



341070

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
03/03/2010	.	
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The Committee on Transportation (Haridopolos) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 51 - 141

and insert:

Section 1. Subsection (9) of section 261.03, Florida Statutes, is amended to read:

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

(9) "ROV" means any motorized recreational off-highway vehicle 64 ~~60~~ inches or less in width, having a dry weight of 2,000 ~~1,500~~ pounds or less, designed to travel on four or more nonhighway tires, having nonstraddle seating and a steering



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13 wheel, and manufactured for recreational use by one or more  
14 persons. The term "ROV" does not include a golf cart as defined  
15 in ss. 320.01(22) and 316.003(68) or a low-speed vehicle as  
16 defined in s. 320.01(42).

17 Section 2. Section 316.1951, Florida Statutes, is amended  
18 to read:

19 316.1951 Parking for certain purposes prohibited; sale of  
20 motor vehicles; prohibited acts.—

21 (1) It is unlawful for any person to park a motor vehicle,  
22 as defined in s. 320.01, upon a public street or highway, ~~upon~~ a  
23 public parking lot, or other public property, or upon private  
24 property where the public has the right to travel by motor  
25 vehicle, for the principal purpose and intent of displaying the  
26 motor vehicle thereon for sale, hire, or rental unless the sale,  
27 hire, or rental of the motor vehicle is specifically authorized  
28 on such property by municipal or county regulation and the  
29 person is in compliance with all municipal or county licensing  
30 regulations.

31 (2) The provisions of subsection (1) do not prohibit a  
32 person from parking his or her own motor vehicle or his or her  
33 other personal property on any private real property which the  
34 person owns or leases or on private real property which the  
35 person does not own or lease, but for which he or she obtains  
36 the permission of the owner, or on the public street immediately  
37 adjacent thereto, for the principal purpose and intent of sale,  
38 hire, or rental.

39 (3) Subsection (1) does not prohibit a licensed motor  
40 vehicle dealer from displaying for sale or offering for sale  
41 motor vehicles at locations other than the dealer's licensed



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42 location if the dealer has been issued a supplemental license  
43 for off-premises sales, as provided in s. 320.27(5), and has  
44 complied with the requirements in subsection (1). A vehicle  
45 displayed for sale by a licensed dealer at any location other  
46 than the dealer's licensed location is subject to immediate  
47 removal without warning.

48 (4) The Department of Highway Safety and Motor Vehicles  
49 shall adopt by rule a uniform written traffic citation notice to  
50 be used to enforce this section. ~~Each law enforcement agency in~~  
51 ~~this state shall provide, at each agency's expense, the notice~~  
52 ~~forms necessary to enforce this section.~~

53 (5) A law enforcement officer, compliance officer, code  
54 enforcement officer from any local government agency, or  
55 supervisor of the department may cause to be removed at the  
56 owner's expense any motor vehicle found in violation of  
57 subsection (1), which has been parked in one location for more  
58 than 24 hours after a written traffic citation notice has been  
59 issued. Every written traffic citation notice issued pursuant to  
60 this section shall be affixed in a conspicuous place upon a  
61 vehicle by a law enforcement officer, compliance officer, code  
62 enforcement officer, or supervisor of the department. Any  
63 vehicle found in violation of subsection (1) within 30 days  
64 after a previous violation and written traffic citation notice  
65 is subject to immediate removal without an additional waiting  
66 period.

67 (6) It is unlawful to offer a vehicle for sale if the  
68 vehicle identification number has been destroyed, removed,  
69 covered, altered, or defaced, as described in s. 319.33(1)(d). A  
70 vehicle found in violation of this subsection is subject to



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71 immediate removal without warning.

72 (7) It is unlawful to knowingly attach to any motor vehicle  
73 a registration that was not assigned or lawfully transferred to  
74 the vehicle pursuant to s. 320.261. A vehicle found in violation  
75 of this subsection is subject to immediate removal without  
76 warning.

77 (8) It is unlawful to display or offer for sale a vehicle  
78 that does not have a valid registration as provided in s.  
79 320.02. A vehicle found in violation of this subsection is  
80 subject to immediate removal without warning. This subsection  
81 does not apply to vehicles and recreational vehicles being  
82 offered for sale through motor vehicle auctions as defined in s.  
83 320.27(1)(c)4.

84 (9) A vehicle is subject to immediate removal without  
85 warning if it bears a telephone number that has been displayed  
86 on three or more vehicles offered for sale within a 12-month  
87 period.

88 (10) Any other provision of law to the contrary  
89 notwithstanding, a violation of subsection (1) shall subject the  
90 owner of such motor vehicle to towing fees reasonably  
91 necessitated by removal and storage of the motor vehicle and a  
92 fine as required by s. 318.18.

93 (11) This section does not prohibit the governing body of a  
94 municipality or county, with respect to streets, highways, or  
95 other property under its jurisdiction, from regulating the  
96 parking of motor vehicles for any purpose.

97 (12) A violation of this section is a noncriminal traffic  
98 infraction, punishable as a nonmoving violation as provided in  
99 chapter 318, unless otherwise mandated by general law.



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100 Section 3. Subsection (21) is added to section 318.18,  
101 Florida Statutes, to read:

102 318.18 Amount of penalties.—The penalties required for a  
103 noncriminal disposition pursuant to s. 318.14 or a criminal  
104 offense listed in s. 318.17 are as follows:

105 (21) One hundred dollars for a violation of s. 316.1951 for  
106 a vehicle that is unlawfully displayed for sale, hire, or  
107 rental.

108 Section 4. Subsection (9) of section 317.0003, Florida  
109 Statutes, is amended to read:

110 317.0003 Definitions.—As used in this chapter, the term:  
111 (9) "ROV" means any motorized recreational off-highway vehicle  
112 64 ~~60~~ inches or less in width, having a dry weight of 2,000  
113 ~~1,500~~ pounds or less, designed to travel on four or more  
114 nonhighway tires, having nonstraddle seating and a steering  
115 wheel, and manufactured for recreational use by one or more  
116 persons. The term "ROV" does not include a golf cart as defined  
117 in ss. 320.01(22) and 316.003(68) or a low-speed vehicle as  
118 defined in s. 320.01(42).

119  
120 ===== T I T L E A M E N D M E N T =====

121 And the title is amended as follows:

122 Delete lines 2 - 15

123 and insert:

124 An Act relating to motor vehicles; amending s. 261.03,  
125 F.S.; redefining the term "ROV"; amending s. 316.1951,  
126 F.S.; directing the Department of Highway Safety and  
127 Motor Vehicles to adopt a uniform traffic citation to  
128 be used to enforce provisions that prohibit parking a



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129 motor vehicle on certain property for the purpose of  
130 displaying the motor vehicle as being for sale, hire,  
131 or rental; removing a requirement that each law  
132 enforcement agency provide its own notice for such  
133 enforcement; authorizing a code enforcement officer  
134 from any local government agency to enforce such  
135 provisions; providing that the owner of a vehicle  
136 parked in violation of such provisions is subject to a  
137 fine in addition to towing and storage fees; amending  
138 s. 317.0003, F.S.; redefining the term "ROV"; amending  
139 s.