

By the Committee on Budget

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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. 20.23, F.S.; creating
4 motor carrier weight inspection as an area of program
5 responsibility within the Department of
6 Transportation, which replaces motor carrier
7 compliance; amending s. 20.24, F.S.; revising the
8 divisions within the Department of Highway Safety and
9 Motor Vehicles; creating the Office of Motor Carrier
10 Compliance of the Division of the Florida Highway
11 Patrol within the Department of Highway Safety and
12 Motor Vehicles; amending ss. 110.205, 311.115,
13 316.302, 316.3025, 316.3026, 316.516, 316.545,
14 316.640, 320.18, and 321.05, F.S.; conforming
15 provisions to changes made by the act; amending s.
16 288.816, F.S.; requiring the department rather than
17 the Division of Motor Vehicles to issue special motor
18 vehicle license plates; amending s. 311.121, F.S.;
19 providing for a representative of the department
20 rather than the Division of Driver Licenses to be
21 appointed to the Seaport Security Officer
22 Qualification, Training, and Standards Coordinating
23 Council; amending s. 316.066, F.S.; revising
24 circumstances under which a law enforcement officer is
25 required to submit to the department a Florida Traffic
26 Crash Report, Long Form; providing for the use of
27 driver exchange-of-information forms under certain
28 circumstances; eliminating provisions authorizing
29 counties to establish certified central traffic

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30 records centers, including provisions authorizing the
31 funding of such centers; deleting restrictions on the
32 commercial use of crash reports; amending s. 316.1957,
33 F.S.; requiring that motor vehicle records be
34 maintained by the department; amending s. 316.613,
35 F.S.; requiring the department rather than the
36 Division of Motor Vehicles to provide notice of the
37 requirements for child restraint devices; amending s.
38 318.15, F.S.; providing for the department rather than
39 the Division of Driver Licenses to administer certain
40 provisions governing the suspension of a person's
41 driver's license and privilege to drive; amending s.
42 320.05, F.S.; providing for a Division of Motorist
43 Services Procedures Manual; clarifying that the
44 creation and maintenance of records by the division is
45 not a law enforcement function; amending s. 320.275,
46 F.S.; providing for a representative of the department
47 rather than the Division of Motor Vehicles to be
48 appointed to the Automobile Dealers Industry Advisory
49 Board; amending s. 321.23, F.S.; specifying the fee to
50 be charged for a copy of a uniform traffic citation;
51 providing for a portion of the fees for crash reports
52 to be distributed to the investigating agency under
53 certain circumstances; authorizing the Department of
54 Highway Safety and Motor Vehicles to scan the records
55 of crash reports, which shall be considered original
56 copies; amending s. 322.02, F.S.; providing for the
57 Division of Motorist Services to administer ch. 322,
58 F.S., relating to driver's licenses; amending s.

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59 322.135, F.S.; providing duties of the tax collectors
60 with respect to driver's license services; directing
61 the tax collectors who are constitutional officers to
62 assume all driver's license issuance services by a
63 certain date and according to a specified schedule;
64 deleting obsolete provisions; authorizing the
65 department to adopt rules creating exceptions for
66 counties that are unable to provide full driver's
67 license services; providing for interlocal agreements
68 to provide such services; amending s. 322.20, F.S.;
69 providing for the department and the Division of
70 Motorist Services to maintain certain records;
71 amending s. 322.202, F.S.; clarifying that the
72 Division of Motorist Services is not a law enforcement
73 agency and is not an adjunct of any law enforcement
74 agency; amending s. 322.21, F.S.; requiring that a
75 portion of the fees charged for the replacement of a
76 driver's license or identification card be used to
77 support motorist services activities; requiring that
78 such fees be retained by the tax collectors who issue
79 driver's licenses following the transition of the
80 driver's license issuance services to the
81 constitutional tax collectors; providing for the
82 Division of Motorist Services to collect fees and
83 issue driver's licenses and identification cards and
84 account for all license funds in the administration of
85 ch. 322, F.S.; repealing s. 334.044(32), F.S.,
86 relating to the authorization of the Office of Motor
87 Carrier Compliance within the Department of

