

1 A bill to be entitled

2 An act relating to license plates; amending ss.
3 316.1001 and 316.1967, F.S.; prohibiting the
4 Department of Highway Safety and Motor Vehicles from
5 issuing a license plate or revalidation sticker for a
6 motor vehicle identified on a uniform traffic citation
7 or parking ticket violation; providing a process for
8 the removal of a person's name from the list of
9 persons who may not be issued a license plate or
10 revalidation sticker; amending s. 318.15, F.S.;
11 requiring the clerk of the court to provide the
12 department with a list of persons who were mailed a
13 traffic infraction detector violation and failed to
14 pay the civil penalty; prohibiting the department from
15 issuing a license plate or revalidation sticker for
16 the motor vehicle identified on the notice of
17 violation; providing a process for removal of a
18 person's name from the list; amending s. 320.02, F.S.;
19 requiring the department to withhold the renewal of
20 registration or replacement registration of a vehicle
21 identified in a notice submitted by a lienor for
22 failure to surrender a vehicle if a person's name is
23 on the list of persons who may not be issued a license
24 plate or revalidation sticker; providing for removal
25 from the list; amending s. 320.03, F.S.; providing
26 that if a person's name appears on a certain list, the

27 department may not issue a license plate or
28 revalidation sticker for the vehicle or vessel that
29 was identified on the notice or violation; providing
30 that the department may issue a license plate or
31 revalidation sticker under certain circumstances;
32 amending s. 320.1316, F.S.; prohibiting the department
33 from issuing a license plate, revalidation sticker, or
34 replacement license plate for a vehicle or vessel
35 identified in a notice from a lienor; requiring that a
36 notice to surrender a vehicle or vessel be signed
37 under oath by the lienor; providing that a person may
38 bring a civil action to dispute a notice to surrender
39 a vehicle or vessel or his or her inclusion on the
40 list of persons who may not be issued a license plate
41 or revalidation sticker; providing a procedure for
42 such a civil action; providing for the award of
43 attorney fees and costs; amending s. 713.78, F.S.;
44 prohibiting the department from issuing a license
45 plate or revalidation sticker for a vehicle or vessel
46 identified in a notice from a wrecker operator;
47 providing a process for removal of a person's name
48 from the list of those persons who may not be issued a
49 license plate or revalidation sticker for an
50 identified vehicle or vessel; requiring a wrecker
51 operator to notify the department to remove a person's
52 name from the list upon discharge of the wrecker

53 operator's lien; providing an effective date.

54

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

56

57 Section 1. Subsection (4) of section 316.1001, Florida
 58 Statutes, is amended to read:

59 316.1001 Payment of toll on toll facilities required;
 60 penalties.—

61 (4) Any governmental entity, including, ~~without~~
 62 ~~limitation,~~ a clerk of court, may provide the department with
 63 data that is machine readable by the department's computer
 64 system, listing persons who have one or more outstanding
 65 violations of this section, with reference to the person's
 66 driver ~~driver's~~ license number or vehicle registration number in
 67 the case of a business entity.

68 (a) Pursuant to s. 320.03(8), upon receipt of such data,
 69 the department ~~those persons~~ may not issue ~~be issued~~ a license
 70 plate or revalidation sticker to a person on the list for the
 71 any motor vehicle that is identified on the uniform traffic
 72 citation until the fines have been fully paid.

73 (b) The governmental entity shall notify the department to
 74 remove a person's name from the list upon payment of the
 75 outstanding fines.

76 Section 2. Subsection (6) of section 316.1967, Florida
 77 Statutes, is amended to read:

78 316.1967 Liability for payment of parking ticket

79 violations and other parking violations.—

80 (6) A ~~Any~~ county or municipality may require ~~provide~~ by
81 ordinance that the clerk of the court or the traffic violations
82 bureau provide ~~shall supply~~ the department with a magnetically
83 encoded computer tape reel or cartridge or send by other
84 electronic means data that ~~which~~ is machine readable by the
85 installed computer system at the department which lists, ~~listing~~
86 persons who have three or more outstanding parking violations,
87 including violations of s. 316.1955. Each county shall require
88 ~~provide~~ by ordinance that the clerk of the court or the traffic
89 violations bureau provide ~~shall supply~~ the department with a
90 magnetically encoded computer tape reel or cartridge or send by
91 other electronic means data that is machine readable by the
92 installed computer system at the department which lists, ~~listing~~
93 persons who have any outstanding violations of s. 316.1955 or
94 ~~any~~ similar local ordinance that regulates parking in spaces
95 designated for use by persons who have disabilities. The
96 department shall mark the appropriate registration records of
97 persons who are so reported.

