

LEGISLATIVE ACTION

Senate House

Comm: RCS 04/13/2010

The Committee on Finance and Tax (Ring) recommended the following:

Senate Amendment (with title amendment)

Delete lines 133 - 751

and insert:

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Section 2. Paragraph (b) of subsection (5) of section 316.066, Florida Statutes, is amended to read:

316.066 Written reports of crashes.-

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(b) Crash reports held by an agency under paragraph (a) may be made immediately available to the parties involved in the crash, their legal representatives, their licensed insurance agents, their insurers or insurers to which they have applied

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for coverage, persons under contract with such insurers to provide claims or underwriting information, prosecutorial authorities, law enforcement agencies, county traffic operations, victim services programs, radio and television stations licensed by the Federal Communications Commission, newspapers qualified to publish legal notices under ss. 50.011 and 50.031, and free newspapers of general circulation, published once a week or more often, available and of interest to the public generally for the dissemination of news. For the purposes of this section, the following products or publications are not newspapers as referred to in this section: those intended primarily for members of a particular profession or occupational group; those with the primary purpose of distributing advertising; and those with the primary purpose of publishing names and other personal identifying information concerning parties to motor vehicle crashes.

Section 3. Paragraph (b) of subsection (1) of section 316.0741, Florida Statutes, is amended to read:

- 316.0741 High-occupancy-vehicle lanes.
- (1) As used in this section, the term:
- (b) "Hybrid vehicle" means a motor vehicle:
- 1. That draws propulsion energy from onboard sources of stored energy which are both an internal combustion or heat engine using combustible fuel and a rechargeable energy-storage system; and
- 2. That, in the case of a passenger automobile or light truck, has received a certificate of conformity under the Clean Air Act, 42 U.S.C. ss. 7401 et seq., and meets or exceeds the equivalent qualifying California standards for a low-emission



vehicle; and

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3. That, in the case of a tri-vehicle, is an inherently low-emission vehicle (ILEV), as provided in subsection (4).

Section 4. Section 316.159, Florida Statutes, is amended to read:

316.159 Certain vehicles to stop or slow at all railroad grade crossings.-

- (1) The driver of any motor vehicle carrying passengers for hire, excluding taxicabs, of any school bus carrying any school child, or of any vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo, before crossing at grade any track or tracks of a railroad, shall stop such vehicle within 50 feet but not less than 15 feet from the nearest rail of the railroad and, while so stopped, shall listen and look in both directions along the track for any approaching train, and for signals indicating the approach of a train, except as hereinafter provided, and shall not proceed until he or she can do so safely. After stopping as required herein and upon proceeding when it is safe to do so, the driver of any such vehicle shall cross only in a gear of the vehicle so that there will be no necessity for changing gears while traversing the crossing, and the driver shall not shift gears while crossing the track or tracks.
- (2) No stop need be made at any such crossing where a police officer, a traffic control signal, or a sign directs traffic to proceed. However, any school bus carrying any school child shall be required to stop unless directed to proceed by a police officer.
 - (3) The driver of any commercial motor vehicle that is not

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required to stop under subsection (1) or subsection (2) before crossing the track or tracks of any railroad grade crossing shall slow the motor vehicle and check that the tracks are clear of an approaching train.

(4) $\overline{(3)}$ A violation of this section is a noncriminal traffic infraction, punishable as a moving violation as provided in chapter 318.

Section 5. Subsections (13) and (14) of section 316.193, Florida Statutes, are amended to read:

- 316.193 Driving under the influence; penalties.-
- (13) If personnel of the circuit court or the sheriff do not immobilize vehicles, only immobilization agencies that meet the conditions of this subsection shall immobilize vehicles in that judicial circuit.
- (a) The immobilization agency responsible for immobilizing vehicles in that judicial circuit shall be subject to strict compliance with all of the following conditions and restrictions:
- 1. Any immobilization agency engaged in the business of immobilizing vehicles shall provide to the clerk of the court a signed affidavit attesting that the agency:
- a. Have a class "R" license issued pursuant to part IV of chapter 493;
- a.b. Has Have at least 3 years of verifiable experience in immobilizing vehicles; and
- b.c. Maintains Maintain accurate and complete records of all payments for the immobilization, copies of all documents pertaining to the court's order of impoundment or immobilization, and any other documents relevant to each

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immobilization. Such records must be maintained by the immobilization agency for at least 3 years; and

- c. Employs and assigns persons to immobilize vehicles that meet the requirements established in subparagraph 2.
 - 2. The person who immobilizes a vehicle must:
- a. Not have been adjudicated incapacitated under s. 744.331, or a similar statute in another state, unless his or her capacity has been judicially restored; involuntarily placed in a treatment facility for the mentally ill under chapter 394, or a similar law in any other state, unless his or her competency has been judicially restored; or diagnosed as having an incapacitating mental illness unless a psychologist or psychiatrist licensed in this state certifies that he or she does not currently suffer from the mental illness.
- b. Not be a chronic and habitual user of alcoholic beverages to the extent that his or her normal faculties are impaired; not have been committed under chapter 397, former chapter 396, or a similar law in any other state; not have been found to be a habitual offender under s. 856.011(3), or a similar law in any other state; or not have had any convictions under s. 316.193, or a similar law in any other state within 2 years of the affidavit.
- c. Not have been committed for controlled substance abuse or have been found guilty of a crime under chapter 893, or a similar law in any other state, relating to controlled substances in any other state.
- d. Not have been found quilty of or entered a plea of guilty or nolo contendere to, regardless of adjudication, or been convicted of a felony, unless his or her civil rights have



been restored.

