

1 A bill to be entitled
 2 An act relating to state infrastructure; amending s.
 3 201.15, F.S.; revising the amount of funds from certain
 4 taxes distributed to the State Transportation Trust Fund;
 5 providing for revised funding levels for Department of
 6 Transportation projects; deleting a provision for
 7 distributing certain amounts to the Grants and Donations
 8 Trust Fund in the Department of Community Affairs for
 9 certain purposes; amending s. 215.211, F.S.; providing for
 10 specified service charges on certain revenues distributed
 11 to the State Transportation Trust Fund; revising
 12 provisions for funds to be used to fund the County
 13 Incentive Grant Program and the Small County Outreach
 14 Program; amending s. 311.09, F.S.; revising provisions for
 15 evaluation, approval, and funding of seaport projects;
 16 revising duties and responsibilities of the Florida
 17 Seaport Transportation and Economic Development Council;
 18 amending s. 316.251, F.S.; conforming a cross-reference to
 19 changes made by the act; amending s. 318.15, F.S.;
 20 increasing the nonrefundable service charge paid to the
 21 Department of Highway Safety and Motor Vehicles or to the
 22 clerk of the court to reinstate a suspended driver's
 23 license and privilege to drive; providing for disposition
 24 of proceeds collected; amending s. 318.18, F.S.;
 25 increasing the additional civil penalty for late payment
 26 of civil traffic penalties; providing for distribution and
 27 use of moneys collected; directing a portion of the moneys
 28 collected be used to recruit and retain officers of the

29 Florida Highway Patrol; amending s. 319.001, F.S.;

30 defining the term "certificate of title"; amending s.

31 319.40, F.S.; authorizing the issuance of electronic motor

32 vehicle titles in lieu of paper motor vehicle titles;

33 authorizing the department to collect and use e-mail

34 addresses of motor vehicle owners and registrants as a

35 notification method; amending ss. 320.04 and 320.06, F.S.;

36 providing for distribution of certain moneys collected

37 relating to registration of motor vehicles and mobile

38 homes; amending s. 320.08, F.S.; revises uses of certain

39 motorcycle and moped license tax fees; amending ss.

40 320.0805 and 320.08056, F.S.; providing for disposition of

41 certain specialty license plate processing fees; amending

42 s. 320.20, F.S.; providing for distribution of certain

43 proceeds from license tax fees; amending s. 320.203, F.S.,

44 relating to disposition of biennial license tax moneys;

45 conforming provisions to changes made by the act; amending

46 s. 320.95, F.S.; authorizing the department to collect and

47 use e-mail addresses of motor vehicle owners and

48 registrants as a notification method; amending s. 322.025,

49 F.S.; revising provisions for funding of certain driver

50 improvement programs; amending s. 322.0255, F.S.;

51 eliminating requirements for motorcycle safety education

52 course reimbursements; amending s. 322.17, F.S.; revising

53 disposition of proceeds from fees for duplicate and

54 replacement certificates; repealing s. 322.181, F.S.,

55 relating to a study of effects of aging on driving

56 ability; eliminating the Florida At-Risk Driver Council;

57 | amending s. 322.21, F.S.; increasing the service fees for
58 | reinstating a suspended or revoked driver's license or
59 | commercial motor vehicle license; revising provisions for
60 | distribution and use of the funds received; requiring that
61 | a certain amount of the funds be used to establish a
62 | recruitment and retention salary payment plan for officers
63 | of the Florida Highway Patrol; amending s. 322.29, F.S.,
64 | relating to the surrender and return of a license;
65 | conforming provisions to changes made by the act; amending
66 | s. 324.071, F.S.; providing for distribution of driver's
67 | license reinstatement fees; amending s. 328.30, F.S.;
68 | authorizing the use of electronic mail for distribution of
69 | vessel titles; authorizing the department to collect and
70 | use e-mail addresses of vessel owners and registrants as a
71 | notification method; amending s. 328.80, F.S.; authorizing
72 | the department to accept certain applications by
73 | electronic or telephonic means; authorizing the department
74 | to collect and use e-mail addresses of vessel owners and
75 | registrants as a notification method; amending s. 334.044,
76 | F.S.; revising duties of the Department of Transportation;
77 | removing certain roadside beautification provisions;
78 | amending s. 339.135, F.S.; providing for use of
79 | transportation revenues; providing for revised funding
80 | levels for Department of Transportation projects; amending
81 | ss. 403.890, 403.891, and 501.976, F.S.; conforming cross-
82 | references to changes made by the act; amending s.
83 | 1013.63, F.S.; revising provisions for funding the
84 | University Concurrency Trust Fund within the Department of

85 Education; transferring the Office of Motor Carrier
 86 Compliance to the Division of the Florida Highway Patrol
 87 of the Department of Highway Safety and Motor Vehicles;
 88 directing the Division of Statutory Revision of the Office
 89 of Legislative Services to prepare a reviser's bill to
 90 conform the Florida Statutes to organizational changes
 91 made by the act; providing an effective date.

92

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

94

95 Section 1. Paragraph (d) of subsection (1) of section
 96 201.15, Florida Statutes, is amended to read:

97 201.15 Distribution of taxes collected.--All taxes
 98 collected under this chapter shall be distributed as follows and
 99 shall be subject to the service charge imposed in s. 215.20(1),
 100 except that such service charge shall not be levied against any
 101 portion of taxes pledged to debt service on bonds to the extent
 102 that the amount of the service charge is required to pay any
 103 amounts relating to the bonds:

104 (1) Sixty-two and sixty-three hundredths percent of the
 105 remaining taxes collected under this chapter shall be used for
 106 the following purposes:

107 (d) The remainder of the moneys distributed under this
 108 subsection, after the required payments under paragraphs (a),
 109 (b), and (c), shall be paid into the State Treasury to the
 110 credit of:

111 1. The State Transportation Trust Fund in the Department
 112 of Transportation in the amount of \$326.75 ~~\$541.75~~ million in

HB 5067

2008

113 each fiscal year, to be paid in quarterly installments and used
114 for the following specified purposes, notwithstanding any other
115 law to the contrary:

116 a. For the purposes of capital funding for the New Starts
117 Transit Program, authorized by Title 49, U.S.C. s. 5309 and
118 specified in s. 341.051, 10 percent of these funds;

119 b. For the purposes of the Small County Outreach Program
120 specified in s. 339.2818, 5 percent of these funds;

121 c. For the purposes of the Strategic Intermodal System
122 specified in ss. 339.61, 339.62, 339.63, and 339.64, 75 percent
123 of these funds after allocating for the New Starts Transit
124 Program described in sub-subparagraph a. and the Small County
125 Outreach Program described in sub-subparagraph b.; and

126 d. For the purposes of the Transportation Regional
127 Incentive Program specified in s. 339.2819, 25 percent of these
128 funds after allocating for the New Starts Transit Program
129 described in sub-subparagraph a. and the Small County Outreach
130 Program described in sub-subparagraph b.

131 2. Notwithstanding sub-subparagraphs 1.a.-d. and s.
132 339.135(4)(a)1., in fiscal years 2008-2009 through 2009-2010,
133 the Department of Transportation shall ensure, to the maximum
134 extent practicable, that projects that have been advertised for
135 contract lettings for the fiscal year beginning July 1, 2008,
136 are not impacted by revised funding levels provided in
137 subparagraph 1.

138 3. Notwithstanding sub-subparagraphs 1.a.-d. and s.
139 339.135(4)(a)1., in fiscal years 2008-2009 through 2012-2013, as
140 a result of reduced revenues, the Department of Transportation

HB 5067

2008

141 shall reduce work program levels to balance the finance plan to
142 the revised funding levels described in subparagraph 1. Prior to
143 any project or phase thereof being deferred, these reductions
144 shall be made to financial projects not programmed for contract
145 letting as identified with a work program contract class code 8
146 and the box code RV. These reductions shall not negatively
147 impact safety, preservation, maintenance, or project contingency
148 levels as of July 1, 2008.

149 ~~4.2.~~ For the 2007-2008 fiscal year and each fiscal year
150 thereafter, the Water Protection and Sustainability Program
151 Trust Fund in the Department of Environmental Protection in the
152 amount of \$80 million in each fiscal year, to be paid in
153 quarterly installments and used as required by s. 403.890.

