

Amendment No.

CHAMBER ACTION

Senate

House

.

1 Representative Horner offered the following:

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

4 Remove everything after the enacting clause and insert:

5
6 Section 1. Section 20.24, Florida Statutes, is amended to
7 read:

8 20.24 Department of Highway Safety and Motor Vehicles.—
9 There is created a Department of Highway Safety and Motor
10 Vehicles.

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

13 (2) The following divisions, ~~and bureaus within the~~
14 ~~divisions,~~ of the Department of Highway Safety and Motor
15 Vehicles are established:

16 (a) Division of the Florida Highway Patrol.

969825

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Amendment No.

17 (b) Division of Motorist Services.

18 ~~(b) Division of Driver Licenses.~~

19 ~~(c) Division of Motor Vehicles.~~

20 Section 2. Section 218.337, Florida Statutes, is created
21 to read:

22 218.337 Tax collectors; branch offices.—A tax collector
23 may establish one or more branch offices by acquiring title to
24 real property or by lease agreement. The tax collector may staff
25 and equip such branch offices to conduct state business only
26 upon execution of an interagency agreement or, if authorized to
27 do so by resolution of the county governing body, conduct
28 business pursuant to s. (1)(k), Art. VIII of the State
29 Constitution. The department shall rely on the tax collector's
30 determination that a branch office is necessary and shall base
31 its approval of the tax collector's budget in accordance with
32 the procedures of s. 195.087(2).

33 Section 3. Paragraph (e) of subsection (2) of section
34 288.816, Florida Statutes, is amended to read:

35 288.816 Intergovernmental relations.—

36 (2) The Office of Tourism, Trade, and Economic Development
37 shall be responsible for all consular relations between the
38 state and all foreign governments doing business in Florida. The
39 office shall monitor United States laws and directives to ensure
40 that all federal treaties regarding foreign privileges and
41 immunities are properly observed. The office shall promulgate
42 rules which shall:

43 (e) Verify entitlement to issuance of special motor
44 vehicle license plates by the ~~Division of Motor Vehicles of the~~
969825

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Amendment No.

45 Department of Highway Safety and Motor Vehicles to honorary
46 consuls or such other officials representing foreign governments
47 who are not entitled to issuance of special Consul Corps license
48 plates by the United States Government.

49 Section 4. Paragraph (a) of subsection (3) of section
50 311.121, Florida Statutes, is amended to read:

51 311.121 Qualifications, training, and certification of
52 licensed security officers at Florida seaports.—

53 (3) The Seaport Security Officer Qualification, Training,
54 and Standards Coordinating Council is created under the
55 Department of Law Enforcement.

56 (a) The executive director of the Department of Law
57 Enforcement shall appoint 11 members to the council, to include:

58 1. The seaport administrator of the Department of Law
59 Enforcement.

60 2. The Commissioner of Education or his or her designee.

61 3. The director of the Division of Licensing of the
62 Department of Agriculture and Consumer Services.

63 4. The administrator of the Florida Seaport Transportation
64 and Economic Development Council.

65 5. Two seaport security directors from seaports designated
66 under s. 311.09.

67 6. One director of a state law enforcement academy.

68 7. One representative of a local law enforcement agency.

69 8. Two representatives of contract security services.

70 9. One representative of the ~~Division of Driver Licenses~~
71 ~~of the~~ Department of Highway Safety and Motor Vehicles.

969825

Approved For Filing: 4/5/2011 4:27:07 PM

Amendment No.

72 Section 5. Section 316.1957, Florida Statutes, is amended
73 to read:

74 316.1957 Parking violations; designated parking spaces for
75 persons who have disabilities.—When evidence is presented in any
76 court of the fact that any motor vehicle was parked in a
77 properly designated parking space for persons who have
78 disabilities in violation of s. 316.1955, it is prima facie
79 evidence that the vehicle was parked and left in the space by
80 the person, firm, or corporation in whose name the vehicle is
81 registered and licensed according to the records of the
82 department ~~Division of Motor Vehicles~~.

