

7-24-1970

Session Law 70-391

Florida Senate & House of Representatives

Follow this and additional works at: <https://ir.law.fsu.edu/staff-analysis>



Part of the Legislation Commons

Recommended Citation

House of Representatives, Florida Senate &, "Session Law 70-391" (1970). *Staff Analysis*. 89.
<https://ir.law.fsu.edu/staff-analysis/89>

This Article is brought to you for free and open access by the Florida Legislative Documents at Scholarship Repository. It has been accepted for inclusion in Staff Analysis by an authorized administrator of Scholarship Repository. For more information, please contact efarrell@law.fsu.edu.

Florida Information Associates
P. O. Box 11144
Tallahassee, FL 32302
(904) 878-0188

Report No. L87-004B
January 29, 1987

SESSION LAW SUMMARY

LAW/SECTION NO.: 70-391 AFFECTED STATUTE: 320.015 (1985)

SUBJECT: Taxation, Mobile Homes

PRIME BILL NO.: SB 572 SPONSOR(S): Elmer O. Friday

IDENTICAL BILL: na SPONSOR(S): na

SIMILAR BILL: na SPONSOR(S): na

COMPARE BILL: na SPONSOR(S): na

BILLS COMBINED WITH PRIME BILL: none

GENERAL SUMMARY OF ACTIONS CREATING LAW AND RESEARCH:

(Note: Histories of individual bills are attached as Item 02 to this report).

Both the Senate Transportation and Ways and Means Committees voted SB 572 favorably. The Senate Ways and Means Committee added amendments. In the House the bill passed without committee reference.

Records of the 1970 session are sparse. The only records located were Senate Transportation Committee bill reports to the Secretary. These reports give nothing more than the bill number, action, and date of action.

DOCUMENTATION:

Unless otherwise noted, all documentation listed below is attached to this report with the corresponding number in the upper right hand corner of the document.

01. Laws of Florida, Chapter 70-391.
02. Joint Legislative Management Committee. Division of Legislative Information, History of Legislation, 1970, p. 126, SB 572.
03. Florida Statutes, 1971, Chapter 320.015.

1. Mobile homes, trailer coaches, travel trailers, house trailers, manufactured upon a chassis or undercarriage as an integral part thereof without independent motive power drawn by a self-propelled vehicle, and

2. Camper type mobile homes mounted and transported wholly upon the body of a self-propelled vehicle.

The term "mobile homes" refers to all vehicles included in this paragraph (b), and the term "trailer coach" refers to vehicles included in subparagraph 1 of this paragraph (b).

Section 2. Section 320.015, Florida Statutes, is amended to read:

(Substantial rewording of section. See section 320.015, Florida Statutes, for present text.)

320.015 Taxation of mobile homes.—A motor vehicle as defined in paragraph (b) of subsection (1) of section 320.01, Florida Statutes, shall be subject to a license tax as an operable motor vehicle regardless of its actual use unless the vehicle is permanently affixed to the land and taxed as real property. A prefabricated or modular housing unit or portion thereof not manufactured upon an integral chassis or undercarriage for travel over the highways shall not be licensed as a motor vehicle, even though transported over the highways to a site for erection or use.

Section 3. Mobile homes licensed under section 320.081, Florida Statutes, shall be issued series "MH" plates at the fee therein prescribed in lieu of the fee prescribed in section 320.08(8)(d); provided that mobile homes which are permanently affixed to the land and taxed as real property shall be issued "RP" series license plates. Such series "RP" plates shall be provided by the department of highway safety and motor vehicles to the tax collector and issued by the tax collector to the registered owners of such mobile homes upon the registered owner's production of a certificate of the respective tax assessor that such mobile home is included in an assessment of the property of such registered owner for ad valorem taxation. Such plates shall be issued by the tax collector for an aggregate fee of one dollar (\$1.00) each, fifty cents (50¢) of which shall be retained by the tax collector as a service charge, twenty-five (25¢) shall be remitted to the tax assessor and twenty-five cents

(25¢) remitted to the department to defray cost of manufacture and handling. Each "MH" or "RP" license plate shall be securely attached to the rear of the mobile home for which issued, conspicuously displayed in a horizontal position, front of license plate out and top up.

Section 4. Section 320.35, Florida Statutes, is amended to read:

(Substantial rewording of section. See section 320.35, Florida Statutes, for present text.)

