

1                   A bill to be entitled  
2           An act relating to motor vehicle and cargo theft; amending  
3           ss. 860.151, 860.152, and 860.153, F.S.; conforming  
4           provisions to the redesignation of the Florida Motor  
5           Vehicle Theft Prevention Authority as the Florida Motor  
6           Vehicle and Cargo Theft Prevention Authority; amending s.  
7           860.154, F.S.; redesignating the authority; revising  
8           provisions relating to the board of the authority;  
9           repealing s. 860.156, F.S., relating to authority  
10          personnel; amending s. 860.157, F.S.; revising and  
11          providing powers and duties of the authority; providing  
12          for removal of members; providing a cap on administrative  
13          costs; providing for a semiannual fee on motor vehicle  
14          insurance policies and certain self-insurers; providing  
15          for the collection and deposit of funds; providing  
16          penalties; providing an exception; creating s. 860.1575,  
17          F.S.; providing for sanctions for failure to pay a  
18          specified fee on motor vehicle insurance policies;  
19          repealing s. 860.158, F.S., relating to Florida Motor  
20          Vehicle Theft Prevention Authority expenditures; amending  
21          s. 713.78, F.S.; removing a cross-reference to conform to  
22          changes made by the act; providing an effective date.

23  
24          WHEREAS, it is recognized that the original Florida Motor  
25          Vehicle Theft Prevention Authority contributed substantially to  
26          the reduction in motor vehicle thefts between 1992 and 2002 and  
27          the need now exists to recreate a theft prevention authority  
28          similar to that used in many other states, and

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29 WHEREAS, the theft of both private and commercial motor  
 30 vehicles and cargo continues to be of epidemic proportions in  
 31 this state costing in excess of a quarter of a billion dollars,  
 32 and

33 WHEREAS, motor vehicle thefts linked to fraudulent loans  
 34 and leases have spiked and continue to increase at alarming  
 35 rates, and

36 WHEREAS, motor vehicle thefts linked to fraudulent towing  
 37 and storage liens and fraudulent mechanic's liens have  
 38 increased, causing a substantial loss to companies that lease or  
 39 sell motor vehicles in this state, and

40 WHEREAS, many stolen motor vehicles, especially commercial  
 41 motor vehicles and their cargo, are exported and sold to fund  
 42 terrorist activities, and

43 WHEREAS, the prevention of motor vehicle and cargo theft  
 44 serves the interests of homeland security, and

45 WHEREAS, the prevention of motor vehicle theft, cargo  
 46 theft, and other vehicle-related crimes serves the interests of  
 47 the state and lessens the financial burdens on insurers, many of  
 48 whom incurred large losses by recent hurricanes, NOW, THEREFORE,

49

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

51

52 Section 1. Section 860.151, Florida Statutes, is amended  
 53 to read:

54 860.151 Short title.—Sections 860.151-860.1575 may be  
 55 cited ~~This act shall be known~~ as the "Florida Motor Vehicle and  
 56 Cargo Theft Prevention Act."

57 Section 2. Section 860.152, Florida Statutes, is amended  
 58 to read:

59 860.152 Purpose.—The purpose of ss. 860.151-860.1575 ~~this~~  
 60 ~~act~~ is to prevent, combat, and reduce motor vehicle theft in  
 61 this state Florida and to improve and support motor vehicle and  
 62 cargo theft law enforcement, prosecution, and administration of  
 63 motor vehicle and cargo theft laws by establishing statewide  
 64 planning capabilities for and coordination of financial  
 65 resources.

66 Section 3. Section 860.153, Florida Statutes, is amended  
 67 to read:

68 860.153 Definitions.—As used in ss. 860.151-860.1575, the  
 69 term:

70 (1) "Authority" means the Florida Motor Vehicle and Cargo  
 71 Theft Prevention Authority established in s. 860.154 ~~the~~  
 72 ~~Department of Legal Affairs.~~

73 (2) "Board" means the Florida Motor Vehicle and Cargo  
 74 Theft Prevention Authority Board of Directors established within  
 75 the authority ~~by this act.~~

76 (3) "Motor vehicle" means the same as provided ~~set forth~~  
 77 in s. 320.01(1).