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- e. Be a citizen or legal resident alien of the United States or have been granted authorization to seek employment in this country by the United States Bureau of Citizenship and Immigration Services.
- (b) The sheriff's office of each county is authorized to verify the information submitted by the agency in subparagraph (a)1., provide information regarding its findings to the clerk of court, and charge a reasonable fee for verification of the information supplied by the agency. never have been convicted of any felony or of driving or boating under the influence of alcohol or a controlled substance in the last 3 years.
- (c) (b) A person who violates paragraph (a) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.
- (c) Any immobilization agency who is aggrieved by a person's violation of paragraph (a) may bring a civil action against the person who violated paragraph (a) seeking injunctive relief, damages, reasonable attorney's fees and costs, and any other remedy available at law or in equity as may be necessary to enforce this subsection. In any action to enforce this subsection, establishment of a violation of paragraph (a) shall conclusively establish a clear legal right to injunctive relief, that irreparable harm will be caused if an injunction does not issue, that no adequate remedy at law exists, and that public policy favors issuance of injunctive relief.
 - (14) As used in this chapter, the term:
- (a) "Immobilization," "immobilizing," or "immobilize" means the act of installing a vehicle antitheft device on the steering

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wheel of a vehicle, the act of placing a tire lock or wheel clamp on a vehicle, or a governmental agency's act of taking physical possession of the license tag and vehicle registration rendering a vehicle legally inoperable to prevent any person from operating the vehicle pursuant to an order of impoundment or immobilization under subsection (6).

- (b) "Immobilization agency" or "immobilization agencies" means any person, firm, company, agency, organization, partnership, corporation, association, trust, or other business entity of any kind whatsoever that meets all of the conditions of subsection (13).
- (c) "Impoundment," "impounding," or "impound" means the act of storing a vehicle at a storage facility pursuant to an order of impoundment or immobilization under subsection (6) where the person impounding the vehicle exercises control, supervision, and responsibility over the vehicle.
- (d) "Person" means any individual, firm, company, agency, organization, partnership, corporation, association, trust, or other business entity of any kind whatsoever.

Section 6. Subsection (3) of section 316.2085, Florida Statutes, is amended to read:

- 316.2085 Riding on motorcycles or mopeds.
- (3) The license tag of a motorcycle or moped must be permanently affixed to the vehicle and may not be adjusted or capable of being flipped up. No device for or method of concealing or obscuring the legibility of the license tag of a motorcycle shall be installed or used. The license tag of a motorcycle or moped may be affixed and displayed parallel to the ground in a manner that the numbers and letters read from left

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to right. Alternatively, a license tag for a motorcycle or moped may be affixed and displayed perpendicularly to the ground in a manner that the numbers and letters read from top to bottom, if the registered owner of the motorcycle or moped maintains a prepaid toll account in good standing and a transponder associated with the prepaid toll account is affixed to the motorcycle or moped.

Section 7. Paragraph (d) is added to subsection (2) of section 316.2952, Florida Statutes, to read:

- 316.2952 Windshields; requirements; restrictions.-
- (2) A person shall not operate any motor vehicle on any public highway, road, or street with any sign, sunscreening material, product, or covering attached to, or located in or upon, the windshield, except the following:
- (d) A global positioning system device or similar satellite receiver device which uses the global positioning system operated pursuant to 10 U.S.C. s. 2281 for the purpose of obtaining navigation or routing information while the motor vehicle is being operated.

Section 8. Section 316.29545, Florida Statutes, is amended to read:

- 316.29545 Window sunscreening exclusions; medical exemption; certain law enforcement vehicles and private investigative service vehicles exempt.-
- (1) The department shall issue medical exemption certificates to persons who are afflicted with Lupus, any autoimmune disease, or other similar medical conditions that which require a limited exposure to light, which certificates shall entitle the person to whom the certificate is issued to

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have sunscreening material on the windshield, side windows, and windows behind the driver which is in violation of the requirements of ss. 316.2951-316.2957. The department shall consult with the Medical Advisory Board established in s. 322.125 for guidance with respect to the autoimmune diseases and other medical conditions that shall be included on provide, by rule, for the form of the medical certificate authorized by this section. At a minimum, the medical exemption certificate shall include a vehicle description with the make, model, year, vehicle identification number, medical exemption decal number issued for the vehicle, and the name of the person or persons who are the registered owners of the vehicle. A medical exemption certificate shall be nontransferable and shall become null and void upon the sale or transfer of the vehicle identified on the certificate.

- (2) The department shall exempt all law enforcement vehicles used in undercover or canine operations from the window sunscreening requirements of ss. 316.2951-316.2957.
- (3) The department shall exempt from the window sunscreening restrictions of ss. 316.2953, 316.2954, and 316.2956 vehicles that are owned or leased by private investigative agencies licensed under chapter 493.
- (4) The department may charge a fee in an amount sufficient to defray the expenses of issuing a medical exemption certificate as described in subsection (1).
- (5) The department may adopt rules to administer this section.