154 ~~3. The Grants and Donations Trust Fund in the Department~~
155 ~~of Community Affairs in the amount of \$3.25 million in each~~
156 ~~fiscal year to be paid in monthly installments, with \$3 million~~
157 ~~to be used to fund technical assistance to local governments and~~
158 ~~school boards on the requirements and implementation of this act~~
159 ~~and \$250,000 to be used to fund the Century Commission~~
160 ~~established in s. 163.3247.~~

161 5. Moneys distributed pursuant to this paragraph may not
162 be pledged for debt service unless such pledge is approved by
163 referendum of the voters.

164 Section 2. Section 215.211, Florida Statutes, is amended
165 to read:

166 215.211 Service charge; elimination or reduction for
167 specified proceeds.--

168 (1) Effective July 1, 2008 ~~Notwithstanding the provisions~~
 169 ~~of s. 215.20(1) and (3)~~, the service charge provided in s.
 170 215.20(1) and (3) shall be, ~~which is~~ deducted from the proceeds
 171 of the taxes distributed under ss. 206.606(1), 207.026,
 172 212.0501(6), and 319.32(5) and from, ~~shall be eliminated~~
 173 ~~beginning July 1, 2000.~~

174 ~~(2) Notwithstanding the provisions of s. 215.20(1) and~~
 175 ~~(3), the service charge provided in s. 215.20(1) and (3), which~~
 176 ~~is deducted from the proceeds of the taxes distributed under ss.~~
 177 ~~206.608 and 320.072(4), shall be eliminated beginning July 1,~~
 178 ~~2001.~~

179 ~~(2)(3)~~ Notwithstanding the provisions of s. 215.20(1), the
 180 ~~service charge provided in s. 215.20(1), which is deducted from~~
 181 ~~the proceeds of the local option fuel tax distributed under s.~~
 182 ~~336.025, shall be reduced as follows:~~

183 ~~(a) For the period July 1, 2005, through June 30, 2006,~~
 184 ~~the rate of the service charge shall be 3.5 percent.~~

185 ~~(b) Beginning July 1, 2006, and thereafter, no service~~
 186 ~~charge provided in s. 215.20(1) shall be deducted from the~~
 187 ~~proceeds of the local option fuel tax distributed under s.~~
 188 ~~336.025.~~

189 (3) From revenues derived from s. 336.025, excluding
 190 revenues derived from s. 336.025(1)(b), an amount equal to 7
 191 percent of those revenues ~~The increased revenues derived from~~
 192 ~~this subsection~~ shall be deposited in the State Transportation
 193 Trust Fund and used to fund the County Incentive Grant Program
 194 and the Small County Outreach Program. Up to 20 percent of such
 195 funds shall be used for the purpose of implementing the Small

HB 5067

2008

196 County Outreach Program as provided in this act. Notwithstanding
 197 any other laws to the contrary, the requirements of ss. 339.135,
 198 339.155, and 339.175 shall not apply to these funds and
 199 programs.

200 Section 3. Section 311.09, Florida Statutes is amended to
 201 read:

202 311.09 Florida Seaport Transportation and Economic
 203 Development Council.--

204 (1) The Florida Seaport Transportation and Economic
 205 Development Council is created within the Department of
 206 Transportation. The council consists of the following 17
 207 members: the port director, or the port director's designee, of
 208 each of the ports of Jacksonville, Port Canaveral, Fort Pierce,
 209 Palm Beach, Port Everglades, Miami, Port Manatee, St.
 210 Petersburg, Tampa, Port St. Joe, Panama City, Pensacola, Key
 211 West, and Fernandina; the secretary of the Department of
 212 Transportation or his or her designee; the director of the
 213 Office of Tourism, Trade, and Economic Development or his or her
 214 designee; and the secretary of the Department of Community
 215 Affairs or his or her designee.

216 (2) The council shall adopt bylaws governing the manner in
 217 which the business of the council will be conducted. The bylaws
 218 shall specify the procedure by which the chairperson of the
 219 council is elected.

220 (3) The council shall prepare a 5-year Florida Seaport
 221 Mission Plan defining the goals and objectives of the council
 222 concerning the development of port facilities and an intermodal
 223 transportation system consistent with the goals of the Florida

HB 5067

2008

224 Transportation Plan developed pursuant to s. 339.155. The
225 Florida Seaport Mission Plan shall include specific
226 recommendations for the construction of transportation
227 facilities connecting any port to another transportation mode
228 and for the efficient, cost-effective development of
229 transportation facilities or port facilities for the purpose of
230 enhancing international trade, promoting cargo flow, increasing
231 cruise passenger movements, increasing port revenues, and
232 providing economic benefits to the state. The council shall
233 update the 5-year Florida Seaport Mission Plan annually and
234 shall submit the plan no later than February 1 of each year to
235 the President of the Senate; the Speaker of the House of
236 Representatives; the Office of Tourism, Trade, and Economic
237 Development; the Department of Transportation; and the
238 Department of Community Affairs. ~~The council shall develop
239 programs, based on an examination of existing programs in
240 Florida and other states, for the training of minorities and
241 secondary school students in job skills associated with
242 employment opportunities in the maritime industry, and report on
243 progress and recommendations for further action to the President
244 of the Senate and the Speaker of the House of Representatives
245 annually.~~

246 (4) The department council shall adopt rules for
247 evaluating projects which may be funded under ss. 311.07 and
248 320.20. The rules shall provide criteria for evaluating the
249 economic benefit of the project, measured by the potential for
250 the proposed project to maintain or increase cargo flow, cruise
251 passenger movement, international commerce, port revenues, and

252 the number of jobs for the port's local community.

253 (5) ~~The council shall review and approve or disapprove~~
 254 ~~each project eligible to be funded pursuant to the Florida~~
 255 ~~Seaport Transportation and Economic Development Program. The~~
 256 council shall annually recommend ~~submit~~ to the Secretary of
 257 Transportation; the director of the Office of Tourism, Trade,
 258 and Economic Development; and the Secretary of Community Affairs
 259 a list of projects for approval ~~which have been approved by the~~
 260 ~~council~~. The list shall specify the recommended funding level
 261 for each project; and, if staged implementation of the project
 262 is appropriate, the funding requirements for each stage shall be
 263 specified. The council may submit to the department a list of
 264 approved projects that could be made production-ready within the
 265 next 2 years. The list shall be submitted as part of the needs
 266 and project list prepared pursuant to s. 339.135.

267 (6) The Department of Community Affairs shall review the
 268 list of projects ~~approved by the council~~ to determine
 269 consistency with approved local government comprehensive plans
 270 of the units of local government in which the port is located
 271 and consistency with the port master plan. The Department of
 272 Community Affairs shall identify and notify the Department of
 273 Transportation ~~council~~ of those projects which are not
 274 consistent, to the maximum extent feasible, with such
 275 comprehensive plans and port master plans.

276 (7) The Department of Transportation shall review the list
 277 of projects submitted ~~approved~~ by the council for consistency
 278 with the Florida Transportation Plan and the department's
 279 adopted work program. In evaluating the consistency of a

HB 5067

2008

280 project, the department shall determine whether the
281 transportation impact of the proposed project is adequately
282 handled by existing state-owned transportation facilities or by
283 the construction of additional state-owned transportation
284 facilities as identified in the Florida Transportation Plan and
285 the department's adopted work program. In reviewing for
286 consistency a transportation facility project as defined in s.
287 334.03(31) which is not otherwise part of the department's work
288 program, the department shall evaluate whether the project is
289 needed to provide for projected movement of cargo or passengers
290 from the port to a state transportation facility or local road.
291 If the project is needed to provide for projected movement of
292 cargo or passengers, the project shall be approved for
293 consistency as a consideration to facilitate the economic
294 development and growth of the state in a timely manner. The
295 Department of Transportation shall identify those projects which
296 are inconsistent with the Florida Transportation Plan and the
297 adopted work program and shall notify the council of projects
298 found to be inconsistent.

299 (8) The Office of Tourism, Trade, and Economic
300 Development, in consultation with Enterprise Florida, Inc.,
301 shall review the list of projects submitted ~~approved~~ by the
302 council to evaluate the economic benefit of the project and to
303 determine whether the project is consistent with the Florida
304 Seaport Mission Plan. The Office of Tourism, Trade, and Economic
305 Development shall review the economic benefits of each project
306 based upon the rules adopted pursuant to subsection (4). The
307 Office of Tourism, Trade, and Economic Development shall

308 identify those projects which it has determined do not offer an
 309 economic benefit to the state or are not consistent with the
 310 Florida Seaport Mission Plan and shall notify the Department of
 311 Transportation ~~council~~ of its findings.

