

By Senator Saunders

37-240-05

1                                   A bill to be entitled  
2           An act relating to vehicle and vessel  
3           registration; amending ss. 316.605, 318.14, and  
4           318.18, F.S., relating to vehicle licensing,  
5           noncriminal traffic infractions, and civil  
6           penalties; conforming cross-references;  
7           amending s. 320.01, F.S.; redefining the term  
8           "registration period"; defining the term  
9           "extended registration period"; amending s.  
10          320.055, F.S.; establishing an extended  
11          registration period and renewal period for  
12          certain motor vehicles; amending s. 320.06,  
13          F.S.; extending the time period and increasing  
14          the replacement fee for registration of license  
15          plates and validation stickers; amending s.  
16          320.07, F.S.; authorizing the biennial renewal  
17          of certain motor vehicle registration upon the  
18          payment of certain taxes, service charges, and  
19          additional fees; amending s. 320.071, F.S.;  
20          clarifying that the registration period for a  
21          motor vehicle or mobile home may not exceed a  
22          specified number of months; amending s.  
23          322.121, F.S., relating to reexamination of  
24          drivers; conforming a cross-reference; amending  
25          s. 328.72, F.S.; identifying certain vessel  
26          owners who are eligible for an extended  
27          registration period; providing an effective  
28          date.

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

1           Section 1. Subsection (2) of section 316.605, Florida  
2 Statutes, is amended to read:

3           316.605 Licensing of vehicles.--

4           (2) Any commercial motor vehicle, as defined in s.  
5 316.003(66), operating over the highways of this state with an  
6 expired registration, with no registration from this or any  
7 other jurisdiction, or with no registration under the  
8 applicable provisions of chapter 320 shall be in violation of  
9 s. 320.07(4) ~~s. 320.07(3)~~ and shall subject the owner or  
10 operator of such vehicle to the penalty provided. In  
11 addition, a commercial motor vehicle found in violation of  
12 this section may be detained by any law enforcement officer  
13 until the owner or operator produces evidence that the vehicle  
14 has been properly registered and that any applicable  
15 delinquent penalties have been paid.

16           Section 2. Subsections (1), (4), and (9) of section  
17 318.14, Florida Statutes, are amended to read:

18           318.14 Noncriminal traffic infractions; exception;  
19 procedures.--

20           (1) Except as provided in ss. 318.17 and 320.07(4)(c)  
21 ~~320.07(3)(c)~~, any person cited for a violation of chapter 316,  
22 s. 320.0605, s. 320.07(4)(a) ~~s. 320.07(3)(a)~~ or (b), s.  
23 322.065, s. 322.15(1), s. 322.16(2) or (3), s. 322.161(5), s.  
24 322.19, or s. 1006.66(3) is charged with a noncriminal  
25 infraction and must be cited for such an infraction and cited  
26 to appear before an official. If another person dies as a  
27 result of the noncriminal infraction, the person cited may be  
28 required to perform 120 community service hours under s.  
29 316.027(4), in addition to any other penalties.

30           (4) Except as provided in subsection (12), any person  
31 charged with a noncriminal infraction under this section who

1 | does not elect to appear shall pay the civil penalty and  
2 | delinquent fee, if applicable, either by mail or in person,  
3 | within 30 days after the date of issuance of the citation. If  
4 | the person cited follows the above procedure, he or she shall  
5 | be deemed to have admitted the infraction and to have waived  
6 | his or her right to a hearing on the issue of commission of  
7 | the infraction. Such admission shall not be used as evidence  
8 | in any other proceedings. Any person who is cited for a  
9 | violation of s. 320.0605 or s. 322.15(1), or subject to a  
10 | penalty under s. 320.07(4)(a) ~~s. 320.07(3)(a)~~ or (b) or s.  
11 | 322.065, and who makes an election under this subsection shall  
12 | submit proof of compliance with the applicable section to the  
13 | clerk of the court. For the purposes of this subsection, proof  
14 | of compliance consists of a valid driver's license or a valid  
15 | registration certificate.