320.35 Registration; license plates; how displayed.—No person shall operate or authorize the operation over the public streets or highways of this state or use for housing accommodations any motor vehicle, as defined by section 320.01, Florida Statutes, unless the same is registered according to law and the registration fee paid, and at the time of such operation or use shall have the proper current license plate issued and assigned to said vehicle conspicuously displayed in a horizontal position, front of license plate out and top up, securely attached to the rear of said vehicle so as to prevent swinging; provided, vehicles permanently affixed to the land and taxed as real property shall not be included unless otherwise provided by law. Said plate shall be so located when the vehicle is operated over the public streets or highways of the state that the plate is illuminated at night by rays of the tail light or other rear light. Each separate day of operation or use in violation of this provision shall be considered a separate and distinct offense. The operation over the public streets or highways of this state or the use of any vehicle for housing accommodations with a license plate attached, which was not issued for and assigned to that particular vehicle, shall be deemed an operation or use of such vehicle without proper license plate.

Section 5. Section 320.34, Florida Statutes, the provisions of which are included in section 320.35 as amended by this act, is repealed.

Section 6. This act shall become effective immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State July 8, 1970.

Became a law without the Governor's approval.
Filed in Office Secretary of State July 8, 1970.

CHAPTER 70-390

Senate Bill No. 571

AN ACT relating to driver education for minors; amending Section 322.11, Florida Statutes; providing that non-public schools have the same requirements for driver education as public schools; providing an effective date.

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

Section 1. Section 322.11, Florida Statutes is amended to read:

322.111 Driver education for minors.—Beginning July 1, 1970, no operator's or chauffeur's license shall be issued to any person under eighteen years of age unless such person shall have successfully completed a driver education course which is given by a school in the public school system in compliance with section 233.063, or which is given by some other *non-public school which meets the requirements of section 233.063(4) (a) and (b)*, or an agency [and] which is licensed by the department of public safety.

The driver education course required by this section shall not exceed thirty-six hours of instruction. The provision of this act shall be construed as supplemental to the provisions of sections 322.05, 322.07, 322.12 and 322.16, and shall in no way apply to anyone already possessing a Florida restricted operator's, operator's or chauffeur's license prior to July 1, 1970.

Section 2. This act shall take effect July 1, 1970.

Became a law without the Governor's approval.

Filed in Office Secretary of State July 8, 1970.

CHAPTER 70-391

Senate Bill No. 572

AN ACT relating to motor vehicles, definition, license plates; amending subsection 320.01(1), Florida Statutes, to redefine motor vehicles, mobile homes and trailer coaches in compliance with Article VII, subsection 1(b), revised state constitution; amending section 320.015, Florida Statutes, relating to taxation of mobile homes, to conform to such definitions as amended and to exclude units not manufactured upon an integral chassis for travel; amending section 320.35, Florida Statutes; requiring all motor vehicles, as defined in section 320.01(1), Florida Statutes, to be registered according to law and a fee paid therefor; requiring license plates issued in connection with such registrations to be attached to the vehicles so registered and conspicuously displayed thereon; repealing section 320.34, Florida Statutes; providing an effective date.

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

Section 1. Subsection (1) of section 320.01, Florida Statutes, is amended to read:

(Substantial rewording of subsection. See section 320.01, Florida Statutes, for present text.)

320.01 Definitions, general.—In construing these statutes, where the context permits, the word, phrase or term:

(1) "Motor vehicle" includes:

(a) Automobiles, motorcycles, motor trucks, trailers, semi-trailers, tractor trailer combinations, and all other vehicles operated over the public streets and highways of this state and used as a means of transporting persons or property over the public streets and highways and propelled by power other than muscular power, but does not include traction engines, road rollers and such vehicles as run only upon a track.

(b) Vehicles designed and equipped to provide living and sleeping facilities for use as a home, residence or apartment and for operation over the streets and highways of the state and shall consist of:

- SB 570 -CONTINUED-
 5/25/70 HOUSE- RECONSIDERED, PASSED AS AMENDED; YEAS 090 NAYS 007 -HJ 0799
 5/26/70 SENATE- CONCURRED -SJ 0556; PASSED AS FURTHER AMENDED; YEAS 032 NAYS
 000 -SJ 0556
 6/05/70 SENATE- SIGNED BY OFFICERS AND PRESENTED TO GOVERNOR
 6/16/70 APPROVED BY GOVERNOR
 6/17/70 CHAPTER NO. 70-113
- SB 571 GENERAL BILL, BY WEBER AND OTHERS (COMPANION HB 4047)
 AMENDS SEC.322.11 TO PROVIDE THAT NONPUBLIC SCHOOLS HAVE THE SAME REQUIREMENTS
 FOR DRIVER EDUCATION AS PUBLIC SCHOOLS.
 4/13/70 SENATE- INTRODUCED, REFERRED TO TRANSPORTATION -SJ 0089
 4/23/70 SENATE- RECOMMENDED FAVORABLE; PLACED ON CALENDAR -SJ 0199
 5/05/70 SENATE- PASSED; YEAS 030 NAYS 000 -SJ 0318
 5/08/70 HOUSE- RECEIVED, PLACED ON CALENDAR -HJ 0537
 5/13/70 HOUSE- REFERRED TO JUDICIARY -HJ 0610
 5/28/70 HOUSE- WITHDRAWN FROM COMMITTEE, PLACED ON CALENDAR -HJ 0924
 6/05/70 HOUSE- PASSED; YEAS 076 NAYS 024
 6/22/70 SENATE- SIGNED BY OFFICERS AND PRESENTED TO GOVERNOR
 7/08/70 BECAME LAW WITHOUT APPROVAL
 7/15/70 CHAPTER NO. 70-390
- ↓
 SB 572 GENERAL BILL, BY FRIDAY
 AMENDS SECT.320.01(1) TO REDEFINE MOTOR VEHICLES, MOBILE HOMES AND TRAILER
 COACHES IN COMPLIANCE WITH ART.VII, SUBSECTION 1(B) OF THE CONSTITUTION; AMENDS
 SECT.320.015; REQUIRES ALL MOTOR VEHICLES AS DEFINED IN SECT.320.01(1) TO BE
 REGISTERED, ETC.
 4/13/70 SENATE- INTRODUCED, REFERRED TO TRANSPORTATION, WAYS AND MEANS -SJ
 0089
 4/23/70 SENATE- RECOMMENDED FAVORABLE; TRANSPORTATION -SJ 0199; SUBREFERRED TO
 TAXATION -SJ 0199
 5/11/70 SENATE- EXTENSION OF TIME GRANTED COMMITTEE WAYS AND MEANS -SJ 0387
 5/14/70 SENATE- RECOMMENDED FAVORABLE WITH AMENDMENTS; PLACED ON CALENDAR -SJ
 0417
 6/03/70 SENATE- PASSED AS AMENDED; YEAS 040 NAYS 000 -SJ 0786
 6/04/70 HOUSE- RECEIVED, PLACED ON CALENDAR -HJ 1167
 6/05/70 HOUSE- PASSED; YEAS 098 NAYS 001
 6/22/70 SENATE- SIGNED BY OFFICERS AND PRESENTED TO GOVERNOR
 7/08/70 BECAME LAW WITHOUT APPROVAL
 7/15/70 CHAPTER NO. 70-391
- SB 573 GENERAL BILL, BY FRIDAY (COMPANION HB 3907)
 AMENDS SECS.582.06, ET SEQ., TO PROVIDE POWER AND DUTIES OF THE DEPT. OF
 AGRICULTURE AND CONSUMER SERVICES AND THE SOIL AND WATER CONSERVATION COUNCIL.
 4/13/70 SENATE- INTRODUCED, REFERRED TO NATURAL RESOURCES AND CONSERVATION -SJ
 0089
 4/22/70 SENATE- RECOMMENDED FAVORABLE WITH AMENDMENT, PLACED ON CALENDAR -SJ
 0199
 5/01/70 SENATE- PASSED AS AMENDED; YEAS 033 NAYS 000 -SJ 0288
 5/06/70 HOUSE- RECEIVED, REFERRED TO AGRICULTURE, APPROPRIATIONS -HJ 0490
 5/12/70 HOUSE- RECOMMENDED FAVORABLE; AGRICULTURE -HJ 0599
 5/18/70 HOUSE- WITHDRAWN FROM COMMITTEE, PLACED ON CALENDAR -HJ 0666
 6/03/70 HOUSE- PASSED; YEAS 102 NAYS 003 -HJ 1098
 6/22/70 SENATE- SIGNED BY OFFICERS AND PRESENTED TO GOVERNOR
 7/08/70 BECAME LAW WITHOUT APPROVAL
 7/15/70 CHAPTER NO. 70-392
- SB 574 GENERAL BILL, BY FRIDAY
 CONTINUED ON NEXT PAGE

same person owning the said freight, so that there is identity of ownership between the said freight and motor vehicle, such transportation shall be deemed "for hire." The carrying of goods, wares, merchandise and other personal property in motor vehicles by corporations or associations for their stockholders, shareholders and members, cooperative or otherwise, shall be deemed transportation "for hire"; provided, however, the following shall not be deemed as operating "for hire," to-wit: Motor vehicles used for transporting school children to and from school under contract with school officials; hearses and ambulances when operated by licensed embalmers and morticians, their agents and employees in this state; motor vehicles used in the transportation of agricultural and horticultural products or in transporting agricultural or horticultural supplies direct to growers or the consumers of said supplies or to associations of said growers or consumers; and motor vehicles temporarily used by farmers for the transportation of agricultural and horticultural products from farms or groves to packing houses or to points of shipment by transportation companies; motor vehicles not exceeding one and one-half tons under contract with the government of the United States to carry United States mail, provided such vehicle is not used for commercial purposes.