312 (9) The Department of Transportation ~~council~~ shall review
 313 the findings of the Department of Community Affairs and, the
 314 Office of Tourism, Trade, and Economic Development, ~~and the~~
 315 ~~Department of Transportation~~. Projects found to be inconsistent
 316 pursuant to subsections (6), (7), and (8) and projects which
 317 have been determined not to offer an economic benefit to the
 318 state pursuant to subsection (8) shall not be included in the
 319 list of projects to be funded.

320 (10) The Department of Transportation shall include in its
 321 annual legislative budget request a Florida Seaport
 322 Transportation and Economic Development grant program for
 323 expenditure of funds of not less than \$8 million per year. Such
 324 budget shall include funding for projects approved by the
 325 Department of Transportation ~~council~~ ~~which have been determined~~
 326 ~~by each agency to be consistent and which have been determined~~
 327 ~~by the Office of Tourism, Trade, and Economic Development to be~~
 328 ~~economically beneficial. The council may submit to the~~
 329 ~~department a list of approved projects that could be made~~
 330 ~~production ready within the next 2 years. The list shall be~~
 331 ~~submitted as part of the needs and project list prepared~~
 332 ~~pursuant to s. 339.135.~~

333 (11) The council shall meet at the call of its
 334 chairperson, at the request of a majority of its membership, or
 335 at such times as may be prescribed in its bylaws. ~~However, the~~

HB 5067

2008

336 ~~council must meet at least semiannually.~~ A majority of voting
337 members of the council constitutes a quorum for the purpose of
338 transacting the business of the council. All members of the
339 council are voting members. A vote of the majority of the voting
340 members present is sufficient for any action of the council,
341 ~~except that a member representing the Department of~~
342 ~~Transportation, the Department of Community Affairs, or the~~
343 ~~Office of Tourism, Trade, and Economic Development may vote to~~
344 ~~overrule any action of the council approving a project pursuant~~
345 ~~to subsection (5).~~ The bylaws of the council may require a
346 greater vote for a particular action.

347 (12) Members of the council shall serve without
348 compensation ~~but are entitled to receive reimbursement for per~~
349 ~~diem and travel expenses as provided in s. 112.061.~~ The council
350 may elect to provide an administrative staff to provide services
351 to the council on matters relating to the Florida Seaport
352 Transportation and Economic Development Program and the council.
353 The cost for such administrative services shall be established
354 in the bylaws of the council, except that no federal or state
355 revenues shall be used for such administrative service paid by
356 ~~all ports that receive funding from the Florida Seaport~~
357 ~~Transportation and Economic Development Program, based upon a~~
358 ~~pro rata formula measured by each recipient's share of the funds~~
359 ~~as compared to the total funds disbursed to all recipients~~
360 ~~during the year. The share of costs for administrative services~~
361 ~~shall be paid in its total amount by the recipient port upon~~
362 ~~execution by the port and the Department of Transportation of a~~
363 ~~joint participation agreement for each council approved project,~~

364 ~~and such payment is in addition to the matching funds required~~
 365 ~~to be paid by the recipient port.~~ Except as otherwise exempted
 366 by law, all moneys derived from the Florida Seaport
 367 Transportation and Economic Development Program shall be
 368 expended in accordance with the provisions of s. 287.057.
 369 Seaports subject to competitive negotiation requirements of a
 370 local governing body shall abide by the provisions of s.
 371 287.055.

372 Section 4. Subsection (2) of section 316.251, Florida
 373 Statutes, is amended to read:

374 316.251 Maximum bumper heights.--

375 (2) "New motor vehicles" as defined in s. 319.001(9)~~(8)~~,
 376 "antique automobiles" as defined in s. 320.08, "horseless
 377 carriages" as defined in s. 320.086, and "street rods" as
 378 defined in s. 320.0863 shall be excluded from the requirements
 379 of this section.

380 Section 5. Subsection (2) of section 318.15, Florida
 381 Statutes, is amended to read:

382 318.15 Failure to comply with civil penalty or to appear;
 383 penalty.--

384 (2) After suspension of the driver's license and privilege
 385 to drive of a person under subsection (1), the license and
 386 privilege may not be reinstated until the person complies with
 387 all obligations and penalties imposed on him or her under s.
 388 318.18 and presents to a driver license office a certificate of
 389 compliance issued by the court, together with a nonrefundable
 390 service charge of up to \$60 ~~\$47.50~~ imposed under s. 322.29, or
 391 presents a certificate of compliance and pays the aforementioned

HB 5067

2008

392 service charge of up to \$60 ~~\$47.50~~ to the clerk of the court or
 393 a driver licensing agent authorized in s. 322.135 clearing such
 394 suspension. Of the charge collected by the clerk of the court or
 395 driver licensing agent, \$10 shall be remitted to the Department
 396 of Revenue to be deposited into the Highway Safety Operating
 397 Trust Fund and \$12.50 shall be remitted to the Department of
 398 Revenue to be deposited into the Department of Highway Safety
 399 and Motor Vehicles Law Enforcement Trust Fund. Such person shall
 400 also be in compliance with requirements of chapter 322 prior to
 401 reinstatement.

402 Section 6. Paragraph (a) of subsection (8) of section
 403 318.18, Florida Statutes, is amended to read:

404 318.18 Amount of penalties.--The penalties required for a
 405 noncriminal disposition pursuant to s. 318.14 or a criminal
 406 offense listed in s. 318.17 are as follows:

407 (8) (a) Any person who fails to comply with the court's
 408 requirements or who fails to pay the civil penalties specified
 409 in this section within the 30-day period provided for in s.
 410 318.14 must pay an additional civil penalty of \$20 ~~\$12~~, \$2.50 of
 411 which must be remitted to the Department of Revenue for deposit
 412 in the General Revenue Fund, ~~and~~ \$9.50 of which must be remitted
 413 to the Department of Revenue for deposit in the Highway Safety
 414 Operating Trust Fund, and \$8 of which must be remitted to the
 415 Department of Revenue to be deposited into the Department of
 416 Highway Safety and Motor Vehicles Law Enforcement Trust Fund.
 417 The portion of each additional civil penalty imposed by this
 418 paragraph remitted to the Department of Highway Safety and Motor
 419 Vehicles Law Enforcement Trust Fund shall be used to recruit and

420 retain officers of the Florida Highway Patrol, which includes
 421 all career service levels of rank. The department shall contract
 422 with the Florida Association of Court Clerks, Inc., to design,
 423 establish, operate, upgrade, and maintain an automated statewide
 424 Uniform Traffic Citation Accounting System to be operated by the
 425 clerks of the court which shall include, but not be limited to,
 426 the accounting for traffic infractions by type, a record of the
 427 disposition of the citations, and an accounting system for the
 428 fines assessed and the subsequent fine amounts paid to the
 429 clerks of the court. On or before December 1, 2001, the clerks
 430 of the court must provide the information required by this
 431 chapter to be transmitted to the department by electronic
 432 transmission pursuant to the contract.

433 Section 7. Subsections (1) through (11) of section
 434 319.001, Florida Statutes, are renumbered as subsections (2)
 435 through (12), respectively, and a new subsection (1) is added to
 436 that section to read:

437 319.001 Definitions.--As used in this chapter, the term:

438 (1) "Certificate of title" means the record that is
 439 evidence of ownership of a vehicle, whether a paper certificate
 440 authorized by the department or a certificate consisting of
 441 information that is stored in an electronic form in the
 442 department's database.

443 Section 8. Section 319.40, Florida Statutes, is amended to
 444 read:

445 319.40 Transactions by electronic or telephonic means.--

446 (1) The department is authorized to accept any application
 447 provided for under this chapter by electronic or telephonic

448 means.

449 (2) The department may issue an electronic certificate of
 450 title in lieu of printing a paper title.

451 (3) The department may collect and use e-mail addresses of
 452 motor vehicle owners and registrants as a notification method in
 453 lieu of the United States Postal Service.

454 Section 9. Paragraph (a) of subsection (1) of section
 455 320.04, Florida Statutes, is amended to read:

456 320.04 Registration service charge.--

457 (1)(a) There shall be a service charge of \$2.50 for each
 458 application which is handled in connection with original
 459 issuance, duplicate issuance, or transfer of any license plate,
 460 mobile home sticker, or validation sticker or with transfer or
 461 duplicate issuance of any registration certificate. There may
 462 also be a service charge of up to \$1 for the issuance of each
 463 license plate validation sticker, vessel decal, and mobile home
 464 sticker issued from an automated vending facility or printer
 465 dispenser machine which shall be collected by the department and
 466 immediately deposited into the General Revenue Fund of the state
 467 ~~payable to and retained by the department to provide for~~
 468 ~~automated vending facilities or printer dispenser machines used~~
 469 ~~to dispense such stickers and decals by each tax collector's or~~
 470 ~~license tag agent's employee.~~

471 Section 10. Paragraph (b) of subsection (3) of section
 472 320.06, Florida Statutes, is amended to read:

473 320.06 Registration certificates, license plates, and
 474 validation stickers generally.--

475 (3)

HB 5067

2008

476 (b) An additional fee of 50 cents shall be collected and
 477 deposited into the Highway Safety Operating Trust Fund on each
 478 motor vehicle registration or motor vehicle renewal registration
 479 issued in this state in order that all license plates and
 480 validation stickers be fully treated with retroreflective
 481 material.

