

1 A bill to be entitled
2 An act relating to the Department of Highway Safety and
3 Motor Vehicles; terminating the DUI Programs Coordination
4 Trust Fund; providing for the disposition of the balances
5 in and revenues of the trust fund; prescribing procedures
6 for the termination of the trust fund; amending s. 17.61,
7 F.S.; removing the DUI Programs Coordination Trust Fund
8 from the list of funds invested by the Chief Financial
9 Officer; reenacting and amending s. 20.24, F.S., relating
10 to the establishment of the Department of Highway Safety
11 and Motor Vehicles pursuant to the provisions of the
12 Florida Government Accountability Act; removing a
13 provision for the Bureau of Motor Vehicle Inspection;
14 amending s. 215.20, F.S.; removing the DUI Programs
15 Coordination Trust Fund from the list of funds subject to
16 a specified service charge; amending s. 319.40, F.S.;
17 authorizing the issuance of electronic motor vehicle
18 titles in lieu of paper motor vehicle titles; authorizing
19 the department to collect and use e-mail addresses of
20 motor vehicle owners and registrants as a notification
21 method; amending s. 320.95, F.S.; authorizing the
22 department to collect and use e-mail addresses of motor
23 vehicle owners and registrants as a notification method;
24 amending s. 322.293, F.S.; requiring that DUI programs be
25 administered by the department and paid for by revenues
26 collected for enrollment in DUI programs; revising
27 provisions for disposition of assessments collected for
28 enrollment in a DUI program; providing that such

29 assessments be deposited into the Highway Safety Operating
 30 Trust Fund; amending s. 328.30, F.S.; authorizing the use
 31 of electronic mail for distribution of vessel titles;
 32 authorizing the department to collect and use e-mail
 33 addresses of vessel owners and registrants as a
 34 notification method; amending s. 328.80, F.S.; authorizing
 35 the department to accept certain applications by
 36 electronic or telephonic means; authorizing the department
 37 to collect and use e-mail addresses of vessel owners and
 38 registrants as a notification method; transferring the
 39 Office of Motor Carrier Compliance to the Department of
 40 Highway Safety and Motor Vehicles; providing for a
 41 reduction in staff and appropriations; amending ss. 20.23,
 42 110.205, 311.12, 316.302, 316.3026, and 320.18, F.S.;
 43 conforming to changes made by the act; providing for
 44 conforming legislation; providing for assistance to
 45 certain legislative substantive committees by the Division
 46 of Statutory Revision of the Office of Legislative
 47 Services for certain purposes; providing effective dates.

48

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

50

51 Section 1. (1) The DUI Programs Coordination Trust Fund
 52 within the Department of Highway Safety and Motor Vehicles,
 53 FLAIR number 76-2-172, is terminated.

54 (2) All current balances remaining in, and all revenues
 55 of, the trust fund shall be transferred to the Highway Safety

56 Operating Trust Fund within the Department of Highway Safety and
 57 Motor Vehicles, FLAIR number 76-2-009.

58 (3) The Department of Highway Safety and Motor Vehicles
 59 shall pay any outstanding debts and obligations of the
 60 terminated fund as soon as practicable, and the Chief Financial
 61 Officer shall close out and remove the terminated fund from the
 62 various state accounting systems using generally accepted
 63 accounting principles concerning warrants outstanding, assets,
 64 and liabilities.

65 Section 2. Paragraph (c) of subsection (3) of section
 66 17.61, Florida Statutes, is amended to read:

67 17.61 Chief Financial Officer; powers and duties in the
 68 investment of certain funds.--

69 (3)

70 (c) Except as provided in this paragraph and except for
 71 moneys described in paragraph (d), the following agencies shall
 72 not invest trust fund moneys as provided in this section, but
 73 shall retain such moneys in their respective trust funds for
 74 investment, with interest appropriated to the General Revenue
 75 Fund, pursuant to s. 17.57:

76 1. The Agency for Health Care Administration, except for
 77 the Tobacco Settlement Trust Fund.

