

By the Committee on Transportation; and Senator Sebesta

306-2409-04

1 A bill to be entitled
2 An act relating to highway safety and motor
3 vehicles; amending s. 316.605, F.S.; clarifying
4 that portion of a license plate which must be
5 clear and plainly visible; amending s. 316.613,
6 F.S.; eliminating authorization for the
7 Department of Highway Safety and Motor Vehicles
8 to expend certain funds; creating s. 316.6131,
9 F.S.; authorizing the department to expend
10 certain funds; amending s. 319.29, F.S.;
11 directing the verification of identity for
12 certain title certificates; amending s. 320.01,
13 F.S.; clarifying the definition of the terms
14 "apportionable 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 on the
18 department's website; amending s. 320.06, F.S.;
19 correcting a cross-reference; amending s.
20 320.0607, F.S.; directing the verification of
21 identity for certain vehicle license plates and
22 registrations; amending s. 320.0843, F.S.;
23 requiring that an applicant eligible for a
24 disabled parking plate be noted on the
25 certificate; amending s. 320.0848, F.S.;
26 requiring the verification of identity for
27 certain disabled parking permits; amending s.
28 320.086, F.S.; revising provisions relating to
29 historical license plates; amending s. 320.58,
30 F.S.; authorizing inspectors employed by the
31 department to enforce certain provisions

1 relating to off-highway vehicles and vessels;
2 amending s. 322.20, F.S.; authorizing the
3 department to charge fees for electronic access
4 to specified information; requiring that
5 certain driver's license information be
6 available free of charge on the department's
7 website; amending s. 328.11, F.S.; revising
8 requirements relating to the issuance of a
9 duplicate certificate of title for vessels;
10 providing an effective date.

11

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

13

14 Section 1. Subsection (1) of section 316.605, Florida
15 Statutes, is amended to read:

16 316.605 Licensing of vehicles.--

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

1 designation shall be clear and distinct and free from
2 defacement, mutilation, grease, and other obscuring matter, so
3 that they will be plainly visible and legible at all times 100
4 feet from the rear or front. Nothing shall be placed upon the
5 face of a Florida plate except as permitted by law or by rule
6 or regulation of a governmental agency. No license plates
7 other than those furnished by the state shall be used.
8 However, if the vehicle is not required to be licensed in this
9 state, the license plates on such vehicle issued by another
10 state, by a territory, possession, or district of the United
11 States, or by a foreign country, substantially complying with
12 the provisions hereof, shall be considered as complying with
13 this chapter. A violation of this subsection is a noncriminal
14 traffic infraction, punishable as a nonmoving violation as
15 provided in chapter 318.

16 Section 2. Subsection (4) of section 316.613, Florida
17 Statutes, is amended to read:

18 316.613 Child restraint requirements.--

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

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

29 Section 3. Section 316.6131, Florida Statutes, is
30 created to read:

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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 4. Subsection (4) of section 319.29, Florida
9 Statutes, is amended to read:

10 319.29 Lost or destroyed certificates.--

11 (4) The department shall implement a system to verify
12 that the application is signed by a person authorized to
13 receive a duplicate title certificate under this section if
14 the address shown on the application is different from the
15 address shown for the applicant on the records of the
16 department. If the title is being delivered to someone other
17 than the owner of record, the identity of the person to whom
18 the title is delivered must be verified and the documentation
19 of the verification must be maintained by the department.

20 Section 5. Subsections (25) and (26) of section
21 320.01, Florida Statutes, are amended to read:

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

24 (25) "Apportionable vehicle" means any vehicle, except
25 recreational vehicles, vehicles displaying restricted plates,
26 city pickup and delivery vehicles, buses used in
27 transportation of chartered parties, and government-owned
28 vehicles, which is used or intended for use in two or more
29 member jurisdictions that allocate or proportionally register
30 vehicles and which is used for the transportation of persons
31

1 for hire or is designed, used, or maintained primarily for the
2 transportation of property and:

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

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

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

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11 Vehicles, or combinations thereof, having a gross vehicle
12 weight of 26,001 pounds or less and two-axle vehicles may be
13 proportionally registered.

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

21 Section 6. Subsection (3) of section 320.05, Florida
22 Statutes, is amended to read:

23 320.05 Records of the department; inspection
24 procedure; lists and searches; fees.--

25 (3)(a) The department is authorized, upon application
26 of any person and payment of the proper fees, to prepare and
27 furnish lists containing motor vehicle or vessel information
28 in a ~~such~~ form as the department may authorize, to search the
29 records of the department and make reports thereof, and to
30 make photographic copies of the department records and
31 attestations thereof.

