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LEGISLATIVE ACTION

Senate	.	House
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Senator Constantine moved the following:

1 **Senate Amendment to Amendment (644696) (with title**
2 **amendment)**

3
4 Delete line 359
5 and insert:

6 Section 4. Subsection (17) is added to section 320.02,
7 Florida Statutes, to read:

8 320.02 Registration required; application for registration;
9 forms.-

10 (17) If any applicant's name appears on a list of persons
11 who may not be issued a license plate, revalidation sticker, or
12 replacement license plate after a written notice to surrender a
13 vehicle was submitted to the department by a lienor as provided



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14 in s. 320.1316, the department may withhold renewal of
15 registration or replacement registration of any motor vehicle
16 owned by the applicant at the time the notice was submitted by
17 the lienor. The lienor must maintain proof that written notice
18 to surrender the vehicle was sent to each registered owner
19 pursuant to s. 320.1316(1). A revalidation sticker or
20 replacement license plate may not be issued until that person's
21 name no longer appears on the list or until the person presents
22 documentation from the lienor that the vehicle has been
23 surrendered to the lienor. The department shall not withhold an
24 initial registration in connection with an applicant's purchase
25 or lease of a motor vehicle solely because the applicant's name
26 is on the list created by s. 320.1316.

27 Section 5. Subsection (10) is added to section 320.03,
28 Florida Statutes, to read:

29 320.03 Registration; duties of tax collectors;
30 International Registration Plan.-

31 (10) Jurisdiction over the outsourced electronic filing
32 system for use by licensed motor vehicle dealers electronically
33 to title and to register motor vehicles and to issue or to
34 transfer registration license plates or decals is expressly
35 preempted to the state. The department shall continue its
36 current outsourcing of the existing electronic filing system,
37 including its program standards. The electronic filing system is
38 approved for use in all counties, shall apply uniformly to all
39 tax collectors of the state, and no tax collector may add or
40 detract from the program standards in his or her respective
41 county. A motor vehicle dealer licensed under this chapter may
42 charge a fee to the customer for use of the electronic filing



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43 system and such fee is not a component of the program standards.
44 Final authority over disputes relating to program standards lies
45 with the department. By January 1, 2010, the Office of Program
46 Policy Analysis and Government Accountability, with input from
47 the department and from affected parties, including tax
48 collectors, service providers, and motor vehicle dealers, shall
49 report to the President of the Senate and the Speaker of the
50 House of Representatives on the status of the outsourced
51 electronic filing system, including the program standards, and
52 its compliance with this subsection. The report shall identify
53 all public and private alternatives for continued operation of
54 the electronic filing system and shall include any and all
55 appropriate recommendations, including revisions to the program
56 standards.

57 Section 6. Section 320.1316, Florida Statutes, is created
58 to read:

59 320.1316 Failure to surrender vehicle or vessel.-

60 (1) Upon receipt from a lienor who claims a lien on a
61 vehicle pursuant to s. 319.27 by the Department of Highway
62 Safety and Motor Vehicles of written notice to surrender a
63 vehicle or vessel that has been disposed of, concealed, removed,
64 or destroyed by the lienee, the department shall place the name
65 of the registered owner of that vehicle on the list of those
66 persons who may not be issued a license plate, revalidation
67 sticker, or replacement license plate for any motor vehicle
68 under s. 320.03(8) owned by the lienee at the time the notice
69 was given by the lienor. If the vehicle is owned jointly by more
70 than one person, the name of each registered owner shall be
71 placed on the list.



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72 (2) The notice to surrender the vehicle shall be submitted
73 on forms developed by the department, which must include:

74 (a) The name, address, and telephone number of the lienor.

75 (b) The name of the registered owner of the vehicle and the
76 address to which the lienor provided notice to surrender the
77 vehicle to the registered owner.

78 (c) A general description of the vehicle, including its
79 color, make, model, body style, and year.

80 (d) The vehicle identification number, registration license
81 plate number, if known, or other identification number, as
82 applicable.

