

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Transportation

BILL: SB 1378

INTRODUCER: Senator Martin

SUBJECT: Traffic Enforcement

DATE: February 9, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Johnson	Vickers	TR	Pre-meeting
2.			CJ	
3.			RC	

I. Summary:

SB 1378 addresses a number of issues related to traffic enforcement, including the seizure of motor vehicles under certain circumstances. Specifically, the bill:

- Defines the term “abandoned vehicle” for purposes of vehicles stopped on a highway.
- Revises circumstances under which an abandoned vehicle may be removed from a highway.
- Increases the penalty for operating a motor vehicle with the knowledge that the license plate or validation sticker attached to the vehicle is not lawfully attached to the vehicle.
- Provides circumstances that constitute knowledge that the license plate or validation sticker attached to the vehicle is not lawfully attached to the vehicle.
- Authorizes law enforcement to seize vehicles, pursuant to the Florida Contraband Forfeiture Act, used in fleeing and eluding law enforcement without an arrest at the time of the seizure.

This bill may have a fiscal impact on private and governmental entities. See Section V., Fiscal Analysis Section for details.

This bill takes effect July 1, 2026.

II. Present Situation:

For ease of organization and readability, the present situation is discussed below with the effect of proposed changes.

III. Effect of Proposed Changes:

Removal of Abandoned Vehicles (Section 1)

Present Situation

General Procedures for Abandoned or Lost Property

Section 705.103, F.S., provides procedures for law enforcement to address lost or abandoned or property on public property. For abandoned vehicles, this requires the law enforcement agency to contact the Department of Highway Safety and Motor Vehicles (DHSMV) to determine the name and address of the owner and any lienholder. Subsequently, specified notice must be provided to the owner of the vehicle and any lienholder. That statute also provides procedures for the owner to reclaim the abandoned property and for the disposal of such property after specified time frames.

Leaving a Vehicle on a Highway Outside of a Municipality

Section 316.194, F.S., prohibits a person from stopping, parking, or leaving an attended or unattended vehicle on the paved or main-traveled part of a highway outside of a municipality.¹

Law enforcement officers and traffic accident investigation officers may provide for the removal of any abandoned vehicle to the nearest garage or other place of safety.² This may occur when the abandoned vehicle is unattended upon a bridge or causeway or in any tunnel, or on any highway in the following instances:

- Where such vehicle constitutes an obstruction of traffic;
- Where such vehicle has been parked or stored on the public right-of-way for a period exceeding 48 hours, in other than designated parking areas, and is within 30 feet of the pavement edge; and
- Where an operative vehicle has been parked or stored on the public right-of-way for a period exceeding 10 days, in other than designated parking areas, and is more than 30 feet from the pavement edge. However, the agency removing such vehicle must report this to the Department of Highway Safety and Motor Vehicles (DHSMV) within 24 hours of such removal.³

Currently, this statute does not define the term “abandoned vehicle.”

Effect of Proposed Changes

The bill amends s. 316.194, F.S., to define the term “abandoned vehicle” to mean a vehicle that is in a state of disuse, neglect, or abandonment. The term includes:

- A vehicle without a license plate;
- A vehicle with a license plate that is not registered to the vehicle; or

¹ Section 316.194(1), F.S. There are exceptions for disabled vehicles and buses loading or unloading passengers.

² The cost of such removal is a lien against motor vehicle.

³ Section 316.194(3)(b), F.S. This does not apply to stolen vehicles unless the authority moving the vehicle has reported to the Florida Highway Patrol the taking into possession of the vehicle within 24 hours of such move. *See* s. 316.194(3)(c), F.S.

- A vehicle that does not have a registration sticker affixed to the license plate, or a vehicle that has a registration sticker affixed to the license plate which has been expired for at least 90 days.

The bill provides that evidence of disuse, neglect, or abandonment includes, but is not limited to:

- The vehicle is wrecked and inoperative;
- The vehicle is inoperative as evidenced by vegetation growing under the vehicle as high as the vehicle body or frame;
- The vehicle has refuse or debris collected underneath it;
- The vehicle is used solely for storage purposes;
- The vehicle has major and visible parts that are dismantled; if the vehicle is partially dismantled, the vehicle does not have an engine, transmission, or other major and visible parts;
- The vehicle is incapable of functioning as a vehicle in its present state;
- The vehicle is only nominal salvage value; or
- The vehicle is in any physical state rendering it inoperative.

If the primary apparent evidence of disuse, neglect, or abandonment is vegetation growing under the vehicle, an enforcement officer must use his or her training and experience to determine whether, under the totality of the circumstances, the vehicle is in a state of evident disuse, neglect, or abandonment.

The bill also amends s. 316.194, F.S., to revise when a law enforcement officer and a traffic accident investigation officer may remove an abandoned vehicle to any of the following instances:

- When the vehicle constitutes an obstruction of traffic or blocks visibility such that it is an egregious safety hazard.
- When the vehicle is inoperative and has been parked or stored on the public right-of-way for at least 48 hours;
- Where an operative vehicle has been parked or stored on the public right-of-way for at least 10 days (no matter where parked). The agency removing such vehicle must notify DHSMV within 24 hours of such removal.

Except when the vehicle is blocking traffic, the bill requires a notice describing the violation and providing the time period after which the vehicle will be removed to be attached to the vehicle in a conspicuous place.

