

Committee Substitute for
Committee Substitute for House Bill No. 1911

An act relating to the operation of vehicles and vessels; amending s. 213.053, F.S.; authorizing the exchange of certain information between the Department of Revenue and the Department of Highway Safety and Motor Vehicles; amending s. 234.02, F.S.; updating the current allowable exception to the use of a school bus; amending s. 316.0775, Florida Statutes; providing increased penalties for defacement, damage or removal of official traffic control devices or railroad signs or signals; amending s. 316.193, F.S.; revising penalties for subsequent convictions of driving under the influence; amending s. 316.1936, F.S.; defining the term "road"; revising provisions relating to the possession of open containers of alcoholic beverages in vehicles; providing penalties; amending s. 316.211, F.S.; exempting persons of a specified age from certain motorcycle safety equipment requirements; exempts passengers of specified vehicles; amending s. 316.212, F.S.; providing that a person under the age of 14 may not operate a golf cart on public roads; amending s. 316.2125, F.S.; providing restrictions on the operation of golf carts in retirement communities; amending s. 316.220, F.S.; prohibiting the covering of headlamps to alter the color of the lamp; amending s. 316.221, F.S.; prohibiting the covering of taillamps; amending s. 316.228, F.S.; providing that any vehicle or trailer transporting logs, pulpwood, poles, or posts extending 4 feet or more from the rear of the vehicle must have an amber strobe light affixed to the projecting load; amending s. 316.234, F.S.; prohibiting the covering of signal lamps and signal devices; amending s. 316.237, F.S.; prohibiting the coverings of certain lamps; amending s. 316.2954, F.S.; revising language with respect to restrictions on sunscreening material on a motor vehicle; providing applicability; providing a penalty; amending s. 316.515, F.S.; providing length limitations on boat trailers; revising width limits with respect to certain noncommercial travel trailers, camping trailers, truck campers, motor homes, and private motor coaches; providing a length limit on motor homes; amending s. 316.530, F.S.; authorizing the use of cables and other devices meeting federal safety standards in the towing of certain vehicles; amending s. 316.613, F.S.; authorizing the expenditure of certain funds for safety and public awareness campaigns; amending s. 318.1451, F.S.; eliminating a reference to traffic law and substance abuse education courses; amending s. 319.001, F.S.; redefining the term "new motor vehicle"; providing the Department of Highway Safety and Motor Vehicles regulatory authority over the approval process for courses related to basic driver improvement courses that use technology as the delivery method; redefining the term "approved courses" to mean those courses which have passed and have maintained standards approved for statewide delivery; amending s. 319.17, F.S.; providing for the use of electronic records; revising language with respect to certain liens on motor vehicles; amending

s. 319.24; revising record-retention requirements; amending s. 319.30, F.S.; providing a certificate of destruction to be assigned to a motor vehicle or mobile home; requires the dismantling or destruction of a motor vehicle or mobile home after the second reassignment of the certificate of destruction; amending s. 320.031, F.S.; providing for the deposit of certain fees into the Highway Safety Operating Trust Fund; amending s. 320.04; providing for the deposit of certain funds into the Highway Safety Operating Trust Fund; providing for fees charged by financial institutions relating to a credit or debit card transaction; amending s. 320.05, F.S.; providing for the use of electronic records; amending s. 320.0605, F.S.; providing for the issuance of a temporary receipt for electronic registration renewal via the Internet; amending s. 320.08058, F.S.; revising provisions relating to the United States Marine Corp License Plate; amending s. 320.27, F.S.; revising language with respect to certificate of title to provide additional indicia of ownership; amending s. 320.27, F.S.; revising language with respect to supplemental licenses for motor vehicle dealers; amending s. 320.833, F.S.; providing for the electronic retention of records; amending s. 320.865, F.S.; providing for the electronic retention of certain records; amending s. 322.051, F.S.; providing conditions for the issuance of identification cards; amending s. 322.08, F.S.; providing for proof of identity for the issuance of driver's licenses; providing for voluntary contribution on a driver's license application; amending s. 322.095, F.S.; prohibiting any governmental entity or court from providing, issuing, or maintaining any information or orders regarding traffic law and substance abuse education program schools or course providers; providing exceptions; requiring the Department of Highway Safety and Motor Vehicles to prepare for governmental entities to distribute driver's license applicant referral guides; amending s. 322.292, F.S.; revising DUI program eligibility requirements; amending s. 320.60, F.S.; redefining the term "motor vehicle"; amending s. 328.15, F.S.; revising records-retention requirements; amending s. 328.40, F.S.; providing for electronic retention of records; amending ss. 328.48, 328.72, 328.73, and 328.735, F.S.; providing for the creation of the Used Motor Vehicle Industry Task Force; providing for membership, organization, and meetings; providing for per diem, travel and staffing; providing responsibilities; requiring review and assessment of the used motor vehicle industry; requiring reports; providing for termination of the task force; providing an effective date.