Section 9. Subsection (1) of section 316.605, Florida Statutes, is amended to read:

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316.605 Licensing of vehicles.-

(1) Every vehicle, at all times while driven, stopped, or parked upon any highways, roads, or streets of this state, shall be licensed in the name of the owner thereof in accordance with the laws of this state unless such vehicle is not required by the laws of this state to be licensed in this state and shall, except as otherwise provided in s. 320.0706 for front-end registration license plates on truck tractors and s. 320.086(5) which exempts display of license plates on described former military vehicles, display the license plate or both of the license plates assigned to it by the state, one on the rear and, if two, the other on the front of the vehicle, each to be securely fastened to the vehicle outside the main body of the vehicle not higher than 60 inches and not lower than 12 inches from the ground and no more than 24 inches to the left or right of the centerline of the vehicle, and in such manner as to prevent the plates from swinging, and all letters, numerals, printing, writing, and other identification marks upon the plates regarding the word "Florida," the registration decal, and the alphanumeric designation shall be clear and distinct and free from defacement, mutilation, grease, and other obscuring matter, so that they will be plainly visible and legible at all times 100 feet from the rear or front. Except as provided in 316.2085(3), vehicle license plates shall be affixed and displayed in such a manner that the letters and numerals shall be read from left to right parallel to the ground. No vehicle license plate may be displayed in an inverted or reversed position or in such a manner that the letters and numbers and their proper sequence are not readily identifiable. Nothing

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shall be placed upon the face of a Florida plate except as permitted by law or by rule or regulation of a governmental agency. No license plates other than those furnished by the state shall be used. However, if the vehicle is not required to be licensed in this state, the license plates on such vehicle issued by another state, by a territory, possession, or district of the United States, or by a foreign country, substantially complying with the provisions hereof, shall be considered as complying with this chapter. A violation of this subsection is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 10. Subsection (3) of section 316.646, Florida Statutes, is amended to read:

316.646 Security required; proof of security and display thereof; dismissal of cases.-

(3) Any person who violates this section commits a nonmoving traffic infraction subject to the penalty provided in chapter 318 and shall be required to furnish proof of security as provided in this section. If any person charged with a violation of this section fails to furnish proof, at or before the scheduled court appearance date, that security was in effect at the time of the violation, the court shall, upon conviction, notify the department to may immediately suspend the registration and driver's license of such person. If the court fails to order the suspension of the person's registration and driver's license for a conviction of this section at the time of sentencing, the department shall, upon receiving notice of the conviction from the court, suspend the person's registration and driver's license for the violation of this section. Such license

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and registration may be reinstated only as provided in s. 324.0221.

Section 11. Subsections (1), (2), (3), and (10) of section 318.14, Florida Statutes, are amended to read:

318.14 Noncriminal traffic infractions; exception; procedures.-

- (1) Except as provided in ss. 318.17 and 320.07(3)(c), any person cited for a violation of chapter 316, s. 320.0605, s. 320.07(3)(a) or (b), s. 322.065, s. 322.15(1), s. 322.16(2) or (3), s. $322.1615 ext{ s. } 322.161(5)$, s. 322.19, or s. 1006.66(3) is charged with a noncriminal infraction and must be cited for such an infraction and cited to appear before an official. If another person dies as a result of the noncriminal infraction, the person cited may be required to perform 120 community service hours under s. 316.027(4), in addition to any other penalties.
- (2) Except as provided in s. 316.1001(2), any person cited for a violation requiring a mandatory hearing listed in s. 318.19 or any other criminal traffic violation listed in chapter 316 an infraction under this section must sign and accept a citation indicating a promise to appear. The officer may indicate on the traffic citation the time and location of the scheduled hearing and must indicate the applicable civil penalty established in s. 318.18. For all other infractions under this section, the officer must certify by electronic, electronic facsimile, or written signature that the citation was delivered to the person cited. This certification is prima facie evidence that the person cited was served with the citation.
- (3) Any person who willfully refuses to accept and sign a summons as provided in subsection (2) commits is guilty of a

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misdemeanor of the second degree.

- (10) (a) Any person who does not hold a commercial driver's license and who is cited for an offense listed under this subsection may, in lieu of payment of fine or court appearance, elect to enter a plea of nolo contendere and provide proof of compliance to the clerk of the court, designated official, or authorized operator of a traffic violations bureau. In such case, adjudication shall be withheld; however, no election shall be made under this subsection if such person has made an election under this subsection in the 12 months preceding election hereunder. No person may make more than three elections under this subsection. This subsection applies to the following offenses:
- 1. Operating a motor vehicle without a valid driver's license in violation of the provisions of s. 322.03, s. 322.065, or s. 322.15(1), or operating a motor vehicle with a license that which has been suspended for failure to appear, failure to pay civil penalty, or failure to attend a driver improvement course pursuant to s. 322.291.
- 2. Operating a motor vehicle without a valid registration in violation of s. 320.0605, s. 320.07, or s. 320.131.
 - 3. Operating a motor vehicle in violation of s. 316.646.
- 4. Operating a motor vehicle with a license that has been suspended under s. 61.13016 or s. 322.245 for failure to pay child support or for failure to pay any other financial obligation as provided in s. 322.245. However, this subsection does not apply if the license has been suspended pursuant to s. 322.245(1).
 - 5. Operating a motor vehicle with a license that has been

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suspended under s. 322.091 for failure to meet school attendance requirements.

(b) Any person cited for an offense listed in this subsection shall present proof of compliance prior to the scheduled court appearance date. For the purposes of this subsection, proof of compliance shall consist of a valid, renewed, or reinstated driver's license or registration certificate and proper proof of maintenance of security as required by s. 316.646. Notwithstanding waiver of fine, any person establishing proof of compliance shall be assessed court costs of \$25, except that a person charged with violation of s. 316.646(1)-(3) may be assessed court costs of \$8. One dollar of such costs shall be remitted to the Department of Revenue for deposit into the Child Welfare Training Trust Fund of the Department of Children and Family Services. One dollar of such costs shall be distributed to the Department of Juvenile Justice for deposit into the Juvenile Justice Training Trust Fund. Fourteen dollars of such costs shall be distributed to the municipality and \$9 shall be deposited by the clerk of the court into the fine and forfeiture fund established pursuant to s. 142.01, if the offense was committed within the municipality. If the offense was committed in an unincorporated area of a county or if the citation was for a violation of s. 316.646(1)-(3), the entire amount shall be deposited by the clerk of the court into the fine and forfeiture fund established pursuant to s. 142.01, except for the moneys to be deposited into the Child Welfare Training Trust Fund and the Juvenile Justice Training Trust Fund. This subsection shall not be construed to authorize the operation of a vehicle without a valid driver's license, without

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a valid vehicle tag and registration, or without the maintenance of required security.

