otherwise provided in s. 320.0706
18 for front-end registration license plates on truck tractors or
19 wreckers, display the license plate or both of the license
20 plates assigned to it by the state, one on the rear and, if
21 two, the other on the front of the vehicle, each to be
22 securely fastened to the vehicle outside the main body of the
23 vehicle in such manner as to prevent the plates from swinging,
24 with all letters, numerals, printing, writing, and other
25 identification marks upon the plates clear and distinct and
26 free from defacement, mutilation, grease, and other obscuring
27 matter, so that they will be plainly visible and legible at
28 all times 100 feet from the rear or front. In addition, if
29 only one registration plate is issued for a motor vehicle
30 equipped with a mechanical loading device that may damage the
31 plate, the plate may be attached to the front of the vehicle.

1 Nothing shall be placed upon the face of a Florida plate
2 except as permitted by law or by rule or regulation of a
3 governmental agency. No license plates other than those
4 furnished by the state shall be used. However, if the vehicle
5 is not required to be licensed in this state, the license
6 plates on such vehicle issued by another state, by a
7 territory, possession, or district of the United States, or by
8 a foreign country, substantially complying with the provisions
9 hereof, shall be considered as complying with this chapter. A
10 government license plate that is issued to a truck tractor or
11 heavy truck owned by a governmental entity having a GVWR of
12 26,001 pounds or more may be placed on the front of the
13 vehicle and shall be in compliance with this chapter.A
14 violation of this subsection is a noncriminal traffic
15 infraction, punishable as a nonmoving violation as provided in
16 chapter 318.

17 Section 5. Subsection (4) of section 316.613, Florida
18 Statutes, is amended to read:

19 316.613 Child restraint requirements.--

20 (4)(a) It is the legislative intent that all state,
21 county, and local law enforcement agencies, and safety
22 councils, in recognition of the problems with child death and
23 injury from unrestrained occupancy in motor vehicles, conduct
24 a continuing safety and public awareness campaign as to the
25 magnitude of the problem.

26 ~~(b) The department may authorize the expenditure of~~
27 ~~funds for the purchase of promotional items as part of the~~
28 ~~public information and education campaigns provided for in~~
29 ~~this subsection and ss. 316.614, 322.025, and 403.7145.~~

30 Section 6. Section 316.6131, Florida Statutes, is
31 created to read:

1 316.6131 Educational expenditures.--The department may
2 authorize the expenditure of funds for the purchase of
3 educational items as part of the public information and
4 education campaigns promoting highway safety and awareness as
5 well as departmental community-based initiatives. Funds may be
6 expended for, but are not limited to, educational campaigns
7 provided in chapters 316, 320, and 322 and s. 403.7145.

8 Section 7. Subsections (25) and (26) of section
9 320.01, Florida Statutes, are amended to read:

10 320.01 Definitions, general.--As used in the Florida
11 Statutes, except as otherwise provided, the term:

12 (25) "Apportionable vehicle" means any vehicle, except
13 recreational vehicles, vehicles displaying restricted plates,
14 city pickup and delivery vehicles, buses used in
15 transportation of chartered parties, and government-owned
16 vehicles, which is used or intended for use in two or more
17 member jurisdictions that allocate or proportionally register
18 vehicles and which is used for the transportation of persons
19 for hire or is designed, used, or maintained primarily for the
20 transportation of property and:

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

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

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

28
29 Vehicles, or combinations thereof, having a gross vehicle
30 weight of 26,001 pounds or more ~~less~~ and two-axle vehicles may
31 be proportionally registered.

1 (26) "Commercial motor vehicle" means any vehicle that
2 ~~which~~ is not owned or operated by a governmental entity, which
3 uses special fuel or motor fuel on the public highways, and
4 which has a gross vehicle weight of 26,001 pounds or more, or
5 has three or more axles regardless of weight, or is used in
6 combination when the weight of such combination is ~~exceeds~~
7 26,001 pounds or more gross vehicle weight.

8 Section 8. Subsection (3) of section 320.05, Florida
9 Statutes, is amended to read:

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

12 (3)(a) The department is authorized, upon application
13 of any person and payment of the proper fees, to prepare and
14 furnish lists containing motor vehicle or vessel information
15 in such form as the department may authorize, to search the
16 records of the department and make reports thereof, and to
17 make photographic copies of the department records and
18 attestations thereof.