78 Section 4. Section 860.154, Florida Statutes, is amended  
 79 to read:

80 860.154 Florida Motor Vehicle and Cargo Theft Prevention  
 81 Authority.—

82 (1) There is established within the Department of Legal  
 83 Affairs the Florida Motor Vehicle and Cargo Theft Prevention  
 84 Authority, which shall exercise its powers, duties, and

85 responsibilities independently of the department. The purposes,  
 86 powers, and duties of the authority shall be vested in and  
 87 exercised by a board of directors. There shall be 10 ~~nine~~  
 88 members of the board, consisting of the Attorney General, or his  
 89 or her designee; one sheriff appointed by the Florida Sheriffs  
 90 Association; one representative of an insurance company  
 91 authorized to write motor vehicle insurance in this state who  
 92 shall be appointed by the Attorney General; the director of the  
 93 Division of Motor Vehicles, or his or her designee; the  
 94 president of the Florida Auto Theft Intelligence Unit, or his or  
 95 her designee; one representative selected by the National  
 96 Insurance Crime Bureau; the director of the Florida Highway  
 97 Patrol, or his or her designee; one representative selected by  
 98 the Office of Motor Carrier Compliance, Department of  
 99 Transportation; one representative selected by the steering  
 100 committee of the Statewide Commercial Vehicle and Cargo Theft  
 101 Task Force; and the president of the Florida Auto Dismantlers  
 102 and Recyclers Association, or his or her designee ~~Chief~~  
 103 ~~Financial Officer or his or her designee; the executive director~~  
 104 ~~of the Department of Highway Safety and Motor Vehicles; the~~  
 105 ~~executive director of the Department of Law Enforcement; six~~  
 106 ~~additional members, each of whom shall be appointed by the~~  
 107 ~~Attorney General: a state attorney or city or county executive,~~  
 108 ~~a chief executive law enforcement official, a sheriff, one~~  
 109 ~~representative of companies authorized to sell motor vehicle~~  
 110 ~~insurance, one representative of insurers authorized to write~~  
 111 ~~motor vehicle insurance in this state, and one representative of~~

112 ~~purchasers of motor vehicle insurance in this state who is not~~  
 113 ~~employed by or connected with the business of insurance.~~

114 (2) Members shall serve staggered 4-year terms beginning  
 115 and ending on the third Monday of January. The initial members  
 116 of the board shall serve a term of 2 years or until reappointed  
 117 or their successors are appointed ~~The Attorney General shall~~  
 118 ~~designate the chair of the board from the membership annually.~~  
 119 ~~All members of the board appointed by the Attorney General shall~~  
 120 ~~serve at the discretion of the Attorney General for a term not~~  
 121 ~~to exceed 2 years. The initial appointed members of the board~~  
 122 ~~shall serve from October 1, 1992, until October 1, 1994, or~~  
 123 ~~until their successors are appointed. The board shall meet at~~  
 124 ~~least quarterly.~~

125 (3) The members of board shall select a chairperson who  
 126 shall serve until a successor is selected. The board shall meet  
 127 at the call of the chairperson or four members. A majority of  
 128 the members of the board shall constitute a quorum for the  
 129 transaction of business at a meeting or the exercise of a power  
 130 or function of the authority, notwithstanding the existence of  
 131 one or more vacancies on the board.

132 Section 5. Section 860.156, Florida Statutes, is repealed.

133 Section 6. Section 860.157, Florida Statutes, is amended  
 134 to read:

135 (Substantial rewording of section. See  
 136 s. 860.157, F.S., for present text.)

137 860.157 Authority powers and duties; removal of members;  
 138 cap on costs of administration; semiannual fee.-

139 (1) The authority shall:

140        (a) Hire staff, including an executive director whose  
141 initial annual compensation may not exceed \$75,000, and provide  
142 their work facilities, equipment, and supplies.

143        (b) Determine the location and severity of motor vehicle  
144 and cargo theft, analyze alternative methods of combating motor  
145 vehicle and cargo theft, develop and implement a plan of  
146 operation to prevent motor vehicle and cargo theft and enhance  
147 investigative and prosecutorial capabilities to combat the  
148 problem, and develop and implement a financial plan to  
149 accomplish the objectives of the plan of operation.

150        (c) By December 31 of each year, submit a written report  
151 to the Attorney General, the Governor, the President of the  
152 Senate, and the Speaker of the House of Representatives on its  
153 activities during the preceding fiscal year.