1 (b) Fees ~~therefor~~ shall be charged and collected as
2 follows:

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

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

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

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

13 5. For providing noncertified computer-generated
14 printouts of motor vehicle or vessel records, 50 cents per
15 record.

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

18 7. For providing electronic access to motor vehicle,
19 vessel, and mobile home registration data requested by tag,
20 vehicle identification number, title number, or decal number,
21 50 cents per item, except that information provided via the
22 department's Internet website is free of charge.

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

26 ~~8.9.~~ For providing lists of licensed mobile home
27 dealers and manufacturers and recreational vehicle dealers and
28 manufacturers, \$15 per list.

29 ~~9.10.~~ For providing lists of licensed motor vehicle
30 dealers, \$25 per list.

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1 10.11. For each copy of a videotape record, \$15 per
2 tape.

3 11.12. For each copy of the Division of Motor Vehicles
4 Procedures Manual, \$25.

5 (c) Fees collected under ~~pursuant to~~ paragraph (b)
6 shall be deposited into the Highway Safety Operating Trust
7 Fund.

8 (d) The department shall furnish the ~~such~~ information
9 without charge to any court or governmental entity.

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

19 Section 7. Subsection (4) of section 320.06, Florida
20 Statutes, is amended to read:

21 320.06 Registration certificates, license plates, and
22 validation stickers generally.--

23 (4) The corporation organized under chapter 946 may
24 manufacture license plates, validation stickers, and decals,
25 as well as temporary tags, disabled hang tags, vessel decals,
26 and fuel use decals, for the Department of Highway Safety and
27 Motor Vehicles as provided in this chapter and chapter 328
28 ~~327~~. The Department of Highway Safety and Motor Vehicles is
29 not required to obtain competitive bids in order to contract
30 with the corporation.

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1 Section 8. Section 320.0607, Florida Statutes, is
2 amended to read:

3 320.0607 Replacement license plates, validation decal,
4 or mobile home sticker.--

5 (1) A ~~Any~~ law enforcement officer or department
6 license and registration inspector may at any time inspect a
7 license plate or validation decal for proper display and
8 legibility as prescribed by chapter 316. A damaged or defaced
9 plate or decal may be required to be replaced.

10 (2) When a license plate, mobile home sticker, or
11 validation decal has been lost, stolen, or destroyed, the
12 owner of the motor vehicle or mobile home for which the plate,
13 sticker, or decal was issued shall make application to the
14 department for a replacement. The application shall contain
15 the plate, sticker, or decal number being replaced and a
16 statement that the item was lost, stolen, or destroyed. If the
17 application includes a copy of the police report prepared in
18 response to a report of a stolen plate, sticker, or decal,
19 such plate, sticker, or decal must be replaced at no charge.

20 (3) The department shall implement a system to verify
21 that the replacement application is signed by a person
22 authorized to receive a replacement license plate or duplicate
23 registration if the address on the application is different
24 from the address for the applicant on the records of the
25 department. If the replacement license plate or registration
26 is being delivered to someone other than the owner of record,
27 proof of identity for that person must be verified and the
28 physical documentation of the verification must be maintained
29 by the department.

30 (4)~~(3)~~ Except as provided in subsection (2), in all
31 ~~such~~ cases, upon filing ~~of~~ an application accompanied by a fee

1 of \$10 plus applicable service charges, the department shall
2 issue a replacement plate, sticker, or decal as the case may
3 be if it is satisfied that the information reported in the
4 application is true. The replacement fee shall be deposited
5 into the Highway Safety Operating Trust Fund.

6 (5)~~(4)~~ Any license plate, sticker, or decal lost in
7 the mail shall ~~may~~ be replaced at no charge. A ~~Neither the~~
8 service charge or ~~nor the~~ replacement fee may not ~~shall~~ be
9 applied to the ~~this~~ replacement. However, the application for
10 a replacement must ~~shall~~ contain a statement that the license
11 plate, sticker, or decal was lost in the mail ~~of such fact,~~
12 the audit number of the lost item, and the date issued.

13 (6)~~(5)~~ Upon the issuance of an original license plate,
14 the applicant shall pay a fee of \$10 to be deposited in the
15 Highway Safety Operating Trust Fund.

16 (7)~~(6)~~ All funds derived from the sale of temporary
17 tags under ~~the provisions of~~ s. 320.131 shall be deposited in
18 the Highway Safety Operating Trust Fund.

