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LEGISLATIVE ACTION

Senate

.

House

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Floor: AD/2R

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01/14/2009 11:30 AM

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The Conference Committee on CS for SB 40-A recommended the following:

1           **Senate Conference Committee Amendment (with title**  
2 **amendment)**

3  
4           Delete everything after the enacting clause  
5 and insert:

6           Section 1. Paragraph (a) of subsection (8) of section  
7 318.18, Florida Statutes, is amended to read:

8           318.18 Amount of penalties.—The penalties required for a  
9 noncriminal disposition pursuant to s. 318.14 or a criminal  
10 offense listed in s. 318.17 are as follows:

11           (8) (a) Any person who fails to comply with the court's



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12 requirements or who fails to pay the civil penalties specified  
13 in this section within the 30-day period provided for in s.  
14 318.14 must pay an additional civil penalty of \$16 ~~\$12~~, \$6.50  
15 ~~\$2.50~~ of which must be remitted to the Department of Revenue for  
16 deposit in the General Revenue Fund, and \$9.50 of which must be  
17 remitted to the Department of Revenue for deposit in the Highway  
18 Safety Operating Trust Fund. Of this additional civil penalty of  
19 \$16, \$4 is not revenue for purposes of s. 28.36 and may not be  
20 used in establishing the budget of the clerk of the court under  
21 that section or s. 28.35. The department shall contract with the  
22 Florida Association of Court Clerks, Inc., to design, establish,  
23 operate, upgrade, and maintain an automated statewide Uniform  
24 Traffic Citation Accounting System to be operated by the clerks  
25 of the court which shall include, but not be limited to, the  
26 accounting for traffic infractions by type, a record of the  
27 disposition of the citations, and an accounting system for the  
28 fines assessed and the subsequent fine amounts paid to the  
29 clerks of the court. On or before December 1, 2001, the clerks  
30 of the court must provide the information required by this  
31 chapter to be transmitted to the department by electronic  
32 transmission pursuant to the contract.

33 Section 2. Paragraph (b) of subsection (3) of section  
34 320.06, Florida Statutes, is amended to read:

35 320.06 Registration certificates, license plates, and  
36 validation stickers generally.-

37 (3)

38 (b) An additional fee of 50 cents shall be collected and  
39 deposited into the Highway Safety Operating Trust Fund on each  
40 motor vehicle registration or motor vehicle renewal registration



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41 issued in this state in order that all license plates and  
42 validation stickers be fully treated with retroreflective  
43 material.

44 Section 3. Paragraph (c) of subsection (1) of section  
45 320.08, Florida Statutes, is amended to read:

46 320.08 License taxes.—Except as otherwise provided herein,  
47 there are hereby levied and imposed annual license taxes for the  
48 operation of motor vehicles, mopeds, motorized bicycles as  
49 defined in s. 316.003(2), and mobile homes, as defined in s.  
50 320.01, which shall be paid to and collected by the department  
51 or its agent upon the registration or renewal of registration of  
52 the following:

53 (1) MOTORCYCLES AND MOPEDS.—

54 (c) Upon registration of any motorcycle, motor-driven  
55 cycle, or moped there shall be paid in addition to the license  
56 taxes specified in this subsection a nonrefundable motorcycle  
57 safety education fee in the amount of \$2.50. The proceeds of  
58 such additional fee shall be deposited in the Highway Safety  
59 Operating Trust Fund ~~and be used exclusively~~ to fund a  
60 motorcycle driver improvement program implemented pursuant to s.  
61 322.025, ~~or~~ the Florida Motorcycle Safety Education Program  
62 established in s. 322.0255, or the general operations of the  
63 department.

64 Section 4. Subsection (2) of section 320.0805, Florida  
65 Statutes, is amended to read:

66 320.0805 Personalized prestige license plates.—

67 (2) Each request for specific numbers or letters or  
68 combinations thereof shall be submitted annually to the  
69 department on an application form supplied by the department,



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70 accompanied by the following tax and fees:

71 (a) The license tax required for the vehicle, as set forth  
72 in s. 320.08.~~7~~

73 (b) A prestige plate annual use fee of \$10.~~7~~ and

74 (c) A processing fee of \$2, to be deposited into the  
75 Highway Safety Operating Trust Fund.

76 Section 5. Paragraph (b) of subsection (3) of section  
77 320.08056, Florida Statutes, is amended to read:

78 320.08056 Specialty license plates.—

79 (3) Each request must be made annually to the department,  
80 accompanied by the following tax and fees:

81 (b) A processing fee of \$2, to be deposited into the  
82 Highway Safety Operating Trust Fund.