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88 Transportation to employ sworn law enforcement
89 officers to enforce traffic and criminal laws in this
90 state; amending s. 413.012, F.S., relating to certain
91 confidential records; conforming a reference to
92 changes made by the act; amending s. 921.0022, F.S.;
93 conforming a cross-reference; creating the Law
94 Enforcement Consolidation Task Force; providing for
95 membership; requiring the Department of Highway Safety
96 and Motor Vehicles to provide administrative
97 assistance to the task force; requiring the agency
98 that is represented by a member of the task force to
99 bear the travel expenses incurred by the member;
100 requiring the task force to evaluate the duplication
101 of law enforcement functions and to identify possible
102 consolidation; requiring the task force to evaluate
103 administrative functions; requiring the task force to
104 evaluate whether to limit the jurisdiction of the
105 Florida Highway Patrol; requiring the task force to
106 make recommendations and submit a report to the
107 Legislature by a certain date; providing for future
108 expiration; transferring the Office of Motor Carrier
109 Compliance of the Department of Transportation to the
110 Division of the Florida Highway Patrol of the
111 Department of Highway Safety and Motor Vehicles;
112 authorizing the Executive Office of the Governor to
113 transfer funds and positions between agencies;
114 providing an effective date.

115

116 Be It Enacted by the Legislature of the State of Florida:

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118 Section 1. Paragraph (b) of subsection (4) of section
119 20.23, Florida Statutes, is amended to read:

120 20.23 Department of Transportation.—There is created a
121 Department of Transportation which shall be a decentralized
122 agency.

123 (4)

124 (b) The secretary may appoint positions at the level of
125 deputy assistant secretary or director which the secretary deems
126 necessary to accomplish the mission and goals of the department,
127 including, but not limited to, the areas of program
128 responsibility provided in this paragraph, each of whom shall be
129 appointed by and serve at the pleasure of the secretary. The
130 secretary may combine, separate, or delete offices as needed in
131 consultation with the Executive Office of the Governor. The
132 department's areas of program responsibility include, but are
133 not limited to:

134 1. Administration;

135 2. Planning;

136 3. Public transportation;

137 4. Design;

138 5. Highway operations;

139 6. Right-of-way;

140 7. Toll operations;

141 8. Information systems;

142 9. Motor carrier weight inspection ~~compliance~~;

143 10. Management and budget;

144 11. Comptroller;

145 12. Construction;

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146 13. Maintenance; and

147 14. Materials.

148 Section 2. Subsection (2) of section 20.24, Florida
149 Statutes, is amended, and subsection (3) is added to that
150 section, to read:

151 20.24 Department of Highway Safety and Motor Vehicles.—
152 There is created a Department of Highway Safety and Motor
153 Vehicles.

154 (2) The following divisions, and bureaus within the
155 divisions, of the Department of Highway Safety and Motor
156 Vehicles are established:

157 (a) Division of the Florida Highway Patrol.

158 (b) Division of Motorist Services.

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

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

161 (3) The Office of Motor Carrier Compliance is established
162 within the Division of the Florida Highway Patrol.

163 Section 3. Paragraph (m) of subsection (2) of section
164 110.205, Florida Statutes, is amended to read:

165 110.205 Career service; exemptions.—

166 (2) EXEMPT POSITIONS.—The exempt positions that are not
167 covered by this part include the following:

168 (m) All assistant division director, deputy division
169 director, and bureau chief positions in any department, and
170 those positions determined by the department to have managerial
171 responsibilities comparable to such positions, which ~~positions~~
172 include, but are not limited to:

173 1. Positions in the Department of Health and the Department
174 of Children and Family Services that are assigned primary duties

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175 of serving as the superintendent or assistant superintendent of
176 an institution.

