

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; prescribing procedures for the termination of  
 5           the trust funds; amending ss. 17.61 and 215.20, F.S.,  
 6           relating to investment of certain funds by the Chief  
 7           Financial Officer and trust fund contributions to the  
 8           General Revenue Fund; removing references to the trust  
 9           fund to conform; amending s. 320.08, F.S.; revising  
 10          allowed uses of proceeds in the Highway Safety Operating  
 11          Trust Fund from a fee paid upon registration of a  
 12          motorcycle, motor-driven cycle, or moped; amending s.  
 13          322.025, F.S.; revising provisions for funding of certain  
 14          driver improvement programs; amending s. 322.0255, F.S.;  
 15          eliminating requirements for motorcycle safety education  
 16          course reimbursements; amending s. 322.293, F.S.; revising  
 17          requirements for distribution and use of certain proceeds  
 18          from persons enrolled in DUI programs; directing such  
 19          proceeds to be deposited into the Highway Safety Operating  
 20          Trust Fund; providing an effective date.

21  
 22   Be It Enacted by the Legislature of the State of Florida:

23  
 24           Section 1. (1) The DUI Programs Coordination Trust Fund  
 25           within the Department of Highway Safety and Motor Vehicles,  
 26           FLAIR number 76-2-172, is terminated.

27           (2) The Department of Highway Safety and Motor Vehicles  
 28           shall pay any outstanding debts and obligations of the

29 terminated fund as soon as practicable and the Chief Financial  
 30 Officer shall close out and remove the terminated fund from the  
 31 various state accounting systems using generally accepted  
 32 accounting principles concerning warrants outstanding, assets,  
 33 and liabilities.

34 Section 2. Paragraph (c) of subsection (3) of section  
 35 17.61, Florida Statutes, is amended to read:

36 17.61 Chief Financial Officer; powers and duties in the  
 37 investment of certain funds.--

38 (3)

39 (c) Except as provided in this paragraph and except for  
 40 moneys described in paragraph (d), the following agencies shall  
 41 not invest trust fund moneys as provided in this section, but  
 42 shall retain such moneys in their respective trust funds for  
 43 investment, with interest appropriated to the General Revenue  
 44 Fund, pursuant to s. 17.57:

45 1. The Agency for Health Care Administration, except for  
 46 the Tobacco Settlement Trust Fund.

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

48 a. The Federal Grants Trust Fund.

49 b. The Tobacco Settlement Trust Fund.

50 3. The Department of Children and Family Services, except  
 51 for:

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

53 b. The Social Services Block Grant Trust Fund.

54 c. The Tobacco Settlement Trust Fund.

55 d. The Working Capital Trust Fund.

HB 5007A

2009

- 56 |           4. The Department of Community Affairs, only for the
- 57 | Operating Trust Fund.
- 58 |           5. The Department of Corrections.
- 59 |           6. The Department of Elderly Affairs, except for:
- 60 |           a. The Federal Grants Trust Fund.
- 61 |           b. The Tobacco Settlement Trust Fund.
- 62 |           7. The Department of Health, except for:
- 63 |           a. The Federal Grants Trust Fund.
- 64 |           b. The Grants and Donations Trust Fund.
- 65 |           c. The Maternal and Child Health Block Grant Trust Fund.
- 66 |           d. The Tobacco Settlement Trust Fund.
- 67 |           8. The Department of Highway Safety and Motor Vehicles,
- 68 | only for:
- 69 |           ~~a. The DUI Programs Coordination Trust Fund.~~
- 70 |           ~~b.~~ the Security Deposits Trust Fund.
- 71 |           9. The Department of Juvenile Justice.
- 72 |           10. The Department of Law Enforcement.
- 73 |           11. The Department of Legal Affairs.
- 74 |           12. The Department of State, only for:
- 75 |           a. The Grants and Donations Trust Fund.
- 76 |           b. The Records Management Trust Fund.
- 77 |           13. The Executive Office of the Governor, only for:
- 78 |           a. The Economic Development Transportation Trust Fund.
- 79 |           b. The Economic Development Trust Fund.
- 80 |           14. The Florida Public Service Commission, only for the
- 81 | Florida Public Service Regulatory Trust Fund.
- 82 |           15. The Justice Administrative Commission.
- 83 |           16. The state courts system.

HB 5007A

2009

84 Section 3. Paragraphs (n) through (x) of subsection (4) of  
 85 section 215.20, Florida Statutes, are redesignated as paragraphs  
 86 (m) through (w), respectively, and current paragraph (m) of that  
 87 subsection is repealed:

88 215.20 Certain income and certain trust funds to  
 89 contribute to the General Revenue Fund.--

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

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

96  
 97 The enumeration of the foregoing moneys or trust funds shall not  
 98 prohibit the applicability of s. 215.24 should the Governor  
 99 determine that for the reasons mentioned in s. 215.24 the money  
 100 or trust funds should be exempt herefrom, as it is the purpose  
 101 of this law to exempt income from its force and effect when, by  
 102 the operation of this law, federal matching funds or  
 103 contributions or private grants to any trust fund would be lost  
 104 to the state.