482 Section 11. Paragraph (c) of subsection (1) of section
 483 320.08, Florida Statutes is amended to read:

484 320.08 License taxes.--Except as otherwise provided
 485 herein, there are hereby levied and imposed annual license taxes
 486 for the operation of motor vehicles, mopeds, motorized bicycles
 487 as defined in s. 316.003(2), and mobile homes, as defined in s.
 488 320.01, which shall be paid to and collected by the department
 489 or its agent upon the registration or renewal of registration of
 490 the following:

491 (1) MOTORCYCLES and MOPEDS.--

492 (c) Upon registration of any motorcycle, motor-driven
 493 cycle, or moped there shall be paid in addition to the license
 494 taxes specified in this subsection a nonrefundable motorcycle
 495 safety education fee in the amount of \$2.50. The proceeds of
 496 such additional fee shall be deposited in the Highway Safety
 497 Operating Trust Fund ~~and be used exclusively~~ to fund a
 498 motorcycle driver improvement program implemented pursuant to s.
 499 322.025 or the Florida Motorcycle Safety Education Program
 500 established in s. 322.0255 or the general operations of the
 501 department.

502 Section 12. Subsection (2) of section 320.0805, Florida
 503 Statutes, is amended to read:

504 320.0805 Personalized prestige license plates.--
 505 (2) Each request for specific numbers or letters or
 506 combinations thereof shall be submitted annually to the
 507 department on an application form supplied by the department,
 508 accompanied by the following tax and fees:
 509 (a) The license tax required for the vehicle, as set forth
 510 in s. 320.08.~~7~~
 511 (b) A prestige plate annual use fee of \$10.~~7~~ ~~and~~
 512 (c) A processing fee of \$2, to be deposited into the
 513 Highway Safety Operating Trust Fund.

514 Section 13. Paragraph (b) of subsection (3) of section
 515 320.08056, Florida Statutes, is amended to read:

516 320.08056 Specialty license plates.--
 517 (3) Each request must be made annually to the department,
 518 accompanied by the following tax and fees:
 519 (b) A processing fee of \$2, to be deposited into the
 520 Highway Safety Operating Trust Fund.

521
 522 A request may be made any time during a registration period. If
 523 a request is made for a specialty license plate to replace a
 524 current valid license plate, the specialty license plate must be
 525 issued with appropriate decals attached at no tax for the plate,
 526 but all fees and service charges must be paid. When a request is
 527 made for a specialty license plate at the beginning of the
 528 registration period, the tax, together with all applicable fees
 529 and service charges, must be paid.

530 Section 14. Section 320.20, Florida Statutes, is amended
 531 to read:

HB 5067

2008

532 320.20 Disposition of license tax moneys.--The revenue
533 derived from the registration of motor vehicles, including any
534 delinquent fees and excluding those revenues collected and
535 distributed under the provisions of s. 320.081, must be
536 distributed monthly, as collected, as follows:

537 (1) The first proceeds, to the extent necessary to comply
538 with the provisions of s. 18, Art. XII of the State Constitution
539 of 1885, as adopted by s. 9(d), Art. XII, 1968 revised
540 constitution, and the additional provisions of s. 9(d) and s.
541 1010.57, must be deposited in the district Capital Outlay and
542 Debt Service School Trust Fund.

543 (2) Forty-five percent of the proceeds remaining after the
544 distribution in subsection (1) shall be deposited in the
545 Department of Highway Safety and Motor Vehicles Law Enforcement
546 Trust Fund. These funds shall be used exclusively to fund the
547 general operations of the Florida Highway Patrol within the
548 department.

549 (3)~~(2)~~ Twenty-five million dollars per year of such
550 revenues must be deposited in the State Transportation Trust
551 Fund, with priority use assigned to completion of the interstate
552 highway system. However, any excess funds may be utilized for
553 general transportation purposes, consistent with the Department
554 of Transportation's legislatively approved objectives.

555 (4)~~(3)~~ Notwithstanding any other provision of law except
556 subsections (1), (2), and (3) ~~(2)~~, ~~on July 1, 1996, and annually~~
557 ~~thereafter~~, \$15 million shall be deposited annually in the State
558 Transportation Trust Fund solely for the purposes of funding the
559 Florida Seaport Transportation and Economic Development Program

560 as provided for in chapter 311. Such revenues shall be
 561 distributed on a 50-50 matching basis to any port listed in s.
 562 311.09(1) to be used for funding projects as described in s.
 563 311.07(3)(b). Such revenues may be assigned, pledged, or set
 564 aside as a trust for the payment of principal or interest on
 565 bonds, tax anticipation certificates, or any other form of
 566 indebtedness issued by an individual port or appropriate local
 567 government having jurisdiction thereof, or collectively by
 568 interlocal agreement among any of the ports, or used to purchase
 569 credit support to permit such borrowings. However, such debt
 570 shall not constitute a general obligation of the State of
 571 Florida. The state does hereby covenant with holders of such
 572 revenue bonds or other instruments of indebtedness issued
 573 hereunder that it will not repeal or impair or amend in any
 574 manner which will materially and adversely affect the rights of
 575 such holders so long as bonds authorized by this section are
 576 outstanding. Any revenues which are not pledged to the repayment
 577 of bonds as authorized by this section may be utilized for
 578 purposes authorized under the Florida Seaport Transportation and
 579 Economic Development Program. This revenue source is in addition
 580 to any amounts provided for and appropriated in accordance with
 581 s. 311.07. The Department of Transportation ~~Florida Seaport~~
 582 ~~Transportation and Economic Development Council~~ shall approve
 583 distribution of funds to ports for projects which have been
 584 approved pursuant to s. 311.09(5)-(9). The ~~council and the~~
 585 Department of Transportation is ~~are~~ authorized to perform such
 586 acts as are required to facilitate and implement the provisions
 587 of this subsection. To better enable the ports to cooperate to

HB 5067

2008

588 their mutual advantage, the governing body of each port may
589 exercise powers provided to municipalities or counties in s.
590 163.01(7)(d) subject to the provisions of chapter 311 and
591 special acts, if any, pertaining to a port. The use of funds
592 provided pursuant to this subsection are limited to eligible
593 projects listed in this subsection. Income derived from a
594 project completed with the use of program funds, beyond
595 operating costs and debt service, shall be restricted to further
596 port capital improvements consistent with maritime purposes and
597 for no other purpose. Use of such income for nonmaritime
598 purposes is prohibited. The provisions of s. 311.07(4) do not
599 apply to any funds received pursuant to this subsection. The
600 revenues available under this subsection shall not be pledged to
601 the payment of any bonds other than the Florida Ports Financing
602 Commission Series 1996 and Series 1999 Bonds currently
603 outstanding; provided, however, such revenues may be pledged to
604 secure payment of refunding bonds to refinance the Florida Ports
605 Financing Commission Series 1996 and Series 1999 Bonds. No
606 refunding bonds secured by revenues available under this
607 subsection may be issued with a final maturity later than the
608 final maturity of the Florida Ports Financing Commission Series
609 1996 and Series 1999 Bonds or which provide for higher debt
610 service in any year than is currently payable on such bonds. Any
611 revenue bonds or other indebtedness issued after July 1, 2000,
612 other than refunding bonds shall be issued by the Division of
613 Bond Finance at the request of the Department of Transportation
614 pursuant to the State Bond Act.

615 (5)~~(4)~~ Notwithstanding any other provision of law except

HB 5067

2008

616 subsections (1), (2), (3), and (4) ~~(3)~~, ~~on July 1, 1999, and~~
617 ~~annually thereafter~~, \$10 million shall be deposited annually in
618 the State Transportation Trust Fund solely for the purposes of
619 funding the Florida Seaport Transportation and Economic
620 Development Program as provided in chapter 311 and for funding
621 seaport intermodal access projects of statewide significance as
622 provided in s. 341.053. Such revenues shall be distributed to
623 any port listed in s. 311.09(1), to be used for funding projects
624 as follows:

625 (a) For any seaport intermodal access projects that are
626 identified in the 1997-1998 Tentative Work Program of the
627 Department of Transportation, up to the amounts needed to offset
628 the funding requirements of this section.