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

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

213.053 Confidentiality and information sharing.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

316.193 Driving under the influence; penalties.—

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

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

(b) For the second conviction for an offense that occurs within a period of 5 years after the date of a prior conviction for violation of this section, the court shall order imprisonment for not less than 10 days. The court must also, as a condition of probation, order the impoundment or immobilization of all vehicles owned by the defendant ~~the vehicle that was operated by or in the actual control of the defendant or any one vehicle registered in the defendant's name~~ at the time of impoundment or immobilization, for a period of 30 days or for the unexpired term of any lease or rental agreement that expires within 30 days. The impoundment or immobilization must not occur concurrently with the incarceration of the defendant and must occur concurrently with the driver's license revocation imposed under s. 322.28(2)(a)2. The impoundment or immobilization order may be dismissed

in accordance with paragraph (e), paragraph (f), ~~or~~ paragraph (g), or paragraph (h). At least 48 hours of confinement must be consecutive.

(c) For the third or subsequent conviction for an offense that occurs within a period of 10 years after the date of a prior conviction for violation of this section, the court shall order imprisonment for not less than 30 days. The court must also, as a condition of probation, order the impoundment or immobilization of all vehicles owned by the defendant ~~the vehicle that was operated by or in the actual control of the defendant or any one vehicle registered in the defendant's name~~ at the time of impoundment or immobilization, for a period of 90 days or for the unexpired term of any lease or rental agreement that expires within 90 days. The impoundment or immobilization must not occur concurrently with the incarceration of the defendant and must occur concurrently with the driver's license revocation imposed under s. 322.28(2)(a)3. The impoundment or immobilization order may be dismissed in accordance with paragraph (e), paragraph (f), ~~or~~ paragraph (g), or paragraph (h). At least 48 hours of confinement must be consecutive.

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

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

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

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

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

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

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

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

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

reasonable value of services at a rate less than the federal minimum wage at the time of sentencing.

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

316.1936 Possession of open containers of alcoholic beverages in vehicles prohibited; penalties.—

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

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

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

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

(b) It is unlawful and punishable as provided in this section for any person to possess an open container of an alcoholic beverage or consume an alcoholic beverage while seated in or on a motor vehicle that is parked or stopped within a road as defined in this section. Notwithstanding the prohibition contained in this section, passengers in vehicles designed, maintained, and used primarily for the transportation of persons for compensation and in motor homes are exempt.

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

316.211 Equipment for motorcycle and moped riders.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

316.2125 Operation of golf carts within a retirement community.—

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

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

316.220 Headlamps on motor vehicles.—

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

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

316.221 Taillamps.—

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

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

316.228 Lamps or flags on projecting load.—

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

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

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

316.234 Signal lamps and signal devices.—

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

(2) Any vehicle may be equipped and, when required under s. 316.222(2), shall be equipped with electric turn signals which shall indicate an intention to turn by flashing lights showing to the front and rear of a vehicle or on a combination of vehicles on the side of the vehicle or combination toward which the turn is to be made. The lamps showing to the front shall be mounted on the same level and as widely spaced laterally as practicable and, when signaling, shall emit white or amber light. The lamps showing to the rear shall be mounted on the same level and as widely spaced laterally as practicable, and, when signaling, shall emit a red or amber light. Turn signal lamps on vehicles 80 inches or more in overall width shall be visible from a distance of not less than 500 feet to the front and rear in normal sunlight, and an object, material, or covering that alters the lamp's visibility from a distance of 500 feet to the front or rear in normal sunlight may not be placed, displayed, installed, affixed, or applied over a turn signal lamp. Turn signal lamps on vehicles less than 80 inches wide shall be visible at a distance of not less than 300 feet to the front and rear in normal sunlight, and an object, material, or covering that alters the lamp's visibility from a distance of 300 feet to the front or rear in normal sunlight may not be placed, displayed, installed, affixed, or applied over a turn signal lamp. Turn signal lamps may, but need not be, incorporated in other lamps on the vehicle.