154        (2) The authority may solicit and accept money, equipment,  
155 supplies, materials, and services from both public and private  
156 sources necessary to carry out its functions.

157        (3) Notwithstanding any other provision of law, fines  
158 ordered by a criminal court judge as the result of any pretrial  
159 intervention agreement, plea agreement, or conviction for motor  
160 vehicle theft or motor-vehicle-related offenses shall be  
161 deposited into the Motor Vehicle and Cargo Theft Prevention  
162 Authority Trust Fund to be used for the purposes of the  
163 authority.

164        (4) The Attorney General, upon notification by the  
165 chairperson of the authority, shall remove an authority member  
166 if the Attorney General finds that:

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167 (a) The member was not qualified to serve at the time of  
168 appointment;

169 (b) The member does not maintain the qualifications for  
170 continued appointment;

171 (c) The member cannot discharge his or her duties for a  
172 substantial part of the member's term due to illness or  
173 disability; or

174 (d) The member has been absent for more than one-half of  
175 the regularly scheduled meetings during a calendar year unless  
176 the absences were excused by a majority vote of the authority.

177 (5) The costs of administration of the authority,  
178 excluding the value of any nonmonetary contributions provided  
179 under subsection (2), may not exceed 10 percent of the funds in  
180 the Motor Vehicle and Cargo Theft Prevention Authority Trust  
181 Fund in any year, excluding fines deposited under subsection  
182 (3).

183 (6) (a) Each insurer issuing motor vehicle liability  
184 insurance policies in this state shall pay a semiannual fee of  
185 50 cents per vehicle insured under a motor vehicle liability  
186 insurance policy issued by the insurer. The fee shall be fully  
187 earned and nonrefundable at the time the insurer collects the  
188 premium for the motor vehicle liability insurance policy. Each  
189 insurer shall transmit the fee on or before January 31 and on or  
190 before July 31 of each year to the authority for deposit into  
191 the Motor Vehicle and Cargo Theft Prevention Authority Trust  
192 Fund. The payment due on or before January 31 shall cover  
193 vehicles insured under policies that are issued during the  
194 period from July 1 through December 31 of the previous year. The

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195 payment due on or before July 31 shall cover vehicles insured  
196 under policies that are issued during the period from January 1  
197 through June 30 of the same year.

198 (b) Each self-insured private entity under s. 324.171  
199 shall remit to the authority for deposit into the Motor Vehicle  
200 and Cargo Theft Prevention Authority Trust Fund a semiannual fee  
201 of 50 cents for each vehicle of the entity registered in this  
202 state. Such fee shall be due and payable on or before January 31  
203 and on or before July 31 of each year for the immediate  
204 preceding 6-month period ending December 31 and June 30,  
205 respectively.

206 (c) Self-insured governmental entities are exempt from  
207 this subsection.

208 Section 7. Section 860.1575, Florida Statutes, is created  
209 to read:

210 860.1575 Failure to pay fee; sanctions.—The authority  
211 shall notify the Chief Financial Officer of an insurer's failure  
212 to pay the fee prescribed by s. 860.157(6). Upon receiving  
213 notice of an insurer's failure to pay the fee, the Chief  
214 Financial Officer may suspend the insurer's certificate of  
215 authority to issue motor vehicle insurance or impose a civil  
216 penalty of not more than 120 percent of the amount due, or both.  
217 The insurer shall pay the penalty to the Chief Financial  
218 Officer, who shall deposit the total amount of the penalty in  
219 the Motor Vehicle and Cargo Theft Prevention Authority Trust  
220 Fund.

221 Section 8. Section 860.158, Florida Statutes, is repealed.



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222 Section 9. Paragraph (e) of subsection (13) of section  
 223 713.78, Florida Statutes, is amended to read:

224 713.78 Liens for recovering, towing, or storing vehicles  
 225 and vessels.—

226 (13)

227 (e) When a wrecker operator files a notice of wrecker  
 228 operator's lien under this subsection, the department shall  
 229 charge the wrecker operator a fee of \$2, which shall be  
 230 deposited into the General Revenue Fund ~~established under s.~~  
 231 ~~860.158~~. A service charge of \$2.50 shall be collected and  
 232 retained by the tax collector who processes a notice of wrecker  
 233 operator's lien.

234 Section 10. This act shall take effect July 1, 2010.