83 Section 6. Paragraph (b) of subsection (1) of section
84 316.613, Florida Statutes, is amended to read:

85 316.613 Child restraint requirements.—

86 (1)

87 (b) The department ~~Division of Motor Vehicles~~ shall
88 provide notice of the requirement for child restraint devices,
89 which notice shall accompany the delivery of each motor vehicle
90 license tag.

91 Section 7. Paragraph (a) of subsection (1) of section
92 318.15, Florida Statutes, is amended to read:

93 318.15 Failure to comply with civil penalty or to appear;
94 penalty.—

95 (1)(a) If a person fails to comply with the civil
96 penalties provided in s. 318.18 within the time period specified
97 in s. 318.14(4), fails to enter into or comply with the terms of
98 a penalty payment plan with the clerk of the court in accordance
99 with ss. 318.14 and 28.246, fails to attend driver improvement
969825

Approved For Filing: 4/5/2011 4:27:07 PM

Amendment No.

100 school, or fails to appear at a scheduled hearing, the clerk of
101 the court shall notify the ~~Division of Driver Licenses of the~~
102 Department of Highway Safety and Motor Vehicles of such failure
103 within 10 days after such failure. Upon receipt of such notice,
104 the department shall immediately issue an order suspending the
105 driver's license and privilege to drive of such person effective
106 20 days after the date the order of suspension is mailed in
107 accordance with s. 322.251(1), (2), and (6). Any such suspension
108 of the driving privilege which has not been reinstated,
109 including a similar suspension imposed outside Florida, shall
110 remain on the records of the department for a period of 7 years
111 from the date imposed and shall be removed from the records
112 after the expiration of 7 years from the date it is imposed.

113 Section 8. Paragraph (b) of subsection (3) and subsection
114 (5) of section 320.05, Florida Statutes, are amended to read:

115 320.05 Records of the department; inspection procedure;
116 lists and searches; fees.—

117 (3)

118 (b) Fees therefor shall be charged and collected as
119 follows:

120 1. For providing lists of motor vehicle or vessel records
121 for the entire state, or any part or parts thereof, divided
122 according to counties, a sum computed at a rate of not less than
123 1 cent nor more than 5 cents per item.

124 2. For providing noncertified photographic copies of motor
125 vehicle or vessel documents, \$1 per page.

126 3. For providing noncertified photographic copies of
127 micrographic records, \$1 per page.

969825

Approved For Filing: 4/5/2011 4:27:07 PM

Amendment No.

- 128 4. For providing certified copies of motor vehicle or
129 vessel records, \$3 per record.
- 130 5. For providing noncertified computer-generated printouts
131 of motor vehicle or vessel records, 50 cents per record.
- 132 6. For providing certified computer-generated printouts of
133 motor vehicle or vessel records, \$3 per record.
- 134 7. For providing electronic access to motor vehicle,
135 vessel, and mobile home registration data requested by tag,
136 vehicle identification number, title number, or decal number, 50
137 cents per item.
- 138 8. For providing electronic access to driver's license
139 status report by name, sex, and date of birth or by driver
140 license number, 50 cents per item.
- 141 9. For providing lists of licensed mobile home dealers and
142 manufacturers and recreational vehicle dealers and
143 manufacturers, \$15 per list.
- 144 10. For providing lists of licensed motor vehicle dealers,
145 \$25 per list.
- 146 11. For each copy of a videotape record, \$15 per tape.
- 147 12. For each copy of the Division of Motorist Services
148 ~~Motor Vehicles~~ Procedures Manual, \$25.

149 (5) The creation and maintenance of records by the
150 Division of Motorist Services within the department ~~and the~~
151 ~~Division of Motor Vehicles~~ pursuant to this chapter shall not be
152 regarded as law enforcement functions of agency recordkeeping.

153 Section 9. Paragraphs (a) and (b) of subsection (2) of
154 section 320.275, Florida Statutes, are amended to read:

155 320.275 Automobile Dealers Industry Advisory Board.—

969825

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Amendment No.