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

316.237 Multiple-beam road-lighting equipment.—

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

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

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

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

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

316.29545 Window sunscreening exclusions; medical exemption; certain law enforcement vehicles exempt.—

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

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

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

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

316.515 Maximum width, height, length.—

(3) LENGTH LIMITATION.—Except as otherwise provided in this section, length limitations apply solely to a semitrailer or trailer, and not to a truck tractor or to the overall length of a combination of vehicles. No combination of commercial motor vehicles coupled together and operating on the public roads may consist of more than one truck tractor and two trailing units. Unless otherwise specifically provided for in this section, a combination of vehicles not qualifying as commercial motor vehicles may consist of no more than two units coupled together; such nonqualifying combination of vehicles may not exceed a total length of 65 feet, inclusive of the load carried thereon, but exclusive of safety and energy conservation devices approved by the department for use on vehicles using public roads. Notwithstanding any other provision of this section, a truck tractor-semitrailer combination engaged in the transportation of automobiles or boats may transport motor vehicles or boats on part of the power unit; and, except as may otherwise be mandated under federal law, an automobile or boat transporter semitrailer may not exceed 50 feet in length, exclusive of the load;

however, the load may extend up to an additional 6 feet beyond the rear of the trailer. The 50-foot length limitation does not apply to non-stinger-steered automobile or boat transporters that are 65 feet or less in overall length, exclusive of the load carried thereon, or to stinger-steered automobile or boat transporters that are 75 feet or less in overall length, exclusive of the load carried thereon. For purposes of this subsection, a “stinger-steered automobile or boat transporter” is an automobile or boat transporter configured as a semitrailer combination wherein the fifth wheel is located on a drop frame located behind and below the rearmost axle of the power unit. Notwithstanding paragraphs (a) and (b), any straight truck or truck tractor-semitrailer combination engaged in the transportation of horticultural trees may allow the load to extend up to an additional 10 feet beyond the rear of the vehicle, provided said trees are resting against a retaining bar mounted above the truck bed so that the root balls of the trees rest on the floor and to the front of the truck bed and the tops of the trees extend up over and to the rear of the truck bed, and provided the overhanging portion of the load is covered with protective fabric.

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

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

316.515 Maximum width, height, length.—

(1) WIDTH LIMITATION.—The total outside width of any vehicle or the load thereon may not exceed 102 inches, exclusive of safety devices determined by the department to be necessary for the safe and efficient operation of motor vehicles. The use of public roads that do not have at least one through lane of 12 feet or more in width in each direction, and the use of public roads deemed unsafe for wider vehicles on the basis of safety and engineering analyses, by vehicles exceeding 96 inches in width may be restricted by the Department of Transportation or by local officials for streets and roads under their respective jurisdictions. The total outside width of a noncommercial travel trailer, camping trailer, truck camper, motor home, or private motor coach as defined in s. 320.01 may be more than 102 inches if:

