



890044

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/30/2011	.	
	.	
	.	
	.	

The Committee on Governmental Oversight and Accountability
(Latvala) recommended the following:

Senate Amendment (with title amendment)

Delete lines 279 - 1315
and insert:

Section 4. Subsection (21) of section 316.003, Florida
Statutes, is amended, and subsection (89) is added to that
section, to read:

316.003 Definitions.—The following words and phrases, when
used in this chapter, shall have the meanings respectively
ascribed to them in this section, except where the context
otherwise requires:

(21) MOTOR VEHICLE.—Any self-propelled vehicle not operated



890044

13 upon rails or guideway, but not including any bicycle, motorized
14 scooter, electric personal assistive mobility device, swamp
15 buggy, or moped.

16 (89) SWAMP BUGGY.—A motorized off-road vehicle designed to
17 travel over swampy terrain, which may utilize large tires or
18 tracks operated from an elevated platform, and may be used on
19 varied terrain. A swamp buggy does not include any vehicle
20 defined in chapter 261 or otherwise defined or classified in
21 this chapter. A swamp buggy may not be operated upon the public
22 roads, streets, or highways of this state, except to the extent
23 specifically authorized by a state or federal agency to be used
24 exclusively upon lands, managed, owned, or leased by that
25 agency.

26 Section 5. Section 316.1905, Florida Statutes, is amended
27 to read:

28 316.1905 Electrical, mechanical, or other speed calculating
29 devices; power of arrest; evidence.—

30 (1) Whenever any peace officer engaged in the enforcement
31 of the motor vehicle laws of this state uses an electronic,
32 electrical, mechanical, or other device used to determine the
33 speed of a motor vehicle on any highway, road, street, or other
34 public way, such device shall be of a type approved by the
35 department and shall have been tested to determine that it is
36 operating accurately. Tests for this purpose shall be made not
37 less than once each 6 months, according to procedures and at
38 regular intervals of time prescribed by the department.

39 (2) Any police officer, upon receiving information relayed
40 to him or her from a fellow officer stationed on the ground or
41 in the air operating such a device that a driver of a vehicle



890044

42 has violated the speed laws of this state, may arrest the driver
43 for violation of said laws where reasonable and proper
44 identification of the vehicle and the speed of same has been
45 communicated to the arresting officer.

46 (3) A citations for a violation of s. 316.183, s. 316.187,
47 s. 316.189, or s. 316.1893 may not be issued or prosecuted
48 unless a law enforcement officer used an electrical, mechanical,
49 or other speed-calculating device that has been tested and
50 approved in accordance with subsection (1), or unless the
51 violation is determined to have contributed to a crash and the
52 law enforcement officer is able to determine by other reliable
53 measures that the driver was speeding.

54 (4) ~~(3)~~ (a) A witness otherwise qualified to testify shall be
55 competent to give testimony against an accused violator of the
56 motor vehicle laws of this state when such testimony is derived
57 from the use of such an electronic, electrical, mechanical, or
58 other device used in the calculation of speed, upon showing that
59 the speed calculating device which was used had been tested.
60 However, the operator of any visual average speed computer
61 device shall first be certified as a competent operator of such
62 device by the department.

63 (b) Upon the production of a certificate, signed and
64 witnessed, showing that such device was tested within the time
65 period specified and that such device was working properly, a
66 presumption is established to that effect unless the contrary
67 shall be established by competent evidence.

68 (c) Any person accused pursuant to the provisions of this
69 section shall be entitled to have the officer actually operating
70 the device appear in court and testify upon oral or written



890044

71 motion.

72 Section 6. Paragraph (a) of subsection (2) of section
73 316.1933, Florida Statutes, is amended to read:

74 316.1933 Blood test for impairment or intoxication in cases
75 of death or serious bodily injury; right to use reasonable
76 force.—

77 (2) (a) Only a physician, certified paramedic, registered
78 nurse, licensed practical nurse, other personnel authorized by a
79 hospital to draw blood, or duly licensed clinical laboratory
80 director, supervisor, technologist, or technician, acting at the
81 request of a law enforcement officer, may withdraw blood for the
82 purpose of determining the alcoholic content thereof or the
83 presence of chemical substances or controlled substances
84 therein. However, the failure of a law enforcement officer to
85 request the withdrawal of blood shall not affect the
86 admissibility of a test of blood withdrawn for medical purposes.

87 1. Notwithstanding any provision of law pertaining to the
88 confidentiality of hospital records or other medical records, if
89 a health care provider, who is providing medical care in a
90 health care facility to a person injured in a motor vehicle
91 crash, becomes aware, as a result of any blood test performed in
92 the course of that medical treatment, that the person's blood-
93 alcohol level meets or exceeds the blood-alcohol level specified
94 in s. 316.193(1)(b), or detects the presence of a controlled
95 substance listed in chapter 893, the health care provider may
96 notify any law enforcement officer or law enforcement agency.
97 Any such notice must be given within a reasonable time after the
98 health care provider receives the test result. Any such notice
99 shall be used only for the purpose of providing the law



890044

100 enforcement officer with reasonable cause to request the
101 withdrawal of a blood sample pursuant to this section.

102 2. The notice shall consist only of the name of the person
103 being treated, the name of the person who drew the blood, the
104 blood-alcohol level indicated by the test, and the date and time
105 of the administration of the test.

106 3. Nothing contained in s. 395.3025(4), s. 456.057, or any
107 applicable practice act affects the authority to provide notice
108 under this section, and the health care provider is not
109 considered to have breached any duty owed to the person under s.
110 395.3025(4), s. 456.057, or any applicable practice act by
111 providing notice or failing to provide notice. It shall not be a
112 breach of any ethical, moral, or legal duty for a health care
113 provider to provide notice or fail to provide notice.

114 4. A civil, criminal, or administrative action may not be
115 brought against any person or health care provider participating
116 in good faith in the provision of notice or failure to provide
117 notice as provided in this section. Any person or health care
118 provider participating in the provision of notice or failure to
119 provide notice as provided in this section shall be immune from
120 any civil or criminal liability and from any professional
121 disciplinary action with respect to the provision of notice or
122 failure to provide notice under this section. Any such
123 participant has the same immunity with respect to participating
124 in any judicial proceedings resulting from the notice or failure
125 to provide notice.

126 Section 7. Section 316.1957, Florida Statutes, is amended
127 to read:

128 316.1957 Parking violations; designated parking spaces for



890044

129 persons who have disabilities.—When evidence is presented in any
130 court of the fact that any motor vehicle was parked in a
131 properly designated parking space for persons who have
132 disabilities in violation of s. 316.1955, it is prima facie
133 evidence that the vehicle was parked and left in the space by
134 the person, firm, or corporation in whose name the vehicle is
135 registered and licensed according to the records of the
136 department ~~Division of Motor Vehicles~~.

137 Section 8. Subsection (3) of section 316.2085, Florida
138 Statutes, is amended to read:

139 316.2085 Riding on motorcycles or mopeds.—

140 (3) The license tag of a motorcycle or moped must be
141 permanently affixed to the vehicle and may not be ~~adjusted or~~
142 ~~capable of being~~ flipped up, inverted, reversed, or in any other
143 way rendered to make the letters of the tag illegible from the
144 rear while the vehicle is being operated. ~~Concealing No device~~
145 ~~for or method of concealing~~ or obscuring the legibility of the
146 license tag of a motorcycle is prohibited ~~shall be installed or~~
147 ~~used~~. The license tag of a motorcycle or moped may be affixed
148 horizontally or vertically to the ground so that the numbers and
149 letters read from left to right or from top to bottom.

