

Amendment No. 1 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
1		.	
2		.	
3		.	
4		.	

ORIGINAL STAMP BELOW

The Committee on Transportation & Economic Development
Appropriations offered the following:

Amendment (with title amendment)

Remove from the bill: Everything after the enacting clause
and insert in lieu thereof:

Section 1. Paragraph (r) is added to subsection (7) of
section 213.053, Florida Statutes, to read:

213.053 Confidentiality and information sharing.--

(7) Notwithstanding any other provision of this
section, the department may provide:

(r) Names, addresses, and federal employer
identification numbers, or such similar identifiers, to the
Department of Highway Safety and Motor Vehicles for use in the
conduct of its official business.

Disclosure of information under this subsection shall be
pursuant to a written agreement between the executive director
and the agency. Such agencies, governmental or
nongovernmental, shall be bound by the same requirements of

Amendment No. 1 (for drafter's use only)

1 confidentiality as the Department of Revenue. Breach of
2 confidentiality is a misdemeanor of the first degree,
3 punishable as provided by s. 775.082 or s. 775.083.

4 Section 2. Subsection (1) of section 234.02, Florida
5 Statutes, is amended to read:

6 234.02 Safety and health of pupils.--Maximum regard
7 for safety and adequate protection of health are primary
8 requirements that must be observed by school boards in routing
9 buses, appointing drivers, and providing and operating
10 equipment, in accordance with all requirements of law and
11 regulations of the commissioner in providing transportation
12 pursuant to s. 234.01:

13 (1) School boards shall use school buses, as defined
14 in s. 234.051, for all regular transportation. Regular
15 transportation or regular use means transportation of students
16 to and from school or school-related activities that are part
17 of a scheduled series or sequence of events to the same
18 location. "Students" means, for the purposes of this section,
19 students enrolled in the public schools in prekindergarten
20 programs through grade 12. School boards may regularly use
21 motor vehicles other than school buses only under the
22 following conditions:

23 (a) When the transportation is for physically
24 handicapped or isolated students and the district has elected
25 to provide for the transportation of the student through
26 written or oral contracts or agreements.

27 (b) When the transportation is a part of a
28 comprehensive contract for a specialized educational program
29 between a school board and a service provider who provides
30 instruction, transportation, and other services.

31 (c) When the transportation is provided through a

Amendment No. 1 (for drafter's use only)

1 public transit system.

2 (d) When the transportation of students is necessary
3 or practical in a motor vehicle owned or operated by a school
4 board other than a school bus, ~~and~~ such transportation must be
5 ~~is~~ provided in designated seating positions in a passenger car
6 not to exceed 8 students or in a multipurpose passenger
7 vehicle ~~any other motor vehicle~~ designed to transport 10 or
8 fewer persons which meets all applicable federal motor vehicle
9 safety standards ~~for passenger cars~~. Multipurpose passenger
10 vehicles classified as utility vehicles with a wheelbase of
11 110 inches or less which are required by federal motor vehicle
12 standards to display a rollover warning label may not be used.

13
14 When students are transported in motor vehicles, the occupant
15 crash protection system provided by the vehicle manufacturer
16 must be used unless the student's physical condition prohibits
17 such use.

18 Section 3. Section 316.0775 Florida Statutes is
19 amended to read:

20 316.0775 Interference with official traffic control
21 devices or railroad signs or signals.--No person shall,
22 without lawful authority, attempt to or in fact alter, deface,
23 injure, knock down or remove any official traffic control
24 device or any railroad sign or signal or any inscription,
25 shield or insignia thereon, or any other part thereof. A
26 violation of this section is a criminal violation, pursuant to
27 s. 318.17 and shall be punishable as set forth in s. 806.13
28 related to criminal mischief and graffiti, beginning on or
29 after July 1, 2000 ~~noncriminal traffic infraction, punishable~~
30 ~~as provided in chapter 318.~~

31 Section 4. Subsection (6) of section 316.193, Florida

Amendment No. 1 (for drafter's use only)

1 Statutes, is amended to read:

2 316.193 Driving under the influence; penalties.--

3 (6) With respect to any person convicted of a
4 violation of subsection (1), regardless of any penalty imposed
5 pursuant to subsection (2), subsection (3), or subsection (4):

6 (a) For the first conviction, the court shall place
7 the defendant on probation for a period not to exceed 1 year
8 and, as a condition of such probation, shall order the
9 defendant to participate in public service or a community work
10 project for a minimum of 50 hours; or the court may order
11 instead, that any defendant pay an additional fine of \$10 for
12 each hour of public service or community work otherwise
13 required, if, after consideration of the residence or location
14 of the defendant at the time public service or community work
15 is required, payment of the fine is in the best interests of
16 the state. However, the total period of probation and
17 incarceration may not exceed 1 year. The court must also, as a
18 condition of probation, order the impoundment or
19 immobilization of the vehicle that was operated by or in the
20 actual control of the defendant or any one vehicle registered
21 in the defendant's name at the time of impoundment or
22 immobilization, for a period of 10 days or for the unexpired
23 term of any lease or rental agreement that expires within 10
24 days. The impoundment or immobilization must not occur
25 concurrently with the incarceration of the defendant. The
26 impoundment or immobilization order may be dismissed in
27 accordance with paragraph (e), paragraph (f), ~~or~~ paragraph
28 (g), or paragraph (h).

29 (b) For the second conviction for an offense that
30 occurs within a period of 5 years after the date of a prior
31 conviction for violation of this section, the court shall

Amendment No. 1 (for drafter's use only)

1 order imprisonment for not less than 10 days. The court must
2 also, as a condition of probation, order the impoundment or
3 immobilization of all vehicles owned by the defendant ~~the~~
4 ~~vehicle that was operated by or in the actual control of the~~
5 ~~defendant or any one vehicle registered in the defendant's~~
6 ~~name~~ at the time of impoundment or immobilization, for a
7 period of 30 days or for the unexpired term of any lease or
8 rental agreement that expires within 30 days. The impoundment
9 or immobilization must not occur concurrently with the
10 incarceration of the defendant and must occur concurrently
11 with the driver's license revocation imposed under s.
12 322.28(2)(a)2. The impoundment or immobilization order may be
13 dismissed in accordance with paragraph (e), paragraph (f), ~~or~~
14 paragraph (g), or paragraph (h). At least 48 hours of
15 confinement must be consecutive.

16 (c) For the third or subsequent conviction for an
17 offense that occurs within a period of 10 years after the date
18 of a prior conviction for violation of this section, the court
19 shall order imprisonment for not less than 30 days. The court
20 must also, as a condition of probation, order the impoundment
21 or immobilization of all vehicles owned by the defendant ~~the~~
22 ~~vehicle that was operated by or in the actual control of the~~
23 ~~defendant or any one vehicle registered in the defendant's~~
24 ~~name~~ at the time of impoundment or immobilization, for a
25 period of 90 days or for the unexpired term of any lease or
26 rental agreement that expires within 90 days. The impoundment
27 or immobilization must not occur concurrently with the
28 incarceration of the defendant and must occur concurrently
29 with the driver's license revocation imposed under s.
30 322.28(2)(a)3. The impoundment or immobilization order may be
31 dismissed in accordance with paragraph (e), paragraph (f), ~~or~~

Amendment No. 1 (for drafter's use only)

1 paragraph (g), or paragraph (h). At least 48 hours of
2 confinement must be consecutive.

3 (d) The court must at the time of sentencing the
4 defendant issue an order for the impoundment or immobilization
5 of a vehicle. Within 7 business days after the date that the
6 court issues the order of impoundment or immobilization, the
7 clerk of the court must send notice by certified mail, return
8 receipt requested, to the registered owner of each vehicle, if
9 the registered owner is a person other than the defendant, and
10 to each person of record claiming a lien against the vehicle.

11 (e) A person who owns but was not operating the
12 vehicle when the offense occurred may submit to the court a
13 police report indicating that the vehicle was stolen at the
14 time of the offense or documentation of having purchased the
15 vehicle after the offense was committed from an entity other
16 than the defendant or the defendant's agent. If the court
17 finds that the vehicle was stolen or that the sale was not
18 made to circumvent the order and allow the defendant continued
19 access to the vehicle, the order must be dismissed and the
20 owner of the vehicle will incur no costs. If the court denies
21 the request to dismiss the order of impoundment or
22 immobilization, the petitioner may request an evidentiary
23 hearing.

