

By the Committee on Transportation and Senator Webster

306-2051-00

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. 316.193, F.S.; revising  
10          penalties for subsequent convictions of driving  
11          under the influence; amending s. 316.1936,  
12          F.S.; defining the term "road"; revising  
13          provisions relating to the possession of open  
14          containers of alcoholic beverages in vehicles;  
15          providing penalties; amending s. 316.212, F.S.;  
16          providing that a person under the age of 14 may  
17          not operate a golf cart on public roads;  
18          amending s. 316.2125, F.S.; providing  
19          restrictions on the operation of golf carts in  
20          retirement communities; amending s. 316.613,  
21          F.S.; authorizing the expenditure of certain  
22          funds for safety and public awareness  
23          campaigns; amending s. 318.1451, F.S.;  
24          eliminating a reference to traffic law and  
25          substance abuse education courses; amending s.  
26          319.17, F.S.; providing for the use of  
27          electronic records; amending s. 319.24;  
28          revising record-retention requirements;  
29          amending s. 320.031, F.S.; providing for the  
30          deposit of certain fees into the Highway Safety  
31          Operating Trust Fund; amending s. 320.04;

1 providing for the deposit of certain funds into  
2 the Highway Safety Operating Trust Fund;  
3 amending s. 320.05, F.S.; providing for the use  
4 of electronic records; amending s. 320.0605,  
5 F.S.; providing for the issuance of a temporary  
6 receipt for electronic registration renewal via  
7 the Internet; amending s. 320.08058, F.S.;  
8 revising provisions relating to the United  
9 States Marine Corp License Plate; amending s.  
10 320.833, F.S.; providing for the electronic  
11 retention of records; amending s. 320.865,  
12 F.S.; providing for the electronic retention of  
13 certain records; amending s. 322.051, F.S.;  
14 providing conditions for the issuance of  
15 identification cards; amending s. 322.08, F.S.;  
16 providing for proof of identity for the  
17 issuance of driver's licenses; amending s.  
18 328.15, F.S.; revising records-retention  
19 requirements; amending s. 328.40, F.S.;  
20 providing for electronic retention of records;  
21 providing an effective date.

22  
23 Be It Enacted by the Legislature of the State of Florida:

24  
25 Section 1. Paragraph (r) is added to subsection (7) of  
26 section 213.053, Florida Statutes, to read:

27 213.053 Confidentiality and information sharing.--

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

30 (r) Names, addresses, and federal employer  
31 identification numbers, or such similar identifiers, to the

1 Department of Highway Safety and Motor Vehicles for use in the  
2 conduct of its official business.

3  
4 Disclosure of information under this subsection shall be  
5 pursuant to a written agreement between the executive director  
6 and the agency. Such agencies, governmental or  
7 nongovernmental, shall be bound by the same requirements of  
8 confidentiality as the Department of Revenue. Breach of  
9 confidentiality is a misdemeanor of the first degree,  
10 punishable as provided by s. 775.082 or s. 775.083.

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

13 234.02 Safety and health of pupils.--Maximum regard  
14 for safety and adequate protection of health are primary  
15 requirements that must be observed by school boards in routing  
16 buses, appointing drivers, and providing and operating  
17 equipment, in accordance with all requirements of law and  
18 regulations of the commissioner in providing transportation  
19 pursuant to s. 234.01:

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

30 (a) When the transportation is for physically  
31 handicapped or isolated students and the district has elected

1 to provide for the transportation of the student through  
2 written or oral contracts or agreements.

3 (b) When the transportation is a part of a  
4 comprehensive contract for a specialized educational program  
5 between a school board and a service provider who provides  
6 instruction, transportation, and other services.

7 (c) When the transportation is provided through a  
8 public transit system.

9 (d) When the transportation of students is necessary  
10 or practical in a motor vehicle owned or operated by a school  
11 board other than a school bus, ~~and~~ such transportation must be  
12 ~~is~~ provided in designated seating positions in a passenger car  
13 not to exceed 8 students or in a multipurpose passenger  
14 vehicle ~~any other motor vehicle~~ designed to transport 10 or  
15 fewer persons which meets all applicable federal motor vehicle  
16 safety standards ~~for passenger cars~~. Multipurpose passenger  
17 vehicles classified as utility vehicles with a wheelbase of  
18 110 inches or less which are required by federal motor vehicle  
19 standards to display a rollover warning label may not be used.