Section 12. Subsection (3) of section 318.18, Florida Statutes, is amended to read:

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

- (3)(a) Except as otherwise provided in this section, \$60 for all moving violations not requiring a mandatory appearance.
- (b) For moving violations involving unlawful speed, the fines are as follows:

For speed exceeding the limit by: Fine: 6-9 m.p.h.....\$25 10-14 m.p.h.....\$100 15-19 m.p.h.....\$150 20-29 m.p.h.....\$175 30 m.p.h. and above.....\$250

- (c) Notwithstanding paragraph (b), a person cited for exceeding the speed limit by up to 5 m.p.h. in a legally posted school zone will be fined \$50. A person exceeding the speed limit in a school zone or designated school crossing shall pay a fine double the amount listed in paragraph (b).
- (d) A person cited for exceeding the speed limit in a posted construction zone, which posting must include notification of the speed limit and the doubling of fines, shall pay a fine double the amount listed in paragraph (b). The fine shall be doubled for construction zone violations only if

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construction personnel are present or operating equipment on the road or immediately adjacent to the road under construction.

- (e) A person cited for exceeding the speed limit in an enhanced penalty zone shall pay a fine amount of \$50 plus the amount listed in paragraph (b). Notwithstanding paragraph (b), a person cited for exceeding the speed limit by up to 5 m.p.h. in a legally posted enhanced penalty zone shall pay a fine amount of \$50.
- (f) If a violation of s. 316.1301 or s. 316.1303 results in an injury to the pedestrian or damage to the property of the pedestrian, an additional fine of up to \$250 shall be paid. This amount must be distributed pursuant to s. 318.21.
- (q) A person cited for exceeding the speed limit within a zone posted for any electronic or manual toll collection facility shall pay a fine double the amount listed in paragraph (b). However, no person cited for exceeding the speed limit in any toll collection zone shall be subject to a doubled fine unless the governmental entity or authority controlling the toll collection zone first installs a traffic control device providing warning that speeding fines are doubled. Any such traffic control device must meet the requirements of the uniform system of traffic control devices.
- (h) A person cited for a second or subsequent conviction of speed exceeding the limit by 30 miles per hour and above within a 12-month period shall pay a fine that is double the amount listed in paragraph (b). For purposes of this paragraph, the term "conviction" means a finding of guilt as a result of a jury verdict, nonjury trial, or entry of a plea of quilty. Moneys received from the increased fine imposed by this paragraph shall

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be remitted to the Department of Revenue and deposited into the Department of Health Administrative Trust Fund to provide financial support to certified trauma centers to assure the availability and accessibility of trauma services throughout the state. Funds deposited into the Administrative Trust Fund under this section shall be allocated as follows:

- 1. Fifty percent shall be allocated equally among all Level I, Level II, and pediatric trauma centers in recognition of readiness costs for maintaining trauma services.
- 2. Fifty percent shall be allocated among Level I, Level II, and pediatric trauma centers based on each center's relative volume of trauma cases as reported in the Department of Health Trauma Registry.

Section 13. Subsection (2) of section 319.28, Florida Statutes, is amended to read:

- 319.28 Transfer of ownership by operation of law.-
- (2)(a) Except as provided in paragraph (b), only an affidavit by the person, or agent of the person, to whom possession of such motor vehicle or mobile home has so passed, setting forth facts entitling him or her to such possession and ownership, together with a copy of the journal entry, court order, or instrument upon which such claim of possession and ownership is founded, shall be considered satisfactory proof of ownership and right of possession.
- (b) In case of repossession of a motor vehicle or mobile home pursuant to the terms of a security agreement or similar instrument, an affidavit by the party to whom possession has passed stating that the vehicle or mobile home was repossessed upon default in the terms of the security agreement or other

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instrument shall be considered satisfactory proof of ownership and right of possession. At least 5 days prior to selling the repossessed vehicle, any subsequent lienholder named in the last issued certificate of title shall be sent notice of the repossession by certified mail, on a form prescribed by the department. If such notice is given and no written protest to the department is presented by a subsequent lienholder within 15 days from the date on which the notice was mailed, the certificate of title or the certificate of repossession shall be issued showing no liens. If the former owner or any subsequent lienholder files a written protest under oath within such 15-day period, the department may shall not issue the certificate of title or certificate of repossession for 10 days thereafter. If within the 10-day period no injunction or other order of a court of competent jurisdiction has been served on the department commanding it not to deliver the certificate of title or certificate of repossession, the department shall deliver the certificate of title or repossession to the applicant or as may otherwise be directed in the application showing no other liens than those shown in the application. Any lienholder who has repossessed a vehicle in this state in compliance with the provisions of this section must may apply to a the tax collector's office in this state or to the department for a certificate of repossession or to the department for a certificate of title pursuant to s. 319.323. Proof of the required notice to subsequent lienholders shall be submitted together with regular title fees. A lienholder to whom a certificate of repossession has been issued may assign the certificate of title to the subsequent owner. Any person who

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violates found guilty of violating any requirements of this paragraph commits shall be quilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) If the applicant for a certificate of title under this section cannot produce satisfactory proof of ownership and right of possession, he or she may submit such evidence as he or she may have, and the department may thereupon, if it finds the evidence sufficient, issue a certificate of title.