24 (f) A person who owns but was not operating the
25 vehicle when the offense occurred, and whose vehicle was
26 stolen or who purchased the vehicle after the offense was
27 committed directly from the defendant or the defendant's
28 agent, may request an evidentiary hearing to determine whether
29 the impoundment or immobilization should occur. If the court
30 finds that either the vehicle was stolen or the purchase was
31 made without knowledge of the offense, that the purchaser had

Amendment No. 1 (for drafter's use only)

1 no relationship to the defendant other than through the
2 transaction, and that such purchase would not circumvent the
3 order and allow the defendant continued access to the vehicle,
4 the order must be dismissed and the owner of the vehicle will
5 incur no costs.

6 (g) The court shall also dismiss the order of
7 impoundment or immobilization of the vehicle if the court
8 finds that the family of the owner of the vehicle has no other
9 private or public means of transportation.

10 (h) The court may also dismiss the order of
11 impoundment or immobilization of any vehicles that are owned
12 by the defendant but that are operated solely by the employees
13 of the defendant or any business owned by the defendant.

14 (i)~~(h)~~ All costs and fees for the impoundment or
15 immobilization, including the cost of notification, must be
16 paid by the owner of the vehicle or, if the vehicle is leased
17 or rented, by the person leasing or renting the vehicle,
18 unless the impoundment or immobilization order is dismissed.
19 All provisions of s. 713.78 shall apply.

20 (j)~~(i)~~ The person who owns a vehicle that is impounded
21 or immobilized under this paragraph, or a person who has a
22 lien of record against such a vehicle and who has not
23 requested a review of the impoundment pursuant to paragraph
24 (e), paragraph (f), or paragraph (g), may, within 10 days
25 after the date that person has knowledge of the location of
26 the vehicle, file a complaint in the county in which the owner
27 resides to determine whether the vehicle was wrongfully taken
28 or withheld from the owner or lienholder. Upon the filing of a
29 complaint, the owner or lienholder may have the vehicle
30 released by posting with the court a bond or other adequate
31 security equal to the amount of the costs and fees for

Amendment No. 1 (for drafter's use only)

1 impoundment or immobilization, including towing or storage, to
2 ensure the payment of such costs and fees if the owner or
3 lienholder does not prevail. When the bond is posted and the
4 fee is paid as set forth in s. 28.24, the clerk of the court
5 shall issue a certificate releasing the vehicle. At the time
6 of release, after reasonable inspection, the owner or
7 lienholder must give a receipt to the towing or storage
8 company indicating any loss or damage to the vehicle or to the
9 contents of the vehicle.

10 (k)~~(j)~~ A defendant, in the court's discretion, may be
11 required to serve all or any portion of a term of imprisonment
12 to which the defendant has been sentenced pursuant to this
13 section in a residential alcoholism treatment program or a
14 residential drug abuse treatment program. Any time spent in
15 such a program must be credited by the court toward the term
16 of imprisonment.

17

18 For the purposes of this section, any conviction for a
19 violation of s. 327.35; a previous conviction for the
20 violation of former s. 316.1931, former s. 860.01, or former
21 s. 316.028; or a previous conviction outside this state for
22 driving under the influence, driving while intoxicated,
23 driving with an unlawful blood-alcohol level, driving with an
24 unlawful breath-alcohol level, or any other similar
25 alcohol-related or drug-related traffic offense, is also
26 considered a previous conviction for violation of this
27 section. However, in satisfaction of the fine imposed pursuant
28 to this section, the court may, upon a finding that the
29 defendant is financially unable to pay either all or part of
30 the fine, order that the defendant participate for a specified
31 additional period of time in public service or a community

Amendment No. 1 (for drafter's use only)

1 work project in lieu of payment of that portion of the fine
2 which the court determines the defendant is unable to pay. In
3 determining such additional sentence, the court shall consider
4 the amount of the unpaid portion of the fine and the
5 reasonable value of the services to be ordered; however, the
6 court may not compute the reasonable value of services at a
7 rate less than the federal minimum wage at the time of
8 sentencing.

9 Section 5. Subsection (5) of section 316.1935, Florida
10 Statutes, is amended to read:

11 316.1935 Fleeing or attempting to elude a law
12 enforcement officer; aggravated fleeing and eluding.--

13 (5)(a) The court may revoke, for a period not to exceed
14 1 year, the driver's license of any operator of a motor
15 vehicle convicted of a violation of subsection (1).

16 (b) The court shall revoke, for a period of not less
17 than 1 year and not more than 5 years, the driver's license of
18 any operator of a motor vehicle convicted of a violation of
19 subsection (2) or subsection (3).

20 (c) The court shall revoke, for a period of not less
21 than 5 years and not more than 25 years, the driver's license
22 of any operator of a motor vehicle convicted of a violation of
23 subsection (4). The period of revocation shall begin upon
24 release from imprisonment.

25 ~~The court may revoke, for a period not to exceed 1 year, the~~
26 ~~driver's license of any operator of a motor vehicle convicted~~
27 ~~of a violation of subsection (1), subsection (2), subsection~~
28 ~~(3), or subsection (4).~~

29 (6) A person whose driving privilege has been revoked
30 under this section may petition the department for
31 reinstatement of his or her driving privilege on a restricted

Amendment No. 1 (for drafter's use only)

1 basis solely for business or employment purposes as provided
2 in s. 322.271(1)(b).

3 Section 6. Subsections (1) and (2) of section
4 316.1936, Florida Statutes, are amended to read:

5 316.1936 Possession of open containers of alcoholic
6 beverages in vehicles prohibited; penalties.--

7 (1) As used in this section, the term:

8 (a) "Open container" means any container of alcoholic
9 beverage which is immediately capable of being consumed from,
10 or the seal of which has been broken.

11 (b) "Road" means a way open to travel by the public,
12 including, but not limited to, a street, highway, or alley.
13 The term includes associated sidewalks, the roadbed, the
14 right-of-way, and all culverts, drains, sluices, ditches,
15 water storage areas, embankments, slopes, retaining walls,
16 bridges, tunnels, and viaducts necessary for the maintenance
17 of travel and all ferries used in connection therewith.

18 (2)(a) It is unlawful and punishable as provided in
19 this section for any person to possess an open container of an
20 alcoholic beverage or consume an alcoholic beverage while
21 operating a vehicle in the state or while a passenger in or on
22 a vehicle being operated in the state.

23 (b) It is unlawful and punishable as provided in this
24 section for any person to possess an open container of an
25 alcoholic beverage or consume an alcoholic beverage while
26 seated in or on a motor vehicle that is parked or stopped
27 within a road as defined in this section.

28 Section 7. Section 316.212, Florida Statutes, is
29 amended to read:

30 316.212 Operation of golf carts on certain
31 roadways.--The operation of a golf cart upon the public roads

Amendment No. 1 (for drafter's use only)

1 or streets of this state is prohibited except as provided
2 herein:

3 (1) A golf cart may be operated only upon a county
4 road that has been designated by a county, or a city street
5 that has been designated by a city, for use by golf carts.
6 Prior to making such a designation, the responsible local
7 governmental entity must first determine that golf carts may
8 safely travel on or cross the public road or street,
9 considering factors including the speed, volume, and character
10 of motor vehicle traffic using the road or street. Upon a
11 determination that golf carts may be safely operated on a
12 designated road or street, the responsible governmental entity
13 shall post appropriate signs to indicate that such operation
14 is allowed.

15 (2) A golf cart may be operated on a part of the State
16 Highway System only under the following conditions:

17 (a) To cross a portion of the State Highway System
18 which intersects a county road or city street that has been
19 designated for use by golf carts if the Department of
20 Transportation has reviewed and approved the location and
21 design of the crossing and any traffic control devices needed
22 for safety purposes.

23 (b) To cross, at midblock, a part of the State Highway
24 System where a golf course is constructed on both sides of the
25 highway if the Department of Transportation has reviewed and
26 approved the location and design of the crossing and any
27 traffic control devices needed for safety purposes.

