

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Glorioso offered the following:

2
3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

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

8 (2) The Department of Highway Safety and Motor Vehicles
9 shall pay any outstanding debts and obligations of the
10 terminated fund as soon as practicable and the Chief Financial
11 Officer shall close out and remove the terminated fund from the
12 various state accounting systems using generally accepted
13 accounting principles concerning warrants outstanding, assets,
14 and liabilities.

15 Section 2. Paragraph (c) of subsection (3) of section
16 17.61, Florida Statutes, is amended to read:

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17 | 17.61 Chief Financial Officer; powers and duties in the
18 | investment of certain funds.--

19 | (3)

20 | (c) Except as provided in this paragraph and except for
21 | moneys described in paragraph (d), the following agencies shall
22 | not invest trust fund moneys as provided in this section, but
23 | shall retain such moneys in their respective trust funds for
24 | investment, with interest appropriated to the General Revenue
25 | Fund, pursuant to s. 17.57:

26 | 1. The Agency for Health Care Administration, except for
27 | the Tobacco Settlement Trust Fund.

28 | 2. The Agency for Persons with Disabilities, except for:

29 | a. The Federal Grants Trust Fund.

30 | b. The Tobacco Settlement Trust Fund.

31 | 3. The Department of Children and Family Services, except
32 | for:

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

34 | b. The Social Services Block Grant Trust Fund.

35 | c. The Tobacco Settlement Trust Fund.

36 | d. The Working Capital Trust Fund.

37 | 4. The Department of Community Affairs, only for the
38 | Operating Trust Fund.

39 | 5. The Department of Corrections.

40 | 6. The Department of Elderly Affairs, except for:

41 | a. The Federal Grants Trust Fund.

42 | b. The Tobacco Settlement Trust Fund.

43 | 7. The Department of Health, except for:

44 | a. The Federal Grants Trust Fund.

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- 45 b. The Grants and Donations Trust Fund.
- 46 c. The Maternal and Child Health Block Grant Trust Fund.
- 47 d. The Tobacco Settlement Trust Fund.
- 48 8. The Department of Highway Safety and Motor Vehicles,
- 49 only for:
- 50 ~~a. The DUI Programs Coordination Trust Fund.~~
- 51 ~~b.~~ the Security Deposits Trust Fund.
- 52 9. The Department of Juvenile Justice.
- 53 10. The Department of Law Enforcement.
- 54 11. The Department of Legal Affairs.
- 55 12. The Department of State, only for:
- 56 a. The Grants and Donations Trust Fund.
- 57 b. The Records Management Trust Fund.
- 58 13. The Executive Office of the Governor, only for:
- 59 a. The Economic Development Transportation Trust Fund.
- 60 b. The Economic Development Trust Fund.
- 61 14. The Florida Public Service Commission, only for the
- 62 Florida Public Service Regulatory Trust Fund.
- 63 15. The Justice Administrative Commission.
- 64 16. The state courts system.

65 Section 3. Paragraphs (n) through (x) of subsection (4) of
66 section 215.20, Florida Statutes, are redesignated as paragraphs
67 (m) through (w), respectively, and current paragraph (m) of that
68 subsection is repealed:

69 215.20 Certain income and certain trust funds to
70 contribute to the General Revenue Fund.--

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

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

77
78 The enumeration of the foregoing moneys or trust funds shall not
79 prohibit the applicability of s. 215.24 should the Governor
80 determine that for the reasons mentioned in s. 215.24 the money
81 or trust funds should be exempt herefrom, as it is the purpose
82 of this law to exempt income from its force and effect when, by
83 the operation of this law, federal matching funds or
84 contributions or private grants to any trust fund would be lost
85 to the state.

86 Section 4. Paragraph (c) of subsection (1) of section
87 320.08, Florida Statutes, is amended to read:

88 320.08 License taxes.--Except as otherwise provided
89 herein, there are hereby levied and imposed annual license taxes
90 for the operation of motor vehicles, mopeds, motorized bicycles
91 as defined in s. 316.003(2), and mobile homes, as defined in s.
92 320.01, which shall be paid to and collected by the department
93 or its agent upon the registration or renewal of registration of
94 the following:

95 (1) MOTORCYCLES AND MOPEDS.--

96 (c) Upon registration of any motorcycle, motor-driven
97 cycle, or moped there shall be paid in addition to the license
98 taxes specified in this subsection a nonrefundable motorcycle
99 safety education fee in the amount of \$2.50. The proceeds of
100 such additional fee shall be deposited in the Highway Safety
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101 Operating Trust Fund ~~and be used exclusively~~ to fund a
102 motorcycle driver improvement program implemented pursuant to s.
103 322.025, ~~or~~ the Florida Motorcycle Safety Education Program
104 established in s. 322.0255, or the general operations of the
105 department.

