



192356

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/07/2010	.	
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The Committee on Community Affairs (Altman) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 82 - 141  
and insert:

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

(4)(5) A law enforcement officer, compliance officer, code enforcement officer from any local government agency, or supervisor of the department may cause to be removed at the



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13 owner's expense any motor vehicle found in violation of  
14 subsections ~~subsection~~ (1), (5), (6), (7) and (8) or will be  
15 assessed a penalty as prescribed in s. 318.18(21), by the  
16 governing authority ordering the vehicle's removal. Before the  
17 vehicle can be released from an impound or tow facility, a  
18 release form, prescribed by the Department of Highway Safety and  
19 Motor Vehicles, must be completed signifying that the fine has  
20 been paid to the governing authority that ordered the vehicle's  
21 removal. The towing and storage entity may collect towing or  
22 storage fees prior to the payment of the fine or before the  
23 release form has been completed ~~which has been parked in one~~  
24 ~~location for more than 24 hours after a written notice has been~~  
25 ~~issued. Every written notice issued pursuant to this section~~  
26 ~~shall be affixed in a conspicuous place upon a vehicle by a law~~  
27 ~~enforcement officer, compliance officer, or supervisor of the~~  
28 ~~department. Any vehicle found in violation of subsection (1)~~  
29 ~~within 30 days after a previous violation and written notice is~~  
30 ~~subject to immediate removal without an additional waiting~~  
31 ~~period.~~

32 (5)-(6) It is unlawful to offer a vehicle for sale if the  
33 vehicle identification number has been destroyed, removed,  
34 covered, altered, or defaced, as described in s. 319.33(1)(d). A  
35 vehicle found in violation of this subsection is subject to  
36 immediate removal without warning.

37 (6)-(7) It is unlawful to knowingly attach to any motor  
38 vehicle a registration that was not assigned or lawfully  
39 transferred to the vehicle pursuant to s. 320.261. A vehicle  
40 found in violation of this subsection is subject to immediate  
41 removal without warning.



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42           ~~(7)-(8)~~ It is unlawful to display or offer for sale a  
43 vehicle that does not have a valid registration as provided in  
44 s. 320.02. A vehicle found in violation of this subsection is  
45 subject to immediate removal without warning. This subsection  
46 does not apply to vehicles and recreational vehicles being  
47 offered for sale through motor vehicle auctions as defined in s.  
48 320.27(1)(c)4.

49           ~~(8)-(9)~~ A vehicle is subject to immediate removal without  
50 warning if it bears a telephone number that has been displayed  
51 on three or more vehicles offered for sale within a 12-month  
52 period.

53           ~~(9)-(10)~~ Any other provision of law to the contrary  
54 notwithstanding, a violation of subsection (1) shall subject the  
55 owner of such motor vehicle to towing fees reasonably  
56 necessitated by removal and storage of the motor vehicle and a  
57 fine as required by s. 318.18.

58           ~~(10)-(11)~~ This section does not prohibit the governing body  
59 of a municipality or county, with respect to streets, highways,  
60 or other property under its jurisdiction, from regulating the  
61 parking of motor vehicles for any purpose.

62           ~~(11)-(12)~~ A violation of this section is a noncriminal  
63 traffic infraction, punishable as a nonmoving violation as  
64 provided in chapter 318, unless otherwise mandated by general  
65 law.

66           Section 2. Subsection (21) is added to section 318.18,  
67 Florida Statutes, to read:

68           318.18 Amount of penalties.—The penalties required for a  
69 noncriminal disposition pursuant to s. 318.14 or a criminal  
70 offense listed in s. 318.17 are as follows:



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71       (21) One hundred dollars for a violation of s. 316.1951 for  
72 a vehicle that is unlawfully displayed for sale, hire, or  
73 rental. This fine shall be retained by the governing authority  
74 authorizing the vehicle to be towed. Fines collected by the  
75 Department of Highway Safety and Motor Vehicles shall be  
76 deposited into the Highway Safety Operating Trust Fund.  
77

78 ===== T I T L E   A M E N D M E N T =====

79 And the title is amended as follows:

80       Delete lines 3 - 18

81 and insert:

82       amending s. 316.1951, F.S.; removing a requirement  
83       that the Department of Highway Safety and Motor  
84       Vehicles adopt a uniform written notice to be used to  
85       enforce provisions that prohibit parking a motor  
86       vehicle on certain property for the purpose of  
87       displaying the motor vehicle as being for sale, hire,  
88       or rental; removing a requirement that each law  
89       enforcement agency provide its own notice for such  
90       enforcement; authorizing a code enforcement officer  
91       from any local government agency to enforce such  
92       provisions; providing that the owner of a vehicle  
93       parked in violation of such provisions is subject to a  
94       fine in addition to towing and storage fees; providing  
95       procedures for the release of an impounded vehicle;  
96       amending s. 318.18, F.S.; specifying a fine for a  
97       vehicle that is displayed for sale, hire, or rental in  
98       violation of such provisions; providing for the  
99       disposition of such fines; amending s. 319.225, F.S.;