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

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

(3) LENGTH LIMITATION.—Except as otherwise provided in this section, length limitations apply solely to a semitrailer or trailer, and not to a truck tractor or to the overall length of a combination of vehicles. No combination of commercial motor vehicles coupled together and operating on the public roads may consist of more than one truck tractor and two trailing units. Unless otherwise specifically provided for in this section, a combination of vehicles not qualifying as commercial motor vehicles may consist of no more than two units coupled together; such nonqualifying combination of vehicles may not exceed a total length of 65 feet, inclusive of the load carried thereon, but exclusive of safety and energy conservation devices approved by the department for use on vehicles using public roads. Notwithstanding any other provision of this section, a truck tractor-semitrailer combination engaged in the transportation of automobiles or boats may transport motor vehicles or boats on part of the power unit; and, except as may otherwise be mandated under federal law, an automobile or boat transporter semitrailer may not exceed 50 feet in length, exclusive of the load; however, the load may extend up to an additional 6 feet beyond the rear of the trailer. The 50-foot length limitation does not apply to non-stinger-steered automobile or boat transporters that are 65 feet or less in overall length, exclusive of the load carried thereon, or to stinger-steered automobile or boat transporters that are 75 feet or less in overall length, exclusive of the load carried thereon. For purposes of this subsection, a “stinger-steered automobile or boat transporter” is an automobile or boat transporter configured as a semitrailer combination wherein the fifth wheel is located on a drop frame located behind and below the rearmost axle of the power unit. Notwithstanding paragraphs (a) and (b), any straight truck or truck tractor-semitrailer combination engaged in the transportation of horticultural trees may allow the load to extend up to an additional 10 feet beyond the rear of the vehicle, provided said trees are resting against a retaining bar mounted above the truck bed so that the root balls of the trees rest on the floor and to the front of the truck bed and the tops of the trees extend up over and to the rear of the truck bed, and provided the overhanging portion of the load is covered with protective fabric.

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

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

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

316.530 Towing requirements.—

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

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

316.613 Child restraint requirements.—

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

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

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

318.1451 Driver improvement schools.—

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

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

(2)(a) In determining whether to approve the courses referenced in this section, the department shall consider course content designed to promote

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

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

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

319.001 Definitions.—As used in this chapter, the term:

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

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

319.17 Rules; forms; indexes and records.—

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

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

319.24 Issuance in duplicate; delivery; liens and encumbrances.—

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

(8)(9) Notwithstanding any requirements in this section or in s. 319.27 indicating that a lien on a motor vehicle or mobile home shall be noted on the face of the Florida certificate of title, if there are one or more liens or encumbrances on the motor vehicle or mobile home, the department may electronically transmit the lien to the first lienholder and notify the first

lienholder of any additional liens. Subsequent lien satisfactions may be electronically transmitted to the department and shall include the name and address of the person or entity satisfying the lien. When electronic transmission of liens and lien satisfactions are used, the issuance of a certificate of title may be waived until the last lien is satisfied and a clear certificate of title is issued to the owner of the vehicle. In subsequent transfer of ownership of the motor vehicle it shall be presumed that the motor vehicle title is subject to a lien as set forth in s. 319.225(6)(a) until the title to be issued pursuant to this subsection is received by the person or entity satisfying the lien.

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

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

319.27 Notice of lien on motor vehicles or mobile homes; notation on certificate; recording of lien.—

(2) No lien for purchase money or as security for a debt in the form of a security agreement, retain title contract, conditional bill of sale, chattel mortgage, or other similar instrument or any other nonpossessory lien, including a lien for child support, upon a motor vehicle or mobile home upon which a Florida certificate of title has been issued shall be enforceable in any of the courts of this state against creditors or subsequent purchasers for a valuable consideration and without notice, unless a sworn notice of such lien has been filed in the department and such lien has been noted upon the certificate of title of the motor vehicle or mobile home. Such notice shall be effective as constructive notice when filed. No interest of a statutory nonpossessory lienor; the interest of a nonpossessory execution, attachment, or equitable lienor; or the interest of a lien creditor as defined in s. 679.301(3), if nonpossessory, shall be enforceable against creditors or subsequent purchasers for a valuable consideration unless such interest becomes a possessory lien or is noted upon the certificate of title for the subject motor vehicle or mobile home prior to the occurrence of the subsequent transaction. Provided the provisions of this subsection relating to a nonpossessory statutory lienor; a nonpossessory execution, attachment, or equitable lienor; or the interest of a lien creditor as defined in s. 679.301(3) shall not apply to liens validly perfected prior to October 1, 1988. The notice of lien shall provide the following information:

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

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

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

(d) The name and address of the lienholder.