19 Section 9. Section 320.0843, Florida Statutes, is
20 amended to read:

21 320.0843 License plates for persons with disabilities
22 eligible for permanent disabled parking permits.--

23 (1) An ~~Any~~ owner or lessee of a motor vehicle who
24 resides in this state and qualifies for a disabled parking
25 permit under s. 320.0848(2), upon application to the
26 department and payment of the license tax for a motor vehicle
27 registered under s. 320.08(2), (3)(a), (b), (c), or (e),
28 (4)(a) or (b), (6)(a), or (9)(c) or (d), shall be issued a
29 license plate as provided by s. 320.06 which, in lieu of the
30 serial number prescribed by s. 320.06, shall be stamped with
31 the international wheelchair user symbol after the serial

1 number of the license plate. The license plate entitles the
2 person to all privileges afforded by a parking permit issued
3 under s. 320.0848. If more than one registrant is listed on
4 the registration issued under this section, the eligible
5 applicant for the license plate shall be noted on the
6 registration certificate.

7 (2) All applications for these ~~such~~ license plates
8 must be made to the department.

9 Section 10. Paragraph (f) of subsection (2) of section
10 320.0848, Florida Statutes, is amended to read:

11 320.0848 Persons who have disabilities; issuance of
12 disabled parking permits; temporary permits; permits for
13 certain providers of transportation services to persons who
14 have disabilities.--

15 (2) DISABLED PARKING PERMIT; PERSONS WITH LONG-TERM
16 MOBILITY PROBLEMS.--

17 (f) To obtain a replacement for a disabled parking
18 permit that has been lost or stolen, a person must submit an
19 application on a form prescribed by the department and must
20 pay a replacement fee in the amount of \$1.00, to be retained
21 by the issuing agency. If the person submits with the
22 application a police report documenting that the permit was
23 stolen, there is no replacement fee. The department shall
24 implement a system to verify that the application for a
25 disabled parking permit is signed by a person authorized to
26 receive a replacement or duplicate disabled parking permit if
27 the address on the application is different from the address
28 for the applicant on the records of the department. If the
29 replacement or duplicate disabled parking permit is being
30 delivered to someone other than the owner of record, proof of
31 identity for that person must be verified and the physical

1 documentation of the verification must be maintained by the
2 department.

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

5 320.086 Ancient or antique motor vehicles; "horseless
6 carriage," antique, or historical license plates.--

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

20 Section 12. Section 320.58, Florida Statutes, is
21 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 are not ~~be~~ limited to,
3 personnel employed by district school boards as agreed to by
4 the school board and the county tax collector.

5 (b) License inspectors appointed under ~~pursuant to~~
6 this section and agents delegated by the department are not to
7 be considered for membership in the state high-risk retirement
8 program.

9 (2) Any person who fails or refuses to surrender his
10 or her driver's license, registration certificate, and license
11 plate upon lawful demand of an inspector, supervisor, or
12 authorized agent of the department commits ~~is guilty of~~ a
13 misdemeanor of the second degree, punishable as provided in s.
14 775.082 or s. 775.083.

15 Section 13. Subsection (11) of section 322.20, Florida
16 Statutes, is amended to read:

17 322.20 Records of the department; fees; destruction of
18 records.--

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

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

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

29 3. For providing a certified copy of a transcript of
30 the driver history record or any portion thereof for any one
31 individual.....\$3.10

- 1 4. For providing a certified photographic copy of a
2 document, per page.....\$1.00
3 5. For providing an exemplified record.....\$15.00
4 6. For providing photocopies of documents, papers,
5 letters, clearances, or license or insurance status reports,
6 per page.....\$0.50
7 7. For assisting persons in searching any one
8 individual's driver record at a terminal located at the
9 department's general headquarters in Tallahassee.....\$2.00
10 8. For providing electronic access to driver's license
11 status by name, gender, and date of birth, or by driver
12 license number, per item.....\$0.50,
13 except that information provided via the department's Internet
14 shall be free of charge.

15 (b) The department shall furnish the ~~such~~ information
16 without charge to any local, state, or federal law enforcement
17 agency or court upon proof satisfactory to the department as
18 to the purpose of the investigation.

19 Section 14. 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.

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1 Section 15. This act shall take effect upon becoming a
2 law.

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4 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
5 COMMITTEE SUBSTITUTE FOR
6 Senate Bill 1200

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7 This CS clarifies that portion of the license plate which must
8 be clear and plainly visible. Specifically, the word
9 "Florida," the registration decal and the alphanumeric
10 designation must be plainly visible and free from obscuring
11 objects.

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