16 |           (9) Any person who is cited for an infraction under  
17 | this section other than a violation of s. 320.0605, s.  
18 | 320.07(4)(a) ~~s. 320.07(3)(a)~~ or (b), s. 322.065, s. 322.15(1),  
19 | s. 322.61, or s. 322.62 may, in lieu of a court appearance,  
20 | elect to attend in the location of his or her choice within  
21 | this state a basic driver improvement course approved by the  
22 | Department of Highway Safety and Motor Vehicles. In such a  
23 | case, adjudication must be withheld; points, as provided by s.  
24 | 322.27, may not be assessed; and the civil penalty that is  
25 | imposed by s. 318.18(3) must be reduced by 18 percent;  
26 | however, a person may not make an election under this  
27 | subsection if the person has made an election under this  
28 | subsection in the preceding 12 months. A person may make no  
29 | more than five elections under this subsection. The  
30 | requirement for community service under s. 318.18(8) is not  
31 |

1 waived by a plea of nolo contendere or by the withholding of  
2 adjudication of guilt by a court.

3 Section 3. Paragraph (b) of subsection (2) of section  
4 318.18, Florida Statutes, is amended to read:

5 318.18 Amount of civil penalties.--The penalties  
6 required for a noncriminal disposition pursuant to s. 318.14  
7 are as follows:

8 (2) Thirty dollars for all nonmoving traffic  
9 violations and:

10 (b) For all violations of ss. 320.0605, 320.07(1),  
11 322.065, and 322.15(1). Any person who is cited for a  
12 violation of s. 320.07(1) shall be charged a delinquent fee  
13 pursuant to s. 320.07(5) ~~s. 320.07(4)~~.

14 1. If a person who is cited for a violation of s.  
15 320.0605 or s. 320.07 can show proof of having a valid  
16 registration at the time of arrest, the clerk of the court may  
17 dismiss the case and may assess a dismissal fee of up to  
18 \$7.50. A person who finds it impossible or impractical to  
19 obtain a valid registration certificate must submit an  
20 affidavit detailing the reasons for the impossibility or  
21 impracticality. The reasons may include, but are not limited  
22 to, the fact that the vehicle was sold, stolen, or destroyed;  
23 that the state in which the vehicle is registered does not  
24 issue a certificate of registration; or that the vehicle is  
25 owned by another person.

26 2. If a person who is cited for a violation of s.  
27 322.03, s. 322.065, or s. 322.15 can show a driver's license  
28 issued to him or her and valid at the time of arrest, the  
29 clerk of the court may dismiss the case and may assess a  
30 dismissal fee of up to \$7.50.

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1           3. If a person who is cited for a violation of s.  
2 316.646 can show proof of security as required by s. 627.733,  
3 issued to the person and valid at the time of arrest, the  
4 clerk of the court may dismiss the case and may assess a  
5 dismissal fee of up to \$7.50. A person who finds it impossible  
6 or impractical to obtain proof of security must submit an  
7 affidavit detailing the reasons for the impracticality. The  
8 reasons may include, but are not limited to, the fact that the  
9 vehicle has since been sold, stolen, or destroyed; that the  
10 owner or registrant of the vehicle is not required by s.  
11 627.733 to maintain personal injury protection insurance; or  
12 that the vehicle is owned by another person.

13           Section 4. Subsection (19) of section 320.01, Florida  
14 Statutes, is amended, and subsection (45) is added to that  
15 section, to read:

16           320.01 Definitions, general.--As used in the Florida  
17 Statutes, except as otherwise provided, the term:

18           (19) "Registration period" means a period of 12 months  
19 or 24 months during which a motor vehicle or mobile home  
20 registration is valid.

21           ~~(45)~~ "Extended registration period" means a period of  
22 24 months during which a motor vehicle or mobile home  
23 registration is valid.

24           Section 5. Present subsections (2) through (7) of  
25 section 320.055, Florida Statutes, are redesignated as  
26 subsections (3) through (8), respectively, and a new  
27 subsection (2) is added to that section, to read:

28           320.055 Registration periods; renewal periods.--The  
29 following registration periods and renewal periods are  
30 established:  
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1           (2) Any motor vehicle that is subject to registration  
2 under s. 320.08(1), (2), (3), (4)(a) or (b), (6), (7), (8),  
3 (9), (10), or (11) and is owned by a natural person is  
4 eligible for an extended registration period, which begins the  
5 first day of the birth month of the owner and ends the last  
6 day of the month immediately preceding the owner's birth month  
7 24 months after the beginning of the registration period. If  
8 the vehicle is registered in the name of more than one person,  
9 the birth month of the person whose name first appears on the  
10 registration shall be used to determine the extended  
11 registration period. For a vehicle subject to this extended  
12 registration period, the renewal period is the 30-day period  
13 ending at midnight on the vehicle owner's date of birth.