150 ~~Alternatively, a license tag for a motorcycle or moped for which~~
151 ~~the numbers and letters read from top to bottom may be affixed~~
152 ~~perpendicularly to the ground, provided that the registered~~
153 ~~owner of the motorcycle or moped maintains a prepaid toll~~
154 ~~account in good standing and a transponder associated with the~~
155 ~~prepaid toll account is affixed to the motorcycle or moped.~~

156 Section 9. Section 316.2122, Florida Statutes, is amended
157 to read:



890044

158 316.2122 Operation of a low-speed vehicle or mini truck on
159 certain roadways.—The operation of a low-speed vehicle as
160 defined in s. 320.01~~(42)~~ or a mini truck as defined in s.
161 320.01~~(45)~~ on any road as defined in s. 334.03(15) or (33) is
162 authorized with the following restrictions:

163 (1) A low-speed vehicle or mini truck may be operated only
164 on streets where the posted speed limit is 35 miles per hour or
165 less. This does not prohibit a low-speed vehicle or mini truck
166 from crossing a road or street at an intersection where the road
167 or street has a posted speed limit of more than 35 miles per
168 hour.

169 (2) A low-speed vehicle must be equipped with headlamps,
170 stop lamps, turn signal lamps, taillamps, reflex reflectors,
171 parking brakes, rearview mirrors, windshields, seat belts, and
172 vehicle identification numbers.

173 (3) A low-speed vehicle or mini truck must be registered
174 and insured in accordance with s. 320.02 and titled pursuant to
175 chapter 319.

176 (4) Any person operating a low-speed vehicle or mini truck
177 must have in his or her possession a valid driver's license.

178 (5) A county or municipality may prohibit the operation of
179 low-speed vehicles or mini trucks on any road under its
180 jurisdiction if the governing body of the county or municipality
181 determines that such prohibition is necessary in the interest of
182 safety.

183 (6) The Department of Transportation may prohibit the
184 operation of low-speed vehicles or mini trucks on any road under
185 its jurisdiction if it determines that such prohibition is
186 necessary in the interest of safety.



890044

187 Section 10. Section 316.2124, Florida Statutes, is amended
188 to read:

189 316.2124 Motorized disability access vehicles.—The
190 Department of Highway Safety and Motor Vehicles is directed to
191 provide, by rule, for the regulation of motorized disability
192 access vehicles as described in s. 320.01~~(34)~~. The department
193 shall provide that motorized disability access vehicles shall be
194 registered in the same manner as motorcycles and shall pay the
195 same registration fee as for a motorcycle. There shall also be
196 assessed, in addition to the registration fee, a \$2.50 surcharge
197 for motorized disability access vehicles. This surcharge shall
198 be paid into the Highway Safety Operating Trust Fund. Motorized
199 disability access vehicles shall not be required to be titled by
200 the department. The department shall require motorized
201 disability access vehicles to be subject to the same safety
202 requirements as set forth in this chapter for motorcycles.

203 Section 11. Section 316.21265, Florida Statutes, is amended
204 to read:

205 316.21265 Use of all-terrain vehicles, golf carts, low-
206 speed vehicles, or utility vehicles by law enforcement
207 agencies.—

208 (1) Notwithstanding any provision of law to the contrary,
209 any law enforcement agency in this state may operate all-terrain
210 vehicles as defined in s. 316.2074, golf carts as defined in s.
211 320.01(22), low-speed vehicles as defined in s. 320.01~~(42)~~, or
212 utility vehicles as defined in s. 320.01~~(43)~~ on any street,
213 road, or highway in this state while carrying out its official
214 duties.

215 (2) Such vehicles must be clearly marked as vehicles of a



890044

216 law enforcement agency and may be equipped with special warning
217 lights, signaling devices, or other equipment approved or
218 authorized for use on law enforcement vehicles.

219 (3) The vehicle operator and passengers must wear safety
220 gear, such as helmets, which is ordinarily required for use by
221 operators or passengers on such vehicles.

222 Section 12. Subsection (1) of section 316.3026, Florida
223 Statutes, is amended to read:

224 316.3026 Unlawful operation of motor carriers.—

225 (1) The Office of Motor Carrier Compliance of the
226 Department of Transportation may issue out-of-service orders to
227 motor carriers, as defined in s. 320.01~~(33)~~, who have after
228 proper notice failed to pay any penalty or fine assessed by the
229 department, or its agent, against any owner or motor carrier for
230 violations of state law, refused to submit to a compliance
231 review and provide records pursuant to s. 316.302(5) or s.
232 316.70, or violated safety regulations pursuant to s. 316.302 or
233 insurance requirements found in s. 627.7415. Such out-of-service
234 orders shall have the effect of prohibiting the operations of
235 any motor vehicles owned, leased, or otherwise operated by the
236 motor carrier upon the roadways of this state, until such time
237 as the violations have been corrected or penalties have been
238 paid. Out-of-service orders issued under this section must be
239 approved by the Secretary of Transportation or his or her
240 designee. An administrative hearing pursuant to s. 120.569 shall
241 be afforded to motor carriers subject to such orders.

242 Section 13. Subsection (3) of section 316.545, Florida
243 Statutes, is amended to read:

244 316.545 Weight and load unlawful; special fuel and motor



890044

245 fuel tax enforcement; inspection; penalty; review.—

246 (3) Any person who violates the overloading provisions of
247 this chapter shall be conclusively presumed to have damaged the
248 highways of this state by reason of such overloading, which
249 damage is hereby fixed as follows:

250 (a) When the excess weight is 200 pounds or less than the
251 maximum herein provided, the penalty shall be \$10;

252 (b) Five cents per pound for each pound of weight in excess
253 of the maximum herein provided when the excess weight exceeds
254 200 pounds. However, whenever the gross weight of the vehicle or
255 combination of vehicles does not exceed the maximum allowable
256 gross weight, the maximum fine for the first 600 pounds of
257 unlawful axle weight shall be \$10;

258 (c) For a vehicle equipped with fully functional idle-
259 reduction technology, any penalty shall be calculated by
260 reducing the actual gross vehicle weight or the internal bridge
261 weight by the certified weight of the idle-reduction technology
262 or by 400 pounds, whichever is less. The vehicle operator must
263 present written certification of the weight of the idle-
264 reduction technology and must demonstrate or certify that the
265 idle-reduction technology is fully functional at all times. This
266 calculation is not allowed for vehicles described in s.
267 316.535(6);

268 (d) An apportionable ~~apportioned motor~~ vehicle, as defined
269 in s. 320.01, operating on the highways of this state without
270 being properly licensed and registered shall be subject to the
271 penalties as herein provided; and

272 (e) Vehicles operating on the highways of this state from
273 nonmember International Registration Plan jurisdictions which



890044

274 are not in compliance with the provisions of s. 316.605 shall be
275 subject to the penalties as herein provided.

276 Section 14. Paragraph (a) of subsection (5) and subsection
277 (10) of section 316.550, Florida Statutes, are amended to read:
278 316.550 Operations not in conformity with law; special
279 permits.—

280 (5) (a) The Department of Transportation may issue a wrecker
281 special blanket permit to authorize a wrecker as defined in s.
282 320.01~~(40)~~ to tow a disabled vehicle as defined in s. 320.01(38)
283 where the combination of the wrecker and the disabled vehicle
284 being towed exceeds the maximum weight limits as established by
285 s. 316.535.

286 (10) Whenever any motor vehicle, or the combination of a
287 wrecker as defined in s. 320.01~~(40)~~ and a towed motor vehicle,
288 exceeds any weight or dimensional criteria or special
289 operational or safety stipulation contained in a special permit
290 issued under the provisions of this section, the penalty
291 assessed to the owner or operator shall be as follows:

292 (a) For violation of weight criteria contained in a special
293 permit, the penalty per pound or portion thereof exceeding the
294 permitted weight shall be as provided in s. 316.545.