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

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

(3)

(b) The owner of any motor vehicle or mobile home which is considered to be salvage shall, within 72 hours after the motor vehicle or mobile home becomes salvage, forward the title to the motor vehicle or mobile home to the department for processing. However, an insurance company which pay money as compensation for total loss of a motor vehicle or mobile home shall obtain the certificate of title for the motor vehicle or mobile home and, within 72 hours after receiving such certificate of title, shall forward such title to the department for processing. The owner or insurance company, as the case may be, may not dispose of a vehicle or mobile home that is a total loss before it has obtained a salvage certificate of title or certificate of destruction from the department. When applying for a salvage certificate of title or certificate of destruction, the owner or insurance company must provide the department with an estimate of the costs of repairing the physical and mechanical damage suffered by the vehicle for which a salvage certificate of title or certificate of destruction is sought. If the estimated costs of repairing the physical and mechanical damage to the vehicle is equal to 80 percent or more of the current retail cost of the vehicle, as established in any official used car or used mobile home guide, the department shall declare the vehicle unbuildable and print a certificate of destruction, which authorizes the dismantling or destruction of the motor vehicle or mobile home described therein. This certificate of destruction shall be reassignable a maximum of two times before dismantling or destruction of the vehicle shall be required, and shall accompany the motor vehicle or mobile home for which it is issued, when such motor vehicle or mobile home is sold for such purposes, ~~in lieu of a certificate of title notice on the salvage certificate of title that the vehicle is unbuildable;~~ and, thereafter, the department shall refuse issuance of any certificate of title for that vehicle. Nothing in this subsection shall be applicable when a vehicle is worth less than \$1,500 retail in undamaged condition in any official used motor vehicle guide or used mobile home guide or when a stolen motor vehicle or mobile home is recovered in substantially intact condition and is readily resalable without extensive repairs to or replacement of the frame or engine. Any person who willfully and deliberately violates this paragraph or falsifies any document to avoid the requirements of this paragraph commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

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

320.031 Mailing of registration certificates, license plates, and validation stickers.—

(2) A mail service charge may be collected for each registration certificate, license plate, mobile home sticker, and validation sticker mailed by the department or any tax collector. Each registration certificate, license plate,

mobile home sticker, and validation sticker shall be mailed by first-class mail unless otherwise requested by the applicant. The amount of the mail service charge shall be the actual postage required, rounded to the nearest 5 cents, plus a 25-cent handling charge. The mail service charge is in addition to the service charge provided by s. 320.04. All charges collected by the department under this section shall be deposited into the Highway Safety Operating Trust Fund.

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

320.04 Registration service charge.—

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

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

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

320.05 Records of the department; inspection procedure; lists and searches; fees.—

(2) Upon receipt of an application for the registration of a motor vehicle or mobile home, as herein provided for, the department shall register the motor vehicle or mobile home under the distinctive number assigned to such motor vehicle or mobile home by the department. Electronic, ~~which~~ registration records record shall be open to the inspection of the public during business hours. Information on a motor vehicle registration may not be made available to a person unless the person requesting the information furnishes positive proof of identification. The agency that furnishes a motor vehicle registration record shall record the name and address of any person other than a representative of a law enforcement agency who requests and receives information from a motor vehicle registration record and shall also record the name and address of the person who is the subject of the inquiry or other information identifying the entity about which information is requested. A record of each such inquiry must be maintained for a period of 6 months from the date upon which the information was released to the

inquirer. Nothing in this section shall prohibit any financial institution, insurance company, motor vehicle dealer, licensee under chapter 493, attorney, or other agency which the department determines has the right to know from obtaining, for professional or business use only, information in such records from the department through any means of telecommunication pursuant to a code developed by the department providing all fees specified in subsection (3) have been paid. The department shall disclose records or information to the child support enforcement agency to assist in the location of individuals who owe or potentially owe child support or to whom such an obligation is owed pursuant to Title IV-D of the Social Security Act.

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

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

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

320.08058 Specialty license plates.—

(29) UNITED STATES MARINE CORPS LICENSE PLATES.—

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

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

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

2. Any additional fees collected annually shall be deposited in the Marine Corps Scholarship Foundation, Inc., successor to the USMC USMV Tag/Scholarship Fund, Inc., which shall use the fees to fund scholarships and assist Marine Corps Junior ROTC and Young Marine programs of this state.

The foundation shall develop a plan to distribute the funds to recipients nominated by residents of the state to receive scholarships, and to the Marine Corps Junior ROTC and Young Marine programs in the state.