19 (b) Fees therefor shall be charged and collected as
20 follows:

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

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

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

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

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1 5. For providing noncertified computer-generated
2 printouts of motor vehicle or vessel records, 50 cents per
3 record.

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

6 7. For providing electronic access to motor vehicle,
7 vessel, and mobile home registration data requested by tag,
8 vehicle identification number, title number, or decal number,
9 50 cents per item, except that information provided via the
10 department's Internet website is free of charge.

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

14 ~~8.9.~~ For providing lists of licensed mobile home
15 dealers and manufacturers and recreational vehicle dealers and
16 manufacturers, \$15 per list.

17 ~~9.10.~~ For providing lists of licensed motor vehicle
18 dealers, \$25 per list.

19 ~~10.11.~~ For each copy of a videotape record, \$15 per
20 tape.

21 ~~11.12.~~ For each copy of the Division of Motor Vehicles
22 Procedures Manual, \$25.

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

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

27 (e) When motor vehicle, vessel, or mobile home
28 registration data is provided by electronic access through a
29 tax collector's office, a fee for the electronic access is not
30 required to be assessed. However, at the tax collector's
31 discretion, a fee equal to or less than the fee charged by the

1 department for such information may be assessed by the tax
2 collector for the electronic access. Notwithstanding paragraph
3 (c), any funds collected by the tax collector as a result of
4 providing such access shall be retained by the tax collector.

5 Section 9. Subsection (4) of section 320.06, Florida
6 Statutes, is amended to read:

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

9 (4) The corporation organized under chapter 946 may
10 manufacture license plates, validation stickers, and decals,
11 as well as temporary tags, disabled hang tags, vessel decals,
12 and fuel use decals, for the Department of Highway Safety and
13 Motor Vehicles as provided in this chapter and chapter 328
14 ~~327~~. The Department of Highway Safety and Motor Vehicles is
15 not required to obtain competitive bids in order to contract
16 with the corporation.

17 Section 10. Section 320.0605, Florida Statutes, is
18 amended to read:

19 320.0605 Certificate of registration; possession
20 required; exception.--The registration certificate or an
21 official copy thereof, a true copy of a rental or lease
22 agreement issued for a motor vehicle or issued for a
23 replacement vehicle in the same registration period, a
24 temporary receipt printed upon self-initiated electronic
25 renewal of a registration via the Internet, or a cab card
26 issued for a vehicle registered under the International
27 Registration Plan shall, at all times while the vehicle is
28 being used or operated on the roads of this state, be in the
29 possession of the operator thereof or be carried in the
30 vehicle for which issued and shall be exhibited upon demand of
31 any authorized law enforcement officer or any agent of the

1 department, except for vehicles registered under s. 320.0657.
2 The provisions of this section do not apply during the first
3 30 days after purchase of a replacement vehicle. A violation
4 of this section is a noncriminal traffic infraction,
5 punishable as a nonmoving violation as provided in chapter
6 318.

7 Section 11. Paragraph (a) of subsection (1) of section
8 320.071, Florida Statutes, is amended to read:

9 320.071 Advance registration renewal; procedures.--

10 (1)(a) The owner of any motor vehicle or mobile home
11 currently registered in this state may file an application for
12 renewal of registration with the department, or its authorized
13 agent ~~in the county wherein the owner resides~~, any time during
14 the 3 months preceding the date of expiration of the
15 registration period.

16 Section 12. Paragraph (b) of subsection (2) of section
17 320.072, Florida Statutes, is amended to read:

18 320.072 Additional fee imposed on certain motor
19 vehicle registration transactions.--

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

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

28 Section 13. Section 320.0821, Florida Statutes, is
29 amended to read:

30 320.0821 Wrecker license plates.--

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1 (1) The department shall issue one ~~a~~ wrecker license
2 plate, regardless of gross vehicle weight, to the owner of any
3 motor vehicle that is used to tow, carry, or otherwise
4 transport motor vehicles and that is equipped for that purpose
5 with a boom, winch, carrier, or other similar equipment,
6 except a motor vehicle registered under the International
7 Registration Plan, upon application and payment of the
8 appropriate license tax and fees in accordance with s.
9 320.08(5)(d) or (e).