295 (b) For each violation of dimensional criteria in a special
296 permit, the penalty shall be as provided in s. 316.516 and
297 penalties for multiple violations of dimensional criteria shall
298 be cumulative except that the total penalty for the vehicle
299 shall not exceed \$1,000.

300 (c) For each violation of an operational or safety
301 stipulation in a special permit, the penalty shall be an amount
302 not to exceed \$1,000 per violation and penalties for multiple



890044

303 violations of operational or safety stipulations shall be
304 cumulative except that the total penalty for the vehicle shall
305 not exceed \$1,000.

306 (d) For violation of any special condition that has been
307 prescribed in the rules of the Department of Transportation and
308 declared on the permit, the vehicle shall be determined to be
309 out of conformance with the permit and the permit shall be
310 declared null and void for the vehicle, and weight and
311 dimensional limits for the vehicle shall be as established in s.
312 316.515 or s. 316.535, whichever is applicable, and:

313 1. For weight violations, a penalty as provided in s.
314 316.545 shall be assessed for those weights which exceed the
315 limits thus established for the vehicle; and

316 2. For dimensional, operational, or safety violations, a
317 penalty as established in paragraph (c) or s. 316.516, whichever
318 is applicable, shall be assessed for each nonconforming
319 dimensional, operational, or safety violation and the penalties
320 for multiple violations shall be cumulative for the vehicle.

321 Section 15. Subsection (3) of section 316.646, Florida
322 Statutes, is amended to read:

323 316.646 Security required; proof of security and display
324 thereof; dismissal of cases.-

325 (3) Any person who violates this section commits a
326 nonmoving traffic infraction subject to the penalty provided in
327 chapter 318 and shall be required to furnish proof of security
328 as provided in this section. If any person charged with a
329 violation of this section fails to furnish proof at or before
330 the scheduled court appearance date that security was in effect
331 at the time of the violation, the court shall, upon conviction,



890044

332 notify the department to suspend the registrations ~~registration~~
333 and driver's license of such person. If the court fails to order
334 the suspension of the person's registrations ~~registration~~ and
335 driver's license for a conviction of this section at the time of
336 sentencing, the department shall, upon receiving notice of the
337 conviction from the court, and for all motor vehicle owners
338 charged with operating a vehicle as defined in s. 627.732(3)(a),
339 suspend the person's registrations ~~registration~~ and driver's
340 license for the violation of this section. Such license and
341 registration may be reinstated only as provided in s. 324.0221.

342 Section 16. Subsection (9) of section 317.0003, Florida
343 Statutes, is amended to read:

344 317.0003 Definitions.—As used in this chapter, the term:

345 (9) "ROV" means any motorized recreational off-highway
346 vehicle 64 inches or less in width, having a dry weight of 2,000
347 pounds or less, designed to travel on four or more nonhighway
348 tires, having nonstraddle seating and a steering wheel, and
349 manufactured for recreational use by one or more persons. The
350 term "ROV" does not include a golf cart as defined in ss.
351 320.01~~(22)~~ and 316.003(68) or a low-speed vehicle as defined in
352 s. 320.01~~(42)~~.

353 Section 17. Section 317.0016, Florida Statutes, is amended
354 to read:

355 317.0016 Expedited service; applications; fees.—The
356 department shall provide, through its agents and for use by the
357 public, expedited service on title transfers, title issuances,
358 duplicate titles, and recordation of liens, ~~and certificates of~~
359 ~~repossession~~. A fee of \$7 shall be charged for this service,
360 which is in addition to the fees imposed by ss. 317.0007 and



890044

361 317.0008, and \$3.50 of this fee shall be retained by the
362 processing agency. All remaining fees shall be deposited in the
363 Incidental Trust Fund of the Division of Forestry of the
364 Department of Agriculture and Consumer Services. Application for
365 expedited service may be made by mail or in person. The
366 department shall issue each title applied for pursuant to this
367 section within 5 working days after receipt of the application
368 except for an application for a duplicate title certificate
369 covered by s. 317.0008(3), in which case the title must be
370 issued within 5 working days after compliance with the
371 department's verification requirements.

372 Section 18. Subsection (9) and paragraph (a) of subsection
373 (10) of section 318.14, Florida Statutes, are amended to read:

374 318.14 Noncriminal traffic infractions; exception;
375 procedures.—

376 (9) Any person who does not hold a commercial driver's
377 license and who is cited while driving a noncommercial motor
378 vehicle for an infraction under this section other than a
379 violation of s. 316.183(2), s. 316.187, or s. 316.189 when the
380 driver exceeds the posted limit by 30 miles per hour or more, s.
381 320.0605, s. 320.07(3)(a) or (b), s. 322.065, s. 322.15(1), s.
382 322.61, or s. 322.62 may, in lieu of a court appearance, elect
383 to attend in the location of his or her choice within this state
384 a basic driver improvement course approved by the Department of
385 Highway Safety and Motor Vehicles. In such a case, adjudication
386 must be withheld and points, as provided by s. 322.27, may not
387 be assessed. However, a person may not make an election under
388 this subsection if the person has made an election under this
389 subsection in the preceding 12 months. A person may make no more



890044

390 than five elections within his or her lifetime under this
391 subsection. The requirement for community service under s.
392 318.18(8) is not waived by a plea of nolo contendere or by the
393 withholding of adjudication of guilt by a court. If a person
394 makes an election to attend a basic driver improvement course
395 under this subsection, 18 percent of the civil penalty imposed
396 under s. 318.18(3) shall be deposited in the State Courts
397 Revenue Trust Fund; however, that portion is not revenue for
398 purposes of s. 28.36 and may not be used in establishing the
399 budget of the clerk of the court under that section or s. 28.35.

400 (10) (a) Any person who does not hold a commercial driver's
401 license and who is cited while driving a noncommercial motor
402 vehicle for an offense listed under this subsection may, in lieu
403 of payment of fine or court appearance, elect to enter a plea of
404 nolo contendere and provide proof of compliance to the clerk of
405 the court, designated official, or authorized operator of a
406 traffic violations bureau. In such case, adjudication shall be
407 withheld; however, no election shall be made under this
408 subsection if such person has made an election under this
409 subsection in the 12 months preceding election hereunder. No
410 person may make more than three elections under this subsection.
411 This subsection applies to the following offenses:

412 1. Operating a motor vehicle without a valid driver's
413 license in violation of the provisions of s. 322.03, s. 322.065,
414 or s. 322.15(1), or operating a motor vehicle with a license
415 that has been suspended for failure to appear, failure to pay
416 civil penalty, or failure to attend a driver improvement course
417 pursuant to s. 322.291.

418 2. Operating a motor vehicle without a valid registration



890044

419 in violation of s. 320.0605, s. 320.07, or s. 320.131.

420 3. Operating a motor vehicle in violation of s. 316.646.

421 4. Operating a motor vehicle with a license that has been
422 suspended under s. 61.13016 or s. 322.245 for failure to pay
423 child support or for failure to pay any other financial
424 obligation as provided in s. 322.245; however, this subparagraph
425 does not apply if the license has been suspended pursuant to s.
426 322.245(1).

427 5. Operating a motor vehicle with a license that has been
428 suspended under s. 322.091 for failure to meet school attendance
429 requirements.