83 (3) The registered owner of the vehicle may dispute a
84 notice to surrender the vehicle by notifying the department of
85 the dispute in writing on forms provided by the department and
86 presenting proof that the vehicle was sold to a motor vehicle
87 dealer licensed under s. 320.27, a mobile home dealer licensed
88 under s. 320.77, or a recreational vehicle dealer licensed under
89 s. 320.771.

90 Section 7. Subsection (8) of section 322.34, Florida
91 Statutes, is amended to read:

92 322.34 Driving while license suspended, revoked, canceled,
93 or disqualified.—

94 (8) (a) Upon the arrest of a person for the offense of
95 driving while the person's driver's license or driving privilege
96 is suspended or revoked, the arresting officer shall determine:

97 1. Whether the person's driver's license is suspended or
98 revoked.

99 2. Whether the person's driver's license has remained
100 suspended or revoked since a conviction for the offense of



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101 driving with a suspended or revoked license.

102 3. Whether the suspension or revocation was made under s.
103 316.646 or s. 627.733, relating to failure to maintain required
104 security, or under s. 322.264, relating to habitual traffic
105 offenders.

106 4. Whether the driver is the registered owner or coowner of
107 the vehicle.

108 (b) If the arresting officer finds in the affirmative as to
109 all of the criteria in paragraph (a), the officer shall
110 immediately impound or immobilize the vehicle.

111 (c) Within 7 business days after the date the arresting
112 agency impounds or immobilizes the vehicle, either the arresting
113 agency or the towing service, whichever is in possession of the
114 vehicle, shall send notice by certified mail, ~~return receipt~~
115 ~~requested~~, to any coregistered owners of the vehicle other than
116 the person arrested and to each person of record claiming a lien
117 against the vehicle. All costs and fees for the impoundment or
118 immobilization, including the cost of notification, must be paid
119 by the owner of the vehicle or, if the vehicle is leased, by the
120 person leasing the vehicle.

121 (d) Either the arresting agency or the towing service,
122 whichever is in possession of the vehicle, shall determine
123 whether any vehicle impounded or immobilized under this section
124 has been leased or rented or if there are any persons of record
125 with a lien upon the vehicle. Either the arresting agency or the
126 towing service, whichever is in possession of the vehicle, shall
127 notify by express courier service with receipt or certified
128 mail, ~~return receipt requested~~, within 7 business days after the
129 date of the immobilization or impoundment of the vehicle, the



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130 registered owner and all persons having a recorded lien against
131 the vehicle that the vehicle has been impounded or immobilized.
132 A lessor, rental car company, or lienholder may then obtain the
133 vehicle, upon payment of any lawful towing or storage charges.
134 If the vehicle is a rental vehicle subject to a written
135 contract, the charges may be separately charged to the renter,
136 in addition to the rental rate, along with other separate fees,
137 charges, and recoupments disclosed on the rental agreement. If
138 the storage facility fails to provide timely notice to a lessor,
139 rental car company, or lienholder as required by this paragraph,
140 the storage facility shall be responsible for payment of any
141 towing or storage charges necessary to release the vehicle to a
142 lessor, rental car company, or lienholder that accrue after the
143 notice period, which charges may then be assessed against the
144 driver of the vehicle if the vehicle was lawfully impounded or
145 immobilized.

146 (e) Except as provided in paragraph (d), the vehicle shall
147 remain impounded or immobilized for any period imposed by the
148 court until:

149 1. The owner presents proof of insurance to the arresting
150 agency; or

151 2. The owner presents proof of sale of the vehicle to the
152 arresting agency and the buyer presents proof of insurance to
153 the arresting agency.

154
155 If proof is not presented within 35 days after the impoundment
156 or immobilization, a lien shall be placed upon such vehicle
157 pursuant to s. 713.78.