14           Section 6. Paragraphs (b) and (c) of subsection (1) of  
15 section 320.06, Florida Statutes, are amended to read:

16           320.06 Registration certificates, license plates, and  
17 validation stickers generally.--

18           (1)

19           (b) Registration license plates bearing a graphic  
20 symbol and the alphanumeric system of identification shall be  
21 issued for a 6-year ~~5-year~~ period. At the end of that 6-year  
22 ~~said 5-year~~ period, upon renewal, the plate shall be replaced.  
23 The fee for such replacement is \$12 ~~shall be \$10~~, \$2 of which  
24 shall be paid each year before the plate is replaced, to be  
25 credited towards the next \$12 ~~\$10~~ replacement fee. The fees  
26 shall be deposited into the Highway Safety Operating Trust  
27 Fund. A credit or refund may ~~shall~~ not be given for any prior  
28 years' payments of such prorated replacement fee if ~~when~~ the  
29 plate is replaced or surrendered before the end of the 6-year  
30 ~~5-year~~ period. With each license plate, there shall be issued  
31 a validation sticker showing the owner's birth month, license

1 | plate number, and the year of expiration or the appropriate  
2 | renewal period if the owner is not a natural person. The  
3 | validation sticker shall ~~is to~~ be placed on the upper right  
4 | corner of the license plate. Such license plate and validation  
5 | sticker shall be issued based on the applicant's appropriate  
6 | renewal period. The registration period ~~is shall be~~ a period  
7 | of 12 months, the extended registration period is a period of  
8 | 24 months, and all expirations shall occur based on the  
9 | applicant's appropriate registration period. A vehicle with an  
10 | apportioned registration shall be issued an annual license  
11 | plate and a cab card that denote the declared gross vehicle  
12 | weight for each apportioned jurisdiction in which the vehicle  
13 | is authorized to operate.

14 |           (c) Registration license plates equipped with  
15 | validation stickers subject to the registration period are  
16 | ~~shall be~~ valid for not more than 12 months and ~~shall~~ expire at  
17 | midnight on the last day of the registration period. A  
18 | registration license plate equipped with a validation sticker  
19 | subject to the extended registration period is valid for not  
20 | more than 24 months and expires at midnight on the last day of  
21 | the extended registration period. For each registration period  
22 | after the one in which the metal registration license plate is  
23 | issued, and until the license plate is required to be  
24 | replaced, a validation sticker showing the month and year of  
25 | expiration shall be issued upon payment of the proper license  
26 | tax amount and fees and ~~is shall be~~ valid for not more than 12  
27 | months. For each extended registration period occurring after  
28 | the one in which the metal registration license plate is  
29 | issued, and until the license plate is required to be  
30 | replaced, a validation sticker showing the year of expiration  
31 | shall be issued upon payment of the proper license tax amount

1 and fees and is valid for not more than 24 months. When  
2 license plates equipped with validation stickers are issued in  
3 any month other than the owner's birth month or the designated  
4 registration period for any other motor vehicle, the effective  
5 date shall reflect the birth month or month and the year of  
6 renewal. However, when a license plate or validation sticker  
7 is issued for a period of less than 12 months, the applicant  
8 shall pay the appropriate amount of license tax and the  
9 applicable fee under ~~the provisions of~~ s. 320.14 in addition  
10 to all other fees. Validation stickers issued for vehicles  
11 taxed under ~~the provisions of~~ s. 320.08(6)(a), for any company  
12 that which owns 250 vehicles or more, or for semitrailers  
13 taxed under the provisions of s. 320.08(5)(a), for any company  
14 that which owns 50 vehicles or more, may be placed on any  
15 vehicle in the fleet so long as the vehicle receiving the  
16 validation sticker has the same owner's name and address as  
17 the vehicle to which the validation sticker was originally  
18 assigned.

19 Section 7. Section 320.07, Florida Statutes, is  
20 amended to read:

21 320.07 Expiration of registration; annual renewal  
22 required; penalties.--

23 (1) The registration of a motor vehicle or mobile home  
24 expires ~~shall expire~~ at midnight on the last day of the  
25 registration or extended registration period. A vehicle may  
26 ~~shall~~ not be operated on the roads of this state after  
27 expiration of the renewal period unless the registration has  
28 been renewed according to law.

