

1 A bill to be entitled
2 An act relating to the operation of vehicles
3 and vessels; amending s. 213.053, F.S.;
4 authorizing the exchange of certain information
5 between the Department of Revenue and the
6 Department of Highway Safety and Motor
7 Vehicles; amending s. 234.02, F.S.; updating
8 the current allowable exception to the use of a
9 school bus; amending s. 316.0775, Florida
10 Statutes; providing increased penalties for
11 defacement, damage or removal of official
12 traffic control devices or railroad signs or
13 signals; amending s. 316.193, F.S.; revising
14 penalties for subsequent convictions of driving
15 under the influence; amending s. 316.1936,
16 F.S.; defining the term "road"; revising
17 provisions relating to the possession of open
18 containers of alcoholic beverages in vehicles;
19 providing penalties; amending s. 316.211, F.S.;
20 exempting persons of a specified age from
21 certain motorcycle safety equipment
22 requirements; exempts passengers of specified
23 vehicles; amending s. 316.212, F.S.; providing
24 that a person under the age of 14 may not
25 operate a golf cart on public roads; amending
26 s. 316.2125, F.S.; providing restrictions on
27 the operation of golf carts in retirement
28 communities; amending s. 316.220, F.S.;
29 prohibiting the covering of headlamps to alter
30 the color of the lamp; amending s. 316.221,
31 F.S.; prohibiting the covering of taillamps;

1 amending s. 316.228, F.S.; providing that any
2 vehicle or trailer transporting logs, pulpwood,
3 poles, or posts extending 4 feet or more from
4 the rear of the vehicle must have an amber
5 strobe light affixed to the projecting load;
6 amending s. 316.234, F.S.; prohibiting the
7 covering of signal lamps and signal devices;
8 amending s. 316.237, F.S.; prohibiting the
9 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 revising width limits with respect to certain
16 noncommercial travel trailers, camping
17 trailers, truck campers, motor homes, and
18 private motor coaches; providing a length limit
19 on motor homes; amending s. 316.530, F.S.;
20 authorizing the use of cables and other devices
21 meeting federal safety standards in the towing
22 of certain vehicles; amending s. 316.613, F.S.;
23 authorizing the expenditure of certain funds
24 for safety and public awareness campaigns;
25 amending s. 318.1451, F.S.; eliminating a
26 reference to traffic law and substance abuse
27 education courses; amending s. 319.001, F.S.;
28 redefining the term "new motor vehicle";
29 providing the Department of Highway Safety and
30 Motor Vehicles regulatory authority over the
31 approval process for courses related to basic

1 driver improvement courses that use technology
 2 as the delivery method; redefining the term
 3 "approved courses" to mean those courses which
 4 have passed and have maintained standards
 5 approved for statewide delivery; amending s.
 6 319.17, F.S.; providing for the use of
 7 electronic records; revising language with
 8 respect to certain liens on motor vehicles;
 9 amending s. 319.24; revising record-retention
 10 requirements; amending s. 319.30, F.S.;
 11 providing a certificate of destruction to be
 12 assigned to a motor vehicle or mobile home;
 13 requires the dismantling or destruction of a
 14 motor vehicle or mobile home after the second
 15 reassignment of the certificate of destruction;
 16 amending s. 320.031, F.S.; providing for the
 17 deposit of certain fees into the Highway Safety
 18 Operating Trust Fund; amending s. 320.04;
 19 providing for the deposit of certain funds into
 20 the Highway Safety Operating Trust Fund;
 21 providing for fees charged by financial
 22 institutions relating to a credit or debit card
 23 transaction; amending s. 320.05, F.S.; providing
 24 for the use of electronic records; amending s.
 25 320.0605, F.S.; providing for the issuance of a
 26 temporary receipt for electronic registration
 27 renewal via the Internet; amending s.
 28 320.08058, F.S.; revising provisions relating
 29 to the United States Marine Corp License Plate;
 30 amending s. 320.27, F.S.; revising language
 31 with respect to certificate of title to provide

1 additional indicia of ownership; amending s.
2 320.27, F.S.; revising language with respect to
3 supplemental licenses for motor vehicle
4 dealers; amending s. 320.833, F.S.; providing
5 for the electronic retention of records;
6 amending s. 320.865, F.S.; providing for the
7 electronic retention of certain records;
8 amending s. 322.051, F.S.; providing conditions
9 for the issuance of identification cards;
10 amending s. 322.08, F.S.; providing for proof
11 of identity for the issuance of driver's
12 licenses; providing for voluntary contribution
13 on a driver's license application; amending s.
14 322.095, F.S.; prohibiting any governmental
15 entity or court from providing, issuing, or
16 maintaining any information or orders regarding
17 traffic law and substance abuse education
18 program schools or course providers; providing
19 exceptions; requiring the Department of Highway
20 Safety and Motor Vehicles to prepare for
21 governmental entities to distribute driver's
22 license applicant referral guides; amending s.
23 322.292, F.S.; revising DUI program eligibility
24 requirements; amending s. 320.60, F.S.;
25 redefining the term "motor vehicle"; amending
26 s. 328.15, F.S.; revising records-retention
27 requirements; amending s. 328.40, F.S.;
28 providing for electronic retention of records;
29 amending ss. 328.48, 328.72, 328.73, and
30 328.735, F.S.; providing for the creation of
31 the Used Motor Vehicle Industry Task Force;

1 providing for membership, organization, and
2 meetings; providing for per diem, travel and
3 staffing; providing responsibilities; requiring
4 review and assessment of the used motor vehicle
5 industry; requiring reports; providing for
6 termination of the task force; providing an
7 effective date.

8
9 Be It Enacted by the Legislature of the State of Florida:

10
11 Section 1. Paragraph (r) is added to subsection (7) of
12 section 213.053, Florida Statutes, to read:

13 213.053 Confidentiality and information sharing.--

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

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

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21 Disclosure of information under this subsection shall be
22 pursuant to a written agreement between the executive director
23 and the agency. Such agencies, governmental or
24 nongovernmental, shall be bound by the same requirements of
25 confidentiality as the Department of Revenue. Breach of
26 confidentiality is a misdemeanor of the first degree,
27 punishable as provided by s. 775.082 or s. 775.083.

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

30 234.02 Safety and health of pupils.--Maximum regard
31 for safety and adequate protection of health are primary

1 requirements that must be observed by school boards in routing
2 buses, appointing drivers, and providing and operating
3 equipment, in accordance with all requirements of law and
4 regulations of the commissioner in providing transportation
5 pursuant to s. 234.01:

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

16 (a) When the transportation is for physically
17 handicapped or isolated students and the district has elected
18 to provide for the transportation of the student through
19 written or oral contracts or agreements.

20 (b) When the transportation is a part of a
21 comprehensive contract for a specialized educational program
22 between a school board and a service provider who provides
23 instruction, transportation, and other services.

24 (c) When the transportation is provided through a
25 public transit system.