78 2. The Agency for Persons with Disabilities, except for:

79 a. The Federal Grants Trust Fund.

80 b. The Tobacco Settlement Trust Fund.

81 3. The Department of Children and Family Services, except
 82 for:

83 a. The Alcohol, Drug Abuse, and Mental Health Trust Fund.

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- 84 | b. The Social Services Block Grant Trust Fund.
- 85 | c. The Tobacco Settlement Trust Fund.
- 86 | d. The Working Capital Trust Fund.
- 87 | 4. The Department of Community Affairs, only for the
- 88 | Operating Trust Fund.
- 89 | 5. The Department of Corrections.
- 90 | 6. The Department of Elderly Affairs, except for:
- 91 | a. The Federal Grants Trust Fund.
- 92 | b. The Tobacco Settlement Trust Fund.
- 93 | 7. The Department of Health, except for:
- 94 | a. The Federal Grants Trust Fund.
- 95 | b. The Grants and Donations Trust Fund.
- 96 | c. The Maternal and Child Health Block Grant Trust Fund.
- 97 | d. The Tobacco Settlement Trust Fund.
- 98 | 8. The Department of Highway Safety and Motor Vehicles,
- 99 | only for:
- 100 | ~~a. The DUI Programs Coordination Trust Fund.~~
- 101 | ~~b.~~ the Security Deposits Trust Fund.
- 102 | 9. The Department of Juvenile Justice.
- 103 | 10. The Department of Law Enforcement.
- 104 | 11. The Department of Legal Affairs.
- 105 | 12. The Department of State, only for:
- 106 | a. The Grants and Donations Trust Fund.
- 107 | b. The Records Management Trust Fund.
- 108 | 13. The Executive Office of the Governor, only for:
- 109 | a. The Economic Development Transportation Trust Fund.
- 110 | b. The Economic Development Trust Fund.
- 111 | 14. The Florida Public Service Commission, only for the

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112 Florida Public Service Regulatory Trust Fund.

113 15. The Justice Administrative Commission.

114 16. The state courts system.

115 Section 3. Section 20.24, Florida Statutes, is reenacted
116 and amended to read:

117 20.24 Department of Highway Safety and Motor
118 Vehicles.--There is created a Department of Highway Safety and
119 Motor Vehicles.

120 (1) The head of the Department of Highway Safety and Motor
121 Vehicles is the Governor and Cabinet.

122 (2) The following divisions, and bureaus within the
123 divisions, of the Department of Highway Safety and Motor
124 Vehicles are established:

125 (a) Division of the Florida Highway Patrol.

126 (b) Division of Driver Licenses.

127 (c) Division of Motor Vehicles.

128 ~~1. Bureau of Motor Vehicle Inspection.~~

129 Section 4. Paragraphs (m) through (x) of subsection (4) of
130 section 215.20, Florida Statutes, are amended to read:

131 215.20 Certain income and certain trust funds to
132 contribute to the General Revenue Fund.--

133 (4) The income of a revenue nature deposited in the
134 following described trust funds, by whatever name designated, is
135 that from which the appropriations authorized by subsection (3)
136 shall be made:

137 ~~(m) Within the Department of Highway Safety and Motor
138 Vehicles, the DUI Programs Coordination Trust Fund.~~