(17) "State road" shall be construed to mean any part of any road, including the bridges thereon, heretofore or which may hereafter be designated by the legislature or by the division of transportation planning of the department of transportation, in accordance with law, as a state road, which has been, or may hereafter be constructed, maintained, or otherwise improved by the division of road operations of said department, or which is now, or may hereafter be, in course of construction, maintenance or improvement by such division.

(18) "Station wagons," also known as "suburbans," not used for hire, are hereby declared to be "automobiles for private use" so far as the same relates to the laws of this state, fixing and prescribing fees and taxes on automobiles, and shall hereafter pay the same fees and taxes as are prescribed by the laws of Florida for "automobiles for private use."

(19) A "farm tractor" is hereby defined to be a motor vehicle operated principally upon a farm, grove, or orchard in agricultural or horticultural pursuits and which is operated upon the highways of this state incidentally in going from the owner's or operator's headquarters to such farms, groves or orchards and returning therefrom, or in going from one farm, grove or orchard to another. A "farm trailer" is defined as a vehicle without motive power which is used principally for the purpose of transporting plows, harrows, fertilizer distributors, spray machines and other farm or grove implements, and which uses the highways of this state only incidentally.

(20) "Motor-driven cycle" shall be construed to mean every motorcycle, including every motor scooter, with a motor which produces not to exceed five brake horsepower, and every bicycle with motor attached.

(21) "Brake horsepower" shall be construed to mean the actual unit of torque developed per unit of time at the output shaft of an engine as measured by a dynamometer.

(22) "Department" means the department of highway safety and motor vehicles.

History.—s. 1, § 6, ch. 7275, 1917; s. 1, ch. 7727, 1918, §§ 1006, 1011, §§ 2, 3, ch. 8110, 1921, § 2, ch. 9156, 1923; s. 1, ch. 917, 1923, s. 1, ch. 16182, 1925; CGL 1280, 1285, 1677; s. 1, ch. 15025, 1931, § 3, ch. 16085, 1933, s. 1, ch. 20743, 1941, s. 1, ch. 20911, 1941; s. 1, ch. 26923, 1951, s. 1, ch. 59-351, s. 1, ch. 65-91, s. 1, ch. 65-446, §§ 23, 24, 35, ch. 69-106, s. 1, ch. 70-219, s. 1, ch. 70-391, § 93, ch. 71-377.
ct.—§ 101 for general definitions.

320.011 Department, powers and duties.

The powers and duties of the department of highway safety and motor vehicles shall include the following. The department shall:

(1) Have charge of all affairs of administering and enforcing the laws of the state relative to motor vehicles as hereinafter provided and employ such clerical assistants and appoint such enforcement deputies as may be necessary to enable it to completely and efficiently perform its duties.

(2) Issue and cancel motor vehicle certificates of title.

(3) Collect all sums of money required to be collected as provided by law.

(4) Issue all licenses, permits and certificates required to be issued, being strictly accountable therefor.

(5) Adopt and promulgate such reasonable rules and regulations as deemed necessary to administer the provisions of chapters 319, 320 and 330 which shall have the force and effect of law.

(6) Administer and enforce all provisions of law pertaining to the licensing, registration, certification, sale and distribution of motor vehicles as set forth in chapters 319, 320 and 330 and the rules and regulations promulgated thereunder.

History.—s. 3, ch. 65-190, §§ 24, 33, ch. 69-106.
Note.—Formerly s. 318.031.

320.015 **Taxation of mobile homes.**—A motor vehicle, as defined in § 320.01(1)(b), shall be subject to a license tax as an operable motor vehicle regardless of its actual use unless the vehicle is permanently affixed to the land and taxed as real property. A prefabricated or modular housing unit or portion thereof not manufactured upon an integral chassis or undercarriage for travel over the highways shall not be licensed as a motor vehicle even though transported over the highways to a site for erection or use.

History.—Formerly s. 13, Art. IX of the constitution of 1865, as amended; converted to statutory law by § 10, Art. XII of the constitution as revised in 1968; s. 2, ch. 70-391.

320.02 **Application for registration; forms.**—Every owner, or person in charge of a motor vehicle, trailer, semi-trailer, or motorcycle