430 Section 19. Paragraph (a) of subsection (1) of section
431 318.15, Florida Statutes, is amended to read:

432 318.15 Failure to comply with civil penalty or to appear;
433 penalty.—

434 (1) (a) If a person fails to comply with the civil penalties
435 provided in s. 318.18 within the time period specified in s.
436 318.14(4), fails to enter into or comply with the terms of a
437 penalty payment plan with the clerk of the court in accordance
438 with ss. 318.14 and 28.246, fails to attend driver improvement
439 school, or fails to appear at a scheduled hearing, the clerk of
440 the court shall notify the ~~Division of Driver Licenses of the~~
441 Department of Highway Safety and Motor Vehicles of such failure
442 within 10 days after such failure. Upon receipt of such notice,
443 the department shall immediately issue an order suspending the
444 driver's license and privilege to drive of such person effective
445 20 days after the date the order of suspension is mailed in
446 accordance with s. 322.251(1), (2), and (6). Any such suspension
447 of the driving privilege which has not been reinstated,



890044

448 including a similar suspension imposed outside Florida, shall
449 remain on the records of the department for a period of 7 years
450 from the date imposed and shall be removed from the records
451 after the expiration of 7 years from the date it is imposed.

452 Section 20. Section 319.14, Florida Statutes, is amended to
453 read:

454 319.14 Sale of motor vehicles registered or used as
455 taxicabs, police vehicles, lease vehicles, ~~or~~ rebuilt vehicles,
456 ~~and~~ nonconforming vehicles, custom vehicles, or street rod
457 vehicles.—

458 (1) (a) A ~~No~~ person may not ~~shall~~ knowingly offer for sale,
459 sell, or exchange any vehicle that has been licensed,
460 registered, or used as a taxicab, police vehicle, or short-term-
461 lease vehicle, or a vehicle that has been repurchased by a
462 manufacturer pursuant to a settlement, determination, or
463 decision under chapter 681, until the department has stamped in
464 a conspicuous place on the certificate of title of the vehicle,
465 or its duplicate, words stating the nature of the previous use
466 of the vehicle or the title has been stamped "Manufacturer's Buy
467 Back" to reflect that the vehicle is a nonconforming vehicle. If
468 the certificate of title or duplicate was not so stamped upon
469 initial issuance thereof or if, subsequent to initial issuance
470 of the title, the use of the vehicle is changed to a use
471 requiring the notation provided for in this section, the owner
472 or lienholder of the vehicle shall surrender the certificate of
473 title or duplicate to the department before ~~prior to~~ offering
474 the vehicle for sale, and the department shall stamp the
475 certificate or duplicate as required herein. If ~~When~~ a vehicle
476 has been repurchased by a manufacturer pursuant to a settlement,



890044

477 determination, or decision under chapter 681, the title shall be
478 stamped "Manufacturer's Buy Back" to reflect that the vehicle is
479 a nonconforming vehicle.

480 (b) A ~~No~~ person may not ~~shall~~ knowingly offer for sale,
481 sell, or exchange a rebuilt vehicle until the department has
482 stamped in a conspicuous place on the certificate of title for
483 the vehicle words stating that the vehicle has been rebuilt or
484 assembled from parts, or is a kit car, glider kit, replica, ~~or~~
485 flood vehicle, custom vehicle, or street rod vehicle unless
486 proper application for a certificate of title for a vehicle that
487 is rebuilt or assembled from parts, or is a kit car, glider kit,
488 replica, ~~or~~ flood vehicle, custom vehicle, or street rod vehicle
489 has been made to the department in accordance with this chapter
490 and the department has conducted the physical examination of the
491 vehicle to assure the identity of the vehicle and all major
492 component parts, as defined in s. 319.30(1), which have been
493 repaired or replaced. Thereafter, the department shall affix a
494 decal to the vehicle, in the manner prescribed by the
495 department, showing the vehicle to be rebuilt. A vehicle may not
496 be inspected or issued a rebuilt title until all major component
497 parts, as defined in s. 319.30, which were damaged have been
498 repaired or replaced.

499 (c) As used in this section, the term:

500 1. "Police vehicle" means a motor vehicle owned or leased
501 by the state or a county or municipality and used in law
502 enforcement.

503 2.a. "Short-term-lease vehicle" means a motor vehicle
504 leased without a driver and under a written agreement to one or
505 more persons from time to time for a period of less than 12



890044

- 506 months.
- 507 b. "Long-term-lease vehicle" means a motor vehicle leased
508 without a driver and under a written agreement to one person for
509 a period of 12 months or longer.
- 510 c. "Lease vehicle" includes both short-term-lease vehicles
511 and long-term-lease vehicles.
- 512 3. "Rebuilt vehicle" means a motor vehicle or mobile home
513 built from salvage or junk, as defined in s. 319.30(1).
- 514 4. "Assembled from parts" means a motor vehicle or mobile
515 home assembled from parts or combined from parts of motor
516 vehicles or mobile homes, new or used. "Assembled from parts"
517 does not mean a motor vehicle defined as a "rebuilt vehicle" in
518 subparagraph 3., which has been declared a total loss pursuant
519 to s. 319.30.
- 520 5. "Kit car" means a motor vehicle assembled with a kit
521 supplied by a manufacturer to rebuild a wrecked or outdated
522 motor vehicle with a new body kit.
- 523 6. "Glider kit" means a vehicle assembled with a kit
524 supplied by a manufacturer to rebuild a wrecked or outdated
525 truck or truck tractor.
- 526 7. "Replica" means a complete new motor vehicle
527 manufactured to look like an old vehicle.
- 528 8. "Flood vehicle" means a motor vehicle or mobile home
529 that has been declared to be a total loss pursuant to s.
530 319.30(3)(a) resulting from damage caused by water.
- 531 9. "Nonconforming vehicle" means a motor vehicle which has
532 been purchased by a manufacturer pursuant to a settlement,
533 determination, or decision under chapter 681.
- 534 10. "Settlement" means an agreement entered into between a



890044

535 manufacturer and a consumer that occurs after a dispute is
536 submitted to a program, or an informal dispute settlement
537 procedure established by a manufacturer or is approved for
538 arbitration before the New Motor Vehicle Arbitration Board as
539 defined in s. 681.102.

540 11. "Custom vehicle" means a motor vehicle that:

541 a. Is 25 years of age or older and of a model year after
542 1948, or was manufactured to resemble a vehicle that is 25 years
543 of age or older and of a model year after 1948; and

544 b. Has been altered from the manufacturer's original design
545 or has a body constructed from nonoriginal materials.

546
547 The model year and year of manufacture which the body of a
548 custom vehicle resembles is the model year and year of
549 manufacture listed on the certificate of title, regardless of
550 when the vehicle was actually manufactured.

551 12. "Street rod" means a motor vehicle that:

552 a. Is a model year of 1948 or older or was manufactured
553 after 1948 to resemble a vehicle of a model year of 1948 or
554 older; and

555 b. Has been altered from the manufacturer's original design
556 or has a body constructed from nonoriginal materials.

557
558 The model year and year of manufacture which the body of a
559 street rod resembles is the model year and year of manufacture
560 listed on the certificate of title, regardless of when the
561 vehicle was actually manufactured.

562 (2) A ~~No~~ person ~~may not shall~~ knowingly sell, exchange, or
563 transfer a vehicle referred to in subsection (1) without, before



890044

564 ~~prior to~~ consummating the sale, exchange, or transfer,
565 disclosing in writing to the purchaser, customer, or transferee
566 the fact that the vehicle has previously been titled,
567 registered, or used as a taxicab, police vehicle, or short-term-
568 lease vehicle, ~~or~~ is a vehicle that is rebuilt or assembled from
569 parts, ~~or~~ is a kit car, glider kit, replica, or flood vehicle,
570 or is a nonconforming vehicle, custom vehicle, or street rod
571 vehicle, as the case may be.