29 (2) Registration shall be renewed annually during the  
30 applicable renewal period, upon payment of the applicable  
31 license tax amount required by s. 320.08, service charges



1 required by s. 320.04, and any additional fees required by  
2 law. However, any person owning a motor vehicle registered  
3 under s. 320.08(4), (6)(b), or (13) may register semiannually  
4 as provided in s. 320.0705.

5 (3) Any person who owns a motor vehicle registered  
6 under s. 320.08(1), (2), or (3) may renew the vehicle  
7 registration biennially during the applicable renewal period  
8 upon payment of the cumulative sum of all applicable license  
9 tax amounts required by s. 320.08, service charges required by  
10 s. 320.04, and any additional fees required by law for the  
11 24-month extended registration period.

12 ~~(4)(3)~~ The operation of any motor vehicle without  
13 having attached thereto a registration license plate and  
14 validation stickers, or the use of any mobile home without  
15 having attached thereto a mobile home sticker, for the current  
16 registration period shall subject the owner thereof, if he or  
17 she is present, or, if the owner is not present, the operator  
18 thereof to the following penalty provisions:

19 (a) Any person whose motor vehicle or mobile home  
20 registration has been expired for a period of 6 months or less  
21 commits a noncriminal traffic infraction, punishable as a  
22 nonmoving violation as provided in chapter 318.

23 (b) Any person whose motor vehicle or mobile home  
24 registration has been expired for more than 6 months, ~~shall~~  
25 upon a first offense, is ~~be~~ subject to the penalty provided in  
26 s. 318.14.

27 (c) Any person whose motor vehicle or mobile home  
28 registration has been expired for more than 6 months, ~~shall~~  
29 upon a second or subsequent offense, commits ~~be guilty of~~ a  
30 misdemeanor of the second degree, punishable as provided in s.  
31 775.082 or s. 775.083.

1           (d) However, ~~an~~ ~~no~~ operator may not ~~shall~~ be charged  
2 with a violation of this subsection if the operator can show,  
3 pursuant to a valid lease agreement, that the vehicle had been  
4 leased for a period of 30 days or less at the time of the  
5 offense.

6           (e) Any servicemember, as defined in s. 250.01, whose  
7 mobile home registration has expired while he or she has been  
8 serving on active duty or state active duty ~~may~~ ~~shall~~ not be  
9 charged with a violation of this subsection if, at the time of  
10 the offense, the servicemember was serving on active duty or  
11 state active duty 35 miles or more from the mobile home. The  
12 servicemember must present to the department either a copy of  
13 the official military orders or a written verification signed  
14 by the servicemember's commanding officer to receive a waiver  
15 of waive charges.

16           ~~(5)(4)~~(a) In addition to a penalty provided in  
17 subsection~~(4)(3)~~, a delinquent fee based on the following  
18 schedule of license taxes shall be imposed on any applicant  
19 who fails to renew a registration prior to the end of the  
20 month in which renewal registration is due. The delinquent  
21 fee shall be applied beginning on the 11th calendar day of the  
22 month succeeding the renewal period. The delinquent fee does  
23 ~~shall~~ not apply to those vehicles that ~~which~~ have not been  
24 required to be registered during the preceding registration  
25 period or as provided in s. 320.18(2). The delinquent fee  
26 shall be imposed as follows:

- 27           1. License tax of \$5 but not more than \$25: \$5 flat.
- 28           2. License tax over \$25 but not more than \$50: \$10  
29 flat.
- 30           3. License tax over \$50 but not more than \$100: \$15  
31 flat.

1           4. License tax over \$100 but not more than \$400: \$50  
2 flat.

3           5. License tax over \$400 but not more than \$600: \$100  
4 flat.

5           6. License tax over \$600 and up: \$250 flat.

6           (b) A person who has been assessed a penalty pursuant  
7 to s. 316.545(2)(b) for failure to have a valid vehicle  
8 registration certificate is not subject to the delinquent fee  
9 authorized by this subsection if such person obtains a valid  
10 registration certificate within 10 working days after such  
11 penalty was assessed. The official receipt authorized by s.  
12 316.545(6) constitutes proof of payment of the penalty  
13 authorized in s. 316.545(2)(b).

14           ~~(6)(5)~~ Any servicemember, as defined in s. 250.01,  
15 whose motor vehicle or mobile home registration has expired  
16 while he or she was serving on active duty or state active  
17 duty, shall be permitted ~~able~~ to renew his or her registration  
18 upon return from active duty or state active duty without  
19 penalty, if the servicemember served on active duty or state  
20 active duty 35 miles or more from the servicemember's home of  
21 record prior to entering active duty or state active duty. The  
22 servicemember must provide to the department either a copy of  
23 the official military orders or a written verification signed  
24 by the servicemember's commanding officer to receive a waiver  
25 of waive delinquent fees.