28 (c) A golf cart may be operated on a state road that
29 has been designated for transfer to a local government unit
30 pursuant to s. 335.0415 if the Department of Transportation
31 determines that the operation of a golf cart within the

Amendment No. 1 (for drafter's use only)

1 right-of-way of the road will not impede the safe and
2 efficient flow of motor vehicular traffic. The department may
3 authorize the operation of golf carts on such a road if:

4 1. The road is the only available public road along
5 which golf carts may travel or cross or the road provides the
6 safest travel route among alternative routes available; and

7 2. The speed, volume, and character of motor vehicular
8 traffic using the road is considered in making such a
9 determination.

10

11 Upon its determination that golf carts may be operated on a
12 given road, the department shall post appropriate signs on the
13 road to indicate that such operation is allowed.

14 (3) Any other provision of this section to the
15 contrary notwithstanding, a golf cart may be operated for the
16 purpose of crossing a street or highway where a single mobile
17 home park is located on both sides of the street or highway
18 and is divided by that street or highway, provided that the
19 governmental entity having original jurisdiction over such
20 street or highway shall review and approve the location of the
21 crossing and require implementation of any traffic controls
22 needed for safety purposes. This subsection shall apply only
23 to residents or guests of the mobile home park. Any other
24 provision of law to the contrary notwithstanding, if notice is
25 posted at the entrance and exit to any mobile home park that
26 residents of the park utilize golf carts or electric vehicles
27 within the confines of the park it shall not be necessary that
28 the park have a gate or other device at the entrance and exit
29 in order for such golf carts or electric vehicles to be
30 lawfully operated in the park.

31 (4) A golf cart may be operated only during the hours

Amendment No. 1 (for drafter's use only)

1 between sunrise and sunset, unless the responsible
2 governmental entity has determined that a golf cart may be
3 operated during the hours between sunset and sunrise and the
4 golf cart is equipped with headlights, brake lights, turn
5 signals, and a windshield.

6 (5) A golf cart must be equipped with efficient
7 brakes, reliable steering apparatus, safe tires, a rearview
8 mirror, and red reflectorized warning devices in both the
9 front and rear.

10 (6) A golf cart may not be operated on public roads or
11 streets by any person under the age of 14.

12 (7)~~(6)~~ A violation of this section is a noncriminal
13 traffic infraction, punishable pursuant to chapter 318 as
14 either a moving violation for infractions of subsection (1),
15 subsection (2), subsection (3), or subsection (4), or as a
16 nonmoving violation for infractions of subsections ~~subsection~~
17 (5) and (6).

18 Section 8. Subsection (1) of section 316.2125, Florida
19 Statutes, is amended to read:

20 316.2125 Operation of golf carts within a retirement
21 community.--

22 (1) Notwithstanding the provisions of s. 316.212, the
23 reasonable operation of a golf cart, equipped and operated as
24 provided in s. 316.212(4), (5), and (6)~~s. 316.212(5)~~, within
25 any self-contained retirement community is permitted unless
26 prohibited under subsection (2).

27 Section 9. Subsection (1) of section 316.220, Florida
28 Statutes, is amended to read:

29 316.220 Headlamps on motor vehicles.--

30 (1) Every motor vehicle shall be equipped with at
31 least two headlamps with at least one on each side of the

Amendment No. 1 (for drafter's use only)

1 front of the motor vehicle, which headlamps shall comply with
2 the requirements and limitations set forth in this chapter,
3 and shall show a white light. An object, material, or covering
4 that alters the headlamp's light color may not be placed,
5 displayed, installed, affixed, or applied over a headlamp.

6 Section 10. Subsection (1) of section 316.221, Florida
7 Statutes, is amended to read:

8 316.221 Taillamps.--

9 (1) Every motor vehicle, trailer, semitrailer, and
10 pole trailer, and any other vehicle which is being drawn at
11 the end of a combination of vehicles, shall be equipped with
12 at least two taillamps mounted on the rear, which, when
13 lighted as required in s. 316.217, shall emit a red light
14 plainly visible from a distance of 1,000 feet to the rear,
15 except that passenger cars and pickup trucks manufactured or
16 assembled prior to January 1, 1972, which were originally
17 equipped with only one taillamp shall have at least one
18 taillamp. On a combination of vehicles, only the taillamps on
19 the rearmost vehicle need actually be seen from the distance
20 specified. On vehicles equipped with more than one taillamp,
21 the lamps shall be mounted on the same level and as widely
22 spaced laterally as practicable. An object, material, or
23 covering that alters the taillamp's visibility from 1,000 feet
24 may not be placed, displayed, installed, affixed, or applied
25 over a taillamp.

26 Section 11. Section 316.228, Florida Statutes, is
27 amended to read:

28 316.228 Lamps or flags on projecting load.--

29 (1) Except as provided in subsection (2), whenever the
30 load upon any vehicle extends to the rear 4 feet or more
31 beyond the bed or body of such vehicle, there shall be

Amendment No. 1 (for drafter's use only)

1 displayed at the extreme rear end of the load, at the times
2 specified in s. 316.217, two red lamps visible from a distance
3 of at least 500 feet to the rear, two red reflectors visible
4 at night from all distances within 600 feet to 100 feet to the
5 rear when directly in front of lawful lower beams of headlamps
6 and located so as to indicate maximum width, and on each side
7 one red lamp visible from a distance of at least 500 feet to
8 the side and located so as to indicate maximum
9 overhang. There shall be displayed at all other times on any
10 vehicle having a load which extends beyond its sides or more
11 than 4 feet beyond its rear, red flags, not less than 12
12 inches square, marking the extremities of such load, at each
13 point where a lamp would otherwise be required by this
14 section. A violation of this section is a noncriminal traffic
15 infraction punishable as a nonmoving violation as provided in
16 chapter 318.

17 (2) Any motor vehicle or trailer, except as stated in
18 s. 316.515(7), transporting a load of logs, long pulpwood,
19 poles, or posts which extend more than 4 feet beyond the rear
20 of the body or bed of such vehicle must have securely fixed as
21 close as practical to the end of any such projection one amber
22 strobe-type lamp equipped with a multidirectional type lens so
23 mounted as to be visible from the rear and both sides of the
24 projecting load. The strobe lamp must flash at a rate of at
25 least 60 flashes per minute and must be plainly visible from a
26 distance of at least 500 feet to the rear and sides of the
27 projecting load at any time of the day or night. The lamp
28 must be operating at any time of the day or night when the
29 vehicle is operated on any highway or parked on the shoulder
30 or immediately adjacent to the traveled portion of any public
31 roadway.

Amendment No. 1 (for drafter's use only)

1 Section 12. Subsections (1) and (2) of section
2 316.234, Florida Statutes, are amended to read:

3 316.234 Signal lamps and signal devices.--

4 (1) Any vehicle may be equipped and, when required
5 under this chapter, shall be equipped with a stop lamp or
6 lamps on the rear of the vehicle which shall display a red or
7 amber light, visible from a distance of not less than 300 feet
8 to the rear in normal sunlight, and which shall be actuated
9 upon application of the service (foot) brake, and which may
10 but need not be incorporated with one or more other rear
11 lamps. An object, material, or covering that alters the stop
12 lamp's visibility from 300 feet to the rear in normal sunlight
13 may not be placed, displayed, installed, affixed, or applied
14 over a stop lamp.

15 (2) Any vehicle may be equipped and, when required
16 under s. 316.222(2), shall be equipped with electric turn
17 signals which shall indicate an intention to turn by flashing
18 lights showing to the front and rear of a vehicle or on a
19 combination of vehicles on the side of the vehicle or
20 combination toward which the turn is to be made. The lamps
21 showing to the front shall be mounted on the same level and as
22 widely spaced laterally as practicable and, when signaling,
23 shall emit white or amber light. The lamps showing to the rear
24 shall be mounted on the same level and as widely spaced
25 laterally as practicable, and, when signaling, shall emit a
26 red or amber light. Turn signal lamps on vehicles 80 inches
27 or more in overall width shall be visible from a distance of
28 not less than 500 feet to the front and rear in normal
29 sunlight, and an object, material, or covering that alters the
30 lamp's visibility from a distance of 500 feet to the front or
31 rear in normal sunlight may not be placed, displayed,

Amendment No. 1 (for drafter's use only)

1 installed, affixed, or applied over a turn signal lamp. Turn
2 signal lamps on vehicles less than 80 inches wide shall be
3 visible at a distance of not less than 300 feet to the front
4 and rear in normal sunlight, and an object, material, or
5 covering that alters the lamp's visibility from a distance of
6 300 feet to the front or rear in normal sunlight may not be
7 placed, displayed, installed, affixed, or applied over a turn
8 signal lamp. Turn signal lamps may, but need not be,
9 incorporated in other lamps on the vehicle.

