

By the Committee on Transportation and Economic Development
Appropriations and Senator Fasano

606-00113-09A

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1 A bill to be entitled
2 An act relating to the Department of Highway Safety
3 and Motor Vehicles; amending s. 318.18, F.S.;
4 increasing the fine imposed for failing to pay a civil
5 traffic penalty within the period specified; requiring
6 that the additional revenue be deposited into the
7 General Revenue Fund; prohibiting the use of a portion
8 of that amount in establishing the budget of the clerk
9 of the court; amending s. 320.06, F.S.; requiring that
10 certain fees collected from motor vehicle registration
11 and registration renewal be deposited into the Highway
12 Safety Operating Trust Fund; amending s. 320.08, F.S.;
13 authorizing the use of certain fees from motorcycle
14 and moped registration for the general operations of
15 the department; amending ss. 320.0805 and 320.08056,
16 F.S.; requiring that certain fees for prestige and
17 specialty license plates be deposited into the Highway
18 Safety Operating Trust Fund; amending s. 322.025,
19 F.S.; revising requirements for funding motorcycle
20 driver improvement programs; amending s. 322.0255,
21 F.S.; eliminating a requirement that the department
22 reimburse organizations that provide motorcycle safety
23 education courses; providing an effective date.

24
25 Be It Enacted by the Legislature of the State of Florida:

26
27 Section 1. Paragraph (a) of subsection (8) of section
28 318.18, Florida Statutes, is amended to read:

29 318.18 Amount of penalties.—The penalties required for a

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30 noncriminal disposition pursuant to s. 318.14 or a criminal
31 offense listed in s. 318.17 are as follows:

32 (8) (a) Any person who fails to comply with the court's
33 requirements or who fails to pay the civil penalties specified
34 in this section within the 30-day period provided for in s.
35 318.14 must pay an additional civil penalty of \$16 ~~\$12~~, \$6.50
36 ~~\$2.50~~ of which must be remitted to the Department of Revenue for
37 deposit in the General Revenue Fund, and \$9.50 of which must be
38 remitted to the Department of Revenue for deposit in the Highway
39 Safety Operating Trust Fund. Of this additional civil penalty of
40 \$16, \$4 is not revenue for purposes of s. 28.36 and may not be
41 used in establishing the budget of the clerk of the court under
42 that section or s. 28.35. The department shall contract with the
43 Florida Association of Court Clerks, Inc., to design, establish,
44 operate, upgrade, and maintain an automated statewide Uniform
45 Traffic Citation Accounting System to be operated by the clerks
46 of the court which shall include, but not be limited to, the
47 accounting for traffic infractions by type, a record of the
48 disposition of the citations, and an accounting system for the
49 fines assessed and the subsequent fine amounts paid to the
50 clerks of the court. On or before December 1, 2001, the clerks
51 of the court must provide the information required by this
52 chapter to be transmitted to the department by electronic
53 transmission pursuant to the contract.

54 Section 2. Paragraph (b) of subsection (3) of section
55 320.06, Florida Statutes, is amended to read:

56 320.06 Registration certificates, license plates, and
57 validation stickers generally.—

58 (3)

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59 (b) An additional fee of 50 cents shall be collected and
60 deposited into the Highway Safety Operating Trust Fund on each
61 motor vehicle registration or motor vehicle renewal registration
62 issued in this state in order that all license plates and
63 validation stickers be fully treated with retroreflective
64 material.

65 Section 3. Paragraph (c) of subsection (1) of section
66 320.08, Florida Statutes, is amended to read:

67 320.08 License taxes.—Except as otherwise provided herein,
68 there are hereby levied and imposed annual license taxes for the
69 operation of motor vehicles, mopeds, motorized bicycles as
70 defined in s. 316.003(2), and mobile homes, as defined in s.
71 320.01, which shall be paid to and collected by the department
72 or its agent upon the registration or renewal of registration of
73 the following:

74 (1) MOTORCYCLES AND MOPEDS.—

75 (c) Upon registration of any motorcycle, motor-driven
76 cycle, or moped there shall be paid in addition to the license
77 taxes specified in this subsection a nonrefundable motorcycle
78 safety education fee in the amount of \$2.50. The proceeds of
79 such additional fee shall be deposited in the Highway Safety
80 Operating Trust Fund ~~and be used exclusively~~ to fund a
81 motorcycle driver improvement program implemented pursuant to s.
82 322.025, ~~or~~ the Florida Motorcycle Safety Education Program
83 established in s. 322.0255, or the general operations of the
84 department.

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

87 320.0805 Personalized prestige license plates.—

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88 (2) Each request for specific numbers or letters or
89 combinations thereof shall be submitted annually to the
90 department on an application form supplied by the department,
91 accompanied by the following tax and fees:

92 (a) The license tax required for the vehicle, as set forth
93 in s. 320.08~~.~~

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

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

97 Section 5. Paragraph (b) of subsection (3) of section
98 320.08056, Florida Statutes, is amended to read:

99 320.08056 Specialty license plates.—

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

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

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105 A request may be made any time during a registration period. If
106 a request is made for a specialty license plate to replace a
107 current valid license plate, the specialty license plate must be
108 issued with appropriate decals attached at no tax for the plate,
109 but all fees and service charges must be paid. When a request is
110 made for a specialty license plate at the beginning of the
111 registration period, the tax, together with all applicable fees
112 and service charges, must be paid.

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

115 322.025 Driver improvement.—

116 (1) The department may implement programs to improve the

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117 driving ability of the drivers of this state. Such programs may
118 include, but shall not be limited to, safety awareness
119 campaigns, driver training, and licensing improvement.
120 Motorcycle driver improvement programs implemented pursuant to
121 this section or s. 322.0255 may ~~shall~~ be funded by the
122 motorcycle safety education fee collected pursuant to s.
123 320.08(1)(c), which shall be deposited in the Highway Safety
124 Operating Trust Fund ~~of the department and appropriated for that~~
125 ~~purpose.~~

126 Section 7. Subsections (5), (6), (7), and (8) of section
127 322.0255, Florida Statutes, are amended to read:

128 322.0255 Florida Motorcycle Safety Education Program.—

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

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146 ~~subsection from the motorcycle safety education fee, as provided~~
147 ~~in ss. 320.08 and 322.025.~~

148 (5)~~(6)~~ Each organization that provides an approved
149 motorcycle safety course may charge a registration fee, not to
150 exceed \$20 per student. This fee must be refunded if the student
151 completes the course. However, any student who registers for,
152 and does not complete, the course must forfeit his or her
153 registration fee. Forfeited fees may be retained by the
154 organization that conducts the course.

155 (6)~~(7)~~ The department may adopt rules to implement this
156 section.

157 (7)~~(8)~~ On and after January 1, 1989, every first-time
158 applicant for licensure to operate a motorcycle who is under 21
159 years of age shall be required to complete a motorcycle
160 education course as established pursuant to this section. Proof
161 of completion of such education course shall be presented to the
162 driver license examining office prior to such licensure to
163 operate a motorcycle.

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