26           ~~(7)(6)~~ Delinquent fees imposed under this section may  
27 ~~shall~~ not be apportionable under the International  
28 Registration Plan.

29           Section 8. Paragraph (a) of subsection (1) of section  
30 320.071, Florida Statutes, is amended to read:

31           320.071 Advance registration renewal; procedures.--

1           (1)(a) The owner of any motor vehicle or mobile home  
2 currently registered in this state may file an application for  
3 renewal of registration with the department, or its authorized  
4 agent in the county wherein the owner resides, any time during  
5 the 3 months preceding the date of expiration of the  
6 registration period. The registration period may not exceed 27  
7 months.

8           Section 9. Subsection (3) of section 322.121, Florida  
9 Statutes, is amended to read:

10           322.121 Periodic reexamination of all drivers.--

11           (3) For each licensee whose driving record does not  
12 show any revocations, disqualifications, or suspensions for  
13 the preceding 7 years or any convictions for the preceding 3  
14 years except for convictions of the following nonmoving  
15 violations:

16           (a) Failure to exhibit a vehicle registration  
17 certificate, rental agreement, or cab card pursuant to s.  
18 320.0605;

19           (b) Failure to renew a motor vehicle or mobile home  
20 registration that has been expired for 4 months or less  
21 pursuant to s. 320.07(4)(a) ~~s. 320.07(3)(a)~~;

22           (c) Operating a motor vehicle with an expired license  
23 that has been expired for 4 months or less pursuant to s.  
24 322.065;

25           (d) Failure to carry or exhibit a license pursuant to  
26 s. 322.15(1); or

27           (e) Failure to notify the department of a change of  
28 address or name within 10 days pursuant to s. 322.19,

29  
30 the department shall cause such licensee's license to be  
31 prominently marked with the notation "Safe Driver."

1           Section 10. Subsection (12) of section 328.72, Florida  
2 Statutes, is amended to read:

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

6           (12) REGISTRATION.--

7           (a) "Registration period" is a period of 12 months  
8 during which a vessel registration is valid.

9           (b) Any vessel owner who is subject to registration  
10 under subparagraph (c)1. is eligible for an extended  
11 registration period that begins the first day of the birth  
12 month of the owner and ends the last day of the month  
13 immediately preceding the owner's birth month 24 months after  
14 the beginning of the registration period. If the vessel is  
15 registered in the name of more than one person, the birth  
16 month of the person whose name first appears on the  
17 registration shall be used to determine the extended  
18 registration period. For a vessel subject to this extended  
19 registration period, the renewal period is the 30-day period  
20 ending at midnight on the vessel owner's date of birth.

21 ~~"Renewal period" is a period of 30 days during which renewal~~  
22 ~~of a vessel registration is required, except as otherwise~~  
23 ~~provided by law.~~

24           (c) The following registration periods and renewal  
25 periods are established:

26           1. For vessels owned by individuals, the registration  
27 period begins the first day of the birth month of the owner  
28 and ends the last day of the month immediately preceding the  
29 owner's birth month in the succeeding year. If the vessel is  
30 registered in the name of more than one person, the birth  
31 month of the person whose name first appears on the

1 registration shall be used to determine the registration  
2 period. For a vessel subject to this registration period, the  
3 renewal period is the 30-day period ending at midnight on the  
4 vessel owner's date of birth.

5           2. For vessels owned by companies, corporations,  
6 governmental entities, and registrations issued to dealers and  
7 manufacturers, the registration period begins July 1 and ends  
8 June 30. The renewal period is the 30-day period beginning  
9 June 1.

10           Section 11. This act shall take effect January 1,  
11 2006.

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14                               SENATE SUMMARY

15 Establishes a 24-month extended registration period and  
16 renewal period for motor vehicles, motorcycles, trucks,  
17 trailers, recreational vehicles, mobile homes, and  
18 vessels. Extends time periods and specifies replacement  
19 fees for license plates and validation stickers. Permits  
20 the biennial renewal of certain motor vehicle  
21 registrations upon the payment of certain taxes, service  
22 charges, and additional fees. Clarifies that the  
23 registration period for a motor vehicle or mobile home  
24 may not exceed 27 months.  
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