177 2. Positions in the Department of Corrections that are
178 assigned primary duties of serving as the warden, assistant
179 warden, colonel, or major of an institution or that are assigned
180 primary duties of serving as the circuit administrator or deputy
181 circuit administrator.

182 3. Positions in the Department of Transportation that are
183 assigned primary duties of serving as regional toll managers and
184 managers of offices, as defined in s. 20.23(4)(b) and (5)(c) ~~and~~
185 ~~and captains and majors of the Office of Motor Carrier~~
186 ~~Compliance.~~

187 4. Positions in the Department of Environmental Protection
188 that are assigned the duty of an Environmental Administrator or
189 program administrator.

190 5. Positions in the Department of Health that are assigned
191 the duties of Environmental Administrator, Assistant County
192 Health Department Director, and County Health Department
193 Financial Administrator.

194

195 Unless otherwise fixed by law, the department shall set the
196 salary and benefits of the positions listed in this paragraph in
197 accordance with the rules established for the Selected Exempt
198 Service.

199 Section 4. Paragraph (e) of subsection (2) of section
200 288.816, Florida Statutes, is amended to read:

201 288.816 Intergovernmental relations.—

202 (2) The Office of Tourism, Trade, and Economic Development
203 shall be responsible for all consular relations between the

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204 state and all foreign governments doing business in Florida. The
205 office shall monitor United States laws and directives to ensure
206 that all federal treaties regarding foreign privileges and
207 immunities are properly observed. The office shall promulgate
208 rules which shall:

209 (e) Verify entitlement to issuance of special motor vehicle
210 license plates by ~~the Division of Motor Vehicles of the~~
211 Department of Highway Safety and Motor Vehicles to honorary
212 consuls or such other officials representing foreign governments
213 who are not entitled to issuance of special Consul Corps license
214 plates by the United States Government.

215 Section 5. Paragraph (f) of subsection (1) of section
216 311.115, Florida Statutes, is amended to read:

217 311.115 Seaport Security Standards Advisory Council.—The
218 Seaport Security Standards Advisory Council is created under the
219 Office of Drug Control. The council shall serve as an advisory
220 council as provided in s. 20.03(7).

221 (1) The members of the council shall be appointed by the
222 Governor and consist of the following:

223 (f) One member from the Office of Motor Carrier Compliance
224 of the Department of Highway Safety and Motor Vehicles
225 ~~Transportation~~.

226 Section 6. Paragraph (a) of subsection (3) of section
227 311.121, Florida Statutes, is amended to read:

228 311.121 Qualifications, training, and certification of
229 licensed security officers at Florida seaports.—

230 (3) The Seaport Security Officer Qualification, Training,
231 and Standards Coordinating Council is created under the
232 Department of Law Enforcement.

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

235 1. The seaport administrator of the Department of Law
236 Enforcement.

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

238 3. The director of the Division of Licensing of the
239 Department of Agriculture and Consumer Services.

240 4. The administrator of the Florida Seaport Transportation
241 and Economic Development Council.

242 5. Two seaport security directors from seaports designated
243 under s. 311.09.

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

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

246 8. Two representatives of contract security services.

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

249 Section 7. Subsections (1), (2), (4), and (5) of section
250 316.066, Florida Statutes, are amended, and present subsections
251 (3), (4), (5), and (6) of that section are renumbered as
252 subsections (2), (3), (4), and (5), respectively, to read:

253 316.066 Written reports of crashes.—

254 (1) (a) A Florida Traffic Crash Report, Long Form is
255 required to be completed and submitted to the department within
256 10 days after completing an investigation by every law
257 enforcement officer who in the regular course of duty
258 investigates a motor vehicle crash that:

259 1. ~~That~~ Resulted in death or personal injury.

260 2. ~~That~~ Involved a violation of s. 316.061(1) or s.
261 316.193.

