

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 amending s. 715.05, F.S.; deleting requirements  
22 that notices of unclaimed motor vehicles be  
23 submitted to insurance companies; amending s.  
24 316.211, F.S.; exempting persons of a specified  
25 age from certain motorcycle safety equipment  
26 requirements; providing an effective date.

27  
28 Be It Enacted by the Legislature of the State of Florida:

29  
30 Section 1. Paragraph (r) is added to subsection (7) of  
31 section 213.053, Florida Statutes, to read:

1           213.053 Confidentiality and information sharing.--

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

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

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

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

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

25           (1) School boards shall use school buses, as defined  
26 in s. 234.051, for all regular transportation. Regular  
27 transportation or regular use means transportation of students  
28 to and from school or school-related activities that are part  
29 of a scheduled series or sequence of events to the same  
30 location. "Students" means, for the purposes of this section,  
31 students enrolled in the public schools in prekindergarten

1 programs through grade 12. School boards may regularly use  
2 motor vehicles other than school buses only under the  
3 following conditions:

4 (a) When the transportation is for physically  
5 handicapped or isolated students and the district has elected  
6 to provide for the transportation of the student through  
7 written or oral contracts or agreements.

8 (b) When the transportation is a part of a  
9 comprehensive contract for a specialized educational program  
10 between a school board and a service provider who provides  
11 instruction, transportation, and other services.

12 (c) When the transportation is provided through a  
13 public transit system.

14 (d) When the transportation of students is necessary  
15 or practical in a motor vehicle owned or operated by a school  
16 board other than a school bus, ~~and~~ such transportation must be  
17 ~~is~~ provided in designated seating positions in a passenger car  
18 not to exceed 8 students or in a multipurpose passenger  
19 vehicle ~~any other motor vehicle~~ designed to transport 10 or  
20 fewer persons which meets all applicable federal motor vehicle  
21 safety standards ~~for passenger cars~~. Multipurpose passenger  
22 vehicles classified as utility vehicles with a wheelbase of  
23 110 inches or less which are required by federal motor vehicle  
24 standards to display a rollover warning label may not be used.

25  
26 When students are transported in motor vehicles, the occupant  
27 crash protection system provided by the vehicle manufacturer  
28 must be used unless the student's physical condition prohibits  
29 such use.

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

1           316.193 Driving under the influence; penalties.--

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

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

28           (b) For the second conviction for an offense that  
29 occurs within a period of 5 years after the date of a prior  
30 conviction for violation of this section, the court shall  
31 order imprisonment for not less than 10 days. The court must

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

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

29 322.28(2)(a)3. The impoundment or immobilization order may be  
30 dismissed in accordance with paragraph (e), paragraph (f), ~~or~~  
31

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

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

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

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

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

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

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

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

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



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

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

17

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

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

9 Section 4. Subsections (1) and (2) of section  
10 316.1936, Florida Statutes, are amended to read:

11 316.1936 Possession of open containers of alcoholic  
12 beverages in vehicles prohibited; penalties.--

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

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

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

24 (2)(a) It is unlawful and punishable as provided in  
25 this section for any person to possess an open container of an  
26 alcoholic beverage or consume an alcoholic beverage while  
27 operating a vehicle in the state or while a passenger in or on  
28 a vehicle being operated in the state.

29 (b) It is unlawful and punishable as provided in this  
30 section for any person to possess an open container of an  
31 alcoholic beverage or consume an alcoholic beverage while

1 seated in or on a motor vehicle that is parked or stopped  
2 within a road as defined in this section. Notwithstanding the  
3 prohibition contained in this section, passengers in vehicles  
4 designed, maintained, and used primarily for the  
5 transportation of persons for compensation and in motor homes  
6 are exempt.

7 Section 5. Section 316.212, Florida Statutes, is  
8 amended to read:

9 316.212 Operation of golf carts on certain  
10 roadways.--The operation of a golf cart upon the public roads  
11 or streets of this state is prohibited except as provided  
12 herein:

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

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

27 (a) To cross a portion of the State Highway System  
28 which intersects a county road or city street that has been  
29 designated for use by golf carts if the Department of  
30 Transportation has reviewed and approved the location and  
31

1 design of the crossing and any traffic control devices needed  
2 for safety purposes.

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

8 (c) A golf cart may be operated on a state road that  
9 has been designated for transfer to a local government unit  
10 pursuant to s. 335.0415 if the Department of Transportation  
11 determines that the operation of a golf cart within the  
12 right-of-way of the road will not impede the safe and  
13 efficient flow of motor vehicular traffic. The department may  
14 authorize the operation of golf carts on such a road if:

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

18 2. The speed, volume, and character of motor vehicular  
19 traffic using the road is considered in making such a  
20 determination.