10 Section 13. Subsection (1) of section 316.237, Florida
11 Statutes, is amended to read:

12 316.237 Multiple-beam road-lighting equipment.--

13 (1) Except as hereinafter provided, the headlamps or
14 the auxiliary driving lamp or the auxiliary passing lamp or
15 combination thereof on motor vehicles shall be so arranged
16 that the driver may select at will between distributions of
17 light projected to different elevations and such lamps may, in
18 addition, be so arranged that such selection can be made
19 automatically, subject to the following limitations:

20 (a) There shall be an uppermost distribution of light,
21 or composite beam, so aimed and of such intensity as to reveal
22 persons and vehicles at a distance of at least 450 feet ahead
23 for all conditions of loading.

24 (b) There shall be a lowermost distribution of light,
25 or composite beam, so aimed and of sufficient intensity to
26 reveal persons and vehicles at a distance of at least 150 feet
27 ahead; and on a straight level road under any condition of
28 loading none of the high intensity portion of the beam shall
29 be directed to strike the eyes of an approaching driver.

30
31 An object, material, or covering that alters the headlamp's

Amendment No. 1 (for drafter's use only)

1 visibility from at least 450 feet for an uppermost
2 distribution of light or at least 150 feet for a lowermost
3 distribution of light may not be placed, displayed, installed,
4 affixed, or applied over a headlamp.

5 Section 14. Section 316.29545, Florida Statutes, is
6 amended to read:

7 316.29545 Window sunscreening exclusions; medical
8 exemption; certain law enforcement vehicles exempt.--

9 (1) The department shall issue medical exemption
10 certificates to persons who are afflicted with Lupus or
11 similar medical conditions which require a limited exposure to
12 light, which certificates shall entitle the person to whom the
13 certificate is issued to have suncreening material on the
14 windshield, side windows, and windows behind the driver which
15 is in violation of the requirements of
16 ss.316.2951-316.2957. The department shall provide, by rule,
17 for the form of the medical certificate authorized by this
18 section. At a minimum, the medical exemption certificate
19 shall include a vehicle description with the make, model,
20 year, vehicle identification number, medical exemption decal
21 number issued for the vehicle, and the name of the person or
22 persons who are the registered owners of the vehicle. A
23 medical exemption certificate shall be nontransferable and
24 shall become null and void upon the sale or transfer of the
25 vehicle identified on the certificate.

26 (2) The department shall exempt all law enforcement
27 vehicles used in undercover or canine operations from the
28 window sunscreening requirements of ss. 316.2951-316.2957.

29 (3) The department may charge a fee in an amount
30 sufficient to defray the expenses of issuing a medical
31 exemption certificate as described in subsection (1).

Amendment No. 1 (for drafter's use only)

1 Section 15. Paragraph (a) of subsection (3) of section
2 316.515, Florida Statutes, is amended to read:
3 316.515 Maximum width, height, length.--
4 (3) LENGTH LIMITATION.--Except as otherwise provided
5 in this section, length limitations apply solely to a
6 semitrailer or trailer, and not to a truck tractor or to the
7 overall length of a combination of vehicles. No combination
8 of commercial motor vehicles coupled together and operating on
9 the public roads may consist of more than one truck tractor
10 and two trailing units. Unless otherwise specifically provided
11 for in this section, a combination of vehicles not qualifying
12 as commercial motor vehicles may consist of no more than two
13 units coupled together; such nonqualifying combination of
14 vehicles may not exceed a total length of 65 feet, inclusive
15 of the load carried thereon, but exclusive of safety and
16 energy conservation devices approved by the department for use
17 on vehicles using public roads. Notwithstanding any other
18 provision of this section, a truck tractor-semitrailer
19 combination engaged in the transportation of automobiles or
20 boats may transport motor vehicles or boats on part of the
21 power unit; and, except as may otherwise be mandated under
22 federal law, an automobile or boat transporter semitrailer may
23 not exceed 50 feet in length, exclusive of the load; however,
24 the load may extend up to an additional 6 feet beyond the rear
25 of the trailer. The 50-foot length limitation does not apply
26 to non-stinger-steered automobile or boat transporters that
27 are 65 feet or less in overall length, exclusive of the load
28 carried thereon, or to stinger-steered automobile or boat
29 transporters that are 75 feet or less in overall length,
30 exclusive of the load carried thereon. For purposes of this
31 subsection, a "stinger-steered automobile or boat transporter"

Amendment No. 1 (for drafter's use only)

1 is an automobile or boat transporter configured as a
2 semitrailer combination wherein the fifth wheel is located on
3 a drop frame located behind and below the rearmost axle of the
4 power unit. Notwithstanding paragraphs (a) and (b), any
5 straight truck or truck tractor-semitrailer combination
6 engaged in the transportation of horticultural trees may allow
7 the load to extend up to an additional 10 feet beyond the rear
8 of the vehicle, provided said trees are resting against a
9 retaining bar mounted above the truck bed so that the root
10 balls of the trees rest on the floor and to the front of the
11 truck bed and the tops of the trees extend up over and to the
12 rear of the truck bed, and provided the overhanging portion of
13 the load is covered with protective fabric.

14 (a) Straight trucks.--No straight truck may exceed a
15 length of 40 feet in extreme overall dimension, exclusive of
16 safety and energy conservation devices approved by the
17 department for use on vehicles using public roads. A straight
18 truck may tow no more than one trailer, and such trailer may
19 not exceed a length of 28 feet. However, such trailer
20 limitation does not apply if the overall length of the
21 truck-trailer combination is 65 feet or less, including the
22 load thereon. Notwithstanding any other provisions of this
23 section, a truck-trailer combination engaged in the
24 transportation of boats, or boat trailers whose design
25 dictates a front-to-rear stacking method shall not exceed the
26 length limitations of this paragraph exclusive of the load;
27 however, the load may extend up to an additional 6 feet beyond
28 the rear of the trailer.

29 Section 16. Subsection (2) of section 316.530, Florida
30 Statutes, is amended to read:

31 316.530 Towing requirements.--

Amendment No. 1 (for drafter's use only)

1 (2) When a vehicle is towing a trailer or semitrailer
2 on a public road or highway by means of a trailer hitch to the
3 rear of the vehicle, there shall be attached in addition
4 thereto safety chains, cables, or other safety devices that
5 comply with 49 C.F.R. sub f 393.71(g)(2)(1) and 393.71(h)(10)
6 from the trailer or semitrailer to the vehicle. These safety
7 chains, cables, or other safety devices shall be of sufficient
8 strength to maintain connection of the trailer or semitrailer
9 to the pulling vehicle under all conditions while the trailer
10 or semitrailer is being towed by the vehicle. The provisions
11 of this subsection shall not apply to trailers or semitrailers
12 using a hitch known as a fifth wheel nor to farm equipment
13 traveling less than 20 miles per hour.

14 Section 17. Subsection (4) of section 316.613, Florida
15 Statutes, is amended to read:

16 316.613 Child restraint requirements.--

17 (4)(a) It is the legislative intent that all state,
18 county, and local law enforcement agencies, and safety
19 councils, in recognition of the problems with child death and
20 injury from unrestrained occupancy in motor vehicles, conduct
21 a continuing safety and public awareness campaign as to the
22 magnitude of the problem.

23 (b) The department may authorize the expenditure of
24 funds for the purchase of promotional items as part of the
25 public information and education campaigns provided for in
26 this subsection, s. 316.614, s. 322.025, and s. 403.7145.