158 (f) The owner of a vehicle that is impounded or immobilized



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159 under this subsection may, within 10 days after the date the
160 owner has knowledge of the location of the vehicle, file a
161 complaint in the county in which the owner resides to determine
162 whether the vehicle was wrongfully taken or withheld. Upon the
163 filing of a complaint, the owner or lienholder may have the
164 vehicle released by posting with the court a bond or other
165 adequate security equal to the amount of the costs and fees for
166 impoundment or immobilization, including towing or storage, to
167 ensure the payment of such costs and fees if the owner or
168 lienholder does not prevail. When the vehicle owner or
169 lienholder does not prevail on a complaint that the vehicle was
170 wrongfully taken or withheld, he or she must pay the accrued
171 charges for the immobilization or impoundment, including any
172 towing and storage charges assessed against the vehicle. When
173 the bond is posted and the fee is paid as set forth in s. 28.24,
174 the clerk of the court shall issue a certificate releasing the
175 vehicle. At the time of release, after reasonable inspection,
176 the owner must give a receipt to the towing or storage company
177 indicating any loss or damage to the vehicle or to the contents
178 of the vehicle.

179 Section 8. Subsections (4), (5), (6), and (10) of section
180 713.78, Florida Statutes, are amended to read:

181 713.78 Liens for recovering, towing, or storing vehicles
182 and vessels.-

183 (4) (a) Any person regularly engaged in the business of
184 recovering, towing, or storing vehicles or vessels who comes
185 into possession of a vehicle or vessel pursuant to subsection
186 (2), and who claims a lien for recovery, towing, or storage
187 services, shall give notice to the registered owner, the



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188 insurance company insuring the vehicle notwithstanding the
189 provisions of s. 627.736, and to all persons claiming a lien
190 thereon, as disclosed by the records in the Department of
191 Highway Safety and Motor Vehicles or of a corresponding agency
192 in any other state.

193 (b) Whenever any law enforcement agency authorizes the
194 removal of a vehicle or vessel or whenever any towing service,
195 garage, repair shop, or automotive service, storage, or parking
196 place notifies the law enforcement agency of possession of a
197 vehicle or vessel pursuant to s. 715.07(2)(a)2., the ~~applicable~~
198 law enforcement agency of the jurisdiction where the vehicle or
199 vessel is stored shall contact the Department of Highway Safety
200 and Motor Vehicles, or the appropriate agency of the state of
201 registration, if known, within 24 hours through the medium of
202 electronic communications, giving the full description of the
203 vehicle or vessel. Upon receipt of the full description of the
204 vehicle or vessel, the department shall search its files to
205 determine the owner's name, the insurance company insuring the
206 vehicle or vessel, and whether any person has filed a lien upon
207 the vehicle or vessel as provided in s. 319.27(2) and (3) and
208 notify the applicable law enforcement agency within 72 hours.
209 The person in charge of the towing service, garage, repair shop,
210 or automotive service, storage, or parking place shall obtain
211 such information from the applicable law enforcement agency
212 within 5 days after the date of storage and shall give notice
213 pursuant to paragraph (a). The department may release the
214 insurance company information to the requestor notwithstanding
215 the provisions of s. 627.736.

216 (c) Notice by certified mail, ~~return receipt requested,~~



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217 shall be sent within 7 business days after the date of storage
218 of the vehicle or vessel to the registered owner, the insurance
219 company insuring the vehicle notwithstanding the provisions of
220 s. 627.736, and all persons of record claiming a lien against
221 the vehicle or vessel. It shall state the fact of possession of
222 the vehicle or vessel, that a lien as provided in subsection (2)
223 is claimed, that charges have accrued and the amount thereof,
224 that the lien is subject to enforcement pursuant to law, and
225 that the owner or lienholder, if any, has the right to a hearing
226 as set forth in subsection (5), and that any vehicle or vessel
227 which remains unclaimed, or for which the charges for recovery,
228 towing, or storage services remain unpaid, may be sold free of
229 all prior liens after 35 days if the vehicle or vessel is more
230 than 3 years of age or after 50 days if the vehicle or vessel is
231 3 years of age or less.