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262 ~~3. In which a vehicle was rendered inoperative to a degree~~
263 ~~that required a wrecker to remove it from traffic, if such~~
264 ~~action is appropriate, in the officer's discretion.~~

265 (b) In every crash for which a Florida Traffic Crash
266 Report, Long Form is not required by this section, the law
267 enforcement officer may complete a short-form crash report or
268 provide a driver exchange-of-information form ~~short-form crash~~
269 ~~report~~ to be completed by each party involved in the crash. The
270 short-form report must include:

271 1. The date, time, and location of the crash.

272 2. A description of the vehicles involved.

273 3. The names and addresses of the parties involved,
274 including all drivers and passengers.

275 4. The names and addresses of witnesses.

276 5. The name, badge number, and law enforcement agency of
277 the officer investigating the crash.

278 6. The names of the insurance companies for the respective
279 parties involved in the crash.

280 (c) Each party to the crash must ~~shall~~ provide the law
281 enforcement officer with proof of insurance, which must be
282 documented ~~to be included~~ in the crash report. If a law
283 enforcement officer submits a report on the crash accident,
284 proof of insurance must be provided to the officer by each party
285 involved in the crash. Any party who fails to provide the
286 required information commits a noncriminal traffic infraction,
287 punishable as a nonmoving violation as provided in chapter 318,
288 unless the officer determines that due to injuries or other
289 special circumstances such insurance information cannot be
290 provided immediately. If the person provides the law enforcement

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291 agency, within 24 hours after the crash, proof of insurance that
292 was valid at the time of the crash, the law enforcement agency
293 may void the citation.

294 (d) The driver of a vehicle that was in any manner involved
295 in a crash resulting in damage to any vehicle or other property
296 in an amount of \$500 or more, ~~which crash~~ was not investigated
297 by a law enforcement agency, shall, within 10 days after the
298 crash, submit a written report of the crash to the department ~~or~~
299 ~~traffic records center~~. The entity receiving the report may
300 require witnesses of the crash ~~crashes~~ to render reports and may
301 require any driver of a vehicle involved in a crash of which a
302 written report must be made ~~as provided in this section~~ to file
303 supplemental written reports if ~~whenever~~ the original report is
304 deemed insufficient by the receiving entity.

305 (e) Short-form crash reports prepared by law enforcement
306 shall be maintained by the law enforcement officer's agency.

307 ~~(2)(a) One or more counties may enter into an agreement~~
308 ~~with the appropriate state agency to be certified by the agency~~
309 ~~to have a traffic records center for the purpose of tabulating~~
310 ~~and analyzing countywide traffic crash reports. The agreement~~
311 ~~must include: certification by the agency that the center has~~
312 ~~adequate auditing and monitoring mechanisms in place to ensure~~
313 ~~the quality and accuracy of the data; the time period in which~~
314 ~~the traffic records center must report crash data to the agency;~~
315 ~~and the medium in which the traffic records must be submitted to~~
316 ~~the agency.~~

317 ~~(b) In the case of a county or multicounty area that has a~~
318 ~~certified central traffic records center, a law enforcement~~
319 ~~agency or driver must submit to the center within the time limit~~

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320 ~~prescribed in this section a written report of the crash. A~~
321 ~~driver who is required to file a crash report must be notified~~
322 ~~of the proper place to submit the completed report.~~

323 ~~(c) Fees for copies of public records provided by a~~
324 ~~certified traffic records center shall be charged and collected~~
325 ~~as follows:~~

- 326
- 327 ~~For a crash report.....\$10 per copy.~~
- 328 ~~For a homicide report.....\$25 per copy.~~
- 329 ~~For a uniform traffic citation.....\$0.50 per copy.~~

330

331 ~~The fees collected for copies of the public records provided by~~
332 ~~a certified traffic records center shall be used to fund the~~
333 ~~center or otherwise as designated by the county or counties~~
334 ~~participating in the center.~~

335 ~~(3)~~~~(4)~~(a) Any driver failing to file the written report
336 required under subsection (1) ~~or subsection (2)~~ commits a
337 noncriminal traffic infraction, punishable as a nonmoving
338 violation as provided in chapter 318.