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

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

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

22 (5) A wrecker license plate shall be displayed on the
23 front of the vehicle.

24 Section 14. Subsection (4) of section 320.086, Florida
25 Statutes, is amended to read:

26 320.086 Ancient or antique motor vehicles; "horseless
27 carriage," antique, or historical license plates.--

28 (4) Any person who is the registered owner of a motor
29 vehicle as defined in this section and manufactured in the
30 model year 1975 ~~1974~~ or earlier, may apply to the department
31 for permission to use a historical Florida license plate that

1 clearly represents the model year of the vehicle as a
2 personalized prestige license plate. This plate shall be
3 furnished by such person and shall be presented to the
4 department with a reasonable fee to be determined by the
5 department for approval and for authentication that the
6 historic license plate and any applicable decals were issued
7 by this state in the same year as the model year of the car or
8 truck. The requirements of s. 320.0805(8)(b) do not apply to
9 historical plates authorized under this subsection.

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

12 320.18 Withholding registration.--

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

1 Section 16. Subsection (6) of section 320.27, Florida
2 Statutes, is amended to read:

3 320.27 Motor vehicle dealers.--

4 (6) RECORDS TO BE KEPT BY LICENSEE.--Every licensee
5 shall keep for 5 years a book or record in a ~~such~~ form ~~as~~
6 ~~shall be~~ prescribed or approved by the department, in which
7 the licensee shall keep a record of the purchase, sale, or
8 exchange, or receipt for the purpose of sale, of any motor
9 vehicle, the date upon which any temporary tag was issued, the
10 date of title transfer, and a description of such motor
11 vehicle together with the name and address of the seller, the
12 purchaser, and the alleged owner or other person from whom
13 such motor vehicle was purchased or received or to whom it was
14 sold or delivered, as the case may be. Such description shall
15 include the identification or engine number, maker's number,
16 if any, chassis number, if any, and such other numbers or
17 identification marks as may be thereon and shall also include
18 a statement that a number has been obliterated, defaced, or
19 changed, if such is the fact.

20 Section 17. Paragraph (a) of subsection (1) of section
21 320.58, Florida Statutes, is amended to read:

22 320.58 License inspectors; powers, appointment.--

23 (1)(a) The department shall appoint as many license
24 inspectors and supervisors as it deems necessary to enforce
25 the provisions of this chapter and chapters 317, 319, 322, and
26 324, and 328. In order to enforce the provisions of these
27 laws, the inspectors are empowered to enter on both publicly
28 owned and privately owned property and to issue uniform
29 traffic citations to persons found in violation thereof. The
30 department is further empowered to delegate the power to issue
31 uniform traffic citations to persons acting as its agents for

1 the purpose of enforcing the registration provisions of this
2 chapter, which may include, but not be limited to, personnel
3 employed by district school boards as agreed to by the school
4 board and the county tax collector.

5 Section 18. Subsection (9) of section 320.8249,
6 Florida Statutes, is amended to read:

7 320.8249 Mobile home installers license.--

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

9 (a) Obtain a mobile home installers license by fraud
10 or misrepresentation.

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

15 (c) Violate any lawful order of the department or any
16 other law of this state, including chapter 319 or this
17 chapter.

18 (d) Commit fraud or deceit in the practice of
19 contracting.

20 (e) Commit incompetence or misconduct in the practice
21 of contracting.

22 (f) Commit gross negligence, repeated negligence, or
23 negligence resulting in a significant danger to life or
24 property.

25 (g) Commit violations of the installation standards
26 for mobile homes or manufactured homes contained in rules
27 15C-1 and 15C-2 ~~15C-1.0102 to 15C-1.0104~~, Florida
28 Administrative Code.