26 (d) When the transportation of students is necessary
27 or practical in a motor vehicle owned or operated by a school
28 board other than a school bus, and such transportation must be
29 is provided in designated seating positions in a passenger car
30 not to exceed 8 students or in a multipurpose passenger
31 vehicle ~~any other motor vehicle~~ designed to transport 10 or

1 fewer persons which meets all applicable federal motor vehicle
2 safety standards ~~for passenger cars~~. Multipurpose passenger
3 vehicles classified as utility vehicles with a wheelbase of
4 110 inches or less which are required by federal motor vehicle
5 standards to display a rollover warning label may not be used.
6

7 When students are transported in motor vehicles, the occupant
8 crash protection system provided by the vehicle manufacturer
9 must be used unless the student's physical condition prohibits
10 such use.

11 Section 3. Section 316.0775 Florida Statutes is
12 amended to read:

13 316.0775 Interference with official traffic control
14 devices or railroad signs or signals.--No person shall,
15 without lawful authority, attempt to or in fact alter, deface,
16 injure, knock down or remove any official traffic control
17 device or any railroad sign or signal or any inscription,
18 shield or insignia thereon, or any other part thereof. A
19 violation of this section is a criminal violation, pursuant to
20 s. 318.17 and shall be punishable as set forth in s. 806.13
21 related to criminal mischief and graffiti, beginning on or
22 after July 1, 2000 ~~noncriminal traffic infraction, punishable~~
23 ~~as provided in chapter 318.~~

24 Section 4. Subsection (6) of section 316.193, Florida
25 Statutes, is amended to read:

26 316.193 Driving under the influence; penalties.--

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

30 (a) For the first conviction, the court shall place
31 the defendant on probation for a period not to exceed 1 year

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

22 (b) For the second conviction for an offense that
23 occurs within a period of 5 years after the date of a prior
24 conviction for violation of this section, the court shall
25 order imprisonment for not less than 10 days. The court must
26 also, as a condition of probation, order the impoundment or
27 immobilization of all vehicles owned by the defendant ~~the~~
28 ~~vehicle that was operated by or in the actual control of the~~
29 ~~defendant or any one vehicle registered in the defendant's~~
30 ~~name~~ at the time of impoundment or immobilization, for a
31 period of 30 days or for the unexpired term of any lease or

1 rental agreement that expires within 30 days. The impoundment
2 or immobilization must not occur concurrently with the
3 incarceration of the defendant and must occur concurrently
4 with the driver's license revocation imposed under s.
5 322.28(2)(a)2. The impoundment or immobilization order may be
6 dismissed in accordance with paragraph (e), paragraph (f), ~~or~~
7 paragraph (g), or paragraph (h). At least 48 hours of
8 confinement must be consecutive.

9 (c) For the third or subsequent conviction for an
10 offense that occurs within a period of 10 years after the date
11 of a prior conviction for violation of this section, the court
12 shall order imprisonment for not less than 30 days. The court
13 must also, as a condition of probation, order the impoundment
14 or immobilization of all vehicles owned by the defendant ~~the~~
15 ~~vehicle that was operated by or in the actual control of the~~
16 ~~defendant or any one vehicle registered in the defendant's~~
17 ~~name~~ at the time of impoundment or immobilization, for a
18 period of 90 days or for the unexpired term of any lease or
19 rental agreement that expires within 90 days. The impoundment
20 or immobilization must not occur concurrently with the
21 incarceration of the defendant and must occur concurrently
22 with the driver's license revocation imposed under s.

23 322.28(2)(a)3. The impoundment or immobilization order may be
24 dismissed in accordance with paragraph (e), paragraph (f), ~~or~~
25 paragraph (g), or paragraph (h). At least 48 hours of
26 confinement must be consecutive.

27 (d) The court must at the time of sentencing the
28 defendant issue an order for the impoundment or immobilization
29 of a vehicle. Within 7 business days after the date that the
30 court issues the order of impoundment or immobilization, the
31 clerk of the court must send notice by certified mail, return

1 receipt requested, to the registered owner of each vehicle, if
2 the registered owner is a person other than the defendant, and
3 to each person of record claiming a lien against the vehicle.

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

17 (f) A person who owns but was not operating the
18 vehicle when the offense occurred, and whose vehicle was
19 stolen or who purchased the vehicle after the offense was
20 committed directly from the defendant or the defendant's
21 agent, may request an evidentiary hearing to determine whether
22 the impoundment or immobilization should occur. If the court
23 finds that either the vehicle was stolen or the purchase was
24 made without knowledge of the offense, that the purchaser had
25 no relationship to the defendant other than through the
26 transaction, and that such purchase would not circumvent the
27 order and allow the defendant continued access to the vehicle,
28 the order must be dismissed and the owner of the vehicle will
29 incur no costs.

30 (g) The court shall also dismiss the order of
31 impoundment or immobilization of the vehicle if the court

1 finds that the family of the owner of the vehicle has no other
2 private or public means of transportation.

3 (h) The court may also dismiss the order of
4 impoundment or immobilization of any vehicles that are owned
5 by the defendant but that are operated solely by the employees
6 of the defendant or any business owned by the defendant.

7 (i)~~(h)~~ All costs and fees for the impoundment or
8 immobilization, including the cost of notification, must be
9 paid by the owner of the vehicle or, if the vehicle is leased
10 or rented, by the person leasing or renting the vehicle,
11 unless the impoundment or immobilization order is dismissed.
12 All provisions of s. 713.78 shall apply.

13 (j)~~(i)~~ The person who owns a vehicle that is impounded
14 or immobilized under this paragraph, or a person who has a
15 lien of record against such a vehicle and who has not
16 requested a review of the impoundment pursuant to paragraph
17 (e), paragraph (f), or paragraph (g), may, within 10 days
18 after the date that person has knowledge of the location of
19 the vehicle, file a complaint in the county in which the owner
20 resides to determine whether the vehicle was wrongfully taken
21 or withheld from the owner or lienholder. Upon the filing of a
22 complaint, the owner or lienholder may have the vehicle
23 released by posting with the court a bond or other adequate
24 security equal to the amount of the costs and fees for
25 impoundment or immobilization, including towing or storage, to
26 ensure the payment of such costs and fees if the owner or
27 lienholder does not prevail. When the bond is posted and the
28 fee is paid as set forth in s. 28.24, the clerk of the court
29 shall issue a certificate releasing the vehicle. At the time
30 of release, after reasonable inspection, the owner or
31 lienholder must give a receipt to the towing or storage

1 company indicating any loss or damage to the vehicle or to the
2 contents of the vehicle.

3 (k)~~(j)~~ A defendant, in the court's discretion, may be
4 required to serve all or any portion of a term of imprisonment
5 to which the defendant has been sentenced pursuant to this
6 section in a residential alcoholism treatment program or a
7 residential drug abuse treatment program. Any time spent in
8 such a program must be credited by the court toward the term
9 of imprisonment.

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11 For the purposes of this section, any conviction for a
12 violation of s. 327.35; a previous conviction for the
13 violation of former s. 316.1931, former s. 860.01, or former
14 s. 316.028; or a previous conviction outside this state for
15 driving under the influence, driving while intoxicated,
16 driving with an unlawful blood-alcohol level, driving with an
17 unlawful breath-alcohol level, or any other similar
18 alcohol-related or drug-related traffic offense, is also
19 considered a previous conviction for violation of this
20 section. However, in satisfaction of the fine imposed pursuant
21 to this section, the court may, upon a finding that the
22 defendant is financially unable to pay either all or part of
23 the fine, order that the defendant participate for a specified
24 additional period of time in public service or a community
25 work project in lieu of payment of that portion of the fine
26 which the court determines the defendant is unable to pay. In
27 determining such additional sentence, the court shall consider
28 the amount of the unpaid portion of the fine and the
29 reasonable value of the services to be ordered; however, the
30 court may not compute the reasonable value of services at a

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1 rate less than the federal minimum wage at the time of
2 sentencing.