Section 14. Present paragraphs (g) through (u) of subsection (1) of section 319.30, Florida Statutes, are redesignated as paragraphs (h) through (g), respectively, a new paragraph (g) is added to that subsection, present subsection (9) of that section is renumbered as subsection (10), and a new subsection (9) is added to that section, to read:

- 319.30 Definitions; dismantling, destruction, change of identity of motor vehicle or mobile home; salvage.-
 - (1) As used in this section, the term:
- (q) "Independent entity" means a business or entity that may temporarily store damaged or dismantled motor vehicles pursuant to an agreement with an insurance company and is engaged in the sale or resale of damaged or dismantled motor vehicles. The term does not include a wrecker operator, towing company, or a repair facility.
- (9) (a) An insurance company may notify an independent entity that obtains possession of a damaged or dismantled motor vehicle to release the vehicle to the owner. The insurance company shall provide the independent entity a release statement on a form prescribed by the department authorizing the

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independent entity to release the vehicle to the owner. The form shall contain at a minimum:

- 1. Policy and claim number;
- 2. Name and address of insured;
- 3. Vehicle identification number; and
- 4. Signature of an authorized representative of the insurance company.
- (b) The independent entity in possession of a motor vehicle must send a notice to the owner that the vehicle is available for pick up when it receives a release statement from the insurance company. The notice shall be sent by certified mail to the owner at the owner's address reflected in the department's records. The notice must inform the owner that the owner has 30 days after receipt of the notice to pick up the vehicle from the independent entity. If the motor vehicle is not claimed within 30 days after the owner receives the notice, the independent entity may apply for a certificate of destruction or a certificate of title.
- (c) Upon applying for a certificate of title or certificate of destruction, the independent entity shall provide a copy of the release statement from the insurance company to the independent entity, proof of providing the 30-day notice to the owner, and applicable fees.
- (d) The independent entity may not charge an owner of the vehicle storage fees or apply for a title under s. 713.585 or s. 713.78.
- Section 15. Paragraph (b) of subsection (1) of section 320.071, Florida Statutes, is amended to read:
 - 320.071 Advance registration renewal; procedures.-

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(b) The owner of any apportioned motor vehicle currently registered in this state may file an application for renewal of registration with the department any time during the 3 + 5 months preceding the date of expiration of the registration period.

Section 16. Section 320.08, Florida Statutes, is amended to read:

320.08 License taxes.—Except as otherwise provided herein, there are hereby levied and imposed annual license taxes for the operation of motor vehicles, mopeds, motorized bicycles as defined in s. 316.003(2), tri-vehicles, as defined in s. 316.003, and mobile homes, as defined in s. 320.01, which shall be paid to and collected by the department or its agent upon the registration or renewal of registration of the following:

- (1) MOTORCYCLES AND MOPEDS.-
- (a) Any motorcycle: \$13.50 flat, of which \$3.50 shall be deposited into the General Revenue Fund.
- (b) Any moped: \$6.75 flat, of which \$1.75 shall be deposited into the General Revenue Fund.
- (c) Upon registration of any motorcycle, motor-driven cycle, or moped there shall be paid in addition to the license taxes specified in this subsection a nonrefundable motorcycle safety education fee in the amount of \$2.50. The proceeds of such additional fee shall be deposited in the Highway Safety Operating Trust Fund to fund a motorcycle driver improvement program implemented pursuant to s. 322.025, the Florida Motorcycle Safety Education Program established in s. 322.0255, or the general operations of the department.
 - (d) An ancient or antique motorcycle: \$8.50 \$13.50 flat, of

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which \$3.50 shall be deposited into the General Revenue Fund.

- (2) AUTOMOBILES OR TRI-VEHICLES FOR PRIVATE USE.—
- (a) An ancient or antique automobile, as defined in s. 320.086, or a street rod, as defined in s. 320.0863: \$10.25 flat, of which \$2.75 shall be deposited into the General Revenue Fund.
- (b) Net weight of less than 2,500 pounds: \$19.50 flat, of which \$5 shall be deposited into the General Revenue Fund.
- (c) Net weight of 2,500 pounds or more, but less than 3,500 pounds: \$30.50 flat, of which \$8 shall be deposited into the General Revenue Fund.
- (d) Net weight of 3,500 pounds or more: \$44 flat, of which \$11.50 shall be deposited into the General Revenue Fund.
 - (3) TRUCKS.-
- (a) Net weight of less than 2,000 pounds: \$19.50 flat, of which \$5 shall be deposited into the General Revenue Fund.
- (b) Net weight of 2,000 pounds or more, but not more than 3,000 pounds: \$30.50 flat, of which \$8 shall be deposited into the General Revenue Fund.
- (c) Net weight more than 3,000 pounds, but not more than 5,000 pounds: \$44 flat, of which \$11.50 shall be deposited into the General Revenue Fund.
- (d) A truck defined as a "goat," or any other vehicle if used in the field by a farmer or in the woods for the purpose of harvesting a crop, including naval stores, during such harvesting operations, and which is not principally operated upon the roads of the state: \$10.25 flat, of which \$2.75 shall be deposited into the General Revenue Fund. A "goat" is a motor vehicle designed, constructed, and used principally for the

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transportation of citrus fruit within citrus groves or for the transportation of crops on farms, and which can also be used for the hauling of associated equipment or supplies, including required sanitary equipment, and the towing of farm trailers.