572 (3) Any person who, with intent to offer for sale or
573 exchange any vehicle referred to in subsection (1), knowingly or
574 intentionally advertises, publishes, disseminates, circulates,
575 or places before the public in any communications medium,
576 whether directly or indirectly, any offer to sell or exchange
577 the vehicle shall clearly and precisely state in each ~~such~~ offer
578 that the vehicle has previously been titled, registered, or used
579 as a taxicab, police vehicle, or short-term-lease vehicle or
580 that the vehicle or mobile home is a vehicle that is rebuilt or
581 assembled from parts, ~~or~~ is a kit car, glider kit, replica, or
582 flood vehicle, or is a nonconforming vehicle, custom vehicle, or
583 street rod vehicle, as the case may be. Any person who violates
584 this subsection commits a misdemeanor of the second degree,
585 punishable as provided in s. 775.082 or s. 775.083.

586 (4) If ~~When~~ a certificate of title, including a foreign
587 certificate, is branded to reflect a condition or prior use of
588 the titled vehicle, the brand must be noted on the registration
589 certificate of the vehicle and such brand shall be carried
590 forward on all subsequent certificates of title and registration
591 certificates issued for the life of the vehicle.

592 (5) Any person who knowingly sells, exchanges, or offers to



890044

593 sell or exchange a motor vehicle or mobile home contrary to ~~the~~
594 ~~provisions of~~ this section or any officer, agent, or employee of
595 a person who knowingly authorizes, directs, aids in, or consents
596 to the sale, exchange, or offer to sell or exchange a motor
597 vehicle or mobile home contrary to ~~the provisions of~~ this
598 section commits a misdemeanor of the second degree, punishable
599 as provided in s. 775.082 or s. 775.083.

600 (6) Any person who removes a rebuilt decal from a rebuilt
601 vehicle with the intent to conceal the rebuilt status of the
602 vehicle commits a felony of the third degree, punishable as
603 provided in s. 775.082, s. 775.083, or s. 775.084.

604 (7) This section applies to a mobile home, travel trailer,
605 camping trailer, truck camper, or fifth-wheel recreation trailer
606 only when the ~~such~~ mobile home or vehicle is a rebuilt vehicle
607 or is assembled from parts.

608 (8) A ~~No~~ person is not ~~shall be~~ liable or accountable in
609 any civil action arising out of a violation of this section if
610 the designation of the previous use or condition of the motor
611 vehicle is not noted on the certificate of title and
612 registration certificate of the vehicle which was received by,
613 or delivered to, such person, unless the ~~such~~ person has
614 actively concealed the prior use or condition of the vehicle
615 from the purchaser.

616 (9) Subsections (1), (2), and (3) do not apply to the
617 transfer of ownership of a motor vehicle after the motor vehicle
618 has ceased to be used as a lease vehicle and the ownership has
619 been transferred to an owner for private use or to the transfer
620 of ownership of a nonconforming vehicle with 36,000 or more
621 miles on its odometer, or 34 months whichever is later and the



890044

622 ownership has been transferred to an owner for private use. Such
623 owner, as shown on the title certificate, may request the
624 department to issue a corrected certificate of title that does
625 not contain the statement of the previous use of the vehicle as
626 a lease vehicle or condition as a nonconforming vehicle.

627 Section 21. Section 319.225, Florida Statutes, is amended
628 to read:

629 319.225 Transfer and reassignment forms; odometer
630 disclosure statements.—

631 (1) Every certificate of title issued by the department
632 must contain the following statement ~~on its reverse side~~:
633 "Federal and state law require the completion of the odometer
634 statement set out below. Failure to complete or providing false
635 information may result in fines, imprisonment, or both."

636 (2) Each certificate of title issued by the department must
637 contain ~~on its reverse side~~ a form for transfer of title by the
638 titleholder of record, which form must contain an odometer
639 disclosure statement in the form required by 49 C.F.R. s. 580.5.

640 (3) Each certificate of title issued by the department must
641 contain ~~on its reverse side~~ as many forms as space allows for
642 reassignment of title by a licensed dealer as permitted by s.
643 319.21(3), which form or forms shall contain an odometer
644 disclosure statement in the form required by 49 C.F.R. s. 580.5.
645 When all dealer reassignment forms ~~provided on the back of the~~
646 ~~title certificate~~ have been filled in, a dealer may reassign the
647 title certificate by using a separate dealer reassignment form
648 issued by the department in compliance with 49 C.F.R. ss. 580.4
649 and 580.5, which form shall contain an original, ~~two carbon~~
650 ~~copies one of~~ which shall be submitted ~~directly~~ to the



890044

651 department by the dealer ~~within 5 business days after the~~
652 ~~transfer~~ and a copy, ~~one of~~ which shall be retained by the
653 dealer in his or her records for 5 years. The provisions of this
654 subsection ~~shall~~ also apply to vehicles not previously titled in
655 this state and vehicles whose title certificates do not contain
656 the forms required by this section.

657 (4) Upon transfer or reassignment of a certificate of title
658 to a used motor vehicle, the transferor shall complete the
659 odometer disclosure statement provided for by this section and
660 the transferee shall acknowledge the disclosure by signing and
661 printing his or her name in the spaces provided. This subsection
662 does not apply to a vehicle that has a gross vehicle rating of
663 more than 16,000 pounds, a vehicle that is not self-propelled,
664 or a vehicle that is 10 years old or older. A lessor who
665 transfers title to his or her vehicle without obtaining
666 possession of the vehicle shall make odometer disclosure as
667 provided by 49 C.F.R. s. 580.7. Any person who fails to complete
668 or acknowledge a disclosure statement as required by this
669 subsection commits ~~is guilty of~~ a misdemeanor of the second
670 degree, punishable as provided in s. 775.082 or s. 775.083. The
671 department may not issue a certificate of title unless this
672 subsection has been complied with.

673 (5) The same person may not sign a disclosure statement as
674 both the transferor and the transferee in the same transaction
675 except as provided in subsection (6).

676 (6) (a) If the certificate of title is physically held by a
677 lienholder, the transferor may give a power of attorney to his
678 or her transferee for the purpose of odometer disclosure. The
679 power of attorney must be on a form issued or authorized by the



890044

680 department, which form must be in compliance with 49 C.F.R. ss.
681 580.4 and 580.13. The department shall not require the signature
682 of the transferor to be notarized on the form; however, in lieu
683 of notarization, the form shall include an affidavit with the
684 following wording: UNDER PENALTY OF PERJURY, I DECLARE THAT I
685 HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT
686 ARE TRUE. The transferee shall sign the power of attorney form,
687 print his or her name, and return a copy of the power of
688 attorney form to the transferor. Upon receipt of a title
689 certificate, the transferee shall complete the space for mileage
690 disclosure on the title certificate exactly as the mileage was
691 disclosed by the transferor on the power of attorney form. If
692 the transferee is a licensed motor vehicle dealer who is
693 transferring the vehicle to a retail purchaser, the dealer shall
694 make application on behalf of the retail purchaser as provided
695 in s. 319.23(6) and shall submit the original power of attorney
696 form to the department with the application for title and the
697 transferor's title certificate; otherwise, a dealer may reassign
698 the title certificate by using the dealer reassignment form in
699 the manner prescribed in subsection (3), and, at the time of
700 physical transfer of the vehicle, the original power of attorney
701 shall be delivered to the person designated as the transferee of
702 the dealer on the dealer reassignment form. ~~A copy of the~~
703 ~~executed power of attorney shall be submitted to the department~~
704 ~~with a copy of the executed dealer reassignment form within 5~~
705 ~~business days after the certificate of title and dealer~~
706 ~~reassignment form are delivered by the dealer to its transferee.~~

707 (b) If the certificate of title is lost or otherwise
708 unavailable, the transferor may give a power of attorney to his