21

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

25 (3) Any other provision of this section to the  
26 contrary notwithstanding, a golf cart may be operated for the  
27 purpose of crossing a street or highway where a single mobile  
28 home park is located on both sides of the street or highway  
29 and is divided by that street or highway, provided that the  
30 governmental entity having original jurisdiction over such  
31 street or highway shall review and approve the location of the

1 crossing and require implementation of any traffic controls  
2 needed for safety purposes. This subsection shall apply only  
3 to residents or guests of the mobile home park. Any other  
4 provision of law to the contrary notwithstanding, if notice is  
5 posted at the entrance and exit to any mobile home park that  
6 residents of the park utilize golf carts or electric vehicles  
7 within the confines of the park it shall not be necessary that  
8 the park have a gate or other device at the entrance and exit  
9 in order for such golf carts or electric vehicles to be  
10 lawfully operated in the park.

11 (4) A golf cart may be operated only during the hours  
12 between sunrise and sunset, unless the responsible  
13 governmental entity has determined that a golf cart may be  
14 operated during the hours between sunset and sunrise and the  
15 golf cart is equipped with headlights, brake lights, turn  
16 signals, and a windshield.

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

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

23 (7)~~(6)~~ A violation of this section is a noncriminal  
24 traffic infraction, punishable pursuant to chapter 318 as  
25 either a moving violation for infractions of subsection (1),  
26 subsection (2), subsection (3), or subsection (4), or as a  
27 nonmoving violation for infractions of subsections ~~subsection~~  
28 (5) and (6).

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

31

1           316.2125 Operation of golf carts within a retirement  
2 community.--

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

8           Section 7. Subsection (4) of section 316.613, Florida  
9 Statutes, is amended to read:

10           316.613 Child restraint requirements.--

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

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

21           Section 8. Subsection (1) of section 318.1451, Florida  
22 Statutes, is amended to read:

23           318.1451 Driver improvement schools.--

24           (1) The Department of Highway Safety and Motor  
25 Vehicles shall approve the courses of all driver improvement  
26 schools, as the courses relate to ss. 318.14(9), 322.0261,  
27 ~~322.095~~, and 322.291. The chief judge of the applicable  
28 judicial circuit may establish requirements regarding the  
29 location of schools within the judicial circuit. A person may  
30 engage in the business of operating a driver improvement  
31

1 school that offers department-approved courses related to ss.  
2 318.14(9), 322.0261, ~~322.095~~, and 322.291.

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

5 319.17 Rules; forms; indexes and records.--

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

14 Section 10. Subsections (8), (9), and (10) of section  
15 319.24, Florida Statutes, are amended to read:

16 319.24 Issuance in duplicate; delivery; liens and  
17 encumbrances.--

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

23 (8)(9) Notwithstanding any requirements in this  
24 section or in s. 319.27 indicating that a lien on a motor  
25 vehicle or mobile home shall be noted on the face of the  
26 Florida certificate of title, if there are one or more liens  
27 or encumbrances on the motor vehicle or mobile home, the  
28 department may electronically transmit the lien to the first  
29 lienholder and notify the first lienholder of any additional  
30 liens. Subsequent lien satisfactions may be electronically  
31 transmitted to the department and shall include the name and

1 address of the person or entity satisfying the lien. When  
2 electronic transmission of liens and lien satisfactions are  
3 used, the issuance of a certificate of title may be waived  
4 until the last lien is satisfied and a clear certificate of  
5 title is issued to the owner of the vehicle. In subsequent  
6 transfer of ownership of the motor vehicle it shall be  
7 presumed that the motor vehicle title is subject to a lien as  
8 set forth in s. 319.225(6)(a) until the title to be issued  
9 pursuant to this subsection is received by the person or  
10 entity satisfying the lien.

11 (9)~~(10)~~ The department shall in the sending of any  
12 notice only be required to use the last known address as shown  
13 by its records.

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

16 320.031 Mailing of registration certificates, license  
17 plates, and validation stickers.--

18 (2) A mail service charge may be collected for each  
19 registration certificate, license plate, mobile home sticker,  
20 and validation sticker mailed by the department or any tax  
21 collector. Each registration certificate, license plate,  
22 mobile home sticker, and validation sticker shall be mailed by  
23 first-class mail unless otherwise requested by the applicant.  
24 The amount of the mail service charge shall be the actual  
25 postage required, rounded to the nearest 5 cents, plus a  
26 25-cent handling charge. The mail service charge is in  
27 addition to the service charge provided by s. 320.04. All  
28 charges collected by the department under this section shall  
29 be deposited into the Highway Safety Operating Trust Fund.

30 Section 12. Subsection (2) of section 320.04, Florida  
31 Statutes, is amended to read:



1           320.04 Registration service charge.--

2           (2) The service charges shall be collected by the  
3 department on all applications handled directly from its  
4 office; and the proceeds thereof, together with any fees  
5 returned to it by the tax collector, shall be paid into the  
6 Highway Safety Operating Trust ~~General Revenue~~ Fund. No tax  
7 collector, deputy tax collector, or employee of the state or  
8 any county shall charge, collect, or receive any fee or  
9 compensation for services performed as notary public in  
10 connection with or incidental to the issuance of license  
11 plates or titles. The provisions of this subsection and of s.  
12 116.38(2) prohibiting the charging, collecting, or receiving  
13 of notary public fees do not apply to any privately owned  
14 license plate agency appointed by the county manager of a  
15 charter county which has an appointed tax collector.