29 Section 19. Subsection (9) is added to section
30 322.135, Florida Statutes, to read:

31 322.135 Driver's license agents.--

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

8 Section 20. Subsection (11) of section 322.20, Florida
9 Statutes, is amended to read:

10 322.20 Records of the department; fees; destruction of
11 records.--

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

14 1. For providing a transcript of any one individual's
15 driver history record or any portion thereof for the past 3
16 years or for searching for such record when no record is found
17 to be on file.....\$2.10

18 2. For providing a transcript of any one individual's
19 driver history record or any portion thereof for the past 7
20 years or for searching for such record when no record is found
21 to be on file.....\$3.10

22 3. For providing a certified copy of a transcript of
23 the driver history record or any portion thereof for any one
24 individual.....\$3.10

25 4. For providing a certified photographic copy of a
26 document, per page.....\$1.00

27 5. For providing an exemplified record.....\$15.00

28 6. For providing photocopies of documents, papers,
29 letters, clearances, or license or insurance status reports,
30 per page.....\$0.50

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1 7. For assisting persons in searching any one
2 individual's driver record at a terminal located at the
3 department's general headquarters in Tallahassee.....\$2.00

4 8. For providing electronic access to driver's license
5 status reports by name, gender, and date of birth, or by
6 driver license number.....\$0.50 per
7 item; except that information provided via the department's
8 Internet website shall be free of charge.

9 (b) The department shall furnish such information
10 without charge to any local, state, or federal law enforcement
11 agency or court upon proof satisfactory to the department as
12 to the purpose of the investigation.

13 Section 21. Section 322.53, Florida Statutes, is
14 amended to read:

15 322.53 License required; exemptions.--

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

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

22 (a) Drivers of authorized emergency vehicles.

23 (b) Military personnel driving military vehicles.

24 (c) Farmers transporting farm supplies or farm
25 machinery within 150 miles of their farm, or transporting
26 agricultural products to or from the first place of storage or
27 processing or directly to or from market, within 150 miles of
28 their farm.

29 (d) Drivers of recreational vehicles, as defined in s.
30 320.01.

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

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

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

12 (4) A resident who is exempt from obtaining a
13 commercial driver's license pursuant to paragraph (2)(a) or
14 paragraph (2)(c) and who drives a commercial motor vehicle
15 must obtain at least a Class D driver's license ~~endorsed to~~
16 ~~authorize the operation of the particular type of vehicle for~~
17 ~~which his or her exemption is granted.~~

18 (5) A resident who is exempt from obtaining a
19 commercial driver's license pursuant to paragraph (2)(b),
20 paragraph (2)(d), paragraph (2)(e), or paragraph (2)(f) may
21 drive a commercial motor vehicle pursuant to the exemption
22 granted in paragraph (2)(b), paragraph (2)(d), paragraph
23 (2)(e), or paragraph (2)(f) if he or she possesses a valid
24 Class D or Class E driver's license or a military license.

25 (6) The department shall adopt rules and enter into
26 necessary agreements with other jurisdictions to provide for
27 the operation of commercial vehicles by nonresidents pursuant
28 to the exemption granted in subsection (2).

29 Section 22. Paragraph (b) of subsection (3) of section
30 328.01, Florida Statutes, is amended to read:

31 328.01 Application for certificate of title.--

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

1 Section 23. Subsection (4) of section 328.03, Florida
2 Statutes, is amended to read:

3 328.03 Certificate of title required.--

4 (4) A certificate of title is prima facie evidence of
5 the ownership of the vessel. A certificate of title is good
6 for the life of the vessel so long as the certificate is owned
7 or held by the legal holder. If a titled vessel is destroyed
8 or abandoned, the owner, with the consent of any recorded
9 lienholders, shall, within 30 days after the destruction or
10 abandonment, surrender to the department for cancellation any
11 and all title documents. If a titled vessel is insured and
12 the insurer has paid the owner for the total loss of the
13 vessel, the insurer shall obtain the title to the vessel and
14 transfer the title, within 30 days ~~after receiving the title,~~
15 ~~forward the title to the Department of Highway Safety and~~
16 ~~Motor Vehicles for cancellation. The insurer may retain the~~
17 ~~certificate of title when payment for the loss was made~~
18 ~~because of the theft of the vessel.~~

19 Section 24. Subsection (2) of section 328.11, Florida
20 Statutes, is amended to read:

21 328.11 Duplicate certificate of title.--

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

31

1 Section 25. Section 328.17, Florida Statutes, is
2 amended to read:

3 328.17 Nonjudicial sale of vessels.--

4 (1) It is the intent of the Legislature that any
5 nonjudicial sale of any unclaimed vessel held for unpaid costs
6 of repairs, improvements, or other work and related storage
7 charges, or any vessel held for failure to pay removal costs
8 pursuant to s. 327.53(7), or any undocumented vessel in
9 default of marina storage fees be disposed of pursuant to the
10 provisions of this section.