139 (m) ~~(n)~~ Within the Department of Legal Affairs, the Crimes

- 140 Compensation Trust Fund.
- 141 (n)~~(o)~~ Within the Department of Management Services:
- 142 1. The Administrative Trust Fund.
- 143 2. The Architects Incidental Trust Fund.
- 144 3. The Bureau of Aircraft Trust Fund.
- 145 4. The Florida Facilities Pool Working Capital Trust Fund.
- 146 5. The Grants and Donations Trust Fund.
- 147 6. The Police and Firefighters' Premium Tax Trust Fund.
- 148 7. The Public Employees Relations Commission Trust Fund.
- 149 8. The State Personnel System Trust Fund.
- 150 9. The Supervision Trust Fund.
- 151 10. The Working Capital Trust Fund.
- 152 (o)~~(p)~~ Within the Department of Revenue:
- 153 1. The Additional Court Cost Clearing Trust Fund.
- 154 2. The Administrative Trust Fund.
- 155 3. The Certification Program Trust Fund.
- 156 4. The Fuel Tax Collection Trust Fund.
- 157 5. The Local Alternative Fuel User Fee Clearing Trust
- 158 Fund.
- 159 6. The Local Option Fuel Tax Trust Fund.
- 160 7. The Motor Vehicle Rental Surcharge Clearing Trust Fund.
- 161 8. The Motor Vehicle Warranty Trust Fund.
- 162 9. The Oil and Gas Tax Trust Fund.
- 163 10. The Operations Trust Fund.
- 164 11. The Severance Tax Solid Mineral Trust Fund.
- 165 12. The State Alternative Fuel User Fee Clearing Trust
- 166 Fund.
- 167 13. All taxes levied on motor fuels other than gasoline

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168 levied pursuant to the provisions of s. 206.87(1)(a).

169 (p)~~(q)~~ Within the Department of State:

170 1. The Records Management Trust Fund.

171 2. The trust funds administered by the Division of
172 Historical Resources.

173 (q)~~(r)~~ Within the Department of Transportation, all income
174 derived from outdoor advertising and overweight violations which
175 is deposited in the State Transportation Trust Fund.

176 (r)~~(s)~~ Within the Department of Veterans' Affairs:

177 1. The Grants and Donations Trust Fund.

178 2. The Operations and Maintenance Trust Fund.

179 3. The State Homes for Veterans Trust Fund.

180 (s)~~(t)~~ Within the Division of Administrative Hearings, the
181 Administrative Trust Fund.

182 (t)~~(u)~~ Within the Fish and Wildlife Conservation
183 Commission:

184 1. The Conservation and Recreation Lands Program Trust
185 Fund.

186 2. The Florida Panther Research and Management Trust Fund.

187 3. The Land Acquisition Trust Fund.

188 4. The Marine Resources Conservation Trust Fund, with the
189 exception of those fees collected for recreational saltwater
190 fishing licenses as provided in s. 379.354.

191 (u)~~(v)~~ Within the Florida Public Service Commission, the
192 Florida Public Service Regulatory Trust Fund.

193 (v)~~(w)~~ Within the Justice Administrative Commission, the
194 Indigent Criminal Defense Trust Fund.

195 (w)~~(x)~~ Within the Office of Financial Regulation of the

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196 Financial Services Commission:

- 197 1. The Administrative Trust Fund.
- 198 2. The Anti-Fraud Trust Fund.
- 199 3. The Financial Institutions' Regulatory Trust Fund.
- 200 4. The Regulatory Trust Fund.

201
 202 The enumeration of the foregoing moneys or trust funds shall not
 203 prohibit the applicability of s. 215.24 should the Governor
 204 determine that for the reasons mentioned in s. 215.24 the money
 205 or trust funds should be exempt herefrom, as it is the purpose
 206 of this law to exempt income from its force and effect when, by
 207 the operation of this law, federal matching funds or
 208 contributions or private grants to any trust fund would be lost
 209 to the state.

210 Section 5. Section 319.40, Florida Statutes, is amended to
 211 read:

212 319.40 Transactions by electronic or telephonic means.--

213 (1) The department is authorized to accept any application
 214 provided for under this chapter by electronic or telephonic
 215 means.

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

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

221 Section 6. Section 320.95, Florida Statutes, is amended to
 222 read:

223 320.95 Transactions by electronic or telephonic means.--

224 (1) The department is authorized to accept any application
 225 provided for under this chapter by electronic or telephonic
 226 means.