20  
21 When students are transported in motor vehicles, the occupant  
22 crash protection system provided by the vehicle manufacturer  
23 must be used unless the student's physical condition prohibits  
24 such use.

25 Section 3. Subsection (6) of section 316.193, Florida  
26 Statutes, is amended to read:

27 316.193 Driving under the influence; penalties.--

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

31

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

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

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

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

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

29 (d) The court must at the time of sentencing the  
30 defendant issue an order for the impoundment or immobilization  
31 of a vehicle. Within 7 business days after the date that the

1 court issues the order of impoundment or immobilization, the  
2 clerk of the court must send notice by certified mail, return  
3 receipt requested, to the registered owner of each vehicle, if  
4 the registered owner is a person other than the defendant, and  
5 to each person of record claiming a lien against the vehicle.

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

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

1           (g) The court shall also dismiss the order of  
2 impoundment or immobilization of the vehicle if the court  
3 finds that the family of the owner of the vehicle has no other  
4 private or public means of transportation.

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

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

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



1 of release, after reasonable inspection, the owner or  
2 lienholder must give a receipt to the towing or storage  
3 company indicating any loss or damage to the vehicle or to the  
4 contents of the vehicle.

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

12  
13 For the purposes of this section, any conviction for a  
14 violation of s. 327.35; a previous conviction for the  
15 violation of former s. 316.1931, former s. 860.01, or former  
16 s. 316.028; or a previous conviction outside this state for  
17 driving under the influence, driving while intoxicated,  
18 driving with an unlawful blood-alcohol level, driving with an  
19 unlawful breath-alcohol level, or any other similar  
20 alcohol-related or drug-related traffic offense, is also  
21 considered a previous conviction for violation of this  
22 section. However, in satisfaction of the fine imposed pursuant  
23 to this section, the court may, upon a finding that the  
24 defendant is financially unable to pay either all or part of  
25 the fine, order that the defendant participate for a specified  
26 additional period of time in public service or a community  
27 work project in lieu of payment of that portion of the fine  
28 which the court determines the defendant is unable to pay. In  
29 determining such additional sentence, the court shall consider  
30 the amount of the unpaid portion of the fine and the  
31 reasonable value of the services to be ordered; however, the

1 court may not compute the reasonable value of services at a  
2 rate less than the federal minimum wage at the time of  
3 sentencing.

4 Section 4. Subsections (1) and (2) of section  
5 316.1936, Florida Statutes, are amended to read:

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

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

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

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

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

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

29 Section 5. Section 316.212, Florida Statutes, is  
30 amended to read:

31

1           316.212 Operation of golf carts on certain  
2 roadways.--The operation of a golf cart upon the public roads  
3 or streets of this state is prohibited except as provided  
4 herein:

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

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

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

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

30           (c) A golf cart may be operated on a state road that  
31 has been designated for transfer to a local government unit

1 pursuant to s. 335.0415 if the Department of Transportation  
2 determines that the operation of a golf cart within the  
3 right-of-way of the road will not impede the safe and  
4 efficient flow of motor vehicular traffic. The department may  
5 authorize the operation of golf carts on such a road if:

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

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

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

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

31

1 in order for such golf carts or electric vehicles to be  
2 lawfully operated in the park.

3 (4) A golf cart may be operated only during the hours  
4 between sunrise and sunset, unless the responsible  
5 governmental entity has determined that a golf cart may be  
6 operated during the hours between sunset and sunrise and the  
7 golf cart is equipped with headlights, brake lights, turn  
8 signals, and a windshield.

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

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

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

21 Section 6. Subsection (1) of section 316.2125, Florida  
22 Statutes, is amended to read:

23 316.2125 Operation of golf carts within a retirement  
24 community.--

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

30 Section 7. 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 8. Subsection (1) of section 318.1451, Florida  
13 Statutes, is amended to read:

14           318.1451 Driver improvement schools.--

15           (1) 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           Section 9. Subsection (3) of section 319.17, Florida  
25 Statutes, is amended to read:

26           319.17 Rules; forms; indexes and records.--

27           (3) The department shall maintain indexes of motor  
28 vehicles and mobile homes by name of owner, by title number,  
29 and by manufacturer's motor number or vehicle identification  
30 number. The department shall keep an electronic ~~a permanent~~  
31 record of notices of liens and satisfactions thereof. Such

1 indexes and records shall be open to the inspection of the  
2 public at all reasonable times, except as provided in chapter  
3 119.