3 Section 5. 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. Notwithstanding the
28 prohibition contained in this section, passengers in vehicles
29 designed, maintained, and used primarily for the
30 transportation of persons for compensation and in motor homes
31 are exempt.

1 Section 6. Effective July 1, 2000, subsection (3) of
2 section 316.211, Florida Statutes, is amended to read:

3 316.211 Equipment for motorcycle and moped riders.--

4 (3)(a) This section does not apply to persons riding
5 within an enclosed cab or to any person 16 years of age or
6 older who is operating or riding upon a motorcycle powered by
7 a motor with a displacement of 50 cubic centimeters or less or
8 is rated not in excess of 2 brake horsepower and which is not
9 capable of propelling such motorcycle at a speed greater than
10 30 miles per hour on level ground.

11 (b) Notwithstanding subsection (1), a person over 21
12 years of age may operate or ride upon a motorcycle without
13 wearing protective headgear securely fastened upon his or her
14 head if such person is covered by an insurance policy
15 providing for at least \$10,000 in medical benefits for
16 injuries incurred as a result of a crash while operating or
17 riding on a motorcycle.

18 Section 7. Section 316.212, Florida Statutes, is
19 amended to read:

20 316.212 Operation of golf carts on certain
21 roadways.--The operation of a golf cart upon the public roads
22 or streets of this state is prohibited except as provided
23 herein:

24 (1) A golf cart may be operated only upon a county
25 road that has been designated by a county, or a city street
26 that has been designated by a city, for use by golf carts.
27 Prior to making such a designation, the responsible local
28 governmental entity must first determine that golf carts may
29 safely travel on or cross the public road or street,
30 considering factors including the speed, volume, and character
31 of motor vehicle traffic using the road or street. Upon a

1 determination that golf carts may be safely operated on a
2 designated road or street, the responsible governmental entity
3 shall post appropriate signs to indicate that such operation
4 is allowed.

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

7 (a) To cross a portion of the State Highway System
8 which intersects a county road or city street that has been
9 designated for use by golf carts if the Department of
10 Transportation has reviewed and approved the location and
11 design of the crossing and any traffic control devices needed
12 for safety purposes.

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

18 (c) A golf cart may be operated on a state road that
19 has been designated for transfer to a local government unit
20 pursuant to s. 335.0415 if the Department of Transportation
21 determines that the operation of a golf cart within the
22 right-of-way of the road will not impede the safe and
23 efficient flow of motor vehicular traffic. The department may
24 authorize the operation of golf carts on such a road if:

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

28 2. The speed, volume, and character of motor vehicular
29 traffic using the road is considered in making such a
30 determination.

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

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

21 (4) A golf cart may be operated only during the hours
22 between sunrise and sunset, unless the responsible
23 governmental entity has determined that a golf cart may be
24 operated during the hours between sunset and sunrise and the
25 golf cart is equipped with headlights, brake lights, turn
26 signals, and a windshield.

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

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

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

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

11 316.2125 Operation of golf carts within a retirement
12 community.--

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

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

20 316.220 Headlamps on motor vehicles.--

21 (1) Every motor vehicle shall be equipped with at
22 least two headlamps with at least one on each side of the
23 front of the motor vehicle, which headlamps shall comply with
24 the requirements and limitations set forth in this chapter,
25 and shall show a white light. An object, material, or covering
26 that alters the headlamp's light color may not be placed,
27 displayed, installed, affixed, or applied over a headlamp.

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

30 316.221 Taillamps.--

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

18 Section 11. Section 316.228, Florida Statutes, is
 19 amended to read:

20 316.228 Lamps or flags on projecting load.--

21 (1) Except as provided in subsection (2), whenever the
 22 load upon any vehicle extends to the rear 4 feet or more
 23 beyond the bed or body of such vehicle, there shall be
 24 displayed at the extreme rear end of the load, at the times
 25 specified in s. 316.217, two red lamps visible from a distance
 26 of at least 500 feet to the rear, two red reflectors visible
 27 at night from all distances within 600 feet to 100 feet to the
 28 rear when directly in front of lawful lower beams of headlamps
 29 and located so as to indicate maximum width, and on each side
 30 one red lamp visible from a distance of at least 500 feet to
 31 the side and located so as to indicate maximum

1 overhang. There shall be displayed at all other times on any
2 vehicle having a load which extends beyond its sides or more
3 than 4 feet beyond its rear, red flags, not less than 12
4 inches square, marking the extremities of such load, at each
5 point where a lamp would otherwise be required by this
6 section. A violation of this section is a noncriminal traffic
7 infraction punishable as a nonmoving violation as provided in
8 chapter 318.

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

24 Section 12. Subsections (1) and (2) of section
25 316.234, Florida Statutes, are amended to read:

26 316.234 Signal lamps and signal devices.--

27 (1) Any vehicle may be equipped and, when required
28 under this chapter, shall be equipped with a stop lamp or
29 lamps on the rear of the vehicle which shall display a red or
30 amber light, visible from a distance of not less than 300 feet
31 to the rear in normal sunlight, and which shall be actuated

1 upon application of the service (foot) brake, and which may
2 but need not be incorporated with one or more other rear
3 lamps. An object, material, or covering that alters the stop
4 lamp's visibility from 300 feet to the rear in normal sunlight
5 may not be placed, displayed, installed, affixed, or applied
6 over a stop lamp.

7 (2) Any vehicle may be equipped and, when required
8 under s. 316.222(2), shall be equipped with electric turn
9 signals which shall indicate an intention to turn by flashing
10 lights showing to the front and rear of a vehicle or on a
11 combination of vehicles on the side of the vehicle or
12 combination toward which the turn is to be made. The lamps
13 showing to the front shall be mounted on the same level and as
14 widely spaced laterally as practicable and, when signaling,
15 shall emit white or amber light. The lamps showing to the rear
16 shall be mounted on the same level and as widely spaced
17 laterally as practicable, and, when signaling, shall emit a
18 red or amber light. Turn signal lamps on vehicles 80 inches
19 or more in overall width shall be visible from a distance of
20 not less than 500 feet to the front and rear in normal
21 sunlight, and an object, material, or covering that alters the
22 lamp's visibility from a distance of 500 feet to the front or
23 rear in normal sunlight may not be placed, displayed,
24 installed, affixed, or applied over a turn signal lamp. Turn
25 signal lamps on vehicles less than 80 inches wide shall be
26 visible at a distance of not less than 300 feet to the front
27 and rear in normal sunlight, and an object, material, or
28 covering that alters the lamp's visibility from a distance of
29 300 feet to the front or rear in normal sunlight may not be
30 placed, displayed, installed, affixed, or applied over a turn

31

1 signal lamp. Turn signal lamps may, but need not be,
2 incorporated in other lamps on the vehicle.