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

230 Section 7. Section 322.293, Florida Statutes, is amended
 231 to read:

232 322.293 DUI Programs ~~Coordination Trust Fund~~; assessment;
 233 disposition.--

234 (1) ~~The DUI Programs Coordination Trust Fund~~ shall be
 235 administered by the department, and the costs of administration
 236 shall be borne by the revenue collections provided in this
 237 section ~~the fund~~. All funds received by the department ~~DUI~~
 238 ~~Programs Coordination Trust Fund~~ shall be used solely for the
 239 purposes set forth in this chapter and for the general operation
 240 of the department ~~section and s. 322.292~~. However, ~~if the~~
 241 ~~Legislature passes legislation consolidating existing trust~~
 242 ~~funds assigned to the department, all funds remaining in and~~
 243 ~~deposited to the DUI Programs Coordination Trust Fund shall be~~
 244 ~~transferred to the consolidated trust funds, subject to their~~
 245 ~~being earmarked for use solely for the purposes set forth in~~
 246 ~~this section and s. 322.292.~~

247 (2) Each DUI program shall assess \$12 against each person
 248 enrolling in a DUI program at the time of enrollment, including
 249 persons who transfer to or from a program in another state. In
 250 addition, second and third offenders and those offenders under
 251 permanent driver's-license revocation who are evaluated for

252 ~~eligibility for~~ license restrictions under s. 322.271(2)
 253 ~~322.271(2)(b)~~ and (4) shall be assessed \$12 upon enrollment in
 254 the program and upon each subsequent anniversary date while they
 255 are in the program, for the duration of the license period.

256 (3) All assessments collected under this section shall be
 257 deposited in the Highway Safety Operating ~~forwarded to the DUI~~
 258 ~~Programs Coordination~~ Trust Fund within 30 days after the last
 259 day of the month in which the assessment was received.

260 Section 8. Section 328.30, Florida Statutes, is amended to
 261 read:

262 328.30 Transactions by electronic or telephonic means.--

263 (1) The department is authorized to accept any application
 264 provided for under this chapter by electronic or telephonic
 265 means.

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

268 (3) The department may collect and use e-mail addresses of
 269 vessel owners and registrants as a notification method in lieu
 270 of the United States Postal Service.

271 Section 9. Section 328.80, Florida Statutes, is amended to
 272 read:

273 328.80 Transactions by electronic or telephonic means.--

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

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

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280 Section 10. (1) Effective January 1, 2010, the Office of
281 Motor Carrier Compliance of the Department of Transportation is
282 hereby transferred by a type two transfer, as defined in s.
283 20.06(2), Florida Statutes, to the Department of Highway Safety
284 and Motor Vehicles. The transfer includes:

285 (a) All statutory powers, duties, functions, records,
286 personnel, and property of the Office of Motor Carrier
287 Compliance within the Department of Transportation.

288 (b) All unexpended balances of appropriations,
289 allocations, law enforcement trust funds, trust funds, and other
290 funds used to fund the operations of the Office of Motor Carrier
291 Compliance within the Department of Transportation.

292 (c) All existing legal authorities and actions of the
293 Office of Motor Carrier Compliance within the Department of
294 Transportation, including, but not limited to, all pending and
295 completed action on orders and rules, all enforcement matters,
296 and all delegations, interagency agreements, and contracts with
297 federal, state, regional, and local governments and private
298 entities.

299 (2) This section shall not affect the validity of any
300 judicial or administrative action involving the Office of Motor
301 Carrier Compliance within the Department of Transportation
302 pending on January 1, 2010, and the Department of Highway Safety
303 and Motor Vehicles shall be substituted as a party in interest
304 in any such action.

305 (3) It is the specific intent of the Legislature that the
306 statutory responsibility for law enforcement and motor carrier
307 compliance in the state now vested in the Office of Motor

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308 Carrier Compliance within the Department of Transportation shall
309 become the responsibility of the Department of Highway Safety
310 and Motor Vehicles.