4 Section 10. Subsections (8), (9), and (10) of section  
5 319.24, Florida Statutes, are amended to read:

6 319.24 Issuance in duplicate; delivery; liens and  
7 encumbrances.--

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

13 (8)(9) Notwithstanding any requirements in this  
14 section or in s. 319.27 indicating that a lien on a motor  
15 vehicle or mobile home shall be noted on the face of the  
16 Florida certificate of title, if there are one or more liens  
17 or encumbrances on the motor vehicle or mobile home, the  
18 department may electronically transmit the lien to the first  
19 lienholder and notify the first lienholder of any additional  
20 liens. Subsequent lien satisfactions may be electronically  
21 transmitted to the department and shall include the name and  
22 address of the person or entity satisfying the lien. When  
23 electronic transmission of liens and lien satisfactions are  
24 used, the issuance of a certificate of title may be waived  
25 until the last lien is satisfied and a clear certificate of  
26 title is issued to the owner of the vehicle. In subsequent  
27 transfer of ownership of the motor vehicle it shall be  
28 presumed that the motor vehicle title is subject to a lien as  
29 set forth in s. 319.225(6)(a) until the title to be issued  
30 pursuant to this subsection is received by the person or  
31 entity satisfying the lien.

1           ~~(9)(10)~~ The department shall in the sending of any  
2 notice only be required to use the last known address as shown  
3 by its records.

4           Section 11. Subsection (2) of section 320.031, Florida  
5 Statutes, is amended to read:

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

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

20           Section 12. Subsection (2) of section 320.04, Florida  
21 Statutes, is amended 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 Section 13. Subsection (2) of section 320.05, Florida  
7 Statutes, is amended to read:

8 320.05 Records of the department; inspection  
9 procedure; lists and searches; fees.--

10 (2) Upon receipt of an application for the  
11 registration of a motor vehicle or mobile home, as herein  
12 provided for, the department shall register the motor vehicle  
13 or mobile home under the distinctive number assigned to such  
14 motor vehicle or mobile home by the department. Electronic  
15 ~~which~~ registration records ~~record~~ shall be open to the  
16 inspection of the public during business hours. Information on  
17 a motor vehicle registration may not be made available to a  
18 person unless the person requesting the information furnishes  
19 positive proof of identification. The agency that furnishes a  
20 motor vehicle registration record shall record the name and  
21 address of any person other than a representative of a law  
22 enforcement agency who requests and receives information from  
23 a motor vehicle registration record and shall also record the  
24 name and address of the person who is the subject of the  
25 inquiry or other information identifying the entity about  
26 which information is requested. A record of each such inquiry  
27 must be maintained for a period of 6 months from the date upon  
28 which the information was released to the inquirer. Nothing in  
29 this section shall prohibit any financial institution,  
30 insurance company, motor vehicle dealer, licensee under  
31 chapter 493, attorney, or other agency which the department

1 determines has the right to know from obtaining, for  
2 professional or business use only, information in such records  
3 from the department through any means of telecommunication  
4 pursuant to a code developed by the department providing all  
5 fees specified in subsection (3) have been paid. The  
6 department shall disclose records or information to the child  
7 support enforcement agency to assist in the location of  
8 individuals who owe or potentially owe child support or to  
9 whom such an obligation is owed pursuant to Title IV-D of the  
10 Social Security Act.