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

18           320.05 Records of the department; inspection  
19 procedure; lists and searches; fees.--

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

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

21 Section 14. Section 320.0605, Florida Statutes, is  
22 amended to read:

23 320.0605 Certificate of registration; possession  
24 required; exception.--The registration certificate or an  
25 official copy thereof, a true copy of a rental or lease  
26 agreement issued for a motor vehicle or issued for a  
27 replacement vehicle in the same registration period, a  
28 temporary receipt printed upon self-initiated electronic  
29 renewal of a registration via the Internet, or a cab card  
30 issued for a vehicle registered under the International  
31 Registration Plan shall, at all times while the vehicle is

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

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

12 320.08058 Specialty license plates.--

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

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

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

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

29 2. Any additional fees collected annually shall be  
30 deposited in the Marine Corps Scholarship Foundation, Inc.,  
31 successor to the USMC ~~USMV~~ Tag/Scholarship Fund, Inc., which

1 shall use the fees to fund scholarships and assist Marine  
2 Corps Junior ROTC and Young Marine programs of this state. The  
3 foundation shall develop a plan to distribute the funds to  
4 recipients nominated by residents of the state to receive  
5 scholarships, and to the Marine Corps Junior ROTC and Young  
6 Marine programs in the state.

7 Section 16. Section 320.833, Florida Statutes, is  
8 amended to read:

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

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

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

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

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

7 Section 17. Section 320.865, Florida Statutes, is  
8 amended to read:

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

28 Section 18. Paragraph (a) of subsection (1) of section  
29 322.051, Florida Statutes, is amended to read:

30 322.051 Identification cards.--

31 (1)

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

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

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

7 3. Proof of identity satisfactory to the department.

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

17 Section 19. Paragraph (c) of subsection (2) of section  
18 322.08, Florida Statutes, is amended to read:

19 322.08 Application for license.--

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

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

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

1           Section 20. Subsection (10) of section 328.15, Florida  
2 Statutes, is repealed.

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

5           328.40 Administration of vessel registration and  
6 titling laws; records.--

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

10           (a) Vessel registration and titling.

11           (b) Suspension of the vessel operating privilege under  
12 ss. 327.35-327.355.

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

16           Section 22. Effective upon this act becoming a law,  
17 subsection (1) of section 715.05, Florida Statutes, as amended  
18 by section 318 of chapter 99-248, Laws of Florida, is amended  
19 to read:

20           715.05 Reporting of unclaimed motor vehicles.--

21           (1) Whenever any law enforcement agency authorizes the  
22 removal of a vehicle or whenever any towing service, garage,  
23 repair shop, or automotive service, storage, or parking place  
24 notifies the law enforcement agency of possession of a vehicle  
25 pursuant to s. 715.07(2)(a)2., the applicable law enforcement  
26 agency shall contact the Department of Highway Safety and  
27 Motor Vehicles, or the appropriate agency of the state of  
28 registration, if known, within 24 hours through the medium of  
29 electronic communications giving the full description of the  
30 vehicle. Upon receipt of the full description of the vehicle,  
31 the department shall search its files to determine the owner's

1 ~~name, the name of the insurance company insuring the vehicle,~~  
2 and whether any person has filed a lien upon the vehicle as  
3 provided in s. 319.27(2) and (3) and notify the applicable law  
4 enforcement agency within 72 hours. The person in charge of  
5 the towing service, garage, repair shop, or automotive  
6 service, storage, or parking place shall obtain such  
7 information from the applicable law enforcement agency within  
8 5 days from the date of storage and shall, by certified mail,  
9 return receipt requested, notify the owner, ~~the insurer,~~ and  
10 all lienholders of the location of the vehicle and of the fact  
11 that it is unclaimed. Such notice shall be given within 7  
12 days, excluding Saturday and Sunday, from the date of storage  
13 and shall be complete upon mailing; however, if the state of  
14 registration is unknown, the person in charge of the towing  
15 service, garage, repair shop, or automotive service, storage,  
16 or parking place shall make a good faith best effort in so  
17 notifying the owner, ~~the insurer,~~ and any lienholders, and  
18 such notice shall be given within a reasonable period of time  
19 from the date of storage.

20 Section 23. Effective July 1, 2000, subsection (3) of  
21 section 316.211, Florida Statutes, is amended to read:

22 316.211 Equipment for motorcycle and moped riders.--

23 (3)(a) This section does not apply to persons riding  
24 within an enclosed cab or to any person 16 years of age or  
25 older who is operating or riding upon a motorcycle powered by  
26 a motor with a displacement of 50 cubic centimeters or less or  
27 is rated not in excess of 2 brake horsepower and which is not  
28 capable of propelling such motorcycle at a speed greater than  
29 30 miles per hour on level ground.

30 (b) Notwithstanding subsection (1), a person over 21  
31 years of age may operate or ride upon a motorcycle without



1 wearing protective headgear securely fastened upon his or her  
2 head if such person is covered by an insurance policy  
3 providing for at least \$10,000 in medical benefits for  
4 injuries incurred as a result of a crash while operating or  
5 riding on a motorcycle.

6           Section 24. Except as otherwise provided in this act,  
7 this act shall take effect October 1, 2000.

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