98 (a) Pursuant to s. 320.03(8), upon receipt of such data,
99 the department may not issue a license plate or revalidation
100 sticker to a person on the list for the motor vehicle that is
101 identified on the parking ticket violation until the fines have
102 been fully paid ~~Section 320.03(8) applies to each person whose~~
103 ~~name appears on the list.~~

104 (b) The clerk of the court or the traffic violations

105 bureau shall notify the department to remove a person's name
 106 from the list upon payment of the outstanding fines.

107 Section 3. Subsection (3) of section 318.15, Florida
 108 Statutes, is amended to read:

109 318.15 Failure to comply with civil penalty or to appear;
 110 penalty.-

111 (3) The clerk shall provide ~~notify~~ the department with a
 112 list of persons who were mailed a notice of violation of s.
 113 316.074(1) or s. 316.075(1)(c)1. pursuant to s. 316.0083 and who
 114 failed to enter into, or comply with the terms of, a penalty
 115 payment plan, or order with the clerk to the local hearing
 116 officer or failed to appear at a scheduled hearing within 10
 117 days after such failure, and shall reference the person's driver
 118 license number, or in the case of a business entity, vehicle
 119 registration number.

120 (a) Pursuant to s. 320.03(8), upon receipt of such notice,
 121 the department, or authorized agent thereof, may not issue a
 122 license plate or revalidation sticker to a person on the list
 123 for the any motor vehicle that is identified on the traffic
 124 infraction detector violation ~~owned or coowned by that person~~
 125 ~~pursuant to s. 320.03(8)~~ until the amounts assessed have been
 126 fully paid.

127 (b) The clerk shall notify the department to remove a
 128 person's name from the list upon payment of the outstanding
 129 finest and civil penalties ~~After the issuance of the person's~~
 130 ~~license plate or revalidation sticker is withheld pursuant to~~

131 ~~paragraph (a), the person may challenge the withholding of the~~
132 ~~license plate or revalidation sticker only on the basis that the~~
133 ~~outstanding fines and civil penalties have been paid pursuant to~~
134 ~~s. 320.03(8).~~

135 Section 4. Subsection (17) of section 320.02, Florida
136 Statutes, is amended to read:

137 320.02 Registration required; application for
138 registration; forms.—

139 (17) If an ~~any~~ applicant's name appears on a list of
140 persons who may not be issued a license plate, revalidation
141 sticker, or replacement license plate after a written notice to
142 surrender a vehicle was submitted to the department by a lienor
143 as provided in s. 320.1316, the department shall ~~may~~ withhold
144 renewal of registration or replacement registration of the ~~any~~
145 motor vehicle identified in ~~owned by the applicant at the time~~
146 ~~the notice was~~ submitted by the lienor. The lienor must maintain
147 proof that written notice to surrender the vehicle was sent to
148 each registered owner pursuant to s. 320.1316(1). A revalidation
149 sticker or replacement license plate may not be issued for the
150 identified vehicle until that person's name no longer appears on
151 the list, ~~or until~~ the person presents documentation from the
152 lienor that the vehicle has been surrendered to the lienor, or a
153 court orders the person's name removed from the list as provided
154 in s. 320.1316. The department may ~~shall~~ not withhold an initial
155 registration in connection with an applicant's purchase or lease
156 of a motor vehicle solely because the applicant's name is on the

157 list created by s. 320.1316.