311 (4) It is the specific intent of the Legislature that due
312 to duplicative functions that would be performed, eight
313 administrative FTE's in the Office of Motor Carrier Compliance
314 and the associated budget in the amount of \$433,394 in fiscal
315 year 2009-2010 and a recurring amount of \$866,788 each year
316 thereafter shall be eliminated upon the effective date of the
317 transfer.

318 Section 11. Effective January 1, 2010, paragraph (b) of
319 subsection (3) of section 20.23, Florida Statutes, is amended to
320 read:

321 20.23 Department of Transportation.--There is created a
322 Department of Transportation which shall be a decentralized
323 agency.

324 (3)

325 (b) The secretary may appoint positions at the level of
326 deputy assistant secretary or director which the secretary deems
327 necessary to accomplish the mission and goals of the department,
328 including, but not limited to, the areas of program
329 responsibility provided in this paragraph, each of whom shall be
330 appointed by and serve at the pleasure of the secretary. The
331 secretary may combine, separate, or delete offices as needed in
332 consultation with the Executive Office of the Governor. The
333 department's areas of program responsibility include, but are
334 not limited to:

335 1. Administration;

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- 336 2. Planning;
- 337 3. Public transportation;
- 338 4. Design;
- 339 5. Highway operations;
- 340 6. Right-of-way;
- 341 7. Toll operations;
- 342 8. Information systems;
- 343 ~~9. Motor carrier compliance;~~
- 344 9.10. Management and budget;
- 345 10.11. Comptroller;
- 346 11.12. Construction;
- 347 12.13. Maintenance; and
- 348 13.14. Materials.

349 Section 12. Effective January 1, 2010, paragraph (m) of
 350 subsection (2) of section 110.205, Florida Statutes, is amended
 351 to read:

352 110.205 Career service; exemptions.--

353 (2) EXEMPT POSITIONS.--The exempt positions that are not
 354 covered by this part include the following:

355 (m) All assistant division director, deputy division
 356 director, and bureau chief positions in any department, and
 357 those positions determined by the department to have managerial
 358 responsibilities comparable to such positions, which positions
 359 include, but are not limited to:

- 360 1. Positions in the Department of Health and the
- 361 Department of Children and Family Services that are assigned
- 362 primary duties of serving as the superintendent or assistant
- 363 superintendent of an institution.

364 2. Positions in the Department of Corrections that are
 365 assigned primary duties of serving as the warden, assistant
 366 warden, colonel, or major of an institution or that are assigned
 367 primary duties of serving as the circuit administrator or deputy
 368 circuit administrator.

369 3. Positions in the Department of Transportation that are
 370 assigned primary duties of serving as regional toll managers and
 371 managers of offices as defined in s. 20.23(3)(b) and (4)(c). ~~T~~
 372 ~~and~~

373 4. Positions in the Department of Highway Safety and Motor
 374 Vehicles that are assigned primary duties of serving as captains
 375 and majors of the Office of Motor Carrier Compliance.

376 ~~5.4.~~ Positions in the Department of Environmental
 377 Protection that are assigned the duty of an Environmental
 378 Administrator or program administrator.

379 ~~6.5.~~ Positions in the Department of Health that are
 380 assigned the duties of Environmental Administrator, Assistant
 381 County Health Department Director, and County Health Department
 382 Financial Administrator.

383
 384 Unless otherwise fixed by law, the department shall set the
 385 salary and benefits of the positions listed in this paragraph in
 386 accordance with the rules established for the Selected Exempt
 387 Service.