232 (d) If attempts to locate the name and address of the owner
233 or lienholder prove unsuccessful, the towing-storage operator
234 shall, after 7 working days, excluding Saturday and Sunday, of
235 the initial tow or storage, notify the public agency of
236 jurisdiction where the vehicle or vessel is stored in writing by
237 certified mail or acknowledged hand delivery that the towing-
238 storage company has been unable to locate the name and address
239 of the owner or lienholder and a physical search of the vehicle
240 or vessel has disclosed no ownership information and a good
241 faith effort has been made. For purposes of this paragraph and
242 subsection (9), "good faith effort" means that the following
243 checks have been performed by the company to establish prior
244 state of registration and for title:

245 1. Check of vehicle or vessel for any type of tag, tag



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246 record, temporary tag, or regular tag.

247 2. Check of law enforcement report for tag number or other
248 information identifying the vehicle or vessel, if the vehicle or
249 vessel was towed at the request of a law enforcement officer.

250 3. Check of trip sheet or tow ticket of tow truck operator
251 to see if a tag was on vehicle or vessel at beginning of tow, if
252 private tow.

253 4. If there is no address of the owner on the impound
254 report, check of law enforcement report to see if an out-of-
255 state address is indicated from driver license information.

256 5. Check of vehicle or vessel for inspection sticker or
257 other stickers and decals that may indicate a state of possible
258 registration.

259 6. Check of the interior of the vehicle or vessel for any
260 papers that may be in the glove box, trunk, or other areas for a
261 state of registration.

262 7. Check of vehicle for vehicle identification number.

263 8. Check of vessel for vessel registration number.

264 9. Check of vessel hull for a hull identification number
265 which should be carved, burned, stamped, embossed, or otherwise
266 permanently affixed to the outboard side of the transom or, if
267 there is no transom, to the outmost seaboard side at the end of
268 the hull that bears the rudder or other steering mechanism.

269 (5) (a) The owner of a vehicle or vessel removed pursuant to
270 the provisions of subsection (2), or any person claiming a lien,
271 other than the towing-storage operator, within 10 days after the
272 time she or he has knowledge of the location of the vehicle or
273 vessel, may file a complaint in the county court of the county
274 in which the vehicle or vessel is stored ~~or in which the owner~~



275 ~~resides~~ to determine if her or his property was wrongfully taken
276 or withheld from her or him.

277 (b) Upon filing of a complaint, an owner or lienholder may
278 have her or his vehicle or vessel released upon posting with the
279 court a cash or surety bond or other adequate security equal to
280 the amount of the charges for towing or storage and lot rental
281 amount to ensure the payment of such charges in the event she or
282 he does not prevail. Upon the posting of the bond and the
283 payment of the applicable fee set forth in s. 28.24, the clerk
284 of the court shall issue a certificate notifying the lienor of
285 the posting of the bond and directing the lienor to release the
286 vehicle or vessel. At the time of such release, after reasonable
287 inspection, she or he shall give a receipt to the towing-storage
288 company reciting any claims she or he has for loss or damage to
289 the vehicle or vessel or the contents thereof.

290 (c) Upon determining the respective rights of the parties,
291 the court may award damages, attorney's fees, and costs in favor
292 of the prevailing party. In any event, the final order shall
293 provide for immediate payment in full of recovery, towing, and
294 storage fees by the vehicle or vessel owner or lienholder; or
295 the agency ordering the tow; or the owner, lessee, or agent
296 thereof of the property from which the vehicle or vessel was
297 removed.