158 Section 5. Subsection (8) of section 320.03, Florida
 159 Statutes, is amended to read:

160 320.03 Registration; duties of tax collectors;
 161 International Registration Plan.—

162 (8) If the applicant's name appears on the list referred
 163 to in s. 316.1001(4), s. 316.1967(6), s. 318.15(3), s. 320.1316,
 164 or s. 713.78(13), a license plate or revalidation sticker may
 165 not be issued for the motor vehicle or vessel that is identified
 166 on a uniform traffic citation, parking ticket violation, traffic
 167 infraction detector violation, notice from a lienor, or notice
 168 from a wrecker operator, as applicable, until that person's name
 169 no longer appears on the list; the governmental entity, clerk of
 170 the court, or wrecker operator has notified the department to
 171 remove the person's name from the list pursuant to s.
 172 316.1001(4), s. 316.1967(6), s. 318.15(3), or s. 713.78(13); the
 173 court orders the person's name removed from the list pursuant to
 174 s. 320.1316; or ~~until~~ the person presents a receipt from the
 175 governmental entity or the clerk of court that provided the data
 176 showing that the fines outstanding have been paid. This
 177 subsection does not apply to the owner of a leased vehicle if
 178 the vehicle is registered in the name of the lessee of the
 179 vehicle. The tax collector and the clerk of the court are each
 180 entitled to receive monthly 10 percent of the civil penalties
 181 and fines recovered from such persons to reimburse them for the
 182 cost of, ~~as costs for~~ implementing and administering this

183 subsection, ~~10 percent of the civil penalties and fines~~
184 ~~recovered from such persons~~. As used in this subsection, the
185 term "civil penalties and fines" does not include a wrecker
186 operator's lien as described in s. 713.78(13). If the tax
187 collector has private tag agents, such tag agents are entitled
188 to receive a pro rata share of the amount paid to the tax
189 collector, based upon the percentage of license plates and
190 revalidation stickers issued by the tag agent compared to the
191 total issued within the county. The authority of any private
192 agent to issue license plates shall be revoked, after notice and
193 a hearing as provided in chapter 120, if he or she issues any
194 license plate or revalidation sticker contrary to the provisions
195 of this subsection. This section applies only to the annual
196 renewal in the owner's birth month of a motor vehicle
197 registration and does not apply to the transfer of a
198 registration of a motor vehicle sold by a motor vehicle dealer
199 licensed under this chapter, except for the transfer of
200 registrations which includes ~~the~~ annual renewals. This section
201 does not affect the issuance of the title to a motor vehicle,
202 notwithstanding s. 319.23(8)(b).

203 Section 6. Section 320.1316, Florida Statutes, is amended
204 to read:

205 320.1316 Failure to surrender vehicle or vessel.—

206 (1) Upon receipt from a lienor who claims a lien on a
207 vehicle pursuant to s. 319.27 by the Department of Highway
208 Safety and Motor Vehicles of written notice to surrender a

209 vehicle or vessel that has been disposed of, concealed, removed,
 210 or destroyed by the lienee, the department shall place the name
 211 of the registered owner of that vehicle on the list of those
 212 persons who may not be issued a license plate, revalidation
 213 sticker, or replacement license plate ~~for any motor vehicle~~
 214 ~~under s. 320.03(8) owned by the lienee at the time the notice~~
 215 ~~was given by the lienor.~~ Pursuant to s. 320.03(8), the
 216 department may not issue a license plate or revalidation sticker
 217 for the vehicle or vessel owned by the lienee which is
 218 identified in the claim by the lienor. If the vehicle is owned
 219 jointly ~~by more than one person~~, the name of each registered
 220 owner shall be placed on the list.

221 (2) The notice to surrender the vehicle shall be signed
 222 under oath by the lienor and submitted on forms developed by the
 223 department, which must include:

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

225 (b) The name of the registered owner of the vehicle and
 226 the address to which the lienor provided notice to surrender the
 227 vehicle to the registered owner.

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

230 (d) The vehicle identification number, registration
 231 license plate number, if known, or other identification number,
 232 as applicable.