- (e) An ancient or antique truck, as defined in s. 320.086: \$10.25 flat, of which \$2.75 shall be deposited into the General Revenue Fund.
- (4) HEAVY TRUCKS, TRUCK TRACTORS, FEES ACCORDING TO GROSS VEHICLE WEIGHT .-
- (a) Gross vehicle weight of 5,001 pounds or more, but less than 6,000 pounds: \$60.75 flat, of which \$15.75 shall be deposited into the General Revenue Fund.
- (b) Gross vehicle weight of 6,000 pounds or more, but less than 8,000 pounds: \$87.75 flat, of which \$22.75 shall be deposited into the General Revenue Fund.
- (c) Gross vehicle weight of 8,000 pounds or more, but less than 10,000 pounds: \$103 flat, of which \$27 shall be deposited into the General Revenue Fund.
- (d) Gross vehicle weight of 10,000 pounds or more, but less than 15,000 pounds: \$118 flat, of which \$31 shall be deposited into the General Revenue Fund.
- (e) Gross vehicle weight of 15,000 pounds or more, but less than 20,000 pounds: \$177 flat, of which \$46 shall be deposited into the General Revenue Fund.
- (f) Gross vehicle weight of 20,000 pounds or more, but less than 26,001 pounds: \$251 flat, of which \$65 shall be deposited into the General Revenue Fund.
- (q) Gross vehicle weight of 26,001 pounds or more, but less than 35,000: \$324 flat, of which \$84 shall be deposited into the



General Revenue Fund.

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- (h) Gross vehicle weight of 35,000 pounds or more, but less than 44,000 pounds: \$405 flat, of which \$105 shall be deposited into the General Revenue Fund.
- (i) Gross vehicle weight of 44,000 pounds or more, but less than 55,000 pounds: \$773 flat, of which \$201 shall be deposited into the General Revenue Fund.
- (j) Gross vehicle weight of 55,000 pounds or more, but less than 62,000 pounds: \$916 flat, of which \$238 shall be deposited into the General Revenue Fund.
- (k) Gross vehicle weight of 62,000 pounds or more, but less than 72,000 pounds: \$1,080 flat, of which \$280 shall be deposited into the General Revenue Fund.
- (1) Gross vehicle weight of 72,000 pounds or more: \$1,322 flat, of which \$343 shall be deposited into the General Revenue Fund.
- (m) Notwithstanding the declared gross vehicle weight, a truck tractor used within a 150-mile radius of its home address is eligible for a license plate for a fee of \$324 flat if:
- 1. The truck tractor is used exclusively for hauling forestry products; or
- 2. The truck tractor is used primarily for the hauling of forestry products, and is also used for the hauling of associated forestry harvesting equipment used by the owner of the truck tractor.

Of the fee imposed by this paragraph, \$84 shall be deposited 677 into the General Revenue Fund.

(n) A truck tractor or heavy truck, not operated as a for-



hire vehicle, which is engaged exclusively in transporting raw, unprocessed, and nonmanufactured agricultural or horticultural products within a 150-mile radius of its home address, is eligible for a restricted license plate for a fee of:

- 1. If such vehicle's declared gross vehicle weight is less than 44,000 pounds, \$87.75 flat, of which \$22.75 shall be deposited into the General Revenue Fund.
- 2. If such vehicle's declared gross vehicle weight is 44,000 pounds or more and such vehicle only transports from the point of production to the point of primary manufacture; to the point of assembling the same; or to a shipping point of a rail, water, or motor transportation company, \$324 flat, of which \$84 shall be deposited into the General Revenue Fund.

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Such not-for-hire truck tractors and heavy trucks used exclusively in transporting raw, unprocessed, and nonmanufactured agricultural or horticultural products may be incidentally used to haul farm implements and fertilizers delivered direct to the growers. The department may require any documentation deemed necessary to determine eligibility prior to issuance of this license plate. For the purpose of this paragraph, "not-for-hire" means the owner of the motor vehicle must also be the owner of the raw, unprocessed, and nonmanufactured agricultural or horticultural product, or the user of the farm implements and fertilizer being delivered.

- (5) SEMITRAILERS, FEES ACCORDING TO GROSS VEHICLE WEIGHT; SCHOOL BUSES; SPECIAL PURPOSE VEHICLES.-
- (a) 1. A semitrailer drawn by a GVW truck tractor by means of a fifth-wheel arrangement: \$13.50 flat per registration year

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or any part thereof, of which \$3.50 shall be deposited into the General Revenue Fund.

- 2. A semitrailer drawn by a GVW truck tractor by means of a fifth-wheel arrangement: \$68 flat per permanent registration, of which \$18 shall be deposited into the General Revenue Fund.
- (b) A motor vehicle equipped with machinery and designed for the exclusive purpose of well drilling, excavation, construction, spraying, or similar activity, and which is not designed or used to transport loads other than the machinery described above over public roads: \$44 flat, of which \$11.50 shall be deposited into the General Revenue Fund.
- (c) A school bus used exclusively to transport pupils to and from school or school or church activities or functions within their own county: \$41 flat, of which \$11 shall be deposited into the General Revenue Fund.
- (d) A wrecker, as defined in s. 320.01(40), which is used to tow a vessel as defined in s. 327.02(39), a disabled, abandoned, stolen-recovered, or impounded motor vehicle as defined in s. 320.01(38), or a replacement motor vehicle as defined in s. 320.01(39): \$41 flat, of which \$11 shall be deposited into the General Revenue Fund.
- (e) A wrecker that is used to tow any motor vehicle, regardless of whether such motor vehicle is a disabled motor vehicle, a replacement motor vehicle, a vessel, or any other cargo, as follows:
- 1. Gross vehicle weight of 10,000 pounds or more, but less than 15,000 pounds: \$118 flat, of which \$31 shall be deposited into the General Revenue Fund.
 - 2. Gross vehicle weight of 15,000 pounds or more, but less

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than 20,000 pounds: \$177 flat, of which \$46 shall be deposited into the General Revenue Fund.