156 (2) MEMBERSHIP, TERMS, MEETINGS.—

157 (a) The board shall be composed of 12 members. The
158 executive director of the Department of Highway Safety and Motor
159 Vehicles shall appoint the members from names submitted by the
160 entities for the designated categories the member will
161 represent. The executive director shall appoint one
162 representative of the Department of Highway Safety and Motor
163 Vehicles, ~~who must represent the Division of Motor Vehicles;~~ two
164 representatives of the independent motor vehicle industry as
165 recommended by the Florida Independent Automobile Dealers
166 Association; two representatives of the franchise motor vehicle
167 industry as recommended by the Florida Automobile Dealers
168 Association; one representative of the auction motor vehicle
169 industry who is from an auction chain and is recommended by a
170 group affiliated with the National Auto Auction Association; one
171 representative of the auction motor vehicle industry who is from
172 an independent auction and is recommended by a group affiliated
173 with the National Auto Auction Association; one representative
174 from the Department of Revenue; a Florida tax collector
175 representative recommended by the Florida Tax Collectors
176 Association; one representative from the Better Business Bureau;
177 one representative from the Department of Agriculture and
178 Consumer Services, who must represent the Division of Consumer
179 Services; and one representative of the insurance industry who
180 writes motor vehicle dealer surety bonds.

181 (b)1. The executive director shall appoint the following
182 initial members to 1-year terms: one representative from the
183 motor vehicle auction industry who represents an auction chain,
969825

Approved For Filing: 4/5/2011 4:27:07 PM

Amendment No.

184 one representative from the independent motor vehicle industry,
185 one representative from the franchise motor vehicle industry,
186 one representative from the Department of Revenue, one Florida
187 tax collector, and one representative from the Better Business
188 Bureau.

189 2. The executive director shall appoint the following
190 initial members to 2-year terms: one representative from the
191 motor vehicle auction industry who represents an independent
192 auction, one representative from the independent motor vehicle
193 industry, one representative from the franchise motor vehicle
194 industry, one representative from the Division of Consumer
195 Services, one representative from the insurance industry, and
196 one representative from the department ~~Division of Motor~~
197 ~~Vehicles~~.

198 3. As the initial terms expire, the executive director
199 shall appoint successors from the same designated category for
200 terms of 2 years. If renominated, a member may succeed himself
201 or herself.

202 4. The board shall appoint a chair and vice chair at its
203 initial meeting and every 2 years thereafter.

204 Section 10. Subsection (3) of section 322.02, Florida
205 Statutes, is amended to read:

206 322.02 Legislative intent; administration.—

207 (3) The department shall employ a director, who is charged
208 with the duty of serving as the executive officer of the
209 Division of Motorist Services ~~Driver Licenses~~ of the department
210 insofar as the administration of this chapter is concerned. He
211 or she shall be subject to the supervision and direction of the
969825

Approved For Filing: 4/5/2011 4:27:07 PM

Amendment No.

212 department, and his or her official actions and decisions as
213 executive officer shall be conclusive unless the same are
214 superseded or reversed by the department or by a court of
215 competent jurisdiction.

216 Section 11. Subsections (1) and (5) of section 322.135,
217 Florida Statutes, are amended, and subsection (7) is added to
218 that section, to read:

219 322.135 Driver's license agents.—

220 (1) The department shall, upon application, authorize by
221 interagency agreement ~~any or~~ all of the tax collectors who are
222 constitutional officers under s. 1(d), Art. VIII of the State
223 Constitution in the several counties of the state, subject to
224 the requirements of law, in accordance with rules of the
225 department, to serve as its agent for the provision of specified
226 driver's license services.

227 (a) These services shall be limited to the issuance of
228 driver's licenses and identification cards as authorized by this
229 chapter.

230 (b) Each tax collector who is authorized by the department
231 to provide driver's license services shall bear all costs
232 associated with providing those services.

233 (c) A service fee of \$6.25 shall be charged, in addition
234 to the fees set forth in this chapter, for providing all
235 services pursuant to this chapter. The service fee may not be
236 charged:

237 1. More than once per customer during a single visit to a
238 tax collector's office.