233 (3) The registered owner of the vehicle may dispute a
 234 notice to surrender the vehicle or his or her inclusion on the

235 list of those persons who may not be issued a license plate,
236 revalidation sticker, or replacement license plate under s.
237 320.03(8) by bringing a civil action in the county in which he
238 or she resides by notifying the department of the dispute in
239 writing on forms provided by the department and presenting proof
240 that the vehicle was sold to a motor vehicle dealer licensed
241 under s. 320.27, a mobile home dealer licensed under s. 320.77,
242 or a recreational vehicle dealer licensed under s. 320.771.

243 (4) In an action brought pursuant to subsection (3), the
244 petitioner is entitled to the summary procedure specified in s.
245 51.011, and the court shall advance the cause on its calendar if
246 requested by the petitioner.

247 (5) At a hearing challenging the refusal to issue a
248 license plate, revalidation sticker, or replacement license
249 plate under s. 320.03(8), the court shall first determine
250 whether the lienor has a recorded lien on the vehicle or vessel
251 and whether the lienor properly made a demand for the surrender
252 of the vehicle or vessel in accordance with this section. If the
253 court determines that the lien was recorded and that such a
254 demand was properly made, the court shall determine whether good
255 cause exists for the person's failure to surrender the vehicle
256 or vessel. For purposes of this section, the term "good cause"
257 is limited to proof that:

258 (a) The vehicle that was the subject of the demand for
259 surrender was traded in to a licensed motor vehicle dealer
260 before the date of the surrender demand;

261 (b) The lienholder's lien giving rise to the inclusion on
 262 the list has been paid in full or otherwise satisfied;

263 (c) There is ongoing litigation relating to the validity
 264 or enforceability of the lien;

265 (d) The petitioner was in compliance with all of his or
 266 her contractual obligations with the lienholder at the time of
 267 the demand for surrender;

268 (e) The vehicle or vessel was reported to law enforcement
 269 as stolen by the registered owner of the vehicle or vessel
 270 before the demand for surrender; or

271 (f) The petitioner no longer has possession of the vehicle
 272 or vessel and the loss of possession occurred pursuant to
 273 operation of law. If the petitioner's loss of possession did not
 274 occur pursuant to the operation of law, the fact that a third
 275 party has physical possession of the vehicle or vessel does not
 276 constitute good cause for the failure to surrender the vehicle
 277 or vessel.

278 (6) If the petitioner establishes good cause for his or
 279 her failure to surrender the vehicle or vessel, the court shall
 280 enter an order removing the petitioner's name from the list of
 281 those persons who may not be issued a license plate,
 282 revalidation sticker, or replacement license plate under s.
 283 320.03(8) and award the petitioner reasonable attorney fees and
 284 costs actually incurred for the proceeding.

285 (7) If the court finds that the demand for surrender was
 286 properly made by the lienor and the petitioner fails to

287 establish good cause for the failure to surrender the vehicle or
 288 vessel, the court shall award the lienor reasonable attorney
 289 fees and costs actually incurred for the proceeding.

290 Section 7. Subsection (13) of section 713.78, Florida
 291 Statutes, is amended to read:

292 713.78 Liens for recovering, towing, or storing vehicles
 293 and vessels.—

294 (13) (a) Upon receipt by the Department of Highway Safety
 295 and Motor Vehicles of written notice from a wrecker operator who
 296 claims a wrecker operator's lien under paragraph (2) (c) or
 297 paragraph (2) (d) for recovery, towing, or storage of an
 298 abandoned vehicle or vessel upon instructions from a ~~any~~ law
 299 enforcement agency, for which a certificate of destruction has
 300 been issued under subsection (11) and the vehicle has been
 301 reported to the National Motor Vehicle Title Information System,
 302 the department shall place the name of the registered owner of
 303 that vehicle or vessel on the list of those persons who may not
 304 be issued a license plate or revalidation sticker ~~for any motor~~
 305 ~~vehicle~~ under s. 320.03(8). The department may not issue a
 306 license plate or revalidation sticker to the registered owner of
 307 the vehicle or vessel identified on the notice from the wrecker
 308 operator until the department removes the person from the list
 309 pursuant to paragraph (c) or paragraph (d). If the vehicle or
 310 vessel is owned jointly by more than one person, the name of
 311 each registered owner shall be placed on the list. The notice of
 312 wrecker operator's lien shall be submitted on forms provided by

313 the department, which must include:

314 1. The name, address, and telephone number of the wrecker
315 operator.