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

5 316.237 Multiple-beam road-lighting equipment.--

6 (1) Except as hereinafter provided, the headlamps or
7 the auxiliary driving lamp or the auxiliary passing lamp or
8 combination thereof on motor vehicles shall be so arranged
9 that the driver may select at will between distributions of
10 light projected to different elevations and such lamps may, in
11 addition, be so arranged that such selection can be made
12 automatically, subject to the following limitations:

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

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

23
24 An object, material, or covering that alters the headlamp's
25 visibility from at least 450 feet for an uppermost
26 distribution of light or at least 150 feet for a lowermost
27 distribution of light may not be placed, displayed, installed,
28 affixed, or applied over a headlamp.

29 Section 14. Section 316.29545, Florida Statutes, is
30 amended to read:

31

1 316.29545 Window suncreening exclusions; medical
2 exemption; certain law enforcement vehicles exempt.--

3 (1) The department shall issue medical exemption
4 certificates to persons who are afflicted with Lupus or
5 similar medical conditions which require a limited exposure to
6 light, which certificates shall entitle the person to whom the
7 certificate is issued to have sunscreening material on the
8 windshield, side windows, and windows behind the driver which
9 is in violation of the requirements of

10 ss.316.2951-316.2957. The department shall provide, by rule,
11 for the form of the medical certificate authorized by this
12 section. At a minimum, the medical exemption certificate
13 shall include a vehicle description with the make, model,
14 year, vehicle identification number, medical exemption decal
15 number issued for the vehicle, and the name of the person or
16 persons who are the registered owners of the vehicle. A
17 medical exemption certificate shall be nontransferable and
18 shall become null and void upon the sale or transfer of the
19 vehicle identified on the certificate.

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

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

26 Section 15. Paragraph (a) of subsection (3) of section
27 316.515, Florida Statutes, is amended to read:

28 316.515 Maximum width, height, length.--

29 (3) LENGTH LIMITATION.--Except as otherwise provided
30 in this section, length limitations apply solely to a
31 semitrailer or trailer, and not to a truck tractor or to the

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

1 the load to extend up to an additional 10 feet beyond the rear
2 of the vehicle, provided said trees are resting against a
3 retaining bar mounted above the truck bed so that the root
4 balls of the trees rest on the floor and to the front of the
5 truck bed and the tops of the trees extend up over and to the
6 rear of the truck bed, and provided the overhanging portion of
7 the load is covered with protective fabric.

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

23 Section 16. Subsection (1) and paragraph (a) of
24 subsection (3) of section 316.515, Florida Statutes, are
25 amended, and subsection (15) is added to said section, to
26 read:

27 316.515 Maximum width, height, length.--

28 (1) WIDTH LIMITATION.--The total outside width of any
29 vehicle or the load thereon may not exceed 102 inches,
30 exclusive of safety devices determined by the department to be
31 necessary for the safe and efficient operation of motor

1 vehicles. The use of public roads that do not have at least
2 one through lane of 12 feet or more in width in each
3 direction, and the use of public roads deemed unsafe for wider
4 vehicles on the basis of safety and engineering analyses, by
5 vehicles exceeding 96 inches in width may be restricted by the
6 Department of Transportation or by local officials for streets
7 and roads under their respective jurisdictions. The total
8 outside width of a noncommercial travel trailer, camping
9 trailer, truck camper, motor home, or private motor coach as
10 defined in s. 320.01 may be more than 102 inches if:

11 (a) The excess width is attributable to appurtenances
12 that do not extend beyond the exterior rearview mirrors
13 installed on the motor home by the manufacturer or the
14 exterior rearview mirrors of the tow vehicle; and

15 (b) The exterior rearview mirrors only extend the
16 distance necessary to provide the appropriate field of view
17 for the vehicle before the appurtenances are attached.

18 (3) LENGTH LIMITATION.--Except as otherwise provided
19 in this section, length limitations apply solely to a
20 semitrailer or trailer, and not to a truck tractor or to the
21 overall length of a combination of vehicles. No combination
22 of commercial motor vehicles coupled together and operating on
23 the public roads may consist of more than one truck tractor
24 and two trailing units. Unless otherwise specifically provided
25 for in this section, a combination of vehicles not qualifying
26 as commercial motor vehicles may consist of no more than two
27 units coupled together; such nonqualifying combination of
28 vehicles may not exceed a total length of 65 feet, inclusive
29 of the load carried thereon, but exclusive of safety and
30 energy conservation devices approved by the department for use
31 on vehicles using public roads. Notwithstanding any other

1 provision of this section, a truck tractor-semitrailer
2 combination engaged in the transportation of automobiles or
3 boats may transport motor vehicles or boats on part of the
4 power unit; and, except as may otherwise be mandated under
5 federal law, an automobile or boat transporter semitrailer may
6 not exceed 50 feet in length, exclusive of the load; however,
7 the load may extend up to an additional 6 feet beyond the rear
8 of the trailer. The 50-foot length limitation does not apply
9 to non-stinger-steered automobile or boat transporters that
10 are 65 feet or less in overall length, exclusive of the load
11 carried thereon, or to stinger-steered automobile or boat
12 transporters that are 75 feet or less in overall length,
13 exclusive of the load carried thereon. For purposes of this
14 subsection, a "stinger-steered automobile or boat transporter"
15 is an automobile or boat transporter configured as a
16 semitrailer combination wherein the fifth wheel is located on
17 a drop frame located behind and below the rearmost axle of the
18 power unit. Notwithstanding paragraphs (a) and (b), any
19 straight truck or truck tractor-semitrailer combination
20 engaged in the transportation of horticultural trees may allow
21 the load to extend up to an additional 10 feet beyond the rear
22 of the vehicle, provided said trees are resting against a
23 retaining bar mounted above the truck bed so that the root
24 balls of the trees rest on the floor and to the front of the
25 truck bed and the tops of the trees extend up over and to the
26 rear of the truck bed, and provided the overhanging portion of
27 the load is covered with protective fabric.

28 (a) Straight trucks.--No straight truck may exceed a
29 length of 40 feet in extreme overall dimension, exclusive of
30 safety and energy conservation devices approved by the
31 department for use on vehicles using public roads. A straight

1 truck may tow no more than one trailer, and such trailer may
2 not exceed a length of 28 feet. However, such trailer
3 limitation does not apply if the overall length of the
4 truck-trailer combination is 65 feet or less, including the
5 load thereon. Notwithstanding any other provisions of this
6 section, a truck-trailer combination engaged in the
7 transportation of boats, or boat trailers whose design
8 dictates a front-to-rear stacking method shall not exceed the
9 length limitations of this paragraph exclusive of the load;
10 however, the load may extend up to an additional 6 feet beyond
11 the rear of the trailer.

12 (15) MOTOR HOMES.--No motor home may exceed a length
13 of 45 feet exclusive of bumpers and safety devices.