388 Section 13. Effective January 1, 2010, paragraph (b) of
 389 subsection (8) of section 311.12, Florida Statutes, is amended
 390 to read:

391 311.12 Seaport security standards; inspections;
 392 compliance; appeals.--
 393 (8)
 394 (b)1. The members of the Seaport Security Standards
 395 Advisory Council shall be appointed by the Governor and consist
 396 of the following:
 397 a. Two seaport directors.
 398 b. Two seaport security directors.
 399 c. One designee from the Department of Law Enforcement.
 400 d. One designee from the Office of Motor Carrier
 401 Compliance of the Department of Highway Safety and Motor
 402 Vehicles ~~Department of Transportation~~.
 403 e. One designee from the Attorney General's Office.
 404 f. One designee from the Department of Agriculture and
 405 Consumer Services.
 406 g. One designee from the Office of Tourism, Trade, and
 407 Economic Development.
 408 h. One designee from the Office of Drug Control.
 409 2. In addition to the members designated in subparagraph
 410 1., the council may invite a representative of the United States
 411 Coast Guard to attend and participate in council meetings as an
 412 ex officio, nonvoting member of the council.
 413 Section 14. Effective January 1, 2010, subsections (8)
 414 through (11) of section 316.302, Florida Statutes, are
 415 renumbered as subsections (9) through (12), respectively,
 416 subsection (32) of section 334.044, Florida Statutes, is
 417 renumbered as subsection (8) of section 316.302, Florida
 418 Statutes, and paragraph (b) of subsection (4) and paragraph (a)

419 of present subsection (8) of section 316.302, Florida Statutes,
 420 are amended, to read:

421 316.302 Commercial motor vehicles; safety regulations;
 422 transporters and shippers of hazardous materials; enforcement.--

423 (4)

424 (b) In addition to the penalties provided in s.
 425 316.3025(3)(b), (c), (d), and (e), any motor carrier or any of
 426 its officers, drivers, agents, representatives, employees, or
 427 shippers of hazardous materials that do not comply with this
 428 subsection or any rule adopted by a state agency that is
 429 consistent with the federal rules and regulations regarding
 430 hazardous materials commits a misdemeanor of the first degree,
 431 punishable as provided in s. 775.082 or s. 775.083. To ensure
 432 compliance with this subsection, enforcement officers of the
 433 Office of Motor Carrier Compliance ~~Office~~ within the department
 434 ~~of Transportation~~ and state highway patrol officers may inspect
 435 shipping documents and cargo of any vehicle known or suspected
 436 to be a transporter of hazardous materials.

437 ~~(8)(32)~~ In order to fulfill the department's mission to
 438 provide a safe and efficient transportation system, the
 439 department's Office of Motor Carrier Compliance may employ sworn
 440 law enforcement officers, certified in accordance with chapter
 441 943, to enforce the traffic and criminal laws of this state.
 442 Such officers shall have full law enforcement powers granted to
 443 other peace officers of this state, including making arrests,
 444 carrying firearms, serving court process, and seizing vehicles
 445 defined as contraband under s. 319.33, illegal drugs, stolen
 446 property, and the proceeds of illegal activities. Officers

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447 appointed under this section have the primary responsibility for
448 enforcing laws relating to size and weight of commercial motor
449 vehicles; safety, traffic, tax, and registration of commercial
450 motor vehicles; interdiction of vehicles defined as contraband
451 under s. 319.33, illegal drugs, and stolen property; and
452 violations that threaten the overall security and safety of
453 Florida's transportation infrastructure and the motoring public.
454 The office is also authorized to appoint part-time or auxiliary
455 law enforcement officers pursuant to chapter 943 and to provide
456 compensation in accordance with law.

457 (9)~~(8)~~ For the purpose of enforcing this section, any law
458 enforcement officer of the Department of Transportation or duly
459 appointed agent who holds a current safety inspector
460 certification from the Commercial Vehicle Safety Alliance may
461 require the driver of any commercial vehicle operated on the
462 highways of this state to stop and submit to an inspection of
463 the vehicle or the driver's records. If the vehicle or driver is
464 found to be operating in an unsafe condition, or if any required
465 part or equipment is not present or is not in proper repair or
466 adjustment, and the continued operation would present an unduly
467 hazardous operating condition, the officer may require the
468 vehicle or the driver to be removed from service pursuant to the
469 North American Standard Out-of-Service Criteria, until
470 corrected. However, if continuous operation would not present an
471 unduly hazardous operating condition, the officer may give
472 written notice requiring correction of the condition within 14
473 days.