298 (6) Any vehicle or vessel which is stored pursuant to
299 subsection (2) and which remains unclaimed, or for which
300 reasonable charges for recovery, towing, or storing remain
301 unpaid, and any contents not released pursuant to subsection
302 (10), may be sold by the owner or operator of the storage space
303 for such towing or storage charge after 35 days from the time



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304 the vehicle or vessel is stored therein if the vehicle or vessel
305 is more than 3 years of age or after 50 days following the time
306 the vehicle or vessel is stored therein if the vehicle or vessel
307 is 3 years of age or less. The sale shall be at public sale
308 ~~auction~~ for cash. If the date of the sale was not included in
309 the notice required in subsection (4), notice of the sale shall
310 be given to the person in whose name the vehicle or vessel is
311 registered and to all persons claiming a lien on the vehicle or
312 vessel as shown on the records of the Department of Highway
313 Safety and Motor Vehicles or of the corresponding agency in any
314 other state. Notice shall be sent by certified mail, ~~return~~
315 ~~receipt requested~~, to the owner of the vehicle or vessel and the
316 person having the recorded lien on the vehicle or vessel at the
317 address shown on the records of the registering agency and shall
318 be mailed not less than 15 days before the date of the sale.
319 After diligent search and inquiry, if the name and address of
320 the registered owner or the owner of the recorded lien cannot be
321 ascertained, the requirements of notice by mail may be dispensed
322 with. In addition to the notice by mail, public notice of the
323 time and place of sale shall be made by publishing a notice
324 thereof one time, at least 10 days prior to the date of the
325 sale, in a newspaper of general circulation in the county in
326 which the sale is to be held. The proceeds of the sale, after
327 payment of reasonable towing and storage charges, and costs of
328 the sale, in that order of priority, shall be deposited with the
329 clerk of the circuit court for the county if the owner or
330 lienholder is absent, and the clerk shall hold such proceeds
331 subject to the claim of the owner or lienholder ~~person~~ legally
332 entitled thereto. The clerk shall be entitled to receive 5



333 percent of such proceeds for the care and disbursement thereof.
334 The certificate of title issued under this law shall be
335 discharged of all liens unless otherwise provided by court
336 order. The owner or lienholder may file a complaint after the
337 vehicle or vessel has been sold in the county court of the
338 county in which it is stored. Upon determining the respective
339 rights of the parties, the court may award damages, attorney's
340 fees, and costs in favor of the prevailing party.

341 (10) Persons who provide services pursuant to this section
342 shall permit vehicle or vessel owners, lienholders, or their
343 agents, which agency is evidenced by an original writing
344 acknowledged by the owner before a notary public or other person
345 empowered by law to administer oaths, to inspect the towed
346 vehicle or vessel and shall release to the owner, lienholder, or
347 agent the vehicle, vessel, or all personal property not affixed
348 to the vehicle or vessel which was in the vehicle or vessel at
349 the time the vehicle or vessel came into the custody of the
350 person providing such services.

351 Section 9. Effective October 1, 2009, paragraph (c) is
352 added to subsection (2) of section 320.0609, Florida Statutes,
353 to read:

354 320.0609 Transfer and exchange of registration license
355 plates; transfer fee.-

356 (2)

357 (c) If a retail sale by a licensed independent motor
358 vehicle dealer results in the transfer of a registration license
359 plate, a temporary tag shall be issued and displayed during the
360 time that the application for transfer of such registration
361 license plate is being processed unless the department's records



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362 reflect that the transfer has occurred. However, this paragraph
363 shall not apply to independent motor vehicle dealers that are
364 owned by principals that also hold a franchise motor vehicle
365 dealer license in this state. This paragraph is repealed June
366 30, 2010.

367 Section 10. Effective July 1, 2010, subsection (8) is added
368 to section 320.0609, Florida Statutes, to read:

369 320.0609 Transfer and exchange of registration license
370 plates; transfer fee.—

371 (8) (a) When the owner of a vehicle transfers a registration
372 license plate to a replacement or substitute vehicle acquired
373 from a motor vehicle dealer licensed under this chapter, the
374 dealer shall timely provide to the department, via an electronic
375 system administered by the department for this purpose,
376 information regarding the transfer which is required by the
377 department. The dealer shall also give the owner written notice
378 documenting the transfer if the dealer cannot timely provide the
379 required transfer information to the department due to system or
380 connectivity problems. The dealer shall maintain all records
381 required by the department which must be open to inspection by
382 the department or its agents during reasonable business hours.
383 The dealer may charge the vehicle owner a fee to comply with
384 this subsection. The department may charge a fee of \$2 to be
385 deposited into the Highway Safety Operating Trust Fund for each
386 transfer in addition to any other fee imposed by law.