316 2. The name of the registered owner of the vehicle or
317 vessel and the address to which the wrecker operator provided
318 notice of the lien to the registered owner under subsection (4).

319 3. A general description of the vehicle or vessel,
320 including its color, make, model, body style, and year.

321 4. The vehicle identification number (VIN); registration
322 license plate number, state, and year; validation decal number,
323 state, and year; vessel registration number; hull identification
324 number; or other identification number, as applicable.

325 5. The name of the person or the corresponding law
326 enforcement agency that requested that the vehicle or vessel be
327 recovered, towed, or stored.

328 6. The amount of the wrecker operator's lien, not to
329 exceed the amount allowed by paragraph (b).

330 (b) For purposes of this subsection only, the amount of
331 the wrecker operator's lien for which the department shall ~~will~~
332 prevent issuance of a license plate or revalidation sticker may
333 not exceed the amount of the charges for recovery, towing, and
334 storage of the vehicle or vessel for 7 days. These charges may
335 not exceed the maximum rates imposed by the ordinances of the
336 respective county or municipality under ss. 125.0103(1)(c) and
337 166.043(1)(c). This paragraph does not limit the amount of a
338 wrecker operator's lien claimed under subsection (2) or prevent

339 a wrecker operator from seeking civil remedies for enforcement
340 of the entire amount of the lien, but limits only that portion
341 of the lien for which the department shall ~~will~~ prevent issuance
342 of a license plate or revalidation sticker.

343 (c)1. The registered owner of a vehicle or vessel may
344 dispute a wrecker operator's lien and his or her inclusion on
345 the list of those persons who may not be issued a license plate
346 or revalidation sticker, by notifying the department of the
347 dispute in writing on forms provided by the department, if at
348 least one of the following applies:

349 a. The registered owner presents a notarized bill of sale
350 proving that the vehicle or vessel was sold in a private or
351 casual sale before the vehicle or vessel was recovered, towed,
352 or stored.

353 b. The registered owner presents proof that the Florida
354 certificate of title of the vehicle or vessel was sold to a
355 licensed dealer as defined in s. 319.001 before the vehicle or
356 vessel was recovered, towed, or stored.

357 c. The records of the department were marked "sold" before
358 ~~prior to~~ the date of the tow.

359
360 If the registered owner's dispute of a wrecker operator's lien
361 complies with one of these criteria, the department shall
362 immediately remove the registered owner's name from the list of
363 those persons who may not be issued a license plate or
364 revalidation sticker for an identified ~~any~~ motor vehicle under

365 s. 320.03(8), thereby allowing issuance of a license plate or
 366 revalidation sticker. If the vehicle or vessel is owned jointly
 367 by more than one person, each registered owner must dispute the
 368 wrecker operator's lien in order to be removed from the list.
 369 However, the department shall deny any dispute and maintain the
 370 registered owner's name on the list of those persons who may not
 371 be issued a license plate or revalidation sticker for an
 372 identified ~~any~~ motor vehicle under s. 320.03(8) if the wrecker
 373 operator has provided the department with a certified copy of
 374 the judgment of a court which orders the registered owner to pay
 375 the wrecker operator's lien claimed under this section. In such
 376 a case, the amount of the wrecker operator's lien allowed by
 377 paragraph (b) may be increased to include up to ~~no more than~~
 378 \$500 of the reasonable costs and attorney's fees incurred in
 379 obtaining the judgment. The department's action under this
 380 subparagraph is ministerial in nature, is ~~shall~~ not be
 381 ~~considered~~ final agency action, and is appealable only to the
 382 county court for the county in which the vehicle or vessel was
 383 ordered removed.