105 Section 4. Paragraph (c) of subsection (1) of section  
 106 320.08, Florida Statutes, is amended to read:

107 320.08 License taxes.--Except as otherwise provided  
 108 herein, there are hereby levied and imposed annual license taxes  
 109 for the operation of motor vehicles, mopeds, motorized bicycles  
 110 as defined in s. 316.003(2), and mobile homes, as defined in s.  
 111 320.01, which shall be paid to and collected by the department

HB 5007A

2009

112 or its agent upon the registration or renewal of registration of  
 113 the following:

114 (1) MOTORCYCLES AND MOPEDS.--

115 (c) Upon registration of any motorcycle, motor-driven  
 116 cycle, or moped there shall be paid in addition to the license  
 117 taxes specified in this subsection a nonrefundable motorcycle  
 118 safety education fee in the amount of \$2.50. The proceeds of  
 119 such additional fee shall be deposited in the Highway Safety  
 120 Operating Trust Fund ~~and be used exclusively~~ to fund a  
 121 motorcycle driver improvement program implemented pursuant to s.  
 122 322.025, ~~or~~ the Florida Motorcycle Safety Education Program  
 123 established in s. 322.0255, or the general operations of the  
 124 department.

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

127 322.025 Driver improvement.--

128 (1) The department may implement programs to improve the  
 129 driving ability of the drivers of this state. Such programs may  
 130 include, but shall not be limited to, safety awareness  
 131 campaigns, driver training, and licensing improvement.  
 132 Motorcycle driver improvement programs implemented pursuant to  
 133 this section or s. 322.0255 may ~~shall~~ be funded by the  
 134 motorcycle safety education fee collected pursuant to s.  
 135 320.08(1)(c), which shall be deposited in the Highway Safety  
 136 Operating Trust Fund ~~of the department and appropriated for that~~  
 137 ~~purpose.~~

138 Section 6. Subsections (5), (6), (7), and (8) of section  
 139 322.0255, Florida Statutes, are amended to read:

HB 5007A

2009

140 322.0255 Florida Motorcycle Safety Education Program.--

141 ~~(5) The department shall, subject to the availability of~~  
142 ~~funds, reimburse each organization that provides an approved~~  
143 ~~motorcycle safety education course for each student who begins~~  
144 ~~the on-cycle portion of the course. This shall include any~~  
145 ~~student not required to attend a motorcycle safety education~~  
146 ~~course prior to licensure as required in s. 322.12. The amount~~  
147 ~~to be reimbursed per student to each course provider shall be~~  
148 ~~determined by the department. In order to facilitate such~~  
149 ~~determination, each course provider shall be required to submit~~  
150 ~~proof satisfactory to the department of the expected cost per~~  
151 ~~student to be incurred by such course provider. In no event~~  
152 ~~shall the amount to be reimbursed per student to any course~~  
153 ~~provider exceed the expected cost per student. In addition to~~  
154 ~~the amount of any reimbursement, each course provider that~~  
155 ~~conducts such a course may charge each student a tuition fee~~  
156 ~~sufficient to defray the cost of conducting the course. The~~  
157 ~~department shall fund the payments required under this~~  
158 ~~subsection from the motorcycle safety education fee, as provided~~  
159 ~~in ss. 320.08 and 322.025.~~

160 (5) ~~(6)~~ Each organization that provides an approved  
161 motorcycle safety course may charge a registration fee, not to  
162 exceed \$20 per student. This fee must be refunded if the student  
163 completes the course. However, any student who registers for,  
164 and does not complete, the course must forfeit his or her  
165 registration fee. Forfeited fees may be retained by the  
166 organization that conducts the course.

167        (6)~~(7)~~ The department may adopt rules to implement this  
 168 section.

169        (7)~~(8)~~ On and after January 1, 1989, every first-time  
 170 applicant for licensure to operate a motorcycle who is under 21  
 171 years of age shall be required to complete a motorcycle  
 172 education course as established pursuant to this section. Proof  
 173 of completion of such education course shall be presented to the  
 174 driver license examining office prior to such licensure to  
 175 operate a motorcycle.

176        Section 7. Section 322.293, Florida Statutes, is amended  
 177 to read:

178        322.293 DUI programs ~~Coordination Trust Fund~~; assessment;  
 179 disposition.--

180        (1) ~~The~~ DUI programs ~~Coordination Trust Fund~~ shall be  
 181 administered by the department, and the costs of administration  
 182 shall be borne by the revenue collections provided in this  
 183 section fund. All funds received by the department ~~DUI Programs~~  
 184 ~~Coordination Trust Fund~~ shall be used ~~solely~~ for the purposes  
 185 set forth in this chapter and for the general operation of the  
 186 department ~~section~~ and s. 322.292. However, ~~if the Legislature~~  
 187 ~~passes legislation consolidating existing trust funds assigned~~  
 188 ~~to the department, all funds remaining in and deposited to the~~  
 189 ~~DUI Programs Coordination Trust Fund shall be transferred to the~~  
 190 ~~consolidated trust funds, subject to their being earmarked for~~  
 191 ~~use solely for the purposes set forth in this section and s.~~  
 192 ~~322.292.~~

193        (2) Each DUI program shall assess \$12 against each person  
 194 enrolling in a DUI program at the time of enrollment, including

HB 5007A

2009

195 persons who transfer to or from a program in another state. In  
196 addition, second and third offenders and those offenders under  
197 permanent driver's-license revocation who are evaluated for  
198 ~~eligibility for~~ license restrictions under s. 322.271(2) ~~(b)~~ and  
199 (4) shall be assessed \$12 upon enrollment in the program and  
200 upon each subsequent anniversary date while they are in the  
201 program, for the duration of the license period.

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

206 Section 8. This act shall take effect upon becoming a law.