969825

Approved For Filing: 4/5/2011 4:27:07 PM

Amendment No.

239 2. For a reexamination requested by the Medical Advisory
240 Board or required pursuant to s. 322.221.

241 3. For a voter registration transaction.

242 4. In violation of any federal or state law.

243 (5) All driver's license issuance services shall be
244 assumed by the tax collectors who are constitutional officers
245 under s. 1(d), Art. VIII of the State Constitution no later than
246 December 31, 2013. ~~The department, in conjunction with the~~
247 ~~Florida Tax Collectors Association and the Florida Association~~
248 ~~of Counties, shall develop a plan to transition all driver's~~
249 ~~license issuance services to the county tax collectors who are~~
250 ~~constitutional officers under s. 1(d), Art. VIII of the State~~
251 ~~Constitution. The transition plan must be submitted to the~~
252 ~~President of the Senate and the Speaker of the House of~~
253 ~~Representatives on or before February 1, 2011. The transition~~
254 ~~plan must include a timeline to complete the full transition of~~
255 ~~all driver's license issuance services no later than June 30,~~
256 ~~2015, and may include, but is not limited to, recommendations on~~
257 ~~the use of regional service centers, interlocal agreements, and~~
258 ~~equipment.~~

259 (7) The department may adopt rules to create exceptions
260 for counties that cannot provide full driver's license services
261 due to their small population. In addition, counties may enter
262 into interlocal agreements providing for a county tax collector
263 to provide driver's license services for another county.

264 Section 12. Subsections (9), (10), (13), (14), and (16) of
265 section 322.20, Florida Statutes, are amended to read:

969825

Approved For Filing: 4/5/2011 4:27:07 PM

Amendment No.

266 322.20 Records of the department; fees; destruction of
267 records.-

268 (9) The department may, upon application, furnish to any
269 person, from its records ~~the records of the Division of Driver~~
270 ~~Licenses~~, a list of the names, addresses, and birth dates of the
271 licensed drivers of the entire state or any portion thereof by
272 age group. In addition, the department may furnish to the
273 courts, for the purpose of establishing jury selection lists,
274 the names, addresses, and birth dates of the persons of the
275 entire state or any portion thereof by age group having
276 identification cards issued by the department. Each person who
277 requests such information shall pay a fee, set by the
278 department, of 1 cent per name listed, except that the
279 department shall furnish such information without charge to the
280 courts for the purpose of jury selection or to any state agency
281 or to any state attorney, sheriff, or chief of police. Such
282 court, state agency, state attorney, or law enforcement agency
283 may not sell, give away, or allow the copying of such
284 information. Noncompliance with this prohibition shall authorize
285 the department to charge the noncomplying court, state agency,
286 state attorney, or law enforcement agency the appropriate fee
287 for any subsequent lists requested. The department may adopt
288 rules necessary to implement this subsection.

289 (10) The department ~~Division of Driver Licenses~~ is
290 authorized, upon application of any person and payment of the
291 proper fees, to search and to assist such person in the search
292 of the records of the department and make reports thereof and to

969825

Approved For Filing: 4/5/2011 4:27:07 PM

Amendment No.

293 make photographic copies of the departmental records and
294 attestations thereof.

295 (13) The department ~~Division of Driver Licenses~~ shall
296 implement a system that allows either parent of a minor, or a
297 guardian, or other responsible adult who signed a minor's
298 application for a driver's license to have Internet access
299 through a secure website to inspect the minor's driver history
300 record. Internet access to driver history records granted to a
301 minor's parents, guardian, or other responsible adult shall be
302 furnished by the department at no fee and shall terminate when
303 the minor attains 18 years of age.

304 (14) The department is authorized in accordance with
305 chapter 257 to destroy reports, records, documents, papers, and
306 correspondence ~~in the Division of Driver Licenses~~ which are
307 considered obsolete.

308 (16) The creation and maintenance of records by the
309 Division of Motorist Services within the department ~~and the~~
310 ~~Division of Driver Licenses~~ pursuant to this chapter shall not
311 be regarded as law enforcement functions of agency
312 recordkeeping.