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

320.27 Motor vehicle dealers.—

(7) **CERTIFICATE OF TITLE REQUIRED.**—For each used motor vehicle in the possession of a licensee and offered for sale by him or her, the licensee either shall have in his or her possession a duly assigned certificate of title from the owner in accordance with the provisions of chapter 319, from the time when the motor vehicle is delivered to the licensee and offered for sale by him or her until it has been disposed of by the licensee, or shall have reasonable indicia of ownership or right of possession, or shall have made proper application for a certificate of title or duplicate certificate of title in accordance with the provisions of chapter 319. A motor vehicle dealer may not sell or offer for sale a vehicle in his or her possession unless the dealer satisfies the requirements of this subsection. Reasonable indicia of ownership shall include a duly assigned certificate of title; in the case of a new motor vehicle, a manufacturer's certificate of origin issued to or reassigned to the dealer; a consignment contract between the owner and the dealer along with a secure power of attorney from the owner to the dealer authorizing the dealer to apply for a duplicate certificate of title and assign the title on behalf of the owner; a court order awarding title to the vehicle to the dealer; a salvage certificate of title; a photocopy of a duly assigned certificate of title being held by a financial institution as collateral for a business loan of money to the dealer ("floor plan"); a copy of a canceled check or other documentation evidencing that an outstanding lien on a vehicle taken in trade by a licensed dealer has been satisfied and that the certificate of title will be, but has not yet been, received by the dealer; a vehicle purchase order or installment contract for a specific vehicle identifying that vehicle as a trade-in on a replacement vehicle; or a duly executed odometer disclosure statement as required by Title IV of the Motor Vehicle Information and Cost Savings Act of 1972 (Pub. L. No. 92-513, as amended by Pub. L. No. 94-364 and Pub. L. No. 100-561) and by Part 580, Title 49, Code of Federal Regulations, bearing the signatures of the titled owners of a traded-in vehicle.

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

320.27 Motor vehicle dealers.—

(5) **SUPPLEMENTAL LICENSE.**—Any person licensed hereunder shall obtain a supplemental license for each permanent additional place or places of business not contiguous to the premises for which the original license is issued, on a form to be furnished by the department, and upon payment of a fee of \$50 for each such additional location. Upon making renewal applications for such supplemental licenses, such applicant shall pay \$50 for each additional location. A supplemental license authorizing off-premises sales shall be issued, at no charge to the dealer, for a period not to exceed 10 consecutive calendar days. To obtain such a temporary supplemental license

for off-premises sales, the applicant must be a licensed dealer; must notify the applicable local department office of the specific dates and location for which such license is requested, display a sign at the licensed location clearly identifying the dealer, and provide staff to work at the temporary location for the duration of the off-premises sale; must meet any local government permitting requirements; and must have permission of the property owner to sell at that location. In the case of an off-premises sale by a motor vehicle dealer licensed under s. 320.27(1)(c)1. for the sale of new motor vehicles, the applicant must also include documentation notifying the applicable licensee licensed under s. 320.61 of the intent to engage in an off-premises sale 5 working days prior to the date of the off-premises sale. The licensee shall either approve or disapprove of the off-premises sale with 2 working days after receiving notice; otherwise, it will be deemed approved. This section does not apply to a nonselling motor vehicle show or public display of new motor vehicles.

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

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

(10) “Motor vehicle” means any new automobile, motorcycle, or truck the equitable or legal title to which has never been transferred by a manufacturer, distributor, importer, or dealer to an ultimate purchaser; however, when legal title is not transferred but possession of a motor vehicle is transferred pursuant to a conditional sales contract or lease and the conditions are not satisfied and the vehicle is returned to the motor vehicle dealer, the motor vehicle may be resold by the motor vehicle dealer as a new motor vehicle, provided the selling motor vehicle dealer gives the following written notice to the purchaser, “THIS VEHICLE WAS DELIVERED TO A PREVIOUS PURCHASER.” The purchaser shall sign an acknowledgement, a copy of which is kept in the selling dealer’s file.