- 3. Gross vehicle weight of 20,000 pounds or more, but less than 26,000 pounds: \$251 flat, of which \$65 shall be deposited into the General Revenue Fund.
- 4. Gross vehicle weight of 26,000 pounds or more, but less than 35,000 pounds: \$324 flat, of which \$84 shall be deposited into the General Revenue Fund.
- 5. Gross vehicle weight of 35,000 pounds or more, but less than 44,000 pounds: \$405 flat, of which \$105 shall be deposited into the General Revenue Fund.
- 6. Gross vehicle weight of 44,000 pounds or more, but less than 55,000 pounds: \$772 flat, of which \$200 shall be deposited into the General Revenue Fund.
- 7. Gross vehicle weight of 55,000 pounds or more, but less than 62,000 pounds: \$915 flat, of which \$237 shall be deposited into the General Revenue Fund.
- 8. Gross vehicle weight of 62,000 pounds or more, but less than 72,000 pounds: \$1,080 flat, of which \$280 shall be deposited into the General Revenue Fund.
- 9. Gross vehicle weight of 72,000 pounds or more: \$1,322 flat, of which \$343 shall be deposited into the General Revenue Fund.
- (f) A hearse or ambulance: \$40.50 flat, of which \$10.50 shall be deposited into the General Revenue Fund.
 - (6) MOTOR VEHICLES FOR HIRE.-
- (a) Under nine passengers: \$17 flat, of which \$4.50 shall be deposited into the General Revenue Fund; plus \$1.50 per cwt, of which 50 cents shall be deposited into the General Revenue



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- (b) Nine passengers and over: \$17 flat, of which \$4.50 shall be deposited into the General Revenue Fund; plus \$2 per cwt, of which 50 cents shall be deposited into the General Revenue Fund.
 - (7) TRAILERS FOR PRIVATE USE.-
- (a) Any trailer weighing 500 pounds or less: \$6.75 flat per year or any part thereof, of which \$1.75 shall be deposited into the General Revenue Fund.
- (b) Net weight over 500 pounds: \$3.50 flat, of which \$1 shall be deposited into the General Revenue Fund; plus \$1 per cwt, of which 25 cents shall be deposited into the General Revenue Fund.
 - (8) TRAILERS FOR HIRE.-
- (a) Net weight under 2,000 pounds: \$3.50 flat, of which \$1 shall be deposited into the General Revenue Fund; plus \$1.50 per cwt, of which 50 cents shall be deposited into the General Revenue Fund.
- (b) Net weight 2,000 pounds or more: \$13.50 flat, of which \$3.50 shall be deposited into the General Revenue Fund; plus \$1.50 per cwt, of which 50 cents shall be deposited into the General Revenue Fund.
 - (9) RECREATIONAL VEHICLE-TYPE UNITS.-
- (a) A travel trailer or fifth-wheel trailer, as defined by s. 320.01(1)(b), that does not exceed 35 feet in length: \$27 flat, of which \$7 shall be deposited into the General Revenue Fund.
- (b) A camping trailer, as defined by s. 320.01(1)(b)2.: \$13.50 flat, of which \$3.50 shall be deposited into the General



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- (c) A motor home, as defined by s. 320.01(1)(b)4.:
- 798 1. Net weight of less than 4,500 pounds: \$27 flat, of which 799 \$7 shall be deposited into the General Revenue Fund.
 - 2. Net weight of 4,500 pounds or more: \$47.25 flat, of which \$12.25 shall be deposited into the General Revenue Fund.
 - (d) A truck camper as defined by s. 320.01(1)(b)3.:
 - 1. Net weight of less than 4,500 pounds: \$27 flat, of which \$7 shall be deposited into the General Revenue Fund.
 - 2. Net weight of 4,500 pounds or more: \$47.25 flat, of which \$12.25 shall be deposited into the General Revenue Fund.
 - (e) A private motor coach as defined by s. 320.01(1)(b)5.:
 - 1. Net weight of less than 4,500 pounds: \$27 flat, of which \$7 shall be deposited into the General Revenue Fund.
 - 2. Net weight of 4,500 pounds or more: \$47.25 flat, of which \$12.25 shall be deposited into the General Revenue Fund.
 - (10) PARK TRAILERS; TRAVEL TRAILERS; FIFTH-WHEEL TRAILERS; 35 FEET TO 40 FEET.-
 - (a) Park trailers.—Any park trailer, as defined in s. 320.01(1)(b)7.: \$25 flat.
 - (b) A travel trailer or fifth-wheel trailer, as defined in s. 320.01(1)(b), that exceeds 35 feet: \$25 flat.
 - (11) MOBILE HOMES.—
 - (a) A mobile home not exceeding 35 feet in length: \$20 flat.
- 821 (b) A mobile home over 35 feet in length, but not exceeding 822 40 feet: \$25 flat.
- 823 (c) A mobile home over 40 feet in length, but not exceeding 824 45 feet: \$30 flat.