890044

709 or her transferee for the purpose of odometer disclosure. The
710 power of attorney must be on a form issued or authorized by the
711 department, which form must be in compliance with 49 C.F.R. ss.
712 580.4 and 580.13. The department shall not require the signature
713 of the transferor to be notarized on the form; however, in lieu
714 of notarization, the form shall include an affidavit with the
715 following wording: UNDER PENALTY OF PERJURY, I DECLARE THAT I
716 HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT
717 ARE TRUE. The transferee shall sign the power of attorney form,
718 print his or her name, and return a copy of the power of
719 attorney form to the transferor. Upon receipt of the title
720 certificate or a duplicate title certificate, the transferee
721 shall complete the space for mileage disclosure on the title
722 certificate exactly as the mileage was disclosed by the
723 transferor on the power of attorney form. If the transferee is a
724 licensed motor vehicle dealer who is transferring the vehicle to
725 a retail purchaser, the dealer shall make application on behalf
726 of the retail purchaser as provided in s. 319.23(6) and shall
727 submit the original power of attorney form to the department
728 with the application for title and the transferor's title
729 certificate or duplicate title certificate; otherwise, a dealer
730 may reassign the title certificate by using the dealer
731 reassignment form in the manner prescribed in subsection (3),
732 and, at the time of physical transfer of the vehicle, the
733 original power of attorney shall be delivered to the person
734 designated as the transferee of the dealer on the dealer
735 reassignment form. If the dealer sells the vehicle to an out-of-
736 state resident or an out-of-state dealer and the power of
737 attorney form is applicable to the transaction, the dealer must



890044

738 photocopy the completed original of the form and mail it
739 directly to the department within 5 business days after the
740 certificate of title and dealer reassignment form are delivered
741 by the dealer to the purchaser. A copy of the executed power of
742 attorney shall be submitted to the department with a copy of the
743 executed dealer reassignment form within 5 business days after
744 the duplicate certificate of title and dealer reassignment form
745 are delivered by the dealer to its transferee.

746 (c) If the mechanics of the transfer of title to a motor
747 vehicle in accordance with the provisions of paragraph (a) or
748 paragraph (b) are determined to be incompatible with and
749 unlawful under the provisions of 49 C.F.R. part 580, the
750 transfer of title to a motor vehicle by operation of this
751 subsection can be effected in any manner not inconsistent with
752 49 C.F.R. part 580 and Florida law; provided, any power of
753 attorney form issued or authorized by the department under this
754 subsection shall contain an original, two carbon copies, one of
755 which shall be submitted directly to the department by the
756 dealer within 5 business days of use by the dealer to effect
757 transfer of a title certificate as provided in paragraphs (a)
758 and (b) and a copy, one of which shall be retained by the dealer
759 in its records for 5 years.

760 (d) Any person who fails to complete the information
761 required by this subsection or to file with the department the
762 forms required by this subsection commits is guilty of a
763 misdemeanor of the second degree, punishable as provided in s.
764 775.082 or s. 775.083. The department shall not issue a
765 certificate of title unless this subsection has been complied
766 with.



890044

767 (7) Subject to approval by the National Highway Traffic
768 Safety Administration or any other applicable authority, if a
769 title is held electronically and the transferee agrees to
770 maintain the title electronically, the transferor and transferee
771 shall complete a secure reassignment document that discloses the
772 odometer reading and is signed by both the transferor and
773 transferee at the tax collector's office or license plate
774 agency. A dealer acquiring a motor vehicle that has an
775 electronic title shall use a secure reassignment document signed
776 by the person from whom the dealer acquired the motor vehicle.
777 Upon transferring the motor vehicle to a purchaser, a separate
778 reassignment document shall be executed.

779 (8) ~~(7)~~ Each certificate of title issued by the department
780 must contain ~~on its reverse side~~ a minimum of three ~~four~~ spaces
781 for notation of the name and license number of any auction
782 through which the vehicle is sold and the date the vehicle was
783 auctioned. Each separate dealer reassignment form issued by the
784 department must also have the space referred to in this section.
785 When a transfer of title is made at a motor vehicle auction, the
786 reassignment must note the name and address of the auction, but
787 the auction shall not thereby be deemed to be the owner, seller,
788 transferor, or assignor of title. A motor vehicle auction is
789 required to execute a dealer reassignment only when it is the
790 owner of a vehicle being sold.

791 (9) ~~(8)~~ Upon transfer or reassignment of a used motor
792 vehicle through the services of an auction, the auction shall
793 complete the information in the space provided for by subsection
794 (8) ~~(7)~~. Any person who fails to complete the information as
795 required by this subsection commits ~~is guilty of~~ a misdemeanor



890044

796 of the second degree, punishable as provided in s. 775.082 or s.
797 775.083. The department shall not issue a certificate of title
798 unless this subsection has been complied with.

799 (10)~~(9)~~ This section shall be construed to conform to 49
800 C.F.R. part 580.

801 Section 22. Subsection (6) of section 319.23, Florida
802 Statutes, is amended, present subsections (7), (8), (9), (10),
803 and (11) of that section are renumbered as subsections (8), (9),
804 (10), (11), and (12), respectively, and a new subsection (7) is
805 added to that section, to read:

806 319.23 Application for, and issuance of, certificate of
807 title.—

808 (6) (a) In the case of the sale of a motor vehicle or mobile
809 home by a licensed dealer to a general purchaser, the
810 certificate of title must be obtained in the name of the
811 purchaser by the dealer upon application signed by the
812 purchaser, and in each other case such certificate must be
813 obtained by the purchaser. In each case of transfer of a motor
814 vehicle or mobile home, the application for a certificate of
815 title, a corrected certificate, or an assignment or reassignment
816 must be filed within 30 days after the delivery of the motor
817 vehicle or from consummation of the sale of a mobile home to the
818 purchaser. An applicant must pay a fee of \$20, in addition to
819 all other fees and penalties required by law, for failing to
820 file such application within the specified time. In the case of
821 the sale of a motor vehicle by a licensed motor vehicle dealer
822 to a general purchaser who resides in another state or country,
823 the dealer is not required to apply for a certificate of title
824 for the motor vehicle; however, the dealer must transfer



890044

825 ownership and reassign the certificate of title or
826 manufacturer's certificate of origin to the purchaser, and the
827 purchaser must sign an affidavit, as approved by the department,
828 that the purchaser will title and register the motor vehicle in
829 another state or country.

830 (b) If a licensed dealer acquires a motor vehicle or mobile
831 home as a trade-in, the dealer must file with the department,
832 within 30 days, a notice of sale signed by the seller. The
833 department shall update its database for that title record to
834 indicate "sold." A licensed dealer need not apply for a
835 certificate of title for any motor vehicle or mobile home in
836 stock acquired for stock purposes except as provided in s.
837 319.225.

838 (7) If an applicant for a certificate of title is unable to
839 provide the department with a certificate of title that assigns
840 the prior owner's interest in the motor vehicle, the department
841 may accept a bond in the form prescribed by the department,
842 along with an affidavit in a form prescribed by the department,
843 which includes verification of the vehicle identification number
844 and an application for title.

845 (a) The bond must be:

846 1. In a form prescribed by the department;

847 2. Executed by the applicant;

848 3. Issued by a person authorized to conduct a surety
849 business in this state;

850 4. In an amount equal to two times the value of the vehicle
851 as determined by the department; and

852 5. Conditioned to indemnify all prior owners and
853 lienholders and all subsequent purchasers of the vehicle or



890044

854 persons who acquire a security interest in the vehicle, and
855 their successors in interest, against any expense, loss, or
856 damage, including reasonable attorney's fees, occurring because
857 of the issuance of the certificate of title for the vehicle or
858 for a defect in or undisclosed security interest on the right,
859 title, or interest of the applicant to the vehicle.