14 Section 17. Subsection (2) of section 316.530, Florida
15 Statutes, is amended to read:

16 316.530 Towing requirements.--

17 (2) When a vehicle is towing a trailer or semitrailer
18 on a public road or highway by means of a trailer hitch to the
19 rear of the vehicle, there shall be attached in addition
20 thereto safety chains, cables, or other safety devices that
21 comply with 49 C.F.R. sub f 393.71(g)(2)(1) and 393.71(h)(10)
22 from the trailer or semitrailer to the vehicle. These safety
23 chains, cables, or other safety devices shall be of sufficient
24 strength to maintain connection of the trailer or semitrailer
25 to the pulling vehicle under all conditions while the trailer
26 or semitrailer is being towed by the vehicle. The provisions
27 of this subsection shall not apply to trailers or semitrailers
28 using a hitch known as a fifth wheel nor to farm equipment
29 traveling less than 20 miles per hour.

30 Section 18. Subsection (4) of section 316.613, Florida
31 Statutes, is amended to read:

1 316.613 Child restraint requirements.--

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

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

12 Section 19. Subsections (1) and (2) of section
13 318.1451, Florida Statutes, are amended to read:

14 318.1451 Driver improvement schools.--

15 (1)(a) The Department of Highway Safety and Motor
16 Vehicles shall approve the courses of all driver improvement
17 schools, as the courses relate to ss. 318.14(9), 322.0261,
18 ~~322.095~~, and 322.291. The chief judge of the applicable
19 judicial circuit may establish requirements regarding the
20 location of schools within the judicial circuit. A person may
21 engage in the business of operating a driver improvement
22 school that offers department-approved courses related to ss.
23 318.14(9), 322.0261, ~~322.095~~, and 322.291.

24 (b) The Department of Highway Safety and Motor
25 Vehicles shall approve and regulate courses that use
26 technology as the delivery method of all driver improvement
27 schools as the courses relate to ss. 318.14(9) and 322.0261.

28 (2)(a) In determining whether to approve the courses
29 referenced in this section, the department shall consider
30 course content designed to promote safety, driver awareness,
31

1 crash avoidance techniques, and other factors or criteria to
2 improve driver performance from a safety viewpoint.

3 (b) In determining whether to approve courses of
4 driver improvement schools that use technology as the delivery
5 method as the courses relate to ss. 318.14(9) and 322.0261,
6 the department shall consider only those courses submitted by
7 a person, business, or entity which have approval for
8 statewide delivery.

9 Section 20. Subsection (4) of section 319.001, Florida
10 Statutes, is amended to read:

11 319.001 Definitions.--As used in this chapter, the
12 term:

13 (4) "New motor vehicle" means a motor vehicle the
14 equitable or legal title to which has never been transferred
15 by a manufacturer, distributor, importer, or dealer to an
16 ultimate purchaser; however, when legal title is not
17 transferred but possession of a motor vehicle is transferred
18 pursuant to a conditional sales contract or lease and the
19 conditions are not satisfied and the vehicle is returned to
20 the motor vehicle dealer, the motor vehicle may be resold by
21 the motor vehicle dealer as a new motor vehicle, provided the
22 selling motor vehicle dealer gives the following written
23 notice to the purchaser: "THIS VEHICLE WAS DELIVERED TO A
24 PREVIOUS PURCHASER." The purchaser shall sign an
25 acknowledgement, a copy of which is kept in the selling
26 dealer's file.

27 Section 21. Subsection (3) of section 319.17, Florida
28 Statutes, is amended to read:

29 319.17 Rules; forms; indexes and records.--

30 (3) The department shall maintain indexes of motor
31 vehicles and mobile homes by name of owner, by title number,

1 and by manufacturer's motor number or vehicle identification
2 number. The department shall keep an electronic ~~a permanent~~
3 record of notices of liens and satisfactions thereof. Such
4 indexes and records shall be open to the inspection of the
5 public at all reasonable times, except as provided in chapter
6 119.

7 Section 22. Subsections (8), (9), and (10) of section
8 319.24, Florida Statutes, are amended to read:

9 319.24 Issuance in duplicate; delivery; liens and
10 encumbrances.--

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

16 (8)~~(9)~~ Notwithstanding any requirements in this
17 section or in s. 319.27 indicating that a lien on a motor
18 vehicle or mobile home shall be noted on the face of the
19 Florida certificate of title, if there are one or more liens
20 or encumbrances on the motor vehicle or mobile home, the
21 department may electronically transmit the lien to the first
22 lienholder and notify the first lienholder of any additional
23 liens. Subsequent lien satisfactions may be electronically
24 transmitted to the department and shall include the name and
25 address of the person or entity satisfying the lien. When
26 electronic transmission of liens and lien satisfactions are
27 used, the issuance of a certificate of title may be waived
28 until the last lien is satisfied and a clear certificate of
29 title is issued to the owner of the vehicle. In subsequent
30 transfer of ownership of the motor vehicle it shall be
31 presumed that the motor vehicle title is subject to a lien as

1 set forth in s. 319.225(6)(a) until the title to be issued
2 pursuant to this subsection is received by the person or
3 entity satisfying the lien.

4 ~~(9)(10)~~ The department shall in the sending of any
5 notice only be required to use the last known address as shown
6 by its records.

7 Section 23. Subsection (2) of section 319.27, Florida
8 Statutes, is amended to read:

9 319.27 Notice of lien on motor vehicles or mobile
10 homes; notation on certificate; recording of lien.--

11 (2) No lien for purchase money or as security for a
12 debt in the form of a security agreement, retain title
13 contract, conditional bill of sale, chattel mortgage, or other
14 similar instrument or any other nonpossessory lien, including
15 a lien for child support, upon a motor vehicle or mobile home
16 upon which a Florida certificate of title has been issued
17 shall be enforceable in any of the courts of this state
18 against creditors or subsequent purchasers for a valuable
19 consideration and without notice, unless a sworn notice of
20 such lien has been filed in the department and such lien has
21 been noted upon the certificate of title of the motor vehicle
22 or mobile home. Such notice shall be effective as constructive
23 notice when filed. No interest of a statutory nonpossessory
24 lienor; the interest of a nonpossessory execution, attachment,
25 or equitable lienor; or the interest of a lien creditor as
26 defined in s. 679.301(3), if nonpossessory, shall be
27 enforceable against creditors or subsequent purchasers for a
28 valuable consideration unless such interest becomes a
29 possessory lien or is noted upon the certificate of title for
30 the subject motor vehicle or mobile home prior to the
31 occurrence of the subsequent transaction. Provided the

1 provisions of this subsection relating to a nonpossessory
2 statutory lienor; a nonpossessory execution, attachment, or
3 equitable lienor; or the interest of a lien creditor as
4 defined in s. 679.301(3) shall not apply to liens validly
5 perfected prior to October 1, 1988. The notice of lien shall
6 provide the following information:

7 (a) The date of the lien if a security agreement,
8 retain title contract, conditional bill of sale, chattel
9 mortgage, or other similar instrument was executed prior to
10 the filing of the notice of lien;

11 (b) The name and address of the registered owner;

12 (c) A description of the motor vehicle or mobile home,
13 showing the make, type, and vehicle identification number; and

14 (d) The name and address of the lienholder.