83  
84 A request may be made any time during a registration period. If  
85 a request is made for a specialty license plate to replace a  
86 current valid license plate, the specialty license plate must be  
87 issued with appropriate decals attached at no tax for the plate,  
88 but all fees and service charges must be paid. When a request is  
89 made for a specialty license plate at the beginning of the  
90 registration period, the tax, together with all applicable fees  
91 and service charges, must be paid.

92 Section 6. Subsection (1) of section 322.025, Florida  
93 Statutes, is amended to read:

94 322.025 Driver improvement.—

95 (1) The department may implement programs to improve the  
96 driving ability of the drivers of this state. Such programs may  
97 include, but shall not be limited to, safety awareness  
98 campaigns, driver training, and licensing improvement.



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99 Motorcycle driver improvement programs implemented pursuant to  
100 this section or s. 322.0255 may ~~shall~~ be funded by the  
101 motorcycle safety education fee collected pursuant to s.  
102 320.08(1)(c), which shall be deposited in the Highway Safety  
103 Operating Trust Fund ~~of the department and appropriated for that~~  
104 ~~purpose.~~

105 Section 7. Subsections (5), (6), (7), and (8) of section  
106 322.0255, Florida Statutes, are amended to read:

107 322.0255 Florida Motorcycle Safety Education Program.—

108 ~~(5) The department shall, subject to the availability of~~  
109 ~~funds, reimburse each organization that provides an approved~~  
110 ~~motorcycle safety education course for each student who begins~~  
111 ~~the on-cycle portion of the course. This shall include any~~  
112 ~~student not required to attend a motorcycle safety education~~  
113 ~~course prior to licensure as required in s. 322.12. The amount~~  
114 ~~to be reimbursed per student to each course provider shall be~~  
115 ~~determined by the department. In order to facilitate such~~  
116 ~~determination, each course provider shall be required to submit~~  
117 ~~proof satisfactory to the department of the expected cost per~~  
118 ~~student to be incurred by such course provider. In no event~~  
119 ~~shall the amount to be reimbursed per student to any course~~  
120 ~~provider exceed the expected cost per student. In addition to~~  
121 ~~the amount of any reimbursement, each course provider that~~  
122 ~~conducts such a course may charge each student a tuition fee~~  
123 ~~sufficient to defray the cost of conducting the course. The~~  
124 ~~department shall fund the payments required under this~~  
125 ~~subsection from the motorcycle safety education fee, as provided~~  
126 ~~in ss. 320.08 and 322.025.~~

127 (5) ~~(6)~~ Each organization that provides an approved



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128 motorcycle safety course may charge a registration fee, not to  
129 exceed \$20 per student. This fee must be refunded if the student  
130 completes the course. However, any student who registers for,  
131 and does not complete, the course must forfeit his or her  
132 registration fee. Forfeited fees may be retained by the  
133 organization that conducts the course.

134 ~~(6)(7)~~ The department may adopt rules to implement this  
135 section.

136 ~~(7)(8)~~ On and after January 1, 1989, every first-time  
137 applicant for licensure to operate a motorcycle who is under 21  
138 years of age shall be required to complete a motorcycle  
139 education course as established pursuant to this section. Proof  
140 of completion of such education course shall be presented to the  
141 driver license examining office prior to such licensure to  
142 operate a motorcycle.

143 Section 8. This act shall take effect February 1, 2009, or  
144 upon becoming a law, whichever occurs later.

145  
146 ===== T I T L E A M E N D M E N T =====

147 And the title is amended as follows:

148 Delete everything before the enacting clause  
149 and insert:

150 A bill to be entitled  
151 An act relating to the Department of Highway Safety and Motor  
152 Vehicles; amending s. 318.18, F.S.; increasing the fine imposed  
153 for failing to pay a civil traffic penalty within the period  
154 specified; requiring that the additional revenue be deposited  
155 into the General Revenue Fund; prohibiting the use of a portion  
156 of that amount in establishing the budget of the clerk of the



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157 court; amending s. 320.06, F.S.; requiring that certain fees  
158 collected from motor vehicle registration and registration  
159 renewal be deposited into the Highway Safety Operating Trust  
160 Fund; amending s. 320.08, F.S.; authorizing the use of certain  
161 fees from motorcycle and moped registration for the general  
162 operations of the department; amending ss. 320.0805 and  
163 320.08056, F.S.; requiring that certain fees for prestige and  
164 specialty license plates be deposited into the Highway Safety  
165 Operating Trust Fund; amending s. 322.025, F.S.; revising  
166 requirements for funding motorcycle driver improvement programs;  
167 amending s. 322.0255, F.S.; eliminating a requirement that the  
168 department reimburse organizations that provide motorcycle  
169 safety education courses; providing an effective date.