27 Section 18. Subsection (1) of section 318.1451,
28 Florida Statutes, is amended to read:

29 318.1451 Driver improvement schools.--

30 (1) The Department of Highway Safety and Motor
31 Vehicles shall approve the courses of all driver improvement

Amendment No. 1 (for drafter's use only)

1 schools, as the courses relate to ss. 318.14(9), 322.0261,
2 ~~322.095~~, and 322.291. The chief judge of the applicable
3 judicial circuit may establish requirements regarding the
4 location of schools within the judicial circuit. A person may
5 engage in the business of operating a driver improvement
6 school that offers department-approved courses related to ss.
7 318.14(9), 322.0261, ~~322.095~~, and 322.291.

8 Section 19. Subsection (3) of section 319.17, Florida
9 Statutes, is amended to read:

10 319.17 Rules; forms; indexes and records.--

11 (3) The department shall maintain indexes of motor
12 vehicles and mobile homes by name of owner, by title number,
13 and by manufacturer's motor number or vehicle identification
14 number. The department shall keep an electronic ~~a permanent~~
15 record of notices of liens and satisfactions thereof. Such
16 indexes and records shall be open to the inspection of the
17 public at all reasonable times, except as provided in chapter
18 119.

19 Section 20. Subsections (8), (9), and (10) of section
20 319.24, Florida Statutes, are amended to read:

21 319.24 Issuance in duplicate; delivery; liens and
22 encumbrances.--

23 ~~(8) The department shall not be required to retain on~~
24 ~~file any bill of sale or duplicate thereof, notice of lien, or~~
25 ~~satisfaction of lien covering any motor vehicle or mobile home~~
26 ~~for a period longer than 7 years after the date of the filing~~
27 ~~thereof; and thereafter the same may be destroyed.~~

28 (8)(9) Notwithstanding any requirements in this
29 section or in s. 319.27 indicating that a lien on a motor
30 vehicle or mobile home shall be noted on the face of the
31 Florida certificate of title, if there are one or more liens

Amendment No. 1 (for drafter's use only)

1 or encumbrances on the motor vehicle or mobile home, the
2 department may electronically transmit the lien to the first
3 lienholder and notify the first lienholder of any additional
4 liens. Subsequent lien satisfactions may be electronically
5 transmitted to the department and shall include the name and
6 address of the person or entity satisfying the lien. When
7 electronic transmission of liens and lien satisfactions are
8 used, the issuance of a certificate of title may be waived
9 until the last lien is satisfied and a clear certificate of
10 title is issued to the owner of the vehicle. In subsequent
11 transfer of ownership of the motor vehicle it shall be
12 presumed that the motor vehicle title is subject to a lien as
13 set forth in s. 319.225(6)(a) until the title to be issued
14 pursuant to this subsection is received by the person or
15 entity satisfying the lien.

16 (9)~~(10)~~ The department shall in the sending of any
17 notice only be required to use the last known address as shown
18 by its records.

19 Section 21. Paragraph (b) of subsection (3) of section
20 319.30, Florida Statutes, is amended to read:

21 319.30 Definitions; dismantling, destruction, change of
22 identity of motor vehicle or mobile home; salvage.--

23 (3)

24 (b) The owner of any motor vehicle or mobile home which
25 is considered to be salvage shall, within 72 hours after the
26 motor vehicle or mobile home becomes salvage, forward the
27 title to the motor vehicle or mobile home to the department
28 for processing. However, an insurance company which pay money
29 as compensation for total loss of a motor vehicle or mobile
30 home shall obtain the certificate of title for the motor
31 vehicle or mobile home and, within 72 hours after receiving

Amendment No. 1 (for drafter's use only)

1 such certificate of title, shall forward such title to the
2 department for processing. The owner or insurance company, as
3 the case may be, may not dispose of a vehicle or mobile home
4 that is a total loss before it has obtained a salvage
5 certificate of title or certificate of destruction from the
6 department. When applying for a salvage certificate of title
7 or certificate of destruction, the owner or insurance company
8 must provide the department with an estimate of the costs of
9 repairing the physical and mechanical damage suffered by the
10 vehicle for which a salvage certificate of title or
11 certificate of destruction is sought. If the estimated costs
12 of repairing the physical and mechanical damage to the vehicle
13 is equal to 80 percent or more of the current retail cost of
14 the vehicle, as established in any official used car or used
15 mobile home guide, the department shall declare the vehicle
16 unrebuildable and print a certificate of destruction, which
17 authorizes the dismantling or destruction of the motor vehicle
18 or mobile home described therein. This certificate of
19 destruction shall be reassignable a maximum of two times
20 before dismantling or destruction of the vehicle shall be
21 required, and shall accompany the motor vehicle or mobile home
22 for which it is issued, when such motor vehicle or mobile home
23 is sold for such purposes, in lieu of a certificate of title
24 ~~notice on the salvage certificate of title that the vehicle is~~
25 ~~unrebuildable~~ and, thereafter, the department shall refuse
26 issuance of any certificate of title for that
27 vehicle. Nothing in this subsection shall be applicable when
28 a vehicle is worth less than \$1,500 retail in undamaged
29 condition in any official used motor vehicle guide or used
30 mobile home guide or when a stolen motor vehicle or mobile
31 home is recovered in substantially intact condition and is

Amendment No. 1 (for drafter's use only)

1 readily resalable without extensive repairs to or replacement
2 of the frame or engine. Any person who willfully and
3 deliberately violates this paragraph or falsifies any document
4 to avoid the requirements of this paragraph commits a
5 misdemeanor of the first degree, punishable as provided in s.
6 775.082 or s. 775.083.

7 Section 22. Subsection (2) of section 320.031, Florida
8 Statutes, is amended to read:

9 320.031 Mailing of registration certificates, license
10 plates, and validation stickers.--

11 (2) A mail service charge may be collected for each
12 registration certificate, license plate, mobile home sticker,
13 and validation sticker mailed by the department or any tax
14 collector. Each registration certificate, license plate,
15 mobile home sticker, and validation sticker shall be mailed by
16 first-class mail unless otherwise requested by the applicant.
17 The amount of the mail service charge shall be the actual
18 postage required, rounded to the nearest 5 cents, plus a
19 25-cent handling charge. The mail service charge is in
20 addition to the service charge provided by s. 320.04. All
21 charges collected by the department under this section shall
22 be deposited into the Highway Safety Operating Trust Fund.

23 Section 23. Subsection (2) of section 320.04, Florida
24 Statutes, is amended, and subsection (3) is added to said
25 section to read:

26 320.04 Registration service charge.--

27 (2) The service charges shall be collected by the
28 department on all applications handled directly from its
29 office; and the proceeds thereof, together with any fees
30 returned to it by the tax collector, shall be paid into the
31 Highway Safety Operating Trust ~~General Revenue~~ Fund. No tax

Amendment No. 1 (for drafter's use only)

1 collector, deputy tax collector, or employee of the state or
2 any county shall charge, collect, or receive any fee or
3 compensation for services performed as notary public in
4 connection with or incidental to the issuance of license
5 plates or titles. The provisions of this subsection and of s.
6 116.38(2) prohibiting the charging, collecting, or receiving
7 of notary public fees do not apply to any privately owned
8 license plate agency appointed by the county manager of a
9 charter county which has an appointed tax collector.

10 (3) The department may absorb all or any portion of
11 any interchange, assessment, charge back, authorization or
12 settlement or equivalent fees charged by financial
13 institutions relating to a credit or debit card transaction.
14 The department may request approval to establish additional
15 budget authority to pay additional fees related to credit and
16 debit card transactions pursuant to s. 216.177.

