

By the Committee on Community Affairs; and Senator Constantine

578-2534-07

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A bill to be entitled

An act relating to motor vehicles; amending s. 316.1951, F.S.; revising provisions relating to parking vehicles on public property for the purpose of displaying the vehicles for sale, hire, or rental; providing exceptions; prohibiting certain acts in the sale of motor vehicles; providing an effective date.

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

Section 1. Section 316.1951, Florida Statutes, is amended to read:

316.1951 Parking for certain purposes prohibited; sale of motor vehicles; prohibited acts.--

(1) It is unlawful for any person to park a motor vehicle, as defined in s. 320.01, ~~for a continuous period in excess of 24 hours, after written notice,~~ upon a public street or highway, upon a public parking lot, or other public property, or upon private property where the public has the right to travel by motor vehicle, for the principal purpose and intent of displaying the motor vehicle thereon for sale, hire, or rental unless the sale, hire, or rental of the motor vehicle is specifically authorized on such property by municipal or county regulation ~~and the person is duly licensed as a motor vehicle dealer in accordance with s. 320.27,~~ and the person is in compliance with all municipal or county licensing regulations.

(2) The provisions of subsection (1) do not prohibit a person from parking his or her own motor vehicle or his or her other personal property on any private real property which the

1 person owns or leases or on private real property which the  
2 person does not own or lease, but for which he or she obtains  
3 the permission of the owner, or on the public street  
4 immediately adjacent thereto, for the principal purpose and  
5 intent of sale, hire, or rental.

6 (3) Subsection (1) does not prohibit a licensed motor  
7 vehicle dealer from displaying for sale or offering for sale  
8 motor vehicles at locations other than the dealer's licensed  
9 location if the dealer has been issued a supplemental license  
10 for off-premises sales, as provided in s. 320.27(5), and has  
11 complied with the requirements in subsection (1). A vehicle  
12 displayed for sale by a licensed dealer at any location other  
13 than the dealer's licensed location is subject to immediate  
14 removal without warning.

15 ~~(4)(3)~~ The Department of Highway Safety and Motor  
16 Vehicles shall adopt by rule a uniform written notice to be  
17 used to enforce this section. Each law enforcement agency in  
18 this state shall provide, at each agency's expense, the notice  
19 forms necessary to enforce this section.

20 ~~(5)(4)~~ A law enforcement officer, compliance officer  
21 ~~examiner, license inspector~~, or supervisor of the department  
22 may cause to be removed at the owner's expense any motor  
23 vehicle found ~~upon a public street, public parking lot, other~~  
24 ~~public property, or private property, where the public has the~~  
25 ~~right to travel by motor vehicle, which is~~ in violation of  
26 subsection (1), which has been parked in one location for more  
27 than 24 hours after a written notice has been issued. Every  
28 written notice issued pursuant to this section shall be  
29 affixed in a conspicuous place upon a vehicle by a law  
30 enforcement officer, compliance officer ~~examiner, license~~  
31 ~~inspector~~, or supervisor of the department. Any vehicle found

1 in violation of subsection (1) within 30 ~~10~~ days after a  
2 previous violation and written notice ~~is~~ shall be subject to  
3 immediate removal without an additional waiting period.

4 (6) It is unlawful to offer a vehicle for sale if the  
5 vehicle identification number has been destroyed, removed,  
6 covered, altered, or defaced, as described in s. 319.33(1)(d).  
7 A vehicle found in violation of this subsection is subject to  
8 immediate removal without warning.

9 (7) It is unlawful to knowingly attach to any motor  
10 vehicle a registration that was not assigned or lawfully  
11 transferred to the vehicle pursuant to s. 320.261. A vehicle  
12 found in violation of this subsection is subject to immediate  
13 removal without warning.

14 (8) It is unlawful to display or offer for sale a  
15 vehicle that does not have a valid registration as provided in  
16 s. 320.02. A vehicle found in violation of this subsection is  
17 subject to immediate removal without warning. This subsection  
18 does not apply to vehicles and recreational vehicles being  
19 offered for sale through motor vehicle auctions as defined in  
20 s. 320.27(1)(c)4.

21 (9) A vehicle is subject to immediate removal without  
22 warning if it bears a telephone number that has been displayed  
23 on three or more vehicles offered for sale within a 12-month  
24 period.

25 ~~(10)(5)~~ Any other provision of law to the contrary  
26 notwithstanding, a violation of subsection (1) shall subject  
27 the owner of such motor vehicle to towing fees reasonably  
28 necessitated by removal and storage of the motor vehicle.

29 ~~(11)(6)~~ This section does not prohibit the governing  
30 body of a municipality or county, with respect to streets,  
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1 highways, or other property under its jurisdiction, from  
2 regulating the parking of motor vehicles for any purpose.

3 ~~(12)(7)~~ A violation of this section is a noncriminal  
4 traffic infraction, punishable as a nonmoving violation as  
5 provided in chapter 318, unless otherwise mandated by general  
6 law.

7 Section 2. This act shall take effect July 1, 2007.

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9 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
10 COMMITTEE SUBSTITUTE FOR  
11 Senate Bill 2188

12 The committee substitute clarifies that provisions of the bill  
13 which prohibit parking do not prohibit a licensed motor  
14 vehicle dealer from displaying for sale motor vehicles at a  
15 location other than the dealer's licensed location if the  
16 dealer has been issued a license for off-premise sales.  
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