

By Senator Martin

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A bill to be entitled

An act relating to traffic enforcement; amending s. 316.194, F.S.; defining the term "abandoned vehicle"; revising the circumstances under which law enforcement officers and traffic accident investigation officers may provide for the removal of an abandoned vehicle to the nearest garage or place of safety; requiring that a notice that contains certain information be placed conspicuously on certain abandoned vehicles before such removal; amending s. 320.261, F.S.; prohibiting a person from operating a motor vehicle that the person knows bears a registration license plate or validation sticker that was not issued and assigned or lawfully transferred to the motor vehicle; providing criminal penalties; providing circumstances under which the element of knowledge is satisfied; providing a rebuttable presumption; amending s. 932.703, F.S.; specifying that using a motor vehicle to flee or attempt to elude a law enforcement officer is a circumstance under which a seizure of the motor vehicle may occur under the Florida Contraband Forfeiture Act; providing an effective date.

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

Section 1. Present subsections (1) through (4) of section 316.194, Florida Statutes, are redesignated as subsections (2) through (5), respectively, a new subsection (1) is added to that section, and paragraph (b) of present subsection (3) of that

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section is amended, to read:

316.194 Stopping, standing or parking outside of municipalities.—

(1) As used in this section, the term "abandoned vehicle" means 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, 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. Evidence of disuse, neglect, or abandonment includes, but is not limited to, the vehicle being wrecked and inoperative; the vehicle being inoperative as evidenced by vegetation growing under the vehicle as high as the vehicle body or frame; refuse or debris collected underneath the vehicle; the vehicle being used solely for storage purposes; the vehicle having major and visible parts that are dismantled; if the vehicle is partially dismantled, the vehicle having no engine, transmission, or other major and visible parts; the vehicle being incapable of functioning as a vehicle in its present state; the vehicle having only nominal salvage value; or the vehicle being 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.

(4) ~~(3)~~

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(b) Officers and traffic accident investigation officers may provide for the removal of any abandoned vehicle to the nearest garage or other place of safety, cost of such removal to be a lien against the motor vehicle, when an abandoned vehicle is found unattended upon a bridge or causeway or in a ~~any~~ tunnel, or on a ~~any~~ public highway in any of the following instances:

1. Where the ~~such~~ vehicle constitutes an obstruction of traffic or blocks visibility such that it is an egregious safety hazard.~~†~~

2. Where the ~~such~~ vehicle is inoperative and 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~~

3. 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 is ~~shall be~~ required to report same to the Department of Highway Safety and Motor Vehicles within 24 hours of such removal.

Before removal of a vehicle under subparagraph 2. or subparagraph 3., a notice that describes the violation and provides the time period after which the vehicle will be removed must be attached to the vehicle in a conspicuous place.

Section 2. Section 320.261, Florida Statutes, is amended to read:

320.261 Attaching registration license plate not assigned unlawful; penalty.—

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(1) A Any person may not ~~who~~ knowingly attach ~~attaches~~ to a any motor vehicle or mobile home a any registration license plate, ~~or who~~ knowingly attach ~~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 or mobile home. A person who violates this subsection commits, ~~is guilty of~~ a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(2) 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 as provided in s. 775.082 or s. 775.083.

(3)(a) For purposes of this section, the element of knowledge is satisfied if the person:

1. Admits to knowingly attaching or knowing about the attachment of the registration license plate, validation sticker, or mobile home sticker; or

2. Has previously been charged with a violation of subsection (1).

(b) There is a rebuttable presumption that the element of knowledge is satisfied if the driver of the vehicle is a registered owner of the vehicle.

Section 3. Paragraph (a) of subsection (1) of section 932.703, Florida Statutes, is amended to read:

932.703 Forfeiture of contraband article; exceptions.—

(1)(a) A contraband article, vessel, motor vehicle, aircraft, other personal property, or real property used in

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117 violation of any provision of the Florida Contraband Forfeiture
118 Act, or in, upon, or by means of which any violation of the
119 Florida Contraband Forfeiture Act has taken or is taking place,
120 may be seized and shall be forfeited subject to the Florida
121 Contraband Forfeiture Act. A seizure may occur only if the owner
122 of the property is arrested for a criminal offense that forms
123 the basis for determining that the property is a contraband
124 article under s. 932.701, or one or more of the following
125 circumstances apply:

126 1. The owner of the property cannot be identified after a
127 diligent search, or the person in possession of the property
128 denies ownership and the owner of the property cannot be
129 identified by means that are available to the employee or agent
130 of the seizing agency at the time of the seizure;

131 2. The owner of the property is a fugitive from justice or
132 is deceased;

133 3. An individual who does not own the property is arrested
134 for a criminal offense that forms the basis for determining that
135 the property is a contraband article under s. 932.701 and the
136 owner of the property had actual knowledge of the criminal
137 activity. Evidence that an owner received written notification
138 from a law enforcement agency and acknowledged receipt of the
139 notification in writing, that the seized asset had been used in
140 violation of the Florida Contraband Forfeiture Act on a prior
141 occasion by the arrested person, may be used to establish actual
142 knowledge;

143 4. The owner of the property agrees to be a confidential
144 informant as defined in s. 914.28. The seizing agency may not
145 use the threat of property seizure or forfeiture to coerce the

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owner of the property to enter into a confidential informant agreement. The seizing agency shall return the property to the owner if criminal charges are not filed against the owner and the active criminal investigation ends or if the owner ceases being a confidential informant, unless the agency includes the final forfeiture of the property as a component of the confidential informant agreement; ~~or~~

5. The property is a monetary instrument. For purposes of this subparagraph, the term "monetary instrument" means coin or currency of the United States or any other country; a traveler's check; a personal check; a bank check; a cashier's check; a money order; a bank draft of any country; an investment security or negotiable instrument in bearer form or in other form such that title passes upon delivery; a prepaid or stored value card or other device that is the equivalent of money and can be used to obtain cash, property, or services; or gold, silver, or platinum bullion or coins; or

6. The property is a motor vehicle used in violation of s. 316.1935.

Section 4. This act shall take effect July 1, 2026.