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

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

17 (3)~~(4)~~ Written leases for the storage of undocumented
18 vessels which are executed between a marina in this state and
19 persons who own such undocumented vessels shall contain a
20 provision which authorizes the marina to sell such vessels at
21 a nonjudicial sale in the event of nonpayment of rent for a
22 period of 6 months. Said provision shall be set forth in bold
23 print. Such leases are valid and enforceable under the
24 following conditions:

25 (a) The written lease contains the address of the
26 vessel owner and the marina sends written notice by certified
27 or registered mail, return receipt requested, to the address
28 of the vessel owner as set forth in the lease at least 30 days
29 prior to the proposed sale.

30 (b) The marina sends written notice of nonjudicial
31 sale by certified or registered letter, return receipt

1 requested, to each recorded lienholder of such vessel
2 registered with this state as shown by the records of the
3 Department of Highway Safety and Motor Vehicles at least 30
4 days prior to the proposed sale. In the event the vessel is
5 registered with another state, such verification and
6 notification of lienholder interests shall be based on records
7 maintained by the vessel registering authority of the other
8 state.

9 (c) The marina publishes in a newspaper of general
10 circulation in the county in which the marina is located a
11 notice indicating the time and place of the sale; a complete
12 description of the vessel; and a statement that the sale will
13 be a public sale at auction to the highest bidder, provided
14 the sale price is greater than 50 percent of the fair market
15 value of said vessel. Fair market value shall be determined by
16 two independent appraisals by factory representatives of the
17 vessel's manufacturer or licensed marine surveyors. The notice
18 shall be published at least 10 days prior to the sale.

19 (4)~~(5)~~ In the event the proceeds from a sale conducted
20 in conformance with the provisions of subsection(3)~~(4)~~
21 exceed the storage fees due and owing on the vessel as of the
22 date of sale, together with the costs of the sale, including
23 publication costs and appraisal costs, the balance of the
24 proceeds shall be deposited within 72 hours of the sale with
25 the clerk of the circuit court of the county in which the sale
26 is held, to be returned to the owner or lienholder of the
27 vessel sold upon application within 1 year from the date of
28 the sale by the owner or lienholder, less any fee charged by
29 the clerk for such deposit, as allowed by law.

30 (5)~~(6)~~ In making application for transfer of title
31 from a previous owner in default of marina storage fees, the

1 new owner shall establish proof of ownership by submitting
2 with the application, which includes the applicable fees and
3 original bill of sale executed by the marina, a certified copy
4 of the written lease signed by the marina and the previous
5 owner, a copy of each registered or certified letter sent by
6 the marina to the previous owner and lienholder, certified
7 copies of the appraisals as required in paragraph(3)(c)
8 ~~(4)(c)~~, a certified copy of the signed receipt from the clerk
9 of the circuit court for any proceeds from the sale deposited
10 with the county in which the sale was held, and a certified
11 copy of the public notice of intent to sell published in a
12 newspaper of general circulation in the county in which the
13 marina is located. At the time the purchase price is paid,
14 the marina shall provide the documentation required by this
15 subsection to the purchaser.

16 (6)~~(7)~~ Any person who, with the consent of the owner,
17 has physical possession of an undocumented unclaimed vessel
18 for repairs, improvements, or other work shall have an
19 unrecorded lien against the vessel for all reasonable costs of
20 the completed work and associated reasonable towing and
21 storage charges levied against the vessel. If the costs which
22 give rise to such a lien are due and unpaid 90 days after the
23 vessel owner is given written notice of the completed work,
24 said person may sell the vessel, including its machinery,
25 rigging, and accessories, at public auction. Wrecker service
26 in and of itself shall not constitute repair or storage, and
27 the charge for such service shall not be grounds for the
28 establishment of a lien interest in the vessel. The sale of
29 such vessel shall be valid and enforceable under the following
30 conditions:

31

1 (a) The person who intends to sell an undocumented
2 vessel registered with the state sends written notice of
3 nonjudicial sale and an itemized invoice of the charges owed
4 and due to the owners and recorded lienholders of said vessel
5 at least 30 days prior to the sale. Such notice shall be
6 considered made when certified or registered letters, return
7 receipt requested, are mailed to the owners and recorded
8 lienholders at the latest address of each as shown by the
9 records of the Department of Highway Safety and Motor
10 Vehicles. In the event said vessel is registered in another
11 state, such verification and notification shall be based on
12 ownership and lienholder interest records maintained by the
13 vessel registering authority of the other state.