387 (b) A dealer is not required to comply with paragraph (a)
388 if the department's records are otherwise modified on the date
389 of transfer to reflect that the transfer has occurred.

390 (c) The department has authority to adopt rules pursuant to



391 ss. 120.536(1) and 120.54 to administer this subsection.

392 Section 11. Effective October 1, 2009, paragraph (m) is
393 added to subsection (1) of section 320.131, Florida Statutes, to
394 read:

395 320.131 Temporary tags.-

396 (1) The department is authorized and empowered to design,
397 issue, and regulate the use of temporary tags to be designated
398 "temporary tags" for use in the following cases:

399 (m) For a retail sale by a licensed independent motor
400 vehicle dealer when an application for the transfer of a
401 registration license plate is being processed. This paragraph is
402 repealed June 30, 2010.

403
404 Further, the department is authorized to disallow the purchase
405 of temporary tags by licensed dealers, common carriers, or
406 financial institutions in those cases where abuse has occurred.

407 Section 12. Paragraphs (d) and (i) of subsection (6) of
408 section 316.193, Florida Statutes, are amended, and subsections
409 (13) and (14) are added to that section, to read:

410 316.193 Driving under the influence; penalties.-

411 (6) With respect to any person convicted of a violation of
412 subsection (1), regardless of any penalty imposed pursuant to
413 subsection (2), subsection (3), or subsection (4):

414 (d) The court must at the time of sentencing the defendant
415 issue an order for the impoundment or immobilization of a
416 vehicle. The order of impoundment or immobilization must include
417 the name and telephone numbers of all immobilization agencies
418 meeting all of the conditions of subsection (13). Within 7
419 business days after the date that the court issues the order of



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420 impoundment or immobilization, the clerk of the court must send
421 notice by certified mail, return receipt requested, to the
422 registered owner of each vehicle, if the registered owner is a
423 person other than the defendant, and to each person of record
424 claiming a lien against the vehicle.

425 (i) All costs and fees for the impoundment or
426 immobilization, including the cost of notification, must be paid
427 by the owner of the vehicle or, if the vehicle is leased or
428 rented, by the person leasing or renting the vehicle, unless the
429 impoundment or immobilization order is dismissed. All provisions
430 of s. 713.78 shall apply. The costs and fees for the impoundment
431 or immobilization must be paid directly to the person impounding
432 or immobilizing the vehicle.

433
434 For the purposes of this section, any conviction for a violation
435 of s. 327.35; a previous conviction for the violation of former
436 s. 316.1931, former s. 860.01, or former s. 316.028; or a
437 previous conviction outside this state for driving under the
438 influence, driving while intoxicated, driving with an unlawful
439 blood-alcohol level, driving with an unlawful breath-alcohol
440 level, or any other similar alcohol-related or drug-related
441 traffic offense, is also considered a previous conviction for
442 violation of this section. However, in satisfaction of the fine
443 imposed pursuant to this section, the court may, upon a finding
444 that the defendant is financially unable to pay either all or
445 part of the fine, order that the defendant participate for a
446 specified additional period of time in public service or a
447 community work project in lieu of payment of that portion of the
448 fine which the court determines the defendant is unable to pay.



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449 In determining such additional sentence, the court shall
450 consider the amount of the unpaid portion of the fine and the
451 reasonable value of the services to be ordered; however, the
452 court may not compute the reasonable value of services at a rate
453 less than the federal minimum wage at the time of sentencing.

454 (13) If personnel of the circuit court or the sheriff do
455 not immobilize vehicles, only immobilization agencies that meet
456 the conditions of this subsection shall immobilize vehicles in
457 that judicial circuit.