106 Section 5. Subsection (1) of section 322.025, Florida
107 Statutes, is amended to read:

108 322.025 Driver improvement.--

109 (1) The department may implement programs to improve the
110 driving ability of the drivers of this state. Such programs may
111 include, but shall not be limited to, safety awareness
112 campaigns, driver training, and licensing improvement.
113 Motorcycle driver improvement programs implemented pursuant to
114 this section or s. 322.0255 may ~~shall~~ be funded by the
115 motorcycle safety education fee collected pursuant to s.
116 320.08(1)(c), which shall be deposited in the Highway Safety
117 Operating Trust Fund ~~of the department and appropriated for that~~
118 ~~purpose.~~

119 Section 6. Subsections (5), (6), (7), and (8) of section
120 322.0255, Florida Statutes, are amended to read:

121 322.0255 Florida Motorcycle Safety Education Program.--

122 ~~(5) The department shall, subject to the availability of~~
123 ~~funds, reimburse each organization that provides an approved~~
124 ~~motorcycle safety education course for each student who begins~~
125 ~~the on-cycle portion of the course. This shall include any~~
126 ~~student not required to attend a motorcycle safety education~~
127 ~~course prior to licensure as required in s. 322.12. The amount~~
128 ~~to be reimbursed per student to each course provider shall be~~
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129 ~~determined by the department. In order to facilitate such~~
130 ~~determination, each course provider shall be required to submit~~
131 ~~proof satisfactory to the department of the expected cost per~~
132 ~~student to be incurred by such course provider. In no event~~
133 ~~shall the amount to be reimbursed per student to any course~~
134 ~~provider exceed the expected cost per student. In addition to~~
135 ~~the amount of any reimbursement, each course provider that~~
136 ~~conducts such a course may charge each student a tuition fee~~
137 ~~sufficient to defray the cost of conducting the course. The~~
138 ~~department shall fund the payments required under this~~
139 ~~subsection from the motorcycle safety education fee, as provided~~
140 ~~in ss. 320.08 and 322.025.~~

141 (5)~~(6)~~ Each organization that provides an approved
142 motorcycle safety course may charge a registration fee, not to
143 exceed \$20 per student. This fee must be refunded if the student
144 completes the course. However, any student who registers for,
145 and does not complete, the course must forfeit his or her
146 registration fee. Forfeited fees may be retained by the
147 organization that conducts the course.

148 (6)~~(7)~~ The department may adopt rules to implement this
149 section.

150 (7)~~(8)~~ On and after January 1, 1989, every first-time
151 applicant for licensure to operate a motorcycle who is under 21
152 years of age shall be required to complete a motorcycle
153 education course as established pursuant to this section. Proof
154 of completion of such education course shall be presented to the
155 driver license examining office prior to such licensure to
156 operate a motorcycle.

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157 Section 7. Section 322.293, Florida Statutes, is amended
158 to read:

159 322.293 DUI programs ~~Coordination Trust Fund~~; assessment;
160 disposition.--

161 (1) ~~The~~ DUI programs ~~Coordination Trust Fund~~ shall be
162 administered by the department, and the costs of administration
163 shall be borne by the revenue collections provided in this
164 section fund. All funds received by the department ~~DUI Programs~~
165 ~~Coordination Trust Fund~~ shall be used ~~solely~~ for the purposes
166 set forth in this chapter and for the general operation of the
167 department ~~section~~ and s. ~~322.292~~. However, ~~if the Legislature~~
168 ~~passes legislation consolidating existing trust funds assigned~~
169 ~~to the department, all funds remaining in and deposited to the~~
170 ~~DUI Programs Coordination Trust Fund shall be transferred to the~~
171 ~~consolidated trust funds, subject to their being earmarked for~~
172 ~~use solely for the purposes set forth in this section and s.~~
173 ~~322.292.~~

174 (2) Each DUI program shall assess \$12 against each person
175 enrolling in a DUI program at the time of enrollment, including
176 persons who transfer to or from a program in another state. In
177 addition, second and third offenders and those offenders under
178 permanent driver's-license revocation who are evaluated for
179 ~~eligibility for~~ license restrictions under s. 322.271(2) ~~(b)~~ and
180 (4) shall be assessed \$12 upon enrollment in the program and
181 upon each subsequent anniversary date while they are in the
182 program, for the duration of the license period.

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

187 Section 8. This act shall take effect upon becoming a law.
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191 **T I T L E A M E N D M E N T**

192 Remove the entire title and insert:

193 A bill to be entitled

194 An act relating to the Department of Highway Safety and
195 Motor Vehicles; terminating the DUI Programs Coordination
196 Trust Fund; prescribing procedures for the termination of
197 the trust funds; amending ss. 17.61 and 215.20, F.S.,
198 relating to investment of certain funds by the Chief
199 Financial Officer and trust fund contributions to the
200 General Revenue Fund; removing references to the trust
201 fund to conform; amending s. 320.08, F.S.; revising
202 allowed uses of proceeds in the Highway Safety Operating
203 Trust Fund from a fee paid upon registration of a
204 motorcycle, motor-driven cycle, or moped; amending s.
205 322.025, F.S.; revising provisions for funding of certain
206 driver improvement programs; amending s. 322.0255, F.S.;
207 eliminating requirements for motorcycle safety education
208 course reimbursements; amending s. 322.293, F.S.; revising
209 requirements for distribution and use of certain proceeds
210 from persons enrolled in DUI programs; directing such
211 proceeds to be deposited into the Highway Safety Operating
212 Trust Fund; providing an effective date.

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