11 Section 14. Section 320.0605, Florida Statutes, is  
12 amended to read:

13 320.0605 Certificate of registration; possession  
14 required; exception.--The registration certificate or an  
15 official copy thereof, a true copy of a rental or lease  
16 agreement issued for a motor vehicle or issued for a  
17 replacement vehicle in the same registration period, a  
18 temporary receipt printed upon self-initiated electronic  
19 renewal of a registration via the Internet, or a cab card  
20 issued for a vehicle registered under the International  
21 Registration Plan shall, at all times while the vehicle is  
22 being used or operated on the roads of this state, be in the  
23 possession of the operator thereof or be carried in the  
24 vehicle for which issued and shall be exhibited upon demand of  
25 any authorized law enforcement officer or any agent of the  
26 department. The provisions of this section do not apply during  
27 the first 30 days after purchase of a replacement vehicle. A  
28 violation of this section is a noncriminal traffic infraction,  
29 punishable as a nonmoving violation as provided in chapter  
30 318.

31

1           Section 15. Subsection (29) of section 320.08058,  
2 Florida Statutes, is amended to read:

3           320.08058 Specialty license plates.--

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

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

12           (b) The department shall distribute the United States  
13 Marine Corps license plate annual use fees in the following  
14 manner:

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

20           2. Any additional fees collected annually shall be  
21 deposited in the Marine Corps Scholarship Foundation, Inc.,  
22 successor to the USMC ~~USMV~~ Tag/Scholarship Fund, Inc., which  
23 shall use the fees to fund scholarships and assist Marine  
24 Corps Junior ROTC and Young Marine programs of this state. The  
25 foundation shall develop a plan to distribute the funds to  
26 recipients nominated by residents of the state to receive  
27 scholarships, and to the Marine Corps Junior ROTC and Young  
28 Marine programs in the state.

29           Section 16. Section 320.833, Florida Statutes, is  
30 amended to read:

31

1           320.833 Retention, destruction, and reproduction of  
2 records; electronic retention.--Records and documents of the  
3 Department of Highway Safety and Motor Vehicles, created in  
4 compliance with, and in the implementation of, chapter 319 and  
5 this chapter, shall be retained by the department as specified  
6 in record retention schedules established under the general  
7 provisions of chapter 119. Further, the department is hereby  
8 authorized:

9           (1) To destroy, or otherwise dispose of, those records  
10 and documents, in conformity with the approved retention  
11 schedules.

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

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

29           Section 17. Section 320.865, Florida Statutes, is  
30 amended to read:

31

1           320.865 Maintenance of records by the  
2 department.--Beginning December 1, 2001,the department shall  
3 maintain electronic ~~uniform~~ records of all complaints filed  
4 against licensees licensed under the provisions of ss. 320.27,  
5 320.61, 320.77, 320.771, and 320.8225, any other provision of  
6 this chapter to the contrary notwithstanding. The records  
7 shall contain all enforcement actions taken against licensees  
8 and against unlicensed persons acting in a capacity which  
9 would require them to be licensed under those sections. The  
10 electronic ~~permanent~~ file of each licensee and unlicensed  
11 person shall contain a record of any complaints filed against  
12 him or her and a record of any enforcement actions taken  
13 against him or her. ~~All complaints and satisfactions thereof~~  
14 ~~and enforcement actions on each licensee and unlicensed person~~  
15 ~~shall be entered into the central database in such a manner~~  
16 ~~that rapid retrieval will be facilitated.~~ The complainant and  
17 the referring agency, if there is one, shall be advised of the  
18 disposition by the department of the complaint within 10 days  
19 of such action.

20           Section 18. Paragraph (a) of subsection (1) of section  
21 322.051, Florida Statutes, is amended to read:

22           322.051 Identification cards.--

23           (1)

24           (a) Each such application shall include the following  
25 information regarding the applicant:

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

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

30           3. Proof of identity satisfactory to the department.

31 Such proof must include one of the following unless a driver's

1 license record or identification card record has already been  
2 established, including one of the following: a certified copy  
3 of a United States birth certificate, a valid United States  
4 passport, an alien registration receipt card (green card), an  
5 employment authorization card issued by the United States  
6 Department of Justice, or proof of nonimmigrant classification  
7 provided by the United States Department of Justice, for an  
8 original identification card.