14 (b) A notice is published in a newspaper of general
15 circulation in the county in which the repair business is
16 located and in the county of the owner's last known address at
17 least 10 days prior to the date of the sale. Such notice shall
18 indicate the time and place of the sale; shall contain a
19 complete description of the vessel, including the name of any
20 known owner; and shall contain a statement that the sale will
21 be a public sale at auction to the highest bidder, provided
22 the sale price is greater than 50 percent of the fair market
23 value of said vessel. Fair market value shall be determined by
24 two independent appraisals by factory representatives of the
25 vessel's manufacturer or licensed marine surveyors.

26 (c) The proceeds from the sale, less the costs
27 incurred in the sale and the reasonable costs for the work
28 done on the vessel and associated reasonable towing and
29 storage costs, shall be deposited within 72 hours after the
30 sale with the clerk of the circuit court of the county in
31 which the sale is held. Upon receipt of the proceeds, the

1 clerk shall be entitled to receive 5 percent of said proceeds
2 for the care and disbursement thereof. At any time within 1
3 year after the sale of such vessel, the former owners or
4 lienholders of the vessel may recover the net proceeds by
5 filing a claim with the clerk against the county.

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

11 (8)~~(9)~~ In making application for transfer of title
12 from a previous owner whose vessel is sold pursuant to
13 subsection(6)~~(7)~~, the new owner shall establish proof of
14 ownership by submitting with the application, which includes
15 the applicable fees and sales tax, the original bill of sale
16 executed by the repair business, certified copies of the
17 documentation required by subsection(6)~~(7)~~, and a certified
18 copy of the signed receipt from the clerk of the circuit court
19 for any proceeds from the sale deposited with the county in
20 which the sale was held.

21 Section 26. Section 328.56, Florida Statutes, is
22 amended to read:

23 328.56 Vessel registration number.--Each vessel that
24 is used on the waters of the state must display a ~~commercial~~
25 ~~or recreational~~ Florida registration number, unless it is:

- 26 (1) A vessel used exclusively on private lakes and
27 ponds.
28 (2) A vessel owned by the United States Government.
29 (3) A vessel used exclusively as a ship's lifeboat.
30 (4) A non-motor-powered vessel.
31 (5) A federally documented vessel.

1 (6) A vessel already covered by a registration number
2 in full force and effect which has been awarded to it pursuant
3 to a federally approved numbering system of another state or
4 by the United States Coast Guard in a state without a
5 federally approved numbering system, if the vessel has not
6 been within this state for a period in excess of 90
7 consecutive days.

8 (7) A vessel operating under a valid temporary
9 certificate of number.

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

12 (9) An undocumented vessel used exclusively for
13 racing.

14 Section 27. Subsection (1) of section 328.735, Florida
15 Statutes, is amended to read:

16 328.735 Advanced registration renewal; procedures.--

17 (1) The owner of any vessel currently registered in
18 this state may file an application for renewal of registration
19 with the department, or its authorized agent ~~in the county~~
20 ~~wherein the owner resides~~, any time during the 3 months
21 preceding the date of expiration of the registration period.

22 Section 28. This act shall take effect upon becoming a
23 law.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 682

The CS provides no person may overtake a vehicle when the vehicle is clearly signaling a left turn, or when approaching a clearly marked intersection. The CS broadens DHSMV's authority to expend funds on educational campaigns promoting highway safety and awareness as well as DHSMV community based initiatives provided in chapters 316 (state uniform traffic control), 320 (registration requirements), 322 (driver's licenses), and section 403.7145 (recycling), F.S. The CS further deletes the endorsement requirements for operators of emergency and farm vehicles.