629 (b) For seaport intermodal access projects as described in
630 s. 341.053(5) that are identified in the 5-year Florida Seaport
631 Mission Plan as provided in s. 311.09(3). Funding for such
632 projects shall be on a matching basis as ~~mutually~~ determined by
633 the ~~Florida Seaport Transportation and Economic Development~~
634 ~~Council and the~~ Department of Transportation, provided a minimum
635 of 25 percent of total project funds shall come from any port
636 funds, local funds, private funds, or specifically earmarked
637 federal funds.

638 (c) On a 50-50 matching basis for projects as described in
639 s. 311.07(3)(b).

640 (d) For seaport intermodal access projects that involve
641 the dredging or deepening of channels, turning basins, or
642 harbors; or the rehabilitation of wharves, docks, or similar
643 structures. Funding for such projects shall require a 25 percent

644 match of the funds received pursuant to this subsection.
 645 Matching funds shall come from any port funds, federal funds,
 646 local funds, or private funds.
 647
 648 Such revenues may be assigned, pledged, or set aside as a trust
 649 for the payment of principal or interest on bonds, tax
 650 anticipation certificates, or any other form of indebtedness
 651 issued by an individual port or appropriate local government
 652 having jurisdiction thereof, or collectively by interlocal
 653 agreement among any of the ports, or used to purchase credit
 654 support to permit such borrowings. However, such debt shall not
 655 constitute a general obligation of the state. This state does
 656 hereby covenant with holders of such revenue bonds or other
 657 instruments of indebtedness issued hereunder that it will not
 658 repeal or impair or amend this subsection in any manner which
 659 will materially and adversely affect the rights of holders so
 660 long as bonds authorized by this subsection are outstanding. Any
 661 revenues that are not pledged to the repayment of bonds as
 662 authorized by this section may be utilized for purposes
 663 authorized under the Florida Seaport Transportation and Economic
 664 Development Program. This revenue source is in addition to any
 665 amounts provided for and appropriated in accordance with s.
 666 311.07 and subsection (3). The Department of Transportation
 667 ~~Florida Seaport Transportation and Economic Development Council~~
 668 shall approve distribution of funds to ports for projects that
 669 have been approved pursuant to s. 311.09(5)-(9)~~7~~ or for seaport
 670 intermodal access projects identified in the 5-year Florida
 671 Seaport Mission Plan as provided in s. 311.09(3) ~~and mutually~~

672 ~~agreed upon by the FSTED Council and the Department of~~
 673 ~~Transportation.~~ All contracts for actual construction of
 674 projects authorized by this subsection must include a provision
 675 encouraging employment of participants in the welfare transition
 676 program. The goal for employment of participants in the welfare
 677 transition program is 25 percent of all new employees employed
 678 specifically for the project, unless the Department of
 679 Transportation and the Florida Seaport Transportation and
 680 Economic Development Council demonstrate that such a requirement
 681 would severely hamper the successful completion of the project.
 682 In such an instance, Workforce Florida, Inc., shall establish an
 683 appropriate percentage of employees that must be participants in
 684 the welfare transition program. The council and the Department
 685 of Transportation are authorized to perform such acts as are
 686 required to facilitate and implement the provisions of this
 687 subsection. To better enable the ports to cooperate to their
 688 mutual advantage, the governing body of each port may exercise
 689 powers provided to municipalities or counties in s. 163.01(7)(d)
 690 subject to the provisions of chapter 311 and special acts, if
 691 any, pertaining to a port. The use of funds provided pursuant to
 692 this subsection is limited to eligible projects listed in this
 693 subsection. The provisions of s. 311.07(4) do not apply to any
 694 funds received pursuant to this subsection. The revenues
 695 available under this subsection shall not be pledged to the
 696 payment of any bonds other than the Florida Ports Financing
 697 Commission Series 1996 and Series 1999 Bonds currently
 698 outstanding; provided, however, such revenues may be pledged to
 699 secure payment of refunding bonds to refinance the Florida Ports

700 Financing Commission Series 1996 and Series 1999 Bonds. No
 701 refunding bonds secured by revenues available under this
 702 subsection may be issued with a final maturity later than the
 703 final maturity of the Florida Ports Financing Commission Series
 704 1996 and Series 1999 Bonds or which provide for higher debt
 705 service in any year than is currently payable on such bonds. Any
 706 revenue bonds or other indebtedness issued after July 1, 2000,
 707 other than refunding bonds shall be issued by the Division of
 708 Bond Finance at the request of the Department of Transportation
 709 pursuant to the State Bond Act.

710 (6)~~(5)~~ (a) Except as provided in paragraph (c), the
 711 remainder of such revenues must be deposited in the State
 712 Transportation Trust Fund.

713 (b) The Chief Financial Officer each month shall deposit
 714 in the State Transportation Trust Fund an amount, drawn from
 715 other funds in the State Treasury which are not immediately
 716 needed or are otherwise in excess of the amount necessary to
 717 meet the requirements of the State Treasury, which when added to
 718 such remaining revenues each month will equal one-twelfth of the
 719 amount of the anticipated annual revenues to be deposited in the
 720 State Transportation Trust Fund under paragraph (a) as
 721 determined by the Chief Financial Officer after consultation
 722 with the Revenue Estimating Conference held pursuant to s.
 723 216.136(3). The transfers required hereunder may be suspended by
 724 action of the Legislative Budget Commission in the event of a
 725 significant shortfall of state revenues.

726 (c) In any month in which the remaining revenues derived
 727 from the registration of motor vehicles exceed one-twelfth of

728 those anticipated annual remaining revenues as determined by the
 729 Chief Financial Officer after consultation with the Revenue
 730 Estimating Conference, the excess shall be credited to those
 731 state funds in the State Treasury from which the amount was
 732 originally drawn, up to the amount which was deposited in the
 733 State Transportation Trust Fund under paragraph (b). A final
 734 adjustment must be made in the last months of a fiscal year so
 735 that the total revenue deposited in the State Transportation
 736 Trust Fund each year equals the amount derived from the
 737 registration of motor vehicles, less the amount distributed
 738 under subsection (1). For the purposes of this paragraph and
 739 paragraph (b), the term "remaining revenues" means all revenues
 740 deposited into the State Transportation Trust Fund under
 741 paragraph (a) and subsections (1), (2), and (3). In order that
 742 interest earnings continue to accrue to the General Revenue
 743 Fund, the Department of Transportation may not invest an amount
 744 equal to the cumulative amount of funds deposited in the State
 745 Transportation Trust Fund under paragraph (b) less funds
 746 credited under this paragraph as computed on a monthly basis.
 747 The amounts to be credited under this and the preceding
 748 paragraph must be calculated and certified to the Chief
 749 Financial Officer by the Executive Office of the Governor.

750 Section 15. Subsection (1) of section 320.203, Florida
 751 Statutes, is amended to read:

752 320.203 Disposition of biennial license tax moneys.--

753 (1) Notwithstanding ss. 320.08(1), (2), (3), (4)(a) or
 754 (b), (6), (7), (8), (9), (10), or (11), 320.08058, and 328.76
 755 and pursuant to s. 216.351, after the provisions of s.

HB 5067

2008

756 320.20(1), (2), (3), ~~and~~ (4), and (5) are fulfilled, an amount
 757 equal to 50 percent of revenues collected from the biennial
 758 registrations created in s. 320.07 shall be retained in the
 759 Motor Vehicle License Clearing Trust Fund, authorized in s.
 760 215.32(2)(b)2.f., until July 1. After July 1 of the subsequent
 761 fiscal year, an amount equal to 50 percent of revenues collected
 762 from the biennial registrations created in s. 320.07 shall be
 763 distributed according to ss. 320.08(1), (2), (3), (4)(a) or (b),
 764 (6), (7), (8), (9), (10), or (11), 320.08058, 328.76, and
 765 320.20(1), (2), (3), ~~and~~ (4), and (5).

766 Section 16. Section 320.95, Florida Statutes, is amended
 767 to read:

768 320.95 Transactions by electronic or telephonic means.--

769 (1) The department is authorized to accept any application
 770 provided for under this chapter by electronic or telephonic
 771 means.

772 (2) The department may collect and use e-mail addresses of
 773 motor vehicle owners and registrants as a notification method in
 774 lieu of the United States Postal Service.