9 Section 19. Paragraph (c) of subsection (2) of section  
10 322.08, Florida Statutes, is amended to read:

11 322.08 Application for license.--

12 (2) Each such application shall include the following  
13 information regarding the applicant:

14 (c) Proof of identity satisfactory to the department.  
15 Such proof must include one of the following unless a driver's  
16 license record or identification card record has already been  
17 established, including one of the following: a certified copy  
18 of a United States birth certificate, a valid United States  
19 passport, an alien registration receipt card (green card), an  
20 employment authorization card issued by the United States  
21 Department of Justice, or proof of nonimmigrant classification  
22 provided by the United States Department of Justice, for an  
23 original license.

24 Section 20. Subsection (10) of section 328.15, Florida  
25 Statutes, is repealed.

26 Section 21. Subsections (2) and (3) of section 328.40,  
27 Florida Statutes, are amended to read:

28 328.40 Administration of vessel registration and  
29 titling laws; records.--

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

4           (a) Vessel registration and titling.

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

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

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

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
2 COMMITTEE SUBSTITUTE FOR  
3 SB 780

4 The CS authorizes the Department of Revenue to provide certain  
5 taxpayer information to DHSMV for use in the conduct of its  
6 official business.

6 The CS provides for an allowable exception to the use of a  
7 school bus. Allows the use of minivans in transporting  
8 students for extracurricular activities.

8 The CS provides that an individual convicted of a second or  
9 subsequent offense of driving while intoxicated or driving  
10 under the influence shall be subject to the impoundment or  
11 immobilization of all vehicles owned by the repeat intoxicated  
12 driver. Current Florida law provides for the impoundment or  
13 immobilization of the vehicle that was operated by the  
14 individual or any one vehicle registered in the individual's  
15 name. This revision would bring state law into compliance  
16 with the requirements of the TEA-21 and avoid the loss of  
17 \$13.2 million in federal construction funds.

13 The CS prohibits the possession of any open alcoholic beverage  
14 container, or the consumption of any alcoholic beverage, in  
15 the passenger area of any motor vehicle located on a public  
16 roadway or the right-of-way of a public roadway. Current  
17 Florida law provides that it is unlawful to possess an open  
18 container of an alcoholic beverage in a motor vehicle while  
19 the vehicle is being operated. This revision would bring  
20 state law into compliance with the requirements of the TEA-21  
21 and avoid the loss of \$13.2 million in federal construction  
22 funds. The Department of Transportation anticipates that this  
23 provision will be interpreted to include, for example, the  
24 shoulders of a roadway or parking spaces along the side of the  
25 roadway, but would not include parking lots where tailgate  
26 parties would typically occur.

21 The CS provides that a golf cart may not be operated on a  
22 public road by a person under the age of 14.

23 The CS requires retirement communities to adhere to night-time  
24 golf cart safety requirements.

24 The CS provides that DHSMV must keep an electronic record of  
25 notices of liens and satisfactions.

25 The CS deletes provision requiring DHSMV to keep certain  
26 documents on file for 7 years.

27 The CS provides that all charges collected from a mail service  
28 charge will be deposited into the Highway Safety Operating  
29 Trust Fund.

29 The CS provides that for registration transactions handled by  
30 DHSMV the \$2.50 registration service charge is to be deposited  
31 into the Highway Safety Operating Trust Fund rather than  
32 general revenue.

31 The CS authorizes the use of electronic registration records



1 | for motor vehicles.

2 | The CS authorizes the issuance of a temporary receipt printed  
3 | on self-initiated electronic renewal of a registration via the  
4 | Internet as sufficient proof of motor vehicle registration.

5 | The CS revises the Marine Corps license plate to change the  
6 | language appearing on the plate from "first to fight" to  
7 | "Marine Corps", and add the Young Marine program as a  
8 | beneficiary of license plate funds.

9 | The CS provides that effective December 31, 2001, DHSMV is  
10 | authorized to retain all records by electronic means.

11 | The CS provides that beginning December 31, 2001, DHSMV is to  
12 | maintain an electronic record of complaints against certain  
13 | licenses.

14 | The CS provides identification card applicants with  
15 | established driver's license records need not resubmit primary  
16 | identification documents for an identification card.

17 | The CS provides driver's license applicants with established  
18 | identification card records need not resubmit primary  
19 | identification documents for a driver's license.

20 | The CS deletes a provision requiring DHSMV to keep certain  
21 | documents on file for 7 years.

22 | The CS authorizes DHSMV to maintain certain electronic  
23 | records.

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