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474 (a) Any member of the Florida Highway Patrol or any law
475 enforcement officer employed by a sheriff's office or municipal
476 police department authorized to enforce the traffic laws of this
477 state pursuant to s. 316.640 who has reason to believe that a
478 vehicle or driver is operating in an unsafe condition may, as
479 provided in subsection (11) ~~(10)~~, enforce the provisions of this
480 section.

481 Section 15. Effective January 1, 2010, subsection (1) of
482 section 316.3026, Florida Statutes, is amended to read:

483 316.3026 Unlawful operation of motor carriers.--

484 (1) The Office of Motor Carrier Compliance ~~of the~~
485 ~~Department of Transportation~~ may issue out-of-service orders to
486 motor carriers, as defined in s. 320.01(33), who have after
487 proper notice failed to pay any penalty or fine assessed by the
488 department, or its agent, against any owner or motor carrier for
489 violations of state law, refused to submit to a compliance
490 review and provide records pursuant to s. 316.302(5) or s.
491 316.70, or violated safety regulations pursuant to s. 316.302 or
492 insurance requirements found in s. 627.7415. Such out-of-service
493 orders shall have the effect of prohibiting the operations of
494 any motor vehicles owned, leased, or otherwise operated by the
495 motor carrier upon the roadways of this state, until such time
496 as the violations have been corrected or penalties have been
497 paid. Out-of-service orders issued under this section must be
498 approved by the Secretary of Transportation or his or her
499 designee. An administrative hearing pursuant to s. 120.569 shall
500 be afforded to motor carriers subject to such orders.

501 Section 16. Effective January 1, 2010, subsection (1) of
 502 section 320.18, Florida Statutes, is amended to read:

503 320.18 Withholding registration.--

504 (1) The department may withhold the registration of any
 505 motor vehicle or mobile home the owner of which has failed to
 506 register it under the provisions of law for any previous period
 507 or periods for which it appears registration should have been
 508 made in this state, until the tax for such period or periods is
 509 paid. The department may cancel any vehicle or vessel
 510 registration, driver's license, identification card, or fuel-use
 511 tax decal if the owner pays for the vehicle or vessel
 512 registration, driver's license, identification card, or fuel-use
 513 tax decal; pays any administrative, delinquency, or
 514 reinstatement fee; or pays any tax liability, penalty, or
 515 interest specified in chapter 207 by a dishonored check, or if
 516 the vehicle owner or motor carrier has failed to pay a penalty
 517 for a weight or safety violation issued by the Office of
 518 ~~Department of Transportation~~ Motor Carrier Compliance ~~Office~~.
 519 ~~The department of Transportation and the Department of Highway~~
 520 ~~Safety and Motor Vehicles~~ may impound any commercial motor
 521 vehicle that has a canceled license plate or fuel-use tax decal
 522 until the tax liability, penalty, and interest specified in
 523 chapter 207, the license tax, or the fuel-use decal fee, and
 524 applicable administrative fees have been paid for by certified
 525 funds.

526 Section 17. Conforming legislation.--The Legislature
 527 recognizes that there is a need to conform the Florida Statutes
 528 to the policy decisions reflected in this act and that there is

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529 a need to resolve apparent conflicts between this act and any
530 other legislation enacted during 2009 relating to the Office of
531 Motor Carrier Compliance, the Department of Transportation, and
532 the Department of Highway Safety and Motor Vehicles. Therefore,
533 in the interim between this act becoming a law and the 2010
534 Regular Session of the Legislature or an earlier special session
535 addressing this issue, the Division of Statutory Revision shall,
536 upon request, provide the relevant substantive committees of the
537 Senate and the House of Representatives with assistance to
538 enable such committees to prepare draft legislation to conform
539 the Florida Statutes and any legislation enacted during 2009 to
540 the provisions of this act.

541 Section 18. Except as otherwise expressly provided in this
542 act, this act shall take effect July 1, 2009.