17 Section 24. Subsection (2) of section 320.05, Florida
18 Statutes, is amended to read:

19 320.05 Records of the department; inspection
20 procedure; lists and searches; fees.--

21 (2) Upon receipt of an application for the
22 registration of a motor vehicle or mobile home, as herein
23 provided for, the department shall register the motor vehicle
24 or mobile home under the distinctive number assigned to such
25 motor vehicle or mobile home by the department. Electronic,
26 which registration records record shall be open to the
27 inspection of the public during business hours. Information on
28 a motor vehicle registration may not be made available to a
29 person unless the person requesting the information furnishes
30 positive proof of identification. The agency that furnishes a
31 motor vehicle registration record shall record the name and

Amendment No. 1 (for drafter's use only)

1 address of any person other than a representative of a law
2 enforcement agency who requests and receives information from
3 a motor vehicle registration record and shall also record the
4 name and address of the person who is the subject of the
5 inquiry or other information identifying the entity about
6 which information is requested. A record of each such inquiry
7 must be maintained for a period of 6 months from the date upon
8 which the information was released to the inquirer. Nothing in
9 this section shall prohibit any financial institution,
10 insurance company, motor vehicle dealer, licensee under
11 chapter 493, attorney, or other agency which the department
12 determines has the right to know from obtaining, for
13 professional or business use only, information in such records
14 from the department through any means of telecommunication
15 pursuant to a code developed by the department providing all
16 fees specified in subsection (3) have been paid. The
17 department shall disclose records or information to the child
18 support enforcement agency to assist in the location of
19 individuals who owe or potentially owe child support or to
20 whom such an obligation is owed pursuant to Title IV-D of the
21 Social Security Act.

22 Section 25. Section 320.0605, Florida Statutes, is
23 amended to read:

24 320.0605 Certificate of registration; possession
25 required; exception.--The registration certificate or an
26 official copy thereof, a true copy of a rental or lease
27 agreement issued for a motor vehicle or issued for a
28 replacement vehicle in the same registration period, a
29 temporary receipt printed upon self-initiated electronic
30 renewal of a registration via the Internet, or a cab card
31 issued for a vehicle registered under the International

Amendment No. 1 (for drafter's use only)

1 Registration Plan shall, at all times while the vehicle is
2 being used or operated on the roads of this state, be in the
3 possession of the operator thereof or be carried in the
4 vehicle for which issued and shall be exhibited upon demand of
5 any authorized law enforcement officer or any agent of the
6 department. The provisions of this section do not apply during
7 the first 30 days after purchase of a replacement vehicle. A
8 violation of this section is a noncriminal traffic infraction,
9 punishable as a nonmoving violation as provided in chapter
10 318.

11 Section 26. Subsection (29) of section 320.08058,
12 Florida Statutes, is amended to read:

13 320.08058 Specialty license plates.--

14 (29) UNITED STATES MARINE CORPS LICENSE PLATES.--

15 (a) The department shall develop a United States
16 Marine Corps license plate as provided in this section. The
17 word "Florida" must appear at the top center of the plate, and
18 the words "Marine Corps" ~~"First to Fight"~~ must appear at the
19 bottom center of the plate. The United States Marine Corps
20 logo, 3 inches in diameter, must appear on the left side
21 centered top to bottom of the plate in proper colors.

22 (b) The department shall distribute the United States
23 Marine Corps license plate annual use fees in the following
24 manner:

25 1. The first \$50,000 collected annually shall be
26 deposited in the State Homes for Veterans Trust Fund and must
27 be used solely for the purpose of constructing, operating, and
28 maintaining domiciliary and nursing homes for veterans subject
29 to the requirements of chapter 216.

30 2. Any additional fees collected annually shall be
31 deposited in the Marine Corps Scholarship Foundation, Inc.,

Amendment No. 1 (for drafter's use only)

1 successor to the USMC ~~USMV~~ Tag/Scholarship Fund, Inc., which
2 shall use the fees to fund scholarships and assist Marine
3 Corps Junior ROTC and Young Marine programs of this state. The
4 foundation shall develop a plan to distribute the funds to
5 recipients nominated by residents of the state to receive
6 scholarships, and to the Marine Corps Junior ROTC and Young
7 Marine programs in the state.

8 Section 27. Section 320.833, Florida Statutes, is
9 amended to read:

10 320.833 Retention, destruction, and reproduction of
11 records; electronic retention.--Records and documents of the
12 Department of Highway Safety and Motor Vehicles, created in
13 compliance with, and in the implementation of, chapter 319 and
14 this chapter, shall be retained by the department as specified
15 in record retention schedules established under the general
16 provisions of chapter 119. Further, the department is hereby
17 authorized:

18 (1) To destroy, or otherwise dispose of, those records
19 and documents, in conformity with the approved retention
20 schedules.

21 (2) To photograph, microphotograph, or reproduce on
22 film, as authorized and directed by the approved retention
23 schedules, whereby each page will be exposed in exact
24 conformity with the original records and documents retained in
25 compliance with the provisions of this section. Photographs
26 or microphotographs in the form of film or print of any
27 records, made in compliance with the provisions of this
28 section, shall have the same force and effect as the originals
29 thereof would have and shall be treated as originals for the
30 purpose of their admissibility in evidence. Duly certified or
31 authenticated reproductions of such photographs or

Amendment No. 1 (for drafter's use only)

1 microphotographs shall be admitted in evidence equally with
2 the original photographs or microphotographs.

3 (3) Beginning December 1, 2001, the department may
4 maintain all records required or obtained in compliance with,
5 and in the implementation of, chapter 319 and this chapter
6 exclusively by electronic means.

7 Section 28. Section 320.865, Florida Statutes, is
8 amended to read:

9 320.865 Maintenance of records by the
10 department.--Beginning December 1, 2001,the department shall
11 maintain electronic ~~uniform~~ records of all complaints filed
12 against licensees licensed under the provisions of ss. 320.27,
13 320.61, 320.77, 320.771, and 320.8225, any other provision of
14 this chapter to the contrary notwithstanding. The records
15 shall contain all enforcement actions taken against licensees
16 and against unlicensed persons acting in a capacity which
17 would require them to be licensed under those sections. The
18 electronic ~~permanent~~ file of each licensee and unlicensed
19 person shall contain a record of any complaints filed against
20 him or her and a record of any enforcement actions taken
21 against him or her. ~~All complaints and satisfactions thereof~~
22 ~~and enforcement actions on each licensee and unlicensed person~~
23 ~~shall be entered into the central database in such a manner~~
24 ~~that rapid retrieval will be facilitated.~~ The complainant and
25 the referring agency, if there is one, shall be advised of the
26 disposition by the department of the complaint within 10 days
27 of such action.

28 Section 29. Paragraph (a) of subsection (1) of section
29 322.051, Florida Statutes, is amended to read:

30 322.051 Identification cards.--

31 (1)

Amendment No. 1 (for drafter's use only)

1 (a) Each such application shall include the following
2 information regarding the applicant:

3 1. Full name (first, middle or maiden, and last),
4 gender, social security card number, residence and mailing
5 address, and a brief description.

6 2. Proof of birth date satisfactory to the department.

7 3. Proof of identity satisfactory to the department.

8 Such proof must include one of the following unless a driver's
9 license record or identification card record has already been
10 established, including one of the following: a certified copy
11 of a United States birth certificate, a valid United States
12 passport, an alien registration receipt card (green card), an
13 employment authorization card issued by the United States
14 Department of Justice, or proof of nonimmigrant classification
15 provided by the United States Department of Justice, for an
16 original identification card.

17 Section 30. Paragraph (c) of subsection (2) is
18 amended, and paragraphs (d) and (e) are added to subsection
19 (6), of section 322.08, Florida Statutes, to read:

20 322.08 Application for license.--

21 (2) Each such application shall include the following
22 information regarding the applicant:

23 (c) Proof of identity satisfactory to the department.

24 Such proof must include one of the following unless a driver's
25 license record or identification card record has already been
26 established, including one of the following: a certified copy
27 of a United States birth certificate, a valid United States
28 passport, an alien registration receipt card (green card), an
29 employment authorization card issued by the United States
30 Department of Justice, or proof of nonimmigrant classification
31 provided by the United States Department of Justice, for an

Amendment No. 1 (for drafter's use only)

1 original license.

2 (6) The application form for a driver's license or
3 duplicate thereof shall include language permitting the
4 following:

5 (a) A voluntary contribution of \$5 per applicant, which
6 contribution shall be transferred into the Election Campaign
7 Financing Trust Fund.

8 (b) A voluntary contribution of \$1 per applicant, which
9 contribution shall be deposited into the Florida Organ and
10 Tissue Donor Education and Procurement Trust Fund for organ
11 and tissue donor education and for maintaining the organ and
12 tissue donor registry.