860 (b) An interested person has a right to recover on the bond
861 for a breach of the bond's condition. The aggregate liability of
862 the surety to all persons may not exceed the amount of the bond.

863 (c) A bond under this subsection expires on the third
864 anniversary of the date the bond became effective.

865 (d) The affidavit must:

866 1. Be in a form prescribed by the department;

867 2. Include the facts and circumstances through which the
868 applicant acquired ownership and possession of the motor
869 vehicle;

870 3. Disclose that no security interests, liens, or
871 encumbrances against the motor vehicle are known to the
872 applicant against the motor vehicle; and

873 4. State that the applicant has the right to have a
874 certificate of title issued.

875 Section 23. Paragraph (b) of subsection (2) of section
876 319.28, Florida Statutes, is amended to read:

877 319.28 Transfer of ownership by operation of law.—

878 (2)

879 (b) In case of repossession of a motor vehicle or mobile
880 home pursuant to the terms of a security agreement or similar
881 instrument, an affidavit by the party to whom possession has
882 passed stating that the vehicle or mobile home was repossessed



890044

883 upon default in the terms of the security agreement or other
884 instrument shall be considered satisfactory proof of ownership
885 and right of possession. At least 5 days prior to selling the
886 repossessed vehicle, any subsequent lienholder named in the last
887 issued certificate of title shall be sent notice of the
888 repossession by certified mail, on a form prescribed by the
889 department. If such notice is given and no written protest to
890 the department is presented by a subsequent lienholder within 15
891 days from the date on which the notice was mailed, the
892 certificate of title ~~or the certificate of repossession~~ shall be
893 issued showing no liens. If the former owner or any subsequent
894 lienholder files a written protest under oath within such 15-day
895 period, the department shall not issue the certificate of title
896 ~~or certificate of repossession~~ for 10 days thereafter. If within
897 the 10-day period no injunction or other order of a court of
898 competent jurisdiction has been served on the department
899 commanding it not to deliver the certificate of title ~~or~~
900 ~~certificate of repossession~~, the department shall deliver the
901 certificate of title ~~or repossession~~ to the applicant or as may
902 otherwise be directed in the application showing no other liens
903 than those shown in the application. Any lienholder who has
904 repossessed a vehicle in this state in compliance with the
905 provisions of this section must apply to a tax collector's
906 office in this state or to the department for a ~~certificate of~~
907 ~~repossession or to the department for a~~ certificate of title
908 pursuant to s. 319.323. Proof of the required notice to
909 subsequent lienholders shall be submitted together with regular
910 title fees. ~~A lienholder to whom a certificate of repossession~~
911 ~~has been issued may assign the certificate of title to the~~



890044

912 ~~subsequent owner.~~ Any person who violates ~~found guilty of~~
913 ~~violating~~ any requirements of this paragraph commits ~~shall be~~
914 ~~guilty of~~ a felony of the third degree, punishable as provided
915 in s. 775.082, s. 775.083, or s. 775.084.

916 Section 24. Section 319.323, Florida Statutes, is amended
917 to read:

918 319.323 Expedited service; applications; fees.—The
919 department shall establish a separate title office which may be
920 used by private citizens and licensed motor vehicle dealers to
921 receive expedited service on title transfers, title issuances,
922 duplicate titles, and recordation of liens, ~~and certificates of~~
923 ~~repossession~~. A fee of \$10 shall be charged for this service,
924 which fee is in addition to the fees imposed by s. 319.32. The
925 fee, after deducting the amount referenced by s. 319.324 and
926 \$3.50 to be retained by the processing agency, shall be
927 deposited into the General Revenue Fund. Application for
928 expedited service may be made by mail or in person. The
929 department shall issue each title applied for under this section
930 within 5 working days after receipt of the application except
931 for an application for a duplicate title certificate covered by
932 s. 319.23(4), in which case the title must be issued within 5
933 working days after compliance with the department's verification
934 requirements.

935 Section 25. Section 319.40, Florida Statutes, is amended to
936 read:

937 319.40 Transactions by electronic or telephonic means.—

938 (1) The department may ~~is authorized to~~ accept any
939 application provided for under this chapter by electronic or
940 telephonic means.



890044

941 (2) The department may issue an electronic certificate of
942 title in lieu of printing a paper title.

943 (3) The department may collect and use electronic mail
944 addresses as a notification method in lieu of the United States
945 Postal Service.

946 Section 26. Subsections (1), (23), (25), and (26) of
947 section 320.01, Florida Statutes, are amended, present
948 subsections (24) through (45) of that section are renumbered as
949 subsections (23) through (44), respectively, and a new
950 subsection (45) is added to that section to read:

951 320.01 Definitions, general.—As used in the Florida
952 Statutes, except as otherwise provided, the term:

953 (1) "Motor vehicle" means:

954 (a) An automobile, motorcycle, truck, trailer, semitrailer,
955 truck tractor and semitrailer combination, or any other vehicle
956 operated on the roads of this state, used to transport persons
957 or property, and propelled by power other than muscular power,
958 but the term does not include traction engines, road rollers,
959 special mobile equipment as defined in chapter 316, such
960 vehicles as run only upon a track, bicycles, swamp buggies, or
961 mopeds.

962 (b) A recreational vehicle-type unit primarily designed as
963 temporary living quarters for recreational, camping, or travel
964 use, which either has its own motive power or is mounted on or
965 drawn by another vehicle. Recreational vehicle-type units, when
966 traveling on the public roadways of this state, must comply with
967 the length and width provisions of s. 316.515, as that section
968 may hereafter be amended. As defined below, the basic entities
969 are:



890044

970 1. The "travel trailer," which is a vehicular portable
971 unit, mounted on wheels, of such a size or weight as not to
972 require special highway movement permits when drawn by a
973 motorized vehicle. It is primarily designed and constructed to
974 provide temporary living quarters for recreational, camping, or
975 travel use. It has a body width of no more than 8 1/2 feet and
976 an overall body length of no more than 40 feet when factory-
977 equipped for the road.

978 2. The "camping trailer," which is a vehicular portable
979 unit mounted on wheels and constructed with collapsible partial
980 sidewalls which fold for towing by another vehicle and unfold at
981 the campsite to provide temporary living quarters for
982 recreational, camping, or travel use.

983 3. The "truck camper," which is a truck equipped with a
984 portable unit designed to be loaded onto, or affixed to, the bed
985 or chassis of the truck and constructed to provide temporary
986 living quarters for recreational, camping, or travel use.

987 4. The "motor home," which is a vehicular unit which does
988 not exceed the length, height, and width limitations provided in
989 s. 316.515, is a self-propelled motor vehicle, and is primarily
990 designed to provide temporary living quarters for recreational,
991 camping, or travel use.

992 5. The "private motor coach," which is a vehicular unit
993 which does not exceed the length, width, and height limitations
994 provided in s. 316.515(9), is built on a self-propelled bus type
995 chassis having no fewer than three load-bearing axles, and is
996 primarily designed to provide temporary living quarters for
997 recreational, camping, or travel use.

998 6. The "van conversion," which is a vehicular unit which



890044

999 does not exceed the length and width limitations provided in s.
1000 316.515, is built on a self-propelled motor vehicle chassis, and
1001 is designed for recreation, camping, and travel use.

1002 7. The "park trailer," which is a transportable unit which
1003 has a body width not exceeding 14 feet and which is built on a
1004 single chassis and is designed to provide seasonal or temporary
1005 living quarters when connected to utilities necessary for
1006 operation of installed fixtures and appliances. The total area
1007 of the unit in a setup mode, when measured from the exterior
1008 surface of the exterior stud walls at the level of maximum
1009 dimensions, not including any bay window, does not exceed 400
1010 square feet when constructed to ANSI A-119.5 standards, and 500
1011 square feet when constructed to United States Department of
1012 Housing and Urban Development Standards. The length of a park
1013 trailer means the distance from the exterior of the front of the
1014 body (nearest to the drawbar and coupling mechanism) to the
1015 exterior of the rear of the body (at the opposite end of the
1016 body), including any protrusions.