15 Section 24. Paragraph (b) of subsection (3) of section
16 319.30, Florida Statutes, is amended to read:

17 319.30 Definitions; dismantling, destruction, change of
18 identity of motor vehicle or mobile home; salvage.--

19 (3)

20 (b) The owner of any motor vehicle or mobile home which
21 is considered to be salvage shall, within 72 hours after the
22 motor vehicle or mobile home becomes salvage, forward the
23 title to the motor vehicle or mobile home to the department
24 for processing. However, an insurance company which pay money
25 as compensation for total loss of a motor vehicle or mobile
26 home shall obtain the certificate of title for the motor
27 vehicle or mobile home and, within 72 hours after receiving
28 such certificate of title, shall forward such title to the
29 department for processing. The owner or insurance company, as
30 the case may be, may not dispose of a vehicle or mobile home
31 that is a total loss before it has obtained a salvage

1 certificate of title or certificate of destruction from the
2 department. When applying for a salvage certificate of title
3 or certificate of destruction, the owner or insurance company
4 must provide the department with an estimate of the costs of
5 repairing the physical and mechanical damage suffered by the
6 vehicle for which a salvage certificate of title or
7 certificate of destruction is sought. If the estimated costs
8 of repairing the physical and mechanical damage to the vehicle
9 is equal to 80 percent or more of the current retail cost of
10 the vehicle, as established in any official used car or used
11 mobile home guide, the department shall declare the vehicle
12 unbuildable and print a certificate of destruction, which
13 authorizes the dismantling or destruction of the motor vehicle
14 or mobile home described therein. This certificate of
15 destruction shall be reassignable a maximum of two times
16 before dismantling or destruction of the vehicle shall be
17 required, and shall accompany the motor vehicle or mobile home
18 for which it is issued, when such motor vehicle or mobile home
19 is sold for such purposes, in lieu of a certificate of title
20 ~~notice on the salvage certificate of title that the vehicle is~~
21 ~~unbuildable~~ and, thereafter, the department shall refuse
22 issuance of any certificate of title for that
23 vehicle. Nothing in this subsection shall be applicable when
24 a vehicle is worth less than \$1,500 retail in undamaged
25 condition in any official used motor vehicle guide or used
26 mobile home guide or when a stolen motor vehicle or mobile
27 home is recovered in substantially intact condition and is
28 readily resalable without extensive repairs to or replacement
29 of the frame or engine. Any person who willfully and
30 deliberately violates this paragraph or falsifies any document
31 to avoid the requirements of this paragraph commits a

1 misdemeanor of the first degree, punishable as provided in s.
2 775.082 or s. 775.083.

3 Section 25. Subsection (2) of section 320.031, Florida
4 Statutes, is amended to read:

5 320.031 Mailing of registration certificates, license
6 plates, and validation stickers.--

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

19 Section 26. Subsection (2) of section 320.04, Florida
20 Statutes, is amended, and subsection (3) is added to said
21 section to read:

22 320.04 Registration service charge.--

23 (2) The service charges shall be collected by the
24 department on all applications handled directly from its
25 office; and the proceeds thereof, together with any fees
26 returned to it by the tax collector, shall be paid into the
27 Highway Safety Operating Trust ~~General Revenue~~ Fund. No tax
28 collector, deputy tax collector, or employee of the state or
29 any county shall charge, collect, or receive any fee or
30 compensation for services performed as notary public in
31 connection with or incidental to the issuance of license

1 plates or titles. The provisions of this subsection and of s.
2 116.38(2) prohibiting the charging, collecting, or receiving
3 of notary public fees do not apply to any privately owned
4 license plate agency appointed by the county manager of a
5 charter county which has an appointed tax collector.

6 (3) The department may absorb all or any portion of
7 any interchange, assessment, charge back, authorization or
8 settlement or equivalent fees charged by financial
9 institutions relating to a credit or debit card transaction.

10 The department may request approval to establish additional
11 budget authority to pay additional fees related to credit and
12 debit card transactions pursuant to s. 216.177.

13 Section 27. Subsection (2) of section 320.05, Florida
14 Statutes, is amended to read:

15 320.05 Records of the department; inspection
16 procedure; lists and searches; fees.--

17 (2) Upon receipt of an application for the
18 registration of a motor vehicle or mobile home, as herein
19 provided for, the department shall register the motor vehicle
20 or mobile home under the distinctive number assigned to such
21 motor vehicle or mobile home by the department. Electronic,
22 ~~which~~ registration records ~~record~~ shall be open to the
23 inspection of the public during business hours. Information on
24 a motor vehicle registration may not be made available to a
25 person unless the person requesting the information furnishes
26 positive proof of identification. The agency that furnishes a
27 motor vehicle registration record shall record the name and
28 address of any person other than a representative of a law
29 enforcement agency who requests and receives information from
30 a motor vehicle registration record and shall also record the
31 name and address of the person who is the subject of the

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

18 Section 28. Section 320.0605, Florida Statutes, is
19 amended to read:

20 320.0605 Certificate of registration; possession
21 required; exception.--The registration certificate or an
22 official copy thereof, a true copy of a rental or lease
23 agreement issued for a motor vehicle or issued for a
24 replacement vehicle in the same registration period, a
25 temporary receipt printed upon self-initiated electronic
26 renewal of a registration via the Internet, or a cab card
27 issued for a vehicle registered under the International
28 Registration Plan shall, at all times while the vehicle is
29 being used or operated on the roads of this state, be in the
30 possession of the operator thereof or be carried in the
31 vehicle for which issued and shall be exhibited upon demand of

1 any authorized law enforcement officer or any agent of the
2 department. The provisions of this section do not apply during
3 the first 30 days after purchase of a replacement vehicle. A
4 violation of this section is a noncriminal traffic infraction,
5 punishable as a nonmoving violation as provided in chapter
6 318.

7 Section 29. Subsection (29) of section 320.08058,
8 Florida Statutes, is amended to read:

9 320.08058 Specialty license plates.--

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

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

18 (b) The department shall distribute the United States
19 Marine Corps license plate annual use fees in the following
20 manner:

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

26 2. Any additional fees collected annually shall be
27 deposited in the Marine Corps Scholarship Foundation, Inc.,
28 successor to the USMC ~~USMV~~ Tag/Scholarship Fund, Inc., which
29 shall use the fees to fund scholarships and assist Marine
30 Corps Junior ROTC and Young Marine programs of this state. The
31 foundation shall develop a plan to distribute the funds to

1 recipients nominated by residents of the state to receive
2 scholarships, and to the Marine Corps Junior ROTC and Young
3 Marine programs in the state.