775 Section 17. Subsection (1) of section 322.025, Florida
 776 Statutes, is amended to read:

777 322.025 Driver improvement.--

778 (1) The department may implement programs to improve the
 779 driving ability of the drivers of this state. Such programs may
 780 include, but shall not be limited to, safety awareness
 781 campaigns, driver training, and licensing improvement.
 782 Motorcycle driver improvement programs implemented pursuant to
 783 this section or s. 322.0255 may ~~shall~~ be funded by the

784 motorcycle safety education fee collected pursuant to s.
 785 320.08(1)(c), which shall be deposited in the Highway Safety
 786 Operating Trust Fund ~~of the department and appropriated for that~~
 787 ~~purpose.~~

788 Section 18. Subsections (5), (6), (7), and (8) of section
 789 322.0255, Florida Statutes, are amended to read:

790 322.0255 Florida Motorcycle Safety Education Program.--

791 ~~(5) The department shall, subject to the availability of~~
 792 ~~funds, reimburse each organization that provides an approved~~
 793 ~~motorcycle safety education course for each student who begins~~
 794 ~~the on-cycle portion of the course. This shall include any~~
 795 ~~student not required to attend a motorcycle safety education~~
 796 ~~course prior to licensure as required in s. 322.12. The amount~~
 797 ~~to be reimbursed per student to each course provider shall be~~
 798 ~~determined by the department. In order to facilitate such~~
 799 ~~determination, each course provider shall be required to submit~~
 800 ~~proof satisfactory to the department of the expected cost per~~
 801 ~~student to be incurred by such course provider. In no event~~
 802 ~~shall the amount to be reimbursed per student to any course~~
 803 ~~provider exceed the expected cost per student. In addition to~~
 804 ~~the amount of any reimbursement, each course provider that~~
 805 ~~conducts such a course may charge each student a tuition fee~~
 806 ~~sufficient to defray the cost of conducting the course. The~~
 807 ~~department shall fund the payments required under this~~
 808 ~~subsection from the motorcycle safety education fee, as provided~~
 809 ~~in ss. 320.08 and 322.025.~~

810 (5) ~~(6)~~ Each organization that provides an approved
 811 motorcycle safety course may charge a registration fee, not to

HB 5067

2008

812 exceed \$20 per student. This fee must be refunded if the student
 813 completes the course. However, any student who registers for,
 814 and does not complete, the course must forfeit his or her
 815 registration fee. Forfeited fees may be retained by the
 816 organization that conducts the course.

817 ~~(7)~~ (6) The department may adopt rules to implement this
 818 section.

819 ~~(8)~~ (7) On and after January 1, 1989, every first-time
 820 applicant for licensure to operate a motorcycle who is under 21
 821 years of age shall be required to complete a motorcycle
 822 education course as established pursuant to this section. Proof
 823 of completion of such education course shall be presented to the
 824 driver license examining office prior to such licensure to
 825 operate a motorcycle.

826 Section 19. Subsection (2) of section 322.17, Florida
 827 Statutes, is amended to read:

828 322.17 Duplicate and replacement certificates.--

829 (2) Upon the surrender of the original license and the
 830 payment of a \$10 replacement fee, the department shall issue a
 831 replacement license to make a change in name, address, or
 832 restrictions. Upon written request by the licensee and
 833 notification of a change in address, and the payment of a \$10
 834 fee to be collected by the department and immediately deposited
 835 into the General Revenue Fund, the department shall issue an
 836 address sticker which shall be affixed to the back of the
 837 license by the licensee. ~~Nine dollars of the fee levied in this~~
 838 ~~subsection shall go to the Highway Safety Operating Trust Fund~~
 839 ~~of the department.~~

840 Section 20. Section 322.181, Florida Statutes, is
 841 repealed.

842 Section 21. Subsection (8) of section 322.21, Florida
 843 Statutes, is amended to read:

844 322.21 License fees; procedure for handling and collecting
 845 fees; distribution of funds to the Florida Highway Patrol.--

846 (8) Any person who applies for reinstatement following the
 847 suspension or revocation of the person's driver's license shall
 848 pay a service fee of \$45 ~~\$35~~ following a suspension, and \$75 ~~\$60~~
 849 following a revocation, which is in addition to the fee for a
 850 license. Any person who applies for reinstatement of a
 851 commercial driver's license following the disqualification of
 852 the person's privilege to operate a commercial motor vehicle
 853 shall pay a service fee of \$75 ~~\$60~~, which is in addition to the
 854 fee for a license. The department shall collect all of these
 855 fees at the time of reinstatement. The department shall issue
 856 proper receipts for such fees and shall promptly transmit all
 857 funds received by it as follows:

858 (a) Of the \$45 ~~\$35~~ fee received from a licensee for
 859 reinstatement following a suspension, the department shall
 860 deposit \$15 in the General Revenue Fund, ~~and~~ \$20 in the Highway
 861 Safety Operating Trust Fund, and \$10 in the Department of
 862 Highway Safety and Motor Vehicles Law Enforcement Trust Fund.

863 (b) Of the \$75 ~~\$60~~ fee received from a licensee for
 864 reinstatement following a revocation or disqualification, the
 865 department shall deposit \$35 in the General Revenue Fund, ~~and~~
 866 \$25 in the Highway Safety Operating Trust Fund, and \$15 in the

867 Department of Highway Safety and Motor Vehicles Law Enforcement
 868 Trust Fund.

869 (c) The driver's license reinstatement fee that is
 870 deposited into the Department of Highway Safety and Motor
 871 Vehicles Law Enforcement Trust Fund shall be used to recruit and
 872 retain officers of the Florida Highway Patrol, which includes
 873 all career service levels of rank.

874
 875 If the revocation or suspension of the driver's license was for
 876 a violation of s. 316.193, or for refusal to submit to a lawful
 877 breath, blood, or urine test, an additional fee of \$130 ~~\$115~~
 878 must be charged. However, only one \$130 ~~\$115~~ fee may be
 879 collected from one person convicted of violations arising out of
 880 the same incident. The department shall collect the \$130 ~~\$115~~
 881 fee and deposit \$115 of the fee into the Highway Safety
 882 Operating Trust Fund and \$15 of the fee into the Department of
 883 Highway Safety and Motor Vehicles Law Enforcement Trust Fund at
 884 the time of reinstatement of the person's driver's license, but
 885 the fee may not be collected if the suspension or revocation is
 886 overturned. If the revocation or suspension of the driver's
 887 license was for a conviction for a violation of s. 817.234(8) or
 888 (9) or s. 817.505, an additional fee of \$180 is imposed for each
 889 offense. The department shall collect and deposit the additional
 890 fee into the Highway Safety Operating Trust Fund at the time of
 891 reinstatement of the person's driver's license.

892 Section 22. Subsection (2) of section 322.29, Florida
 893 Statutes, is amended to read:

894 322.29 Surrender and return of license.--

895 (2) The provisions of subsection (1) to the contrary
 896 notwithstanding, no examination is required for the return of a
 897 license suspended under s. 318.15 or s. 322.245 unless an
 898 examination is otherwise required by this chapter. Every person
 899 applying for the return of a license suspended under s. 318.15
 900 or s. 322.245 shall present to the department certification from
 901 the court that he or she has complied with all obligations and
 902 penalties imposed on him or her pursuant to s. 318.15 or, in the
 903 case of a suspension pursuant to s. 322.245, that he or she has
 904 complied with all directives of the court and the requirements
 905 of s. 322.245 and shall pay to the department a nonrefundable
 906 service fee of \$60 ~~\$47.50~~, of which \$37.50 shall be deposited
 907 into the General Revenue Fund, ~~and~~ \$10 shall be deposited into
 908 the Highway Safety Operating Trust Fund, and \$12.50 shall be
 909 deposited into the Department of Highway Safety and Motor
 910 Vehicles Law Enforcement Trust Fund. If reinstated by the clerk
 911 of the court or tax collector, \$37.50 shall be retained, ~~and~~ \$10
 912 shall be remitted to the Department of Revenue for deposit into
 913 the Highway Safety Operating Trust Fund, and \$12.50 shall be
 914 remitted to the Department of Revenue for deposit into the
 915 Department of Highway Safety and Motor Vehicles Law Enforcement
 916 Trust Fund. However, the service fee is not required if the
 917 person is required to pay a \$45 ~~\$35~~ fee or a \$75 ~~\$60~~ fee under
 918 the provisions of s. 322.21.