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- (d) A mobile home over 45 feet in length, but not exceeding 50 feet: \$35 flat.
- (e) A mobile home over 50 feet in length, but not exceeding 55 feet: \$40 flat.
- (f) A mobile home over 55 feet in length, but not exceeding 60 feet: \$45 flat.
- (g) A mobile home over 60 feet in length, but not exceeding 65 feet: \$50 flat.
 - (h) A mobile home over 65 feet in length: \$80 flat.
- (12) DEALER AND MANUFACTURER LICENSE PLATES. A franchised motor vehicle dealer, independent motor vehicle dealer, marine boat trailer dealer, or mobile home dealer and manufacturer license plate: \$17 flat, of which \$4.50 shall be deposited into the General Revenue Fund.
- (13) EXEMPT OR OFFICIAL LICENSE PLATES.—Any exempt or official license plate: \$4 flat, of which \$1 shall be deposited into the General Revenue Fund.
- (14) LOCALLY OPERATED MOTOR VEHICLES FOR HIRE.—A motor vehicle for hire operated wholly within a city or within 25 miles thereof: \$17 flat, of which \$4.50 shall be deposited into the General Revenue Fund; plus \$2 per cwt, of which 50 cents shall be deposited into the General Revenue Fund.
- (15) TRANSPORTER.—Any transporter license plate issued to a transporter pursuant to s. 320.133: \$101.25 flat, of which \$26.25 shall be deposited into the General Revenue Fund.
- Section 17. Subsections (1) and (2) of section 320.0807, Florida Statutes, are amended to read:
- 320.0807 Special license plates for Governor and federal and state legislators.-

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- (1) Upon application by any member of the House of Representatives of Congress and payment of the fees prescribed by s. 320.0805, the department is authorized to issue to such Member of Congress a license plate stamped "Member of Congress" followed by the number of the appropriate congressional district and the letters "MC," or any other configuration chosen by the member which is not already in use. Upon application by a United States Senator and payment of the fees prescribed by s. 320.0805, the department is authorized to issue a license plate stamped "USS," followed by the numeral II in the case of the junior senator.
- (2) Upon application by any member of the state House of Representatives and payment of the fees prescribed by s. 320.0805, the department is authorized to issue such state representative license plates stamped in bold letters "State Legislator," followed by the number of the appropriate House of Representatives district and the letters "HR," or any other configuration chosen by the member which is not already in use on one plate; the numbers of the other plates will be assigned by the department. Upon application by a state senator and payment of the fees prescribed by s. 320.0805, the department is authorized to issue license plates stamped in bold letters "State Senator," followed by the number of the appropriate Senate district and the letters "SN," or any other configuration chosen by the member which is not already in use on one plate; the numbers of the other plates will be assigned by the department.

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



And the title is amended as follows:

Delete lines 4 - 46

and insert:

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amending s. 316.066, F.S.; authorizing crash reports to be provided to law enforcement agencies and county traffic operations; amending s. 316.0741, F.S.; providing that certain tri-vehicles are hybrid vehicles; amending s. 316.159, F.S.; requiring that drivers of certain commercial motor vehicles slow before crossing a railroad grade; amending s. 316.193, F.S.; revising qualifications for an immobilization agency to immobilize vehicles in a judicial circuit; authorizing the sheriff to verify the qualifications of an immobilization agency; authorizing the sheriff to charge a fee for verifying the qualifications of the immobilization agency; redefining the term "immobilization agency" or "immobilization agencies"; amending s. 316.2085, F.S.; authorizing the license tag on a motorcycle or moped to be affixed and displayed perpendicularly relative to the ground under certain circumstances; amending s. 316.2952, F.S.; authorizing a person to attach a global positioning system device to the windshield of a motor vehicle; amending s. 316.29545, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to exempt persons having medical conditions that require a limited exposure to light from certain prohibitions against using sunscreening material on the windows of a motor vehicle; directing the Department of Highway

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Safety and Motor Vehicles to exempt vehicles that are owned or leased by private investigative agencies from certain prohibitions against using sunscreening material on the windows of a motor vehicle; authorizing the Department of Highway Safety and Motor Vehicles to adopt rules; amending s. 316.605, F.S.; conforming the prohibition on the vertical display of a license tag to changes made by the act; amending s. 316.646, F.S.; directing the Department of Highway Safety and Motor Vehicles to suspend the registration and driver's license of a person convicted of failure to maintain required security on a motor vehicle; amending s. 318.14, F.S.; providing procedures for disposition of a citation for violating a specified learner's driver's license restriction; removing an erroneous reference; removing a requirement that a person who commits a noncriminal traffic infraction be cited to appear before an official; requiring a person who commits a traffic violation requiring a hearing or a criminal traffic violation to sign and accept a citation indicating a promise to appear for a hearing; requiring an officer to certify the delivery of a citation to the person cited; providing penalties; providing for certain persons cited for specified offenses to provide proof of compliance to a designated official; providing alternative citation disposition procedures for the offense of operating a motor vehicle with a license that has been suspended for failure to pay certain financial obligations or

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failure to comply with specified education requirements; amending s. 318.18, F.S.; adding a designated school crossing to the locations at which exceeding the posted speed limit will double the fine otherwise provided by law; amending s. 319.28, F.S.; requiring a lienholder who repossesses a motor vehicle in this state to apply for a certificate of repossession or certificate of title; amending s. 319.30, F.S.; defining the term "independent entity"; providing procedures for an independent entity that stores a damaged or dismantled motor vehicle for an insurance company to notify the owner when the vehicle is available for pick up or to apply for a certificate of desctruction or a certificate of title if the vehicle is not claimed within a certain period; amending s. 320.071, F.S.; revising the time period during which the owner of an apportionable motor vehicle may file an application for renewal of registration; revising terminology relating to the vehicles registered in accordance with the International Registration Plan; amending s. 320.08, F.S.; establishing license taxes for tri-vehicles; revising the amount of the annual license tax for the operation of an ancient or antique motorcycle; amending s. 320.0807, F.S.; revising provisions governing the special license plates issued to federal and state legislators; amending s. 320.084, F.S.;