4 Section 30. Subsection (7) of section 320.27, Florida
5 Statutes, is amended to read:

6 320.27 Motor vehicle dealers.--

7 (7) CERTIFICATE OF TITLE REQUIRED.--For each used
8 motor vehicle in the possession of a licensee and offered for
9 sale by him or her, the licensee either shall have in his or
10 her possession a duly assigned certificate of title from the
11 owner in accordance with the provisions of chapter 319, from
12 the time when the motor vehicle is delivered to the licensee
13 and offered for sale by him or her until it has been disposed
14 of by the licensee, or shall have reasonable indicia of
15 ownership or right of possession, or shall have made proper
16 application for a certificate of title or duplicate
17 certificate of title in accordance with the provisions of
18 chapter 319. A motor vehicle dealer may not sell or offer for
19 sale a vehicle in his or her possession unless the dealer
20 satisfies the requirements of this subsection. Reasonable
21 indicia of ownership shall include a duly assigned certificate
22 of title; in the case of a new motor vehicle, a manufacturer's
23 certificate of origin issued to or reassigned to the dealer; a
24 consignment contract between the owner and the dealer along
25 with a secure power of attorney from the owner to the dealer
26 authorizing the dealer to apply for a duplicate certificate of
27 title and assign the title on behalf of the owner; a court
28 order awarding title to the vehicle to the dealer; a salvage
29 certificate of title; a photocopy of a duly assigned
30 certificate of title being held by a financial institution as
31 collateral for a business loan of money to the dealer ("floor

1 plan"); a copy of a canceled check or other documentation
2 evidencing that an outstanding lien on a vehicle taken in
3 trade by a licensed dealer has been satisfied and that the
4 certificate of title will be, but has not yet been, received
5 by the dealer; a vehicle purchase order or installment
6 contract for a specific vehicle identifying that vehicle as a
7 trade-in on a replacement vehicle; or a duly executed odometer
8 disclosure statement as required by Title IV of the Motor
9 Vehicle Information and Cost Savings Act of 1972 (Pub. L. No.
10 92-513, as amended by Pub. L. No. 94-364 and Pub. L. No.
11 100-561) and by Part 580, Title 49, Code of Federal
12 Regulations, bearing the signatures of the titled owners of a
13 traded-in vehicle.

14 Section 31. Subsection (5) of section 320.27, Florida
15 Statutes, is amended to read:

16 320.27 Motor vehicle dealers.--

17 (5) SUPPLEMENTAL LICENSE.--Any person licensed
18 hereunder shall obtain a supplemental license for each
19 permanent additional place or places of business not
20 contiguous to the premises for which the original license is
21 issued, on a form to be furnished by the department, and upon
22 payment of a fee of \$50 for each such additional location.
23 Upon making renewal applications for such supplemental
24 licenses, such applicant shall pay \$50 for each additional
25 location. A supplemental license authorizing off-premises
26 sales shall be issued, at no charge to the dealer, for a
27 period not to exceed 10 consecutive calendar days. To obtain
28 such a temporary supplemental license for off-premises sales,
29 the applicant must be a licensed dealer; must notify the
30 applicable local department office of the specific dates and
31 location for which such license is requested, display a sign

1 at the licensed location clearly identifying the dealer, and
2 provide staff to work at the temporary location for the
3 duration of the off-premises sale; must meet any local
4 government permitting requirements; and must have permission
5 of the property owner to sell at that location. In the case of
6 an off-premises sale by a motor vehicle dealer licensed under
7 s. 320.27(1)(c)1. for the sale of new motor vehicles, the
8 applicant must also include documentation notifying the
9 applicable licensee licensed under s. 320.61 of the intent to
10 engage in an off-premises sale 5 working days prior to the
11 date of the off-premises sale. The licensee shall either
12 approve or disapprove of the off-premises sale with 2 working
13 days after receiving notice; otherwise, it will be deemed
14 approved. This section does not apply to a nonselling motor
15 vehicle show or public display of new motor vehicles.

16 Section 32. Subsection (10) of section 320.60, Florida
17 Statutes, is amended to read:

18 320.60 Definitions for ss. 320.61-320.70.--Whenever
19 used in ss. 320.61-320.70, unless the context otherwise
20 requires, the following words and terms have the following
21 meanings:

22 (10) "Motor vehicle" means any new automobile,
23 motorcycle, or truck the equitable or legal title to which has
24 never been transferred by a manufacturer, distributor,
25 importer, or dealer to an ultimate purchaser; however, when
26 legal title is not transferred but possession of a motor
27 vehicle is transferred pursuant to a conditional sales
28 contract or lease and the conditions are not satisfied and the
29 vehicle is returned to the motor vehicle dealer, the motor
30 vehicle may be resold by the motor vehicle dealer as a new
31 motor vehicle, provided the selling motor vehicle dealer gives

1 the following written notice to the purchaser, "THIS VEHICLE
2 WAS DELIVERED TO A PREVIOUS PURCHASER." The purchaser shall
3 sign an acknowledgement, a copy of which is kept in the
4 selling dealer's file.

5 Section 33. Section 320.833, Florida Statutes, is
6 amended to read:

7 320.833 Retention, destruction, and reproduction of
8 records; electronic retention.--Records and documents of the
9 Department of Highway Safety and Motor Vehicles, created in
10 compliance with, and in the implementation of, chapter 319 and
11 this chapter, shall be retained by the department as specified
12 in record retention schedules established under the general
13 provisions of chapter 119. Further, the department is hereby
14 authorized:

15 (1) To destroy, or otherwise dispose of, those records
16 and documents, in conformity with the approved retention
17 schedules.

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

31

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

5 Section 34. Section 320.865, Florida Statutes, is
6 amended to read:

7 320.865 Maintenance of records by the
8 department.--Beginning December 1, 2001,the department shall
9 maintain electronic ~~uniform~~ records of all complaints filed
10 against licensees licensed under the provisions of ss. 320.27,
11 320.61, 320.77, 320.771, and 320.8225, any other provision of
12 this chapter to the contrary notwithstanding. The records
13 shall contain all enforcement actions taken against licensees
14 and against unlicensed persons acting in a capacity which
15 would require them to be licensed under those sections. The
16 electronic ~~permanent~~ file of each licensee and unlicensed
17 person shall contain a record of any complaints filed against
18 him or her and a record of any enforcement actions taken
19 against him or her. ~~All complaints and satisfactions thereof~~
20 ~~and enforcement actions on each licensee and unlicensed person~~
21 ~~shall be entered into the central database in such a manner~~
22 ~~that rapid retrieval will be facilitated.~~ The complainant and
23 the referring agency, if there is one, shall be advised of the
24 disposition by the department of the complaint within 10 days
25 of such action.

26 Section 35. Paragraph (a) of subsection (1) of section
27 322.051, Florida Statutes, is amended to read:

28 322.051 Identification cards.--

29 (1)

30 (a) Each such application shall include the following
31 information regarding the applicant:

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

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

5 3. Proof of identity satisfactory to the department.

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

15 Section 36. Paragraph (c) of subsection (2) is
16 amended, and paragraphs (d) and (e) are added to subsection
17 (6), of section 322.08, Florida Statutes, to read:

18 322.08 Application for license.--

19 (2) Each such application shall include the following
20 information regarding the applicant:

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

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

31

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

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

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

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

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

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

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

24 Section 37. Subsection (7) is added to section
25 322.095, Florida Statutes, to read:

26 322.095 Traffic law and substance abuse education
27 program for driver's license applicants.--

28 (7)(a) No governmental entity or court shall provide,
29 issue, or maintain any information or orders regarding traffic
30 law and substance abuse education program schools or course
31 providers, with the exception of directing inquiries or

1 requests to the local telephone directory heading of driving
2 instruction or the driver's license applicant reference guide.
3 However, the department is authorized to maintain the
4 information and records necessary to administer its duties and
5 responsibilities for the program. Where such information is a
6 public record as defined in chapter 119, it shall be made
7 available to the public upon request pursuant to s. 119.07(1).