458 (a) The immobilization agency responsible for immobilizing
459 vehicles in that judicial circuit shall be subject to strict
460 compliance with all of the following conditions and
461 restrictions:

462 1. Any immobilization agency engaged in the business of
463 immobilizing vehicles shall:

464 a. Have a class "R" license issued pursuant to part IV of
465 chapter 493;

466 b. Have at least 3 years of verifiable experience in
467 immobilizing vehicles; and

468 c. Maintain accurate and complete records of all payments
469 for the immobilization, copies of all documents pertaining to
470 the court's order of impoundment or immobilization, and any
471 other documents relevant to each immobilization. Such records
472 must be maintained by the immobilization agency for at least 3
473 years.

474 2. The person who immobilizes a vehicle must never have
475 been convicted of any felony or of driving or boating under the
476 influence of alcohol or a controlled substance in the last 3
477 years.



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478 (b) A person who violates paragraph (a) commits a
479 misdemeanor of the first degree, punishable as provided in s.
480 775.082 or s. 775.083.

481 (c) Any immobilization agency who is aggrieved by a
482 person's violation of paragraph (a) may bring a civil action
483 against the person who violated paragraph (a) seeking injunctive
484 relief, damages, reasonable attorney's fees and costs, and any
485 other remedy available at law or in equity as may be necessary
486 to enforce this subsection. In any action to enforce this
487 subsection, establishment of a violation of paragraph (a) shall
488 conclusively establish a clear legal right to injunctive relief,
489 that irreparable harm will be caused if an injunction does not
490 issue, that no adequate remedy at law exists, and that public
491 policy favors issuance of injunctive relief.

492 (14) As used in this chapter, the term:

493 (a) "Immobilization," "immobilizing," or "immobilize" means
494 the act of installing a vehicle antitheft device on the steering
495 wheel of a vehicle, the act of placing a tire lock or wheel
496 clamp on a vehicle, or a governmental agency's act of taking
497 physical possession of the license tag and vehicle registration
498 rendering a vehicle legally inoperable to prevent any person
499 from operating the vehicle pursuant to an order of impoundment
500 or immobilization under subsection (6).

501 (b) "Immobilization agency" or "immobilization agencies"
502 means any firm, company, agency, organization, partnership,
503 corporation, association, trust, or other business entity of any
504 kind whatsoever that meets all of the conditions of subsection
505 (13).

506 (c) "Impoundment," "impounding," or "impound" means the act



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507 of storing a vehicle at a storage facility pursuant to an order
508 of impoundment or immobilization under subsection (6) where the
509 person impounding the vehicle exercises control, supervision,
510 and responsibility over the vehicle.

511 (d) "Person" means any individual, firm, company, agency,
512 organization, partnership, corporation, association, trust, or
513 other business entity of any kind whatsoever.

514 Section 13. Except as otherwise expressly provided in this
515 act, this act shall take effect July 1, 2009.

516
517 ===== T I T L E A M E N D M E N T =====

518 And the title is amended as follows:

519 Delete lines 365 - 383

520 and insert:

521 A bill to be entitled
522 An act relating to motor vehicles; amending s.
523 320.08056, F.S.; revising the annual use fee for the
524 Choose Life license, and establishing annual use fees
525 for specified license plates; amending s. 320.08058,
526 F.S.; revising authorized uses of proceeds received
527 from the sale of the Choose Life license plate;
528 revising authorized uses of proceeds received from the
529 sale of the United We Stand license plate; creating a
530 Florida Horse Park license plate; a Let's Go Surfing
531 license plate; a Fraternal Order of Police license
532 plate; an Autism license plate; a Go Green Florida
533 license plate; a Catch Me, Release Me license plate;
534 an Endless Summer license plate; a St. Johns River
535 license plate; A Florida Biodiversity Foundation