313 Section 13. Section 322.202, Florida Statutes, is amended
314 to read:

315 322.202 Admission of evidence obtained from the Division
316 of Motorist Services ~~Driver Licenses and the Division of Motor~~
317 ~~Vehicles.~~—

318 (1) The Legislature finds that the Division of Motorist
319 Services ~~Driver Licenses and the Division of Motor Vehicles~~ of
320 the Department of Highway Safety and Motor Vehicles is ~~are~~ not a
969825

Amendment No.

321 law enforcement agency ~~agencies~~. The Legislature also finds that
322 the division is not an adjunct ~~divisions are not adjuncts~~ of any
323 law enforcement agency in that employees have no stake in
324 particular prosecutions. The Legislature further finds that
325 errors in records maintained by the division ~~divisions~~ are not
326 within the collective knowledge of any law enforcement agency.
327 The Legislature also finds that the missions of the division ~~of~~
328 ~~Driver Licenses, the Division of Motor Vehicles,~~ and the
329 department ~~of Highway Safety and Motor Vehicles~~ provide a
330 sufficient incentive to maintain records in a current and
331 correct fashion.

332 (2) The Legislature finds that the purpose of the
333 exclusionary rule is to deter misconduct on the part of law
334 enforcement officers and law enforcement agencies.

335 (3) The Legislature finds that the application of the
336 exclusionary rule to cases where a law enforcement officer
337 effects an arrest based on objectively reasonable reliance on
338 information obtained from the division ~~divisions~~ is repugnant to
339 the purposes of the exclusionary rule and contrary to the
340 decisions of the United States Supreme Court in Arizona v.
341 Evans, 514 U.S. 1 (1995) and United States v. Leon, 468 U.S. 897
342 (1984).

343 (4) In any case where a law enforcement officer effects an
344 arrest based on objectively reasonable reliance on information
345 obtained from the division ~~divisions~~, evidence found pursuant to
346 such an arrest shall not be suppressed by application of the
347 exclusionary rule on the grounds that the arrest is subsequently

969825

Approved For Filing: 4/5/2011 4:27:07 PM

Amendment No.

348 determined to be unlawful due to erroneous information obtained
349 from the division ~~divisions~~.

350 Section 14. Paragraphs (e) and (f) of subsection (1) and
351 subsection (2) of section 322.21, Florida Statutes, are amended
352 to read:

353 322.21 License fees; procedure for handling and collecting
354 fees.—

355 (1) Except as otherwise provided herein, the fee for:

356 (e) A replacement driver's license issued pursuant to s.
357 322.17 is \$25. Of this amount \$7 shall be deposited into the
358 Highway Safety Operating Trust Fund if issued by the department
359 or retained by the tax collector if issued by the tax collector
360 and \$18 shall be deposited into the General Revenue Fund.

361 (f) An original, renewal, or replacement identification
362 card issued pursuant to s. 322.051 is \$25. Funds collected from
363 these fees shall be distributed as follows:

364 1. For an original identification card issued pursuant to
365 s. 322.051 the fee is \$25. This amount shall be deposited into
366 the General Revenue Fund.

367 2. For a renewal identification card issued pursuant to s.
368 322.051 the fee is \$25. Of this amount, \$6 shall be deposited
369 into the Highway Safety Operating Trust Fund and \$19 shall be
370 deposited into the General Revenue Fund.

371 3. For a replacement identification card issued pursuant
372 to s. 322.051 the fee is \$25. Of this amount, \$9 shall be
373 deposited into the Highway Safety Operating Trust Fund if issued
374 by the department or retained by the tax collector if issued by

969825

Approved For Filing: 4/5/2011 4:27:07 PM

Amendment No.

375 the tax collector and \$16 shall be deposited into the General
376 Revenue Fund.