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

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

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

(2) To photograph, microphotograph, or reproduce on film, as authorized and directed by the approved retention schedules, whereby each page will be exposed in exact conformity with the original records and documents retained in compliance with the provisions of this section. Photographs or microphotographs in the form of film or print of any records, made in compliance with the provisions of this section, shall have the same force and effect

as the originals thereof would have and shall be treated as originals for the purpose of their admissibility in evidence. Duly certified or authenticated reproductions of such photographs or microphotographs shall be admitted in evidence equally with the original photographs or microphotographs.

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

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

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

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

322.051 Identification cards.—

(1)

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

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

2. Proof of birth date satisfactory to the department.

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

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

322.08 Application for license.—

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

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

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

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

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

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

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

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

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

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

322.095 Traffic law and substance abuse education program for driver's license applicants.—

(7)(a) No governmental entity or court shall provide, issue, or maintain any information or orders regarding traffic law and substance abuse education program schools or course providers, with the exception of directing inquiries or requests to the local telephone directory heading of driving instruction or the driver's license applicant reference guide. However, the department is authorized to maintain the information and records necessary to administer its duties and responsibilities for the program. Where such information is a public record as defined in chapter 119, it shall be made available to the public upon request pursuant to s. 119.07(1).

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

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

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

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

328.40 Administration of vessel registration and titling laws; records.—

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

(a) Vessel registration and titling.

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

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

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

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

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

328.72 Classification; registration; fees and charges; surcharge, disposition of fees; fines; marine turtle stickers.—

(2) ANTIQUE VESSEL REGISTRATION FEE.—

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

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

328.73 Registration; duties of tax collectors.—

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

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

328.735 Advanced registration renewal; procedures.—

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

Section 45. Used motor vehicle industry study.—

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

(2) MEMBERSHIP, ORGANIZATION, MEETINGS.—

(a) The task force shall be composed of 12 members. The Governor, the President of the Senate, and the Speaker of the House of Representatives shall each appoint four members. The Governor shall appoint one representative of the Department of Highway Safety and Motor Vehicles, who must represent the Division of Motor Vehicles; one representative of the independent motor vehicle industry as recommended by the Florida Independent Automobile Dealers Association; one representative of the franchise motor vehicle industry as recommended by the Florida Automobile Dealers Association; and one representative of the auction motor vehicle industry who is from an auction chain and is recommended by a group affiliated with the National Auto Auction Association. The President of the Senate shall appoint one representative from the Department of Revenue; one representative of the franchise motor vehicle industry as recommended by the Florida Automobile Dealers Association; a Florida Tax Collector representative as recommended by the Florida Tax Collectors Association; and one representative from the Better Business Bureau. The Speaker of the House of Representatives shall appoint one representative from the Department of Agriculture and Consumer Services, who must represent the Division of Consumer Services; one representative of the independent motor vehicle industry as recommended by the Florida Independent Automobile

Dealers Association; one representative of the auction motor vehicle industry who is from an independent auction and is recommended by a group affiliated by the National Auto Auction Association; and one representative of the insurance industry who writes motor vehicle dealer surety bonds. The Division of Motor Vehicles, the Division of Consumer Services, the Department of Revenue, the Florida Independent Automobile Dealers Association, the Florida Tax Collectors Association, and the Florida Automobile Dealers Association shall submit the names of their recommended representatives to the Department of Highway Safety and Motor Vehicles. A person who seeks to be considered for appointment to the task force representing the insurance industry or a Better Business Bureau shall submit his or her name, and a statement of the designated category that he or she proposes to represent, to the Department of Highway Safety and Motor Vehicles, which shall forward all recommended names to the appointing authority for the designated category. In order to facilitate and coordinate the efforts of the task force, the Governor, the President of the Senate, and the Speaker of the House of Representatives shall each name a liaison that the task force may contact for assistance and information during the course of the task force's existence. The members shall be appointed by July 1, 2000.

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

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

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

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

(b) Examine and evaluate the procedures and methods for approving a dealer applicant and dealer locations, enforcement actions against unlicensed persons, and enforcement of existing statutes and rules governing dealers. The task force shall conduct its evaluation in the context of purpose, goal, and objective regarding motor vehicle dealer licensing requirements and enforcement of regulations governing dealers.

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

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

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

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

Approved by the Governor June 16, 2000.

Filed in Office Secretary of State June 16, 2000.