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536 license plate; and a Preserving the Past license
537 plate; providing for the distribution of use fees
538 received from the sale of such plates; amending s.
539 320.02, F.S., requiring the application form for motor
540 vehicle registration and renewal of registration to
541 include language permitting a voluntary contribution
542 to the Ronald McDonald Houses of Florida; revising
543 provisions for distribution of such contributions;
544 amending s. 320.02, F.S.; authorizing the Department
545 of Highway Safety and Motor Vehicles to withhold
546 renewal of registration or replacement registration of
547 specified motor vehicles under certain circumstances;
548 amending s. 320.03, F.S.; preemption jurisdiction over
549 the outsourced electronic filing system to the state;
550 requiring the department to continue its current
551 outsourcing of the existing electronic filing system;
552 approving the system for use in all counties;
553 authorizing motor vehicle dealers to charge certain
554 fees; requiring a report from the Office of Program
555 Policy Analysis and Government Accountability by a
556 specified date; creating s. 320.1316, F.S.; providing
557 responsibilities of the department relating to the
558 issuance of a license plate, revalidation sticker, or
559 replacement license plate for certain vehicles;
560 requiring the department to create a notice to
561 surrender form; providing procedures for the dispute
562 of a notice to surrender; amending s. 559.903, F.S.;
563 defining the terms "lienholder" and "owner" for
564 purposes of the Florida Motor Vehicle Repair Act;



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565 amending s. 322.34, F.S.; creating certain rights for
566 lienholders; deleting a return receipt mailing
567 requirement; amending s. 713.78, F.S.; clarifying
568 provisions; deleting a return receipt mailing
569 requirement; creating certain rights for lienholders;
570 deleting a provision that allows a complaint to be
571 filed in the county where the owner resides; creating
572 a cause of action to determine the rights of the
573 parties after a vehicle or vessel has been sold;
574 providing for attorney's fees and costs; providing a
575 right of inspection to lienholders; amending s.
576 320.0609, F.S., relating to the transfer and exchange
577 of registration license plates and transfer fees;
578 requiring that a temporary tag be issued and displayed
579 during the time that an application for a transfer of
580 a registration license plate is being processed;
581 providing exceptions; amending s. 320.131, F.S.;
582 authorizing the department to issue temporary tags for
583 the time that an application for a transfer of a
584 registration license plate is being processed;
585 amending s. 320.0609, F.S., relating to the transfer
586 and exchange of registration license plates and
587 transfer fees; requiring a licensed motor vehicle
588 dealer to provide certain required information via an
589 electronic system to the department when the owner of
590 a vehicle transfers a registration license plate to a
591 replacement or substitute vehicle acquired from the
592 dealer; providing that the electronic system shall be
593 administered by the department; requiring the dealer



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594 to give the owner written notice documenting the
595 transfer if the dealer cannot provide the required
596 transfer information to the department under certain
597 circumstances; requiring the dealer to maintain
598 certain records; providing for the dealer and the
599 department to charge a fee; providing for exceptions;
600 authorizing the department to adopt rules; amending s.
601 316.193, F.S.; requiring the court to include in the
602 order of impoundment or immobilization the names and
603 telephone numbers of immobilization agencies that meet
604 specified requirements; requiring the person whose
605 vehicle is ordered to be impounded or immobilized to
606 pay the impoundment or immobilization fees and costs
607 directly to the person impounding or immobilizing the
608 vehicle; establishing conditions and restrictions for
609 immobilization agencies who are engaged in the
610 business of immobilizing vehicles in judicial circuits
611 where personnel of the court or sheriff do not
612 immobilize vehicles; providing penalties for violating
613 such conditions and restrictions; authorizing
614 aggrieved immobilization agency to initiate a civil
615 action against a person who commits such violation;
616 providing for attorney's fees and costs; defining the
617 terms "immobilization," "immobilize," "immobilizing,"
618 "immobilization agency," "immobilization agencies,"
619 "impound," "impounding," "impoundment," and "person";
620 providing effective dates.