8 (b) The department shall prepare for any governmental
9 entity to distribute a driver's license applicant reference
10 guide which shall list the benefits of attending a traffic law
11 and substance abuse education school, but under no
12 circumstance may include any list of course providers or
13 schools. The department shall refer further inquiries to the
14 telephone directory heading of driving instruction.

15 Section 38. Subsection (3) of section 322.292, Florida
16 Statutes, is hereby repealed.

17 Section 39. Subsection (10) of section 328.15, Florida
18 Statutes, is repealed.

19 Section 40. Subsections (2) and (3) of section 328.40,
20 Florida Statutes, are amended to read:

21 328.40 Administration of vessel registration and
22 titling laws; records.--

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

26 (a) Vessel registration and titling.

27 (b) Suspension of the vessel operating privilege under
28 ss. 327.35-327.355.

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

1 Section 41. Subsection (3) of section 328.48, Florida
2 Statutes, is amended to read:

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

9 Section 42. Paragraph (c) of subsection (2) of section
10 328.72, Florida Statutes is amended to read:

11 328.72 Classification; registration; fees and charges;
12 surcharge, disposition of fees; fines; marine turtle
13 stickers.--

14 (2) ANTIQUE VESSEL REGISTRATION FEE.--

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

19 Section 43. Subsection (3) of section 328.73, Florida
20 Statutes is amended to read:

21 328.73 Registration; duties of tax collectors.--

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

29 Section 44. Subsection (2) of section 328.735, Florida
30 Statutes, is amended to read:

31 328.735 Advanced registration renewal; procedures.--

1 (2) Upon the filing of the application and payment of
2 the appropriate vessel registration fee and service charges
3 required by s. 328.72 ~~s. 327.25~~ and any additional fees
4 required by law, the department or its agents shall issue to
5 the owner of the vessel a decal and registration. When the
6 decal is affixed to the vessel, the registration is renewed
7 for the appropriate registration period.

8 Section 45. Used motor vehicle industry study.--

9 (1) USED MOTOR VEHICLE INDUSTRY TASK FORCE.--The Used
10 Motor Vehicle Industry Task Force is created within the
11 Department of Highway Safety and Motor Vehicles. The task
12 force is charged with examining and evaluating the used motor
13 vehicle industry, including, without limitation, the licensing
14 of dealers and the enforcement of dealer regulations, and
15 analyzing the structure and manner in which the department
16 carries out its regulatory purpose.

17 (2) MEMBERSHIP, ORGANIZATION, MEETINGS.--

18 (a) The task force shall be composed of 12 members.
19 The Governor, the President of the Senate, and the Speaker of
20 the House of Representatives shall each appoint four members.
21 The Governor shall appoint one representative of the
22 Department of Highway Safety and Motor Vehicles, who must
23 represent the Division of Motor Vehicles; one representative
24 of the independent motor vehicle industry as recommended by
25 the Florida Independent Automobile Dealers Association; one
26 representative of the franchise motor vehicle industry as
27 recommended by the Florida Automobile Dealers Association; and
28 one representative of the auction motor vehicle industry who
29 is from an auction chain and is recommended by a group
30 affiliated with the National Auto Auction Association. The
31 President of the Senate shall appoint one representative from

1 the Department of Revenue; one representative of the franchise
2 motor vehicle industry as recommended by the Florida
3 Automobile Dealers Association; a Florida Tax Collector
4 representative as recommended by the Florida Tax Collectors
5 Association; and one representative from the Better Business
6 Bureau. The Speaker of the House of Representatives shall
7 appoint one representative from the Department of Agriculture
8 and Consumer Services, who must represent the Division of
9 Consumer Services; one representative of the independent motor
10 vehicle industry as recommended by the Florida Independent
11 Automobile Dealers Association; one representative of the
12 auction motor vehicle industry who is from an independent
13 auction and is recommended by a group affiliated by the
14 National Auto Auction Association; and one representative of
15 the insurance industry who writes motor vehicle dealer surety
16 bonds. The Division of Motor Vehicles, the Division of
17 Consumer Services, the Department of Revenue, the Florida
18 Independent Automobile Dealers Association, the Florida Tax
19 Collectors Association, and the Florida Automobile Dealers
20 Association shall submit the names of their recommended
21 representatives to the Department of Highway Safety and Motor
22 Vehicles. A person who seeks to be considered for appointment
23 to the task force representing the insurance industry or a
24 Better Business Bureau shall submit his or her name, and a
25 statement of the designated category that he or she proposes
26 to represent, to the Department of Highway Safety and Motor
27 Vehicles, which shall forward all recommended names to the
28 appointing authority for the designated category. In order to
29 facilitate and coordinate the efforts of the task force, the
30 Governor, the President of the Senate, and the Speaker of the
31 House of Representatives shall each name a liaison that the

1 task force may contact for assistance and information during
2 the course of the task force's existence. The members shall be
3 appointed by July 1, 2000.

4 (b) Upon appointment of the members, the task force
5 shall schedule an organizational meeting to be held no later
6 than July 20, 2000. Thereafter, the task force shall meet at
7 least once a month at various locations throughout the state.

8 (3) PER DIEM, TRAVEL, AND STAFFING.--Members of the
9 task force from the private sector are not entitled to per
10 diem or reimbursement for travel expenses, but members of the
11 task force from the public sector are entitled to
12 reimbursement, if any, from their agency. Members of the task
13 force may request assistance from the Department of Highway
14 Safety and Motor Vehicles as necessary.

15 (4) REVIEW AND ASSESSMENT OF THE USED MOTOR VEHICLE
16 INDUSTRY IN THE STATE.--The task force shall conduct an
17 in-depth review of the used motor vehicle industry and the
18 problems associated with licensing requirements, unlicensed
19 persons, and enforcement of state statutes and rules. The task
20 force shall, in its review, analyze chapter 320, Florida
21 Statutes, and any other provisions of the Florida Statutes
22 relating to the used motor vehicle industry and used motor
23 vehicle dealer licensing requirements and enforcement. The
24 task force may:

25 (a) Conduct meetings, hearings, and workshops in
26 Tallahassee and at other locations around the state, and may
27 take evidence, testimony, and argument at the meetings,
28 hearings, and workshops from state agencies and consumer
29 organizations.

30 (b) Examine and evaluate the procedures and methods
31 for approving a dealer applicant and dealer locations,

1 enforcement actions against unlicensed persons, and
2 enforcement of existing statutes and rules governing dealers.
3 The task force shall conduct its evaluation in the context of
4 purpose, goal, and objective regarding motor vehicle dealer
5 licensing requirements and enforcement of regulations
6 governing dealers.

7 (c) Assess the roles of the Department of Highway
8 Safety and Motor Vehicles and County Tax Collectors regarding
9 the motor vehicle industry.

10
11 Upon completing its review, assessment, and evaluation of
12 motor vehicle license requirements and enforcement of statutes
13 and rules in the state, the task force may meet further to
14 consider its accomplishments in order that the committee may
15 compile its findings into legislative recommendations.

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

26 Section 46. Except as otherwise provided in this act,
27 this act shall take effect October 1, 2000.