1017 8. The "fifth-wheel trailer," which is a vehicular unit
1018 mounted on wheels, designed to provide temporary living quarters
1019 for recreational, camping, or travel use, of such size or weight
1020 as not to require a special highway movement permit, of gross
1021 trailer area not to exceed 400 square feet in the setup mode,
1022 and designed to be towed by a motorized vehicle that contains a
1023 towing mechanism that is mounted above or forward of the tow
1024 vehicle's rear axle.

1025 ~~(23) "Apportioned motor vehicle" means any motor vehicle~~
1026 ~~which is required to be registered, or with respect to which an~~
1027 ~~election has been made to register it, under the International~~



890044

1028 ~~Registration Plan.~~

1029 ~~(24)-(25)~~ "Apportionable vehicle" means any vehicle, except
1030 recreational vehicles, vehicles displaying restricted plates,
1031 city pickup and delivery vehicles, buses used in transportation
1032 of chartered parties, and government-owned vehicles, which is
1033 used or intended for use in two or more member jurisdictions
1034 that allocate or proportionally register vehicles and which is
1035 used for the transportation of persons for hire or is designed,
1036 used, or maintained primarily for the transportation of property
1037 and:

1038 (a) Is a power unit having a gross vehicle weight in excess
1039 of 26,000 ~~26,001~~ pounds;

1040 (b) Is a power unit having three or more axles, regardless
1041 of weight; or

1042 (c) Is used in combination, when the weight of such
1043 combination exceeds 26,000 ~~26,001~~ pounds gross vehicle weight.

1044

1045 Vehicles, or combinations thereof, having a gross vehicle weight
1046 of 26,000 ~~26,001~~ pounds or less and two-axle vehicles may be
1047 proportionally registered.

1048 ~~(25)-(26)~~ "Commercial motor vehicle" means any vehicle that
1049 ~~which~~ is not owned or operated by a governmental entity, that
1050 ~~which~~ uses special fuel or motor fuel on the public highways,
1051 and that ~~which~~ has a gross vehicle weight of 26,001 pounds or
1052 more, or has three or more axles regardless of weight, or is
1053 used in combination when the weight of such combination exceeds
1054 26,000 ~~26,001~~ pounds gross vehicle weight. A vehicle that
1055 occasionally transports personal property to and from a closed-
1056 course motorsport facility, as defined in s. 549.09(1)(a), is



890044

1057 not a commercial motor vehicle if the use is not for profit and
1058 corporate sponsorship is not involved. As used in this
1059 subsection, the term "corporate sponsorship" means a payment,
1060 donation, gratuity, in-kind service, or other benefit provided
1061 to or derived by a person in relation to the underlying
1062 activity, other than the display of product or corporate names,
1063 logos, or other graphic information on the property being
1064 transported.

1065 (45) "Swamp buggy" means a motorized off-road vehicle
1066 designed to travel over swampy terrain, which may utilize large
1067 tires or tracks operated from an elevated platform, and may be
1068 used on varied terrain. A swamp buggy does not include any
1069 vehicle defined in chapter 261 or otherwise defined or
1070 classified in this chapter. A swamp buggy may not be operated
1071 upon the public roads, streets, or highways of this state,
1072 except to the extent specifically authorized by a state or
1073 federal agency to be used exclusively upon lands, managed,
1074 owned, or leased by that agency.

1075
1076 ===== T I T L E A M E N D M E N T =====

1077 And the title is amended as follows:

1078 Delete lines 11 - 82

1079 and insert:

1080 license plates; conforming a reference; amending s.
1081 316. 003, F.S.; revising the definition of the term
1082 "motor vehicle" to include swamp buggies and defining
1083 the term "swamp buggy"; amending s. 316.1905, F.S.;
1084 providing that certain traffic citations may not be
1085 issued or prosecuted unless a law enforcement officer



890044

1086 used an electrical, mechanical, or other speed-
1087 calculating device that has been tested and approved;
1088 providing an exception; amending s. 316.1933, F.S.;
1089 authorizing a health care provider to notify a law
1090 enforcement agency after detecting the presence of a
1091 controlled substance in the blood of a person injured
1092 in a motor vehicle crash; amending s. 316.1957, F.S.,
1093 relating to parking violations; conforming a
1094 reference; amending s. 316.2085, F.S.; requiring that
1095 license tags for mopeds and motorcycles be affixed so
1096 that the letters and numbers are legible from the
1097 rear; specifying that the tags may be displayed
1098 horizontally or vertically to the ground so that the
1099 numbers and letters read from left to right or from
1100 top to bottom; amending ss. 316.2122, 316.2124,
1101 316.21265, 316.3026, and 316.550, F.S., relating to
1102 the operation of low-speed vehicles, motorized
1103 disability access vehicles, and all-terrain or utility
1104 vehicles, the unlawful operation of motor carriers,
1105 and special permits, respectively; conforming cross-
1106 references; amending s. 316.545, F.S.; providing for
1107 the regulation of apportionable vehicles; amending s.
1108 316.646, F.S.; authorizing the department to suspend
1109 the registrations and driving privilege of a person
1110 convicted of failing to maintain the required security
1111 while operating a private passenger motor vehicle;
1112 amending s. 317.0003, F.S., relating to off-highway
1113 vehicles; conforming a cross-reference; amending s.
1114 317.0016, F.S.; eliminating a requirement that the



890044

1115 department provide expedited service for certificates
1116 of repossession; amending s. 318.14, F.S.; clarifying
1117 provisions authorizing a person cited for a
1118 noncriminal traffic infraction to elect to attend a
1119 driver improvement course or enter a plea of nolo
1120 contendere; amending s. 318.15, F.S., relating to the
1121 suspension of driving privileges; conforming a
1122 reference; amending s. 319.14, F.S.; prohibiting a
1123 person from knowingly offering for sale, selling, or
1124 exchanging certain vehicles unless the department has
1125 stamped in a conspicuous place on the certificate of
1126 title words stating that the vehicle is a custom
1127 vehicle or street rod vehicle; defining the terms
1128 "custom vehicle" and "street rod"; amending s.
1129 319.225, F.S.; revising the requirements for the
1130 transfer and reassignment forms for vehicles;
1131 requiring that a dealer selling a vehicle out of state
1132 mail a copy of the power of attorney form to the
1133 department; providing for the electronic transfer of a
1134 vehicle title; amending s. 319.23, F.S.; providing for
1135 the application for a certificate of title, corrected
1136 certificate, or assignment or reassignment to be filed
1137 from the consummation of the sale of a mobile home;
1138 authorizing the department to accept a bond if the
1139 applicant for a certificate of title is unable to
1140 provide a title that assigns the prior owner's
1141 interest in the motor vehicle; providing requirements
1142 for the bond and the affidavit; providing for future
1143 expiration of the bond; amending s. 319.28, F.S.;



890044

1144 eliminating certain requirements that a lienholder
1145 obtain a certificate of repossession following
1146 repossession of a vehicle or mobile home; amending s.
1147 319.323, F.S., relating to title offices for expedited
1148 service; conforming provisions to changes made by the
1149 act; amending s. 319.40, F.S.; authorizing the
1150 department to issue electronic certificates of title
1151 and use electronic mail addresses for purposes of
1152 notification; amending s. 320.01, F.S.; revising the
1153 definition of the term "motor vehicle" to include
1154 special mobile equipment and swamp buggies and
1155 defining the term "swamp buggy"; deleting an obsolete