919 Section 23. Section 324.071, Florida Statutes, is amended
 920 to read:

921 324.071 Reinstatement; renewal of license; reinstatement
 922 fee.--Any operator or owner whose license or registration has

923 | been suspended pursuant to s. 324.051(2), s. 324.072, s.
 924 | 324.081, or s. 324.121 may effect its reinstatement upon
 925 | compliance with the provisions of s. 324.051(2)(a)3. or 4., or
 926 | s. 324.081(2) and (3), as the case may be, and with one of the
 927 | provisions of s. 324.031 and upon payment to the department of a
 928 | nonrefundable reinstatement fee of \$15. Only one such fee shall
 929 | be paid by any one person irrespective of the number of licenses
 930 | and registrations to be then reinstated or issued to such
 931 | person. The department shall collect and immediately transmit
 932 | all fees received by it under this section to be deposited in
 933 | the General Revenue Fund of the state ~~All such fees shall be~~
 934 | ~~deposited to a department trust fund.~~ When the reinstatement of
 935 | any license or registration is effected by compliance with s.
 936 | 324.051(2)(a)3. or 4., the department shall not renew the
 937 | license or registration within a period of 3 years from such
 938 | reinstatement, nor shall any other license or registration be
 939 | issued in the name of such person, unless the operator is
 940 | continuing to comply with one of the provisions of s. 324.031.

941 | Section 24. Section 328.30, Florida Statutes, is amended
 942 | to read:

943 | 328.30 Transactions by electronic or telephonic means.--

944 | (1) The department is authorized to accept any application
 945 | provided for under this chapter by electronic or telephonic
 946 | means.

947 | (2) The department may issue an electronic certificate of
 948 | title in lieu of printing a paper title.

949 | (3) The department may collect and use e-mail addresses of
 950 | vessel owners and registrants as a notification method in lieu

951 of the United States Postal Service.

952 Section 25. Section 328.80, Florida Statutes, is amended
953 to read:

954 328.80 Transactions by electronic or telephonic means.--

955 (1) The department ~~commission~~ is authorized to accept any
956 application provided for under this chapter by electronic or
957 telephonic means.

958 (2) The department may collect and use e-mail addresses of
959 vessel owners and registrants as a notification method in lieu
960 of the United States Postal Service.

961 Section 26. Subsections (26) through (33) of section
962 344.044 are amended to read:

963 344.044 Department; powers and duties.--The department
964 shall have the following general powers and duties:

965 ~~(26) To provide for the conservation of natural roadside~~
966 ~~growth and scenery and for the implementation and maintenance of~~
967 ~~roadside beautification programs, and no less than 1.5 percent~~
968 ~~of the amount contracted for construction projects shall be~~
969 ~~allocated by the department to beautification programs. Except~~
970 ~~where prohibited by federal law or federal regulation and to the~~
971 ~~extent practical, a minimum of 50 percent of these funds shall~~
972 ~~be used to purchase large plant materials with the remaining~~
973 ~~funds for other plant materials. All such plant materials shall~~
974 ~~be purchased from Florida-based nurseryman stock on a uniform~~
975 ~~competitive bid basis. The department will develop grades and~~
976 ~~standards for landscaping materials purchased through this~~
977 ~~process. To accomplish these activities, the department may~~
978 ~~contract with nonprofit organizations having the primary purpose~~

HB 5067

2008

979 ~~of developing youth employment opportunities.~~

980 (26)~~(27)~~ To conduct studies and provide coordination to
981 assess the needs associated with landside ingress and egress to
982 port facilities, and to coordinate with local governmental
983 entities to ensure that port facility access routes are properly
984 integrated with other transportation facilities.

985 (27)~~(28)~~ To require persons to affirm the truth of
986 statements made in any application for a license, permit, or
987 certification issued by the department or in any contract
988 documents submitted to the department.

989 (28)~~(29)~~ To advance funds for projects in the department's
990 adopted work program to governmental entities prior to
991 commencement of the project or project phase when the advance
992 has been authorized by the department's comptroller and is made
993 pursuant to a written agreement between the department and a
994 governmental entity.

995 (29)~~(30)~~ To take any other action necessary to carry out
996 the powers and duties expressly granted in this code.

997 (30)~~(31)~~ To provide oversight of traveler information
998 systems that may include the provision of interactive voice
999 response telephone systems accessible via the 511 number as
1000 assigned by the Federal Communications Commission for traveler
1001 information services. The department shall ensure that uniform
1002 standards and criteria for the collection and dissemination of
1003 traveler information are applied using interactive voice
1004 response systems.

1005 (31)~~(32)~~ In order to fulfill the department's mission to
1006 provide a safe and efficient transportation system, the

HB 5067

2008

1007 department's Office of Motor Carrier Compliance may employ sworn
 1008 law enforcement officers, certified in accordance with chapter
 1009 943, to enforce the traffic and criminal laws of this state.
 1010 Such officers shall have full law enforcement powers granted to
 1011 other peace officers of this state, including making arrests,
 1012 carrying firearms, serving court process, and seizing vehicles
 1013 defined as contraband under s. 319.33, illegal drugs, stolen
 1014 property, and the proceeds of illegal activities. Officers
 1015 appointed under this section have the primary responsibility for
 1016 enforcing laws relating to size and weight of commercial motor
 1017 vehicles; safety, traffic, tax, and registration of commercial
 1018 motor vehicles; interdiction of vehicles defined as contraband
 1019 under s. 319.33, illegal drugs, and stolen property; and
 1020 violations that threaten the overall security and safety of
 1021 Florida's transportation infrastructure and the motoring public.
 1022 The office is also authorized to appoint part-time or auxiliary
 1023 law enforcement officers pursuant to chapter 943 and to provide
 1024 compensation in accordance with law.

1025 (32)~~(33)~~ To enter into agreement with Space Florida to
 1026 coordinate and cooperate in the development of spaceport
 1027 infrastructure and related transportation facilities contained
 1028 in the Strategic Intermodal System Plan and, where appropriate,
 1029 encourage the cooperation and integration of airports and
 1030 spaceports in order to meet transportation-related needs.

1031 Section 27. Paragraph (a) of subsection (4) of section
 1032 339.135, Florida Statutes, is amended to read:

1033 339.135 Work program; legislative budget request;
 1034 definitions; preparation, adoption, execution, and amendment.--

1035 (4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.--
 1036 (a)1. To assure that no district or county is penalized
 1037 for local efforts to improve the State Highway System, the
 1038 department shall, for the purpose of developing a tentative work
 1039 program, allocate funds for new construction to the districts,
 1040 except for the turnpike enterprise, based on equal parts of
 1041 population and motor fuel tax collections. Funds for
 1042 resurfacing, bridge repair and rehabilitation, bridge fender
 1043 system construction or repair, public transit projects except
 1044 public transit block grants as provided in s. 341.052, and other
 1045 programs with quantitative needs assessments shall be allocated
 1046 based on the results of these assessments. The department may
 1047 not transfer any funds allocated to a district under this
 1048 paragraph to any other district except as provided in subsection
 1049 (7). Funds for public transit block grants shall be allocated to
 1050 the districts pursuant to s. 341.052. Funds for the intercity
 1051 bus program provided for under s. 5311(f) of the federal
 1052 nonurbanized area formula program shall be administered and
 1053 allocated directly to eligible bus carriers as defined in s.
 1054 341.031(12) at the state level rather than the district. In
 1055 order to provide state funding to support the intercity bus
 1056 program provided for under provisions of the federal 5311(f)
 1057 program, the department shall allocate an amount equal to the
 1058 federal share of the 5311(f) program from amounts calculated
 1059 pursuant to s. 206.46(3).
 1060 2. Notwithstanding the provisions of subparagraph 1., the
 1061 department shall allocate at least 50 percent of any new
 1062 discretionary highway capacity funds to the Florida Strategic

HB 5067

2008

1063 Intermodal System created pursuant to s. 339.61. Any remaining
 1064 new discretionary highway capacity funds shall be allocated to
 1065 the districts for new construction as provided in subparagraph
 1066 1. For the purposes of this subparagraph, the term "new
 1067 discretionary highway capacity funds" means any funds available
 1068 to the department above the prior year funding level for
 1069 capacity improvements, which the department has the discretion
 1070 to allocate to highway projects.