13 (c) A voluntary contribution of \$1 per applicant, which
14 contribution shall be distributed to the Florida Council of
15 the Blind.

16 (d) A voluntary contribution of \$2 per applicant, which
17 shall be distributed to the Hearing Research Institute,
18 Incorporated for the purpose of infant hearing screening in
19 Florida.

20 (e) A voluntary contribution of \$1 per applicant, which
21 shall be distributed to the Juvenile Diabetes Foundation
22 International.

23 A statement providing an explanation of the purpose of
24 the trust funds shall also be included.

25 Section 31. Subsection (3) of section 322.292, Florida
26 Statutes, is hereby repealed.

27 Section 32. Subsection (10) of section 328.15, Florida
28 Statutes, is repealed.

29 Section 33. Subsections (2) and (3) of section 328.40,
30 Florida Statutes, are amended to read:

31 328.40 Administration of vessel registration and

Amendment No. 1 (for drafter's use only)

1 titling laws; records.--

2 (2) The Department of Highway Safety and Motor
3 Vehicles shall keep electronic records and perform such other
4 clerical duties as required pertaining to:

5 (a) Vessel registration and titling.

6 (b) Suspension of the vessel operating privilege under
7 ss. 327.35-327.355.

8 (3) All records made or kept by the Department of
9 Highway Safety and Motor Vehicles under this law are public
10 records except for confidential reports.

11 Section 34. Subsection (3) of section 328.48, Florida
12 Statutes, is amended to read:

13 (3) The Department of Highway Safety and Motor Vehicles
14 shall issue certificates of registration and numbers for city,
15 county, and state-owned vessels, charging only the service
16 fees required in s. 328.72(7) and (8)~~s. 327.25(7) and (8)~~,
17 provided the vessels are used for purposes other than
18 recreation.

19 Section 35. Paragraph (c) of subsection (2) of section
20 328.72, Florida Statutes is amended to read:

21 328.72 Classification; registration; fees and charges;
22 surcharge, disposition of fees; fines; marine turtle
23 stickers.--

24 (2) ANTIQUE VESSEL REGISTRATION FEE.--

25 (c) The Department of Highway Safety and Motor Vehicles
26 may issue a decal identifying the vessel as an antique
27 vessel. The decal shall be displayed as provided in s.328.48
28 ~~ss.327.11 and 327.14.~~

29 Section 36. Subsection (3) of section 328.73, Florida
30 Statutes is amended to read:

31 328.73 Registration; duties of tax collectors.--

Amendment No. 1 (for drafter's use only)

1 (3) A fee of 50 cents shall be charged in addition to
2 the fees required under s. 328.72 ~~s. 327.25~~ on every vessel
3 decal registration sold to cover the cost of the Florida Real
4 Time Vehicle Information System. The fees collected under
5 this section shall be deposited into the Highway Safety
6 Operating Trust Fund and shall be used to fund that system and
7 may be used to fund the general operations of the department.

8 Section 37. Subsection (2) of section 328.735, Florida
9 Statutes, is amended to read:

10 328.735 Advanced registration renewal; procedures.--

11 (2) Upon the filing of the application and payment of
12 the appropriate vessel registration fee and service charges
13 required by s. 328.72 ~~s. 327.25~~ and any additional fees
14 required by law, the department or its agents shall issue to
15 the owner of the vessel a decal and registration. When the
16 decal is affixed to the vessel, the registration is renewed
17 for the appropriate registration period.

18 Section 38. (1) TASK FORCE ON THE MOTOR VEHICLE
19 INDUSTRY.--There is hereby created within the Department of
20 Highway Safety and Motor Vehicles the Task Force on the Motor
21 Vehicle Industry. The task force shall be charged with
22 examining and evaluating the motor vehicle industry in the
23 state, specifically the licensing of motor vehicle dealers,
24 the enforcement of motor vehicle dealer regulations, and the
25 structure and manner in which the Department of Highway Safety
26 and Motor Vehicles carries out its regulatory purpose.

27 (2) MEMBERSHIP; ORGANIZATION; MEETINGS.--

28 (a) The task force shall be composed of 15 members, to
29 be appointed by the Governor, the President of the Senate, and
30 the Speaker of the House of Representatives, as follows:

31 1. One representative of the Division of Motor

Amendment No. 1 (for drafter's use only)

- 1 Vehicles of the Department of Highway Safety and Motor
2 Vehicles, to be appointed by the Governor.
- 3 2. One representative of independent motor vehicle
4 dealers recommended by the Florida Independent Automobile
5 Dealers Association, to be appointed by the Governor.
- 6 3. One representative of motor vehicle franchise
7 dealers recommended by the Florida Automobile Dealers
8 Association, to be appointed by the Governor.
- 9 4. One representative from an auto auction chain
10 recommended by a group affiliated with the National Auto
11 Auction Association, to be appointed by the Governor.
- 12 5. One representative of the Florida Auto Dismantlers
13 and Recyclers Association, to be appointed by the Governor.
- 14 6. One representative from the Department of Revenue,
15 to be appointed by the President of the Senate.
- 16 7. One representative of independent motor vehicle
17 dealers recommended by the Florida Independent Automobile
18 Dealers Association, to be appointed by the President of the
19 Senate.
- 20 8. A Florida tax collector recommended by the Florida
21 Tax Collectors Association, to be appointed by the President
22 of the Senate.
- 23 9. One representative from a Better Business Bureau
24 within the state, to be appointed by the President of the
25 Senate.
- 26 10. One representative of motor vehicle franchise
27 dealers recommended by the Tampa Bay Auto Dealers Association,
28 to be appointed by the President of the Senate.
- 29 11. One representative from the Division of Consumer
30 Services of the Department of Agriculture and Consumer
31 Services, to be appointed by the Speaker of the House of

Amendment No. 1 (for drafter's use only)

1 Representatives.

2 12. One representative of independent motor vehicle
3 dealers recommended by the Florida Independent Automobile
4 Dealers Association, to be appointed by the Speaker of the
5 House of Representatives.

6 13. One representative of the motor vehicle auction
7 industry who is affiliated with an independent motor vehicle
8 auction concern and is recommended by a group affiliated with
9 the National Auto Auction Association, to be appointed by the
10 Speaker of the House of Representatives.

11 14. One representative of the insurance industry that
12 writes motor vehicle dealer surety bonds, to be appointed by
13 the Speaker of the House of Representatives.

14 15. One representative of motor vehicle franchise
15 dealers recommended by the South Florida Auto Dealers
16 Association, to be appointed by the Speaker of the House of
17 Representatives.

18
19 The Division of Motor Vehicles of the Department of Highway
20 Safety and Motor Vehicles, the Division of Consumer Services
21 of the Department of Agriculture and Consumer Services, the
22 Department of Revenue, the Florida Independent Automobile
23 Dealers Association, the Florida Tax Collectors Association,
24 and the Florida Automobile Dealers Association, and the
25 Florida Auto Dismantlers and Recyclers Association shall
26 submit to the Department of Highway Safety and Motor Vehicles
27 the names of their recommended representatives for selection
28 as appointees to the task force. A person who desires to be
29 considered for appointment to the task force as a
30 representative of the insurance industry or a Better Business
31 Bureau shall submit his or her name and a statement of the

Amendment No. 1 (for drafter's use only)

1 designated category he or she proposes to represent to the
2 Department of Highway Safety and Motor Vehicles, which shall
3 forward all recommended names to the appointing authority for
4 the designated category. In order to facilitate and coordinate
5 the efforts of the task force, the Governor, the President of
6 the Senate, and the Speaker of the House of Representatives
7 shall each name a liaison whom the task force may contact for
8 assistance and information during the course of the task
9 force's existence. Members of the task force shall be
10 appointed no later than July 1, 2000.

11 (b) The Governor shall appoint the chair of the task
12 force. Any vacancy in the task force membership shall be
13 filled in the manner of the original appointment.

14 (c) Upon appointment of the members, the task force
15 shall schedule an organizational meeting to be held no later
16 than July 20, 2000. Thereafter, the task force shall meet at
17 least once a month, at the call of the chair, or at the call
18 of a quorum of the task force, at various locations throughout
19 the state to be determined by the task force. A quorum is
20 necessary for the purpose of conducting official business of
21 the task force. Eight members of the task force shall
22 constitute a quorum.