384 2. A person against whom a wrecker operator's lien has
 385 been imposed may alternatively obtain a discharge of the lien by
 386 filing a complaint, challenging the validity of the lien or the
 387 amount thereof, in the county court of the county in which the
 388 vehicle or vessel was ordered removed. Upon filing ~~of~~ the
 389 complaint, the person may have her or his name removed from the
 390 list of those persons who may not be issued a license plate or

391 revalidation sticker for an identified ~~any~~ motor vehicle under
392 s. 320.03(8), thereby allowing issuance of a license plate or
393 revalidation sticker, upon posting with the court a cash or
394 surety bond or other adequate security equal to the amount of
395 the wrecker operator's lien to ensure the payment of such lien
396 ~~if in the event~~ she or he does not prevail. Upon the posting of
397 the bond and the payment of the applicable fee set forth in s.
398 28.24, the clerk of the court shall issue a certificate
399 notifying the department of the posting of the bond and
400 directing the department to release the wrecker operator's lien.
401 Upon determining the respective rights of the parties, the court
402 may award damages and costs in favor of the prevailing party.

403 3. If a person against whom a wrecker operator's lien has
404 been imposed does not object to the lien, but cannot discharge
405 the lien by payment because the wrecker operator has moved or
406 gone out of business, the person may have her or his name
407 removed from the list of those persons who may not be issued a
408 license plate or revalidation sticker for an identified ~~any~~
409 motor vehicle under s. 320.03(8), thereby allowing issuance of a
410 license plate or revalidation sticker, upon posting with the
411 clerk of court in the county in which the vehicle or vessel was
412 ordered removed, a cash or surety bond or other adequate
413 security equal to the amount of the wrecker operator's lien.
414 Upon the posting of the bond and the payment of the application
415 fee set forth in s. 28.24, the clerk of the court shall issue a
416 certificate notifying the department of the posting of the bond

417 and directing the department to release the wrecker operator's
418 lien. The department shall mail to the wrecker operator, at the
419 address upon the lien form, notice that the wrecker operator
420 must claim the security within 60 days, or the security will be
421 released back to the person who posted it. At the conclusion of
422 the 60 days, the department shall direct the clerk as to which
423 party is entitled to payment of the security, less applicable
424 clerk's fees.

425 4. A wrecker operator's lien expires 5 years after filing.

426 (d) Upon discharge of the amount of the wrecker operator's
427 lien allowed by paragraph (b), the wrecker operator must issue a
428 certificate of discharged wrecker operator's lien on forms
429 provided by the department to each registered owner of the
430 vehicle or vessel attesting that the amount of the wrecker
431 operator's lien allowed by paragraph (b) has been discharged and
432 notify the department to. ~~Upon presentation of the certificate~~
433 ~~of discharged wrecker operator's lien by the registered owner,~~
434 ~~the department shall immediately~~ remove the registered owner's
435 name from the list of those persons who may not be issued a
436 license plate or revalidation sticker for an identified any
437 motor vehicle under s. 320.03(8), thereby allowing issuance of a
438 license plate or revalidation sticker. Issuance of a certificate
439 of discharged wrecker operator's lien under this paragraph does
440 not discharge the entire amount of the wrecker operator's lien
441 claimed under subsection (2), but only certifies to the
442 department that the amount of the wrecker operator's lien

443 allowed by paragraph (b), for which the department will prevent
444 issuance of a license plate or revalidation sticker, has been
445 discharged.

446 (e) If ~~When~~ a wrecker operator files a notice of wrecker
447 operator's lien under this subsection, the department shall
448 charge the wrecker operator a fee of \$2, which shall be
449 deposited into the General Revenue Fund. A service charge of
450 \$2.50 shall be collected and retained by the tax collector who
451 processes a notice of wrecker operator's lien.

452 (f) This subsection applies only to the annual renewal in
453 the registered owner's birth month of a motor vehicle
454 registration and does not apply to the transfer of a
455 registration of a motor vehicle sold by a motor vehicle dealer
456 licensed under chapter 320, except for the transfer of
457 registrations which includes the annual renewals. This
458 subsection does not apply to any vehicle registered in the name
459 of the lessor. This subsection does not affect the issuance of
460 the title to a motor vehicle, notwithstanding s. 319.23(8)(b).

461 Section 8. This act shall take effect July 1, 2014.