1071 3. Notwithstanding subparagraph 1., s. 206.46(3), and s.
 1072 206.608, in fiscal years 2008-2009 through 2009-2010, the
 1073 Department of Transportation shall ensure, to the maximum extent
 1074 practicable, that projects that have been advertised for
 1075 contract lettings for the fiscal year beginning July 1, 2008,
 1076 are not impacted by the reinstatement of the service charge
 1077 provided in s. 215.20(1) and (3), which is deducted from the
 1078 proceeds of the taxes distributed under ss. 206.606(1), 207.026,
 1079 212.0501(6), 319.32(5), 206.608, and 320.072(4).

1080 4. Notwithstanding subparagraph 1., s. 206.46(3), and s.
 1081 206.608, in fiscal years 2008-2009 through 2012-2013, the
 1082 department shall reduce work program levels to balance the
 1083 finance plan to the revised funding levels resulting from the
 1084 reinstatement of the service charge provided in s. 215.20(1) and
 1085 (3), which is deducted from the proceeds of the taxes
 1086 distributed under ss. 206.606(1), 207.026, 212.0501(6),
 1087 319.32(5), 206.608, and 320.072(4).

1088 5. Prior to any project or phase thereof being deferred,
 1089 such reductions shall be made to financial projects not
 1090 programmed for contract letting as identified with a work

HB 5067

2008

1091 program contract class code 8 and the box code RV. These
 1092 reductions shall not negatively impact safety, preservation,
 1093 maintenance, or project contingency levels as of July 1, 2008.

1094 Section 28. Subsection (1) of section 403.890, Florida
 1095 Statutes, as amended by section 2 of chapter 2007-335, Laws of
 1096 Florida, is amended to read:

1097 403.890 Water Protection and Sustainability Program;
 1098 intent; goals; purposes.--

1099 (1) Effective July 1, 2006, revenues transferred from the
 1100 Department of Revenue pursuant to s. 201.15(1)(d)~~4.2~~ shall be
 1101 deposited into the Water Protection and Sustainability Program
 1102 Trust Fund in the Department of Environmental Protection. These
 1103 revenues and any other additional revenues deposited into or
 1104 appropriated to the Water Protection and Sustainability Program
 1105 Trust Fund shall be distributed by the Department of
 1106 Environmental Protection in the following manner:

1107 (a) Sixty percent to the Department of Environmental
 1108 Protection for the implementation of an alternative water supply
 1109 program as provided in s. 373.1961.

1110 (b) Twenty percent for the implementation of best
 1111 management practices and capital project expenditures necessary
 1112 for the implementation of the goals of the total maximum daily
 1113 load program established in s. 403.067. Of these funds, 85
 1114 percent shall be transferred to the credit of the Department of
 1115 Environmental Protection Water Quality Assurance Trust Fund to
 1116 address water quality impacts associated with nonagricultural
 1117 nonpoint sources. Fifteen percent of these funds shall be
 1118 transferred to the Department of Agriculture and Consumer

1119 Services General Inspection Trust Fund to address water quality
 1120 impacts associated with agricultural nonpoint sources. These
 1121 funds shall be used for research, development, demonstration,
 1122 and implementation of the total maximum daily load program under
 1123 s. 403.067, suitable best management practices or other measures
 1124 used to achieve water quality standards in surface waters and
 1125 water segments identified pursuant to s. 303(d) of the Clean
 1126 Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251 et seq.
 1127 Implementation of best management practices and other measures
 1128 may include cost-share grants, technical assistance,
 1129 implementation tracking, and conservation leases or other
 1130 agreements for water quality improvement. The Department of
 1131 Environmental Protection and the Department of Agriculture and
 1132 Consumer Services may adopt rules governing the distribution of
 1133 funds for implementation of capital projects, best management
 1134 practices, and other measures. These funds shall not be used to
 1135 abrogate the financial responsibility of those point and
 1136 nonpoint sources that have contributed to the degradation of
 1137 water or land areas. Increased priority shall be given by the
 1138 department and the water management district governing boards to
 1139 those projects that have secured a cost-sharing agreement
 1140 allocating responsibility for the cleanup of point and nonpoint
 1141 sources.

1142 (c) Ten percent shall be disbursed for the purposes of
 1143 funding projects pursuant to ss. 373.451-373.459 or surface
 1144 water restoration activities in water-management-district-
 1145 designated priority water bodies. The Secretary of Environmental
 1146 Protection shall ensure that each water management district

HB 5067

2008

1147 receives the following percentage of funds annually:

1148 1. Thirty-five percent to the South Florida Water
1149 Management District;

1150 2. Twenty-five percent to the Southwest Florida Water
1151 Management District;

1152 3. Twenty-five percent to the St. Johns River Water
1153 Management District;

1154 4. Seven and one-half percent to the Suwannee River Water
1155 Management District; and

1156 5. Seven and one-half percent to the Northwest Florida
1157 Water Management District.

1158 (d) Ten percent to the Department of Environmental
1159 Protection for the Disadvantaged Small Community Wastewater
1160 Grant Program as provided in s. 403.1838.

1161 Section 29. Subsection (1) of section 403.891, Florida
1162 Statutes, is amended to read:

1163 403.891 Water Protection and Sustainability Program Trust
1164 Fund of the Department of Environmental Protection.--

1165 (1) The Water Protection and Sustainability Program Trust
1166 Fund is created within the Department of Environmental
1167 Protection. The purpose of the trust fund is to receive funds
1168 pursuant to s. 201.15(1)(d)~~4.2~~, funds from other sources
1169 provided for in law and the General Appropriations Act, and
1170 funds received by the department in order to implement the
1171 provisions of the Water Sustainability and Protection Program
1172 created in s. 403.890.

1173 Section 30. Subsection (19) of section 501.976, Florida
1174 Statutes, is amended to read:

HB 5067

2008

1175 501.976 Actionable, unfair, or deceptive acts or
 1176 practices.--It is an unfair or deceptive act or practice,
 1177 actionable under the Florida Deceptive and Unfair Trade
 1178 Practices Act, for a dealer to:

1179 (19) Fail to disclose damage to a new motor vehicle, as
 1180 defined in s. 319.001(9)(8), of which the dealer had actual
 1181 knowledge, if the dealer's actual cost of repairs exceeds the
 1182 threshold amount, excluding replacement items.

1183
 1184 In any civil litigation resulting from a violation of this
 1185 section, when evaluating the reasonableness of an award of
 1186 attorney's fees to a private person, the trial court shall
 1187 consider the amount of actual damages in relation to the time
 1188 spent.

1189 Section 31. Section 1013.63, Florida Statutes, is amended
 1190 to read:

1191 1013.63 University Concurrency Trust Fund.--

1192 (1) The University Concurrency Trust Fund is created
 1193 within the Department of Education.

1194 (2) The trust fund may be funded each fiscal year as
 1195 provided in the General Appropriations Act. ~~Notwithstanding any~~
 1196 ~~other provision of law, the general revenue service charge~~
 1197 ~~deducted pursuant to s. 215.20 on revenues raised by any local~~
 1198 ~~option motor fuel tax levied pursuant to s. 336.025(1)(b), as~~
 1199 ~~created by chapter 93-206, Laws of Florida, shall be deposited~~
 1200 ~~in the University Concurrency Trust Fund, which is administered~~
 1201 ~~by the State Board of Education.~~ Moneys in such trust fund shall
 1202 be for the purpose of funding university offsite improvements

HB 5067

2008

1203 required to meet concurrency standards adopted under part II of
 1204 chapter 163. In addition, in any year in which campus master
 1205 plans are updated pursuant to s. 1013.30, but no more frequently
 1206 than once every 5 years, up to 25 percent of the balance in the
 1207 trust fund for that year may be used to defray the costs
 1208 incurred in updating those campus master plans.

1209 (3) (a) The trust fund is exempt from the service charges
 1210 imposed by s. 215.20.

1211 (b) Notwithstanding s. 216.301 and pursuant to s. 216.351,
 1212 any balance in the trust fund at the end of the fiscal year
 1213 shall remain in the trust fund and shall be available for
 1214 carrying out the purposes of the trust fund.

1215 Section 32. The Office of Motor Carrier Compliance of the
 1216 Department of Transportation is hereby transferred by a type two
 1217 transfer, as defined in s. 20.06(2), Florida Statutes, to the
 1218 Division of the Florida Highway Patrol of the Department of
 1219 Highway Safety and Motor Vehicles, except for revenues in the
 1220 amount of \$28,033,537, which shall remain in the State
 1221 Transportation Trust Fund.

1222 Section 33. The Division of Statutory Revision of the
 1223 Office of Legislative Services is requested to prepare a
 1224 reviser's bill to conform the Florida Statutes to the
 1225 organizational changes made by this act.

1226 Section 34. This act shall take effect July 1, 2008.