Unlawful Use of License Plates (Section 2)

Present Situation

With limited exceptions, Florida law requires motor vehicles operating on its roads to be registered.⁴ Upon payment of registration fees, DHSMV assigns the motor vehicle a registration

⁴ Section 320.02(1), F.S

license number a certificate of registration, and one registration license plate. Validation stickers must be affixed to upper right hand corner of the registration license plate.⁵

Any person who knowingly attaches to any motor vehicle or mobile home any registration license plate, or who knowingly attaches any validation sticker or mobile home sticker to a registration license plate, which plate or sticker was not issued and assigned or lawfully transferred to such vehicle, commits a misdemeanor of the second degree, punishable by imprisonment for up to 60 days⁶ or a fine of up to \$500.⁷

Effect of Proposed Changes

The bill amends s. 320.261, F.S., to provide that a person who operates a motor vehicle with knowledge that the vehicle bears a registration license plate or validation sticker that was not issued and assigned or lawfully transferred to such vehicle commits a misdemeanor of the first degree, punishable with a term of imprisonment not to exceed one year,⁸ or a fine of up to \$1,000.⁹

The bill provide the element of knowledge is satisfied if the person:

- Admits to knowingly attaching or knowing about the attachment of the registration license plate, validation sticker, or mobile home sticker; or
- Has previously been charged with a violation of knowingly attaching a license plate or mobile home sticker to a motor vehicle or mobile home.

The bill provides a rebuttable presumption that the element of knowledge is satisfied if the driver of the vehicle is the registered owner of the vehicle.

Fleeing and Eluding – Contraband Forfeiture (Section 3)

Present Situation

Florida Contraband Forfeiture Act

The Florida Contraband Forfeiture Act¹⁰ prescribes procedures for law enforcement agencies to follow when seizing, forfeiting, and disposing of property under the act. Section. 932.703, F.S., provides that any contraband article, vessel, motor vehicle, aircraft, other personal property, or real property used in violation of the act, or in, upon, or by means of which any violation of the act has taken or is taking place, may be seized and must be forfeited subject to the provisions of the act.¹¹

⁵ Section 320.06(1), F.S.

⁶ Section 775.082(4)(b), F.S.

⁷ Section 775.083(1)(e), F.S.

⁸ Section 775.082(4)(a), F.S.

⁹ Section 775.082(4)(d), F.S.

¹⁰ Sections 932.701 through 932.7062, F.S.,

¹¹ Section 932.703(1), F.S. The constitutionality of the act was upheld by the Florida Supreme Court in *Department of Law Enforcement v. Real Property*, 588 So.2d 957 (Fla. 1991).

Pursuant to this act, certain seizures may only occur if the owner of the property is arrested for a criminal offense that forms the basis for determining whether the property is a contraband article¹² or one or more of the following circumstances apply:

- The owner of the property cannot be identified after a diligent search, or the person in possession of the property denies ownership and the owner of the property cannot be identified at the time of the seizure;
- The owner of the property is a fugitive from justice or is deceased;
- An individual who does not own the property is arrested for a criminal offense that forms the basis for determining that the property is a contraband article and the owner of the property had actual knowledge of the criminal activity;
- The owner of the property agrees to be a confidential informant; or
- The property is a monetary instrument.¹³

The act also provides for the disposition of seized property after a final judgement granting forfeiture of the property. The seizing agency may:

- Retain the property for agency use;
- Sell the property at a public auction or by sealed bid to the highest bidder; or
- Salvage, trade, or transfer the property to any public or nonprofit organization.¹⁴

The act also provides for the distribution of and authorized uses of proceeds from the sale of forfeited property.¹⁵

Fleeing and Eluding a Law Enforcement Officer

Section 316.1935, F.S., establishes the offense of fleeing or attempting to elude a law enforcement officer as a felony. The degree of felony is dependent on facts related to the offense such as the speed of the vehicle, disregard for safety, damage to property, or injury or death of another person.

Any motor vehicle involved in a fleeing and eluding violation is deemed to be contraband, which may be seized by a law enforcement agency and is subject to the Florida Contraband Forfeiture Act.¹⁶ However, such vehicle may only be seized if the vehicle's owner is arrested for the offense of fleeing and eluding.

Effect of Proposed Changes

The bill amends s. 932.703(1)(a), F.S., to add a motor vehicle used for fleeing and eluding a law enforcement officer to the seizure requirements in the contraband forfeiture statute and provides that the arrest of the vehicle's owner is not required for such forfeiture.

¹² This pursuant to s. 932.701, F.S., which provides a list of contraband articles.

¹³ Section 932.703(1)(a), F.S.

¹⁴ Section 932.0755(1), F.S.

¹⁵ Section 932.0755(3)-(6), F.S.

¹⁶ Section 316.1935(7), F.S.

Effective Date (Section 4)

This bill takes effect July 1, 2026.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

Owners of vehicles used to flee or elude law enforcement officers may be at risk of having their vehicles seized and possibly sold pursuant to the state's contraband forfeiture process.

C. Government Sector Impact:

Not requiring an arrest prior to seizing a vehicle used to flee or elude law enforcement officer may result in an increase in the number of seized vehicles. Law enforcement agencies may experience an indeterminate positive fiscal impact associated with the sale of additional forfeited vehicles.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 316.194, 320.261, and 932.703.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