377 (2) It is the duty of the Division of Motorist Services to
378 provide ~~Director of the Division of Driver Licenses to set up a~~
379 ~~division in the department with~~ the necessary personnel to
380 perform the ~~necessary~~ clerical and routine work for the
381 department in issuing and recording applications, licenses, and
382 certificates of eligibility, including the receiving and
383 accounting of all license funds and their payment into the State
384 Treasury, and other incidental clerical work connected with the
385 administration of this chapter. The department may use such
386 electronic, mechanical, or other devices as necessary to
387 accomplish the purposes of this chapter.

388 Section 15. Subsection (2) of section 413.012, Florida
389 Statutes, is amended to read:

390 413.012 Confidential records disclosure prohibited;
391 exemptions.—

392 (2) It is unlawful for any person to disclose, authorize
393 the disclosure, solicit, receive, or make use of any list of
394 names and addresses or any record containing any information set
395 forth in subsection (1) and maintained in the division. The
396 prohibition provided for in this subsection shall not apply to
397 the use of such information for purposes directly connected with
398 the administration of the vocational rehabilitation program or
399 with the monthly dispatch to the ~~Division of Driver Licenses of~~
400 ~~the~~ Department of Highway Safety and Motor Vehicles of the name
401 in full, place and date of birth, sex, social security number,
402 and resident address of individuals with central visual acuity
969825

Approved For Filing: 4/5/2011 4:27:07 PM

Amendment No.

403 20/200 or less in the better eye with correcting glasses, or a
 404 disqualifying field defect in which the peripheral field has
 405 contracted to such an extent that the widest diameter or visual
 406 field subtends an angular distance no greater than 20 degrees.
 407 When requested in writing by an applicant or client, or her or
 408 his representative, the Division of Blind Services shall release
 409 confidential information to the applicant or client or her or
 410 his representative.

411 Section 16. This act shall take effect July 1, 2011.

412
413
414

T I T L E A M E N D M E N T

416 Remove the entire title and insert:

417 A bill to be entitled

418 An act relating to the Department of Highway Safety and
 419 Motor Vehicles; amending s. 20.24, F.S.; reorganizing the
 420 department into two divisions; removing provisions for the
 421 Divisions of Driver Licenses and Motor Vehicles;
 422 establishing the Division of Motorist Services; creating
 423 s. 218.337, F.S.; providing for a tax collector to
 424 establish branch offices to conduct state or county
 425 business; providing for approval of the tax collector's
 426 budget by the Department of Financial Services; amending
 427 ss. 288.816, 311.121, 316.1957, 316.613, 318.15, 320.05,
 428 320.275, 322.20, and 413.012, F.S., relating to issuance
 429 of special license plates to officials of foreign
 430 governments, seaport security officer qualifications and

969825

Approved For Filing: 4/5/2011 4:27:07 PM

Amendment No.

431 training coordinating council, parking violations, child
432 restraint devices, failure to comply or to appear,
433 creation and maintenance of records, appointments to the
434 Automobile Dealers Industry Advisory Board, records of the
435 department, and disclosure of confidential records,
436 respectively; conforming provisions to the reorganization
437 of the department; specifying that creation and
438 maintenance of records by the Division of Motorist
439 Services pursuant to specified provisions shall not be
440 regarded as law enforcement functions of agency
441 recordkeeping; amending s. 322.02, F.S.; providing for the
442 department to employ a director to serve as the executive
443 officer of the Division of Motorist Services for
444 administration of specified provisions relating to
445 driver's licenses; amending s. 322.135, F.S.; revising
446 provisions for the department to authorize tax collectors
447 to act as agents for the provision of driver's license
448 services; providing for certain tax collectors to assume
449 all driver's license issuance services; authorizing the
450 department to adopt rules to exempt certain counties from
451 providing such services; providing for a county tax
452 collector to provide driver's license services for another
453 county under an interlocal agreement; amending s. 322.202,
454 F.S.; providing legislative findings relating to arrests
455 based on information obtained from the Division of
456 Motorist Services; amending s. 322.21, F.S.; revising
457 distribution of certain fees collected for issuance of
458 replacement driver's licenses and identification cards;

969825

Approved For Filing: 4/5/2011 4:27:07 PM

Amendment No.

459 | revising certain duties to conform to the reorganization
460 | of the department; providing an effective date.