23 (d) The task force shall use accepted rules of
24 procedure to conduct its meetings. The department shall keep
25 on file a complete record of each meeting.

26 (e) Members of the task force from the private sector
27 shall not be entitled to per diem or travel expenses. Members
28 of the task force who are employees of state agencies shall
29 receive per diem and travel expenses from the budgets of their
30 respective agencies.

31 (f) The Department of Highway Safety and Motor

Amendment No. 1 (for drafter's use only)

1 Vehicles shall provide administrative and staff support
2 services relating to the functions of the task force, and
3 members of the task force may request assistance from the
4 Department of Highway Safety and Motor Vehicles as necessary.

5 (3) PURPOSES; DUTIES.--

6 (a) The task force shall conduct an in-depth review of
7 the motor vehicle industry in the state, which shall include,
8 but not be limited to, problems associated with licensing
9 requirements for motor vehicle dealers, unlicensed persons
10 engaging in business as motor vehicle dealers, and enforcement
11 of statutes and rules regulating the motor vehicle industry.

12 The task force shall, in its review, analyze the provisions of
13 chapter 320, Florida Statutes, and any other applicable
14 provisions of state law as they relate to the motor vehicle
15 industry and motor vehicle dealer licensing requirements and
16 enforcement.

17 (b) The task force may, in its discretion:

18 1. Conduct meetings, hearings, and workshops in
19 Tallahassee, and at different locations throughout the state,
20 and take evidence, testimony, and argument at such meetings,
21 hearings, and workshops from state agencies and consumer
22 organizations.

23 2. Examine and evaluate the procedures and methods for
24 approval of an applicant for licensure as a motor vehicle
25 dealer, for establishment of motor vehicle dealer locations,
26 for enforcement actions against unlicensed persons engaging in
27 business as motor vehicle dealers, and for enforcement of
28 existing statutes and rules regulating motor vehicle dealers.

29 3. Assess the roles of the Department of Highway
30 Safety and Motor Vehicles and county tax collectors regarding
31 the motor vehicle industry.

Amendment No. 1 (for drafter's use only)

1 (c) The in-depth review established in this section
 2 shall not include the relationship between motor vehicle
 3 dealers licensed under s. 320.27(1)(c)1., Florida Statutes,
 4 and their respective line-make licensees licensed under s.
 5 320.61, Florida Statutes, or the provisions of ss.
 6 320.60-320.70, Florida Statutes.

7 (d) Upon completing the review, assessment, and
 8 evaluation pursuant to this act, the task force may meet
 9 further to consider its accomplishments and to compile its
 10 findings into legislative recommendations.

11 (4) INTERIM AND FINAL REPORT; TERMINATION OF TASK
 12 FORCE.--By January 31, 2001, the task force shall submit its
 13 interim findings and recommendations in the form of a written
 14 report to the Governor, the President of the Senate, and the
 15 Speaker of the House of Representatives. The task force shall
 16 make a final report of its findings and recommendations, which
 17 may include proposed legislation, to the Governor, the
 18 President of the Senate, and the Speaker of the House of
 19 Representatives by March 1, 2001, at which time the task force
 20 shall cease to exist.

21 Section 39. Except as otherwise provided in this act,
 22 this act shall take effect October 1, 2000.

23
24

25 ===== T I T L E A M E N D M E N T =====

26 And the title is amended as follows:

27

28 and insert in lieu thereof:

29

 A bill to be entitled

30

 An act relating to the operation of vehicles

31

 and vessels; amending s. 213.053, F.S.;

Amendment No. 1 (for drafter's use only)

1 authorizing the exchange of certain information
2 between the Department of Revenue and the
3 Department of Highway Safety and Motor
4 Vehicles; amending s. 234.02, F.S.; updating
5 the current allowable exception to the use of a
6 school bus; amending s. 316.0775, Florida
7 Statutes; providing increased penalties for
8 defacement, damage or removal of official
9 traffic control devices or railroad signs or
10 signals; amending s. 316.193, F.S.; revising
11 penalties for subsequent convictions of driving
12 under the influence; amending s. 316.1935,
13 F.S.; increasing penalties for fleeing or
14 attempting to elude a law enforcement officer
15 and aggravated fleeing and eluding a law
16 enforcement officer; providing for the person
17 whose license has been revoked the right to
18 petition for a restricted license for business
19 or employment purposes; amending s. 316.1936,
20 F.S.; defining the term "road"; revising
21 provisions relating to the possession of open
22 containers of alcoholic beverages in vehicles;
23 providing penalties; amending s. 316.212, F.S.;
24 providing that a person under the age of 14 may
25 not operate a golf cart on public roads;
26 amending s. 316.2125, F.S.; providing
27 restrictions on the operation of golf carts in
28 retirement communities; amending s. 316.220,
29 F.S.; prohibiting the covering of headlamps to
30 alter the color of the lamp; amending s.
31 316.221, F.S.; prohibiting the covering of

Amendment No. 1 (for drafter's use only)

1 taillamps; amending s. 316.228, F.S.; providing
2 that any vehicle or trailer transporting logs,
3 pulpwood, poles, or posts extending 4 feet or
4 more from the rear of the vehicle must have an
5 amber strobe light affixed to the projecting
6 load; amending s. 316.234, F.S.; prohibiting
7 the covering of signal lamps and signal
8 devices; amending s. 316.237, F.S.; prohibiting
9 the coverings of certain lamps; amending s.
10 316.2954, F.S.; revising language with respect
11 to restrictions on sunscreening material on a
12 motor vehicle; providing applicability;
13 providing a penalty; amending s. 316.515, F.S.;
14 providing length limitations on boat trailers;
15 amending s. 316.530, F.S.; authorizing the use
16 of cables and other devices meeting federal
17 safety standards in the towing of certain
18 vehicles; amending s. 316.613, F.S.;
19 authorizing the expenditure of certain funds
20 for safety and public awareness campaigns;
21 amending s. 318.1451, F.S.; eliminating a
22 reference to traffic law and substance abuse
23 education courses; amending s. 319.17, F.S.;
24 providing for the use of electronic records;
25 amending s. 319.24; revising record-retention
26 requirements; amending s. 319.30, F.S.;
27 providing a certificate of destruction to be
28 assigned to a motor vehicle or mobile home;
29 requires the dismantling or destruction of a
30 motor vehicle or mobile home after the second
31 reassignment of the certificate of destruction;

Amendment No. 1 (for drafter's use only)

1 amending s. 320.031, F.S.; providing for the
2 deposit of certain fees into the Highway Safety
3 Operating Trust Fund; amending s. 320.04;
4 providing for the deposit of certain funds into
5 the Highway Safety Operating Trust Fund;
6 providing for fees charged by financial
7 institutions relating to a credit or debit card
8 transaction; amending s. 320.05, F.S.; providing
9 for the use of electronic records; amending s.
10 320.0605, F.S.; providing for the issuance of a
11 temporary receipt for electronic registration
12 renewal via the Internet; amending s.
13 320.08058, F.S.; revising provisions relating
14 to the United States Marine Corp License Plate;
15 amending s. 320.833, F.S.; providing for the
16 electronic retention of records; amending s.
17 320.865, F.S.; providing for the electronic
18 retention of certain records; amending s.
19 322.051, F.S.; providing conditions for the
20 issuance of identification cards; amending s.
21 322.08, F.S.; providing for proof of identity
22 for the issuance of driver's licenses;
23 providing for voluntary contribution on a
24 driver's license application; amending s.
25 322.292, F.S.; revising DUI program eligibility
26 requirements; amending s. 328.15, F.S.;
27 revising records-retention requirements;
28 amending s. 328.40, F.S.; providing for
29 electronic retention of records; amending ss.
30 328.48, 328.72, 328.73, and 328.735, F.S.;
31 creating an interim task force committee on

Amendment No. 1 (for drafter's use only)

1 motor vehicles within the Department of Highway
2 Safety and Motor Vehicles; provides for
3 membership, organization, and meetings of task
4 force; provides purposes and duties; provides
5 for interim and final reports; provides for
6 termination of task force; providing an
7 effective date
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31