339 (b) Any employee of a state or local agency in possession
340 of information made confidential and exempt by this section who
341 knowingly discloses such confidential and exempt information to
342 a person not entitled to access such information under this
343 section commits ~~is guilty of~~ a felony of the third degree,
344 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

345 (c) Any person, knowing that he or she is not entitled to
346 obtain information made confidential and exempt by this section,
347 who obtains or attempts to obtain such information commits a
348 felony of the third degree, punishable as provided in s.

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349 775.082, s. 775.083, or s. 775.084.

350 (d) Any person who knowingly uses confidential and exempt
351 information in violation of a filed written sworn statement or
352 contractual agreement required by this section commits a felony
353 of the third degree, punishable as provided in s. 775.082, s.
354 775.083, or s. 775.084.

355 (4)~~(5)~~ Except as specified in this subsection, each crash
356 report made by a person involved in a crash and any statement
357 made by such person to a law enforcement officer for the purpose
358 of completing a crash report required by this section shall be
359 without prejudice to the individual so reporting. ~~No~~ Such report
360 or statement may not ~~shall~~ be used as evidence in any trial,
361 civil or criminal. However, subject to the applicable rules of
362 evidence, a law enforcement officer at a criminal trial may
363 testify as to any statement made to the officer by the person
364 involved in the crash if that person's privilege against self-
365 incrimination is not violated. The results of breath, urine, and
366 blood tests administered as provided in s. 316.1932 or s.
367 316.1933 are not confidential and are ~~shall be~~ admissible into
368 evidence in accordance with the provisions of s. 316.1934(2).
369 ~~Crash reports made by persons involved in crashes shall not be~~
370 ~~used for commercial solicitation purposes; however, the use of a~~
371 ~~crash report for purposes of publication in a newspaper or other~~
372 ~~news periodical or a radio or television broadcast shall not be~~
373 ~~construed as "commercial purpose."~~

374 Section 8. Section 316.1957, Florida Statutes, is amended
375 to read:

376 316.1957 Parking violations; designated parking spaces for
377 persons who have disabilities.—When evidence is presented in any

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378 court of the fact that any motor vehicle was parked in a
379 properly designated parking space for persons who have
380 disabilities in violation of s. 316.1955, it is prima facie
381 evidence that the vehicle was parked and left in the space by
382 the person, firm, or corporation in whose name the vehicle is
383 registered and licensed according to the records of the
384 department ~~Division of Motor Vehieles~~.

385 Section 9. Subsections (4), (5), (6), (7), and (8) of
386 section 316.302, Florida Statutes, are amended to read:

387 316.302 Commercial motor vehicles; safety regulations;
388 transporters and shippers of hazardous materials; enforcement.-

389 (4) (a) Except as provided in this subsection, all
390 commercial motor vehicles transporting any hazardous material on
391 any road, street, or highway open to the public, whether engaged
392 in interstate or intrastate commerce, and any person who offers
393 hazardous materials for such transportation, are subject to the
394 regulations contained in 49 C.F.R. part 107, subpart G, and 49
395 C.F.R. parts 171, 172, 173, 177, 178, and 180. Effective July 1,
396 1997, the exceptions for intrastate motor carriers provided in
397 49 C.F.R. 173.5 and 173.8 are hereby adopted.

398 (b) In addition to the penalties provided in s.
399 316.3025(3) (b), (c), (d), and (e), any motor carrier or any of
400 its officers, drivers, agents, representatives, employees, or
401 shippers of hazardous materials that do not comply with this
402 subsection or any rule adopted by a state agency that is
403 consistent with the federal rules and regulations regarding
404 hazardous materials commits a misdemeanor of the first degree,
405 punishable as provided in s. 775.082 or s. 775.083. To ensure
406 compliance with this subsection, ~~enforcement officers of the~~

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407 ~~Motor Carrier Compliance Office within the Department of~~
408 ~~Transportation~~ and state highway patrol officers may inspect
409 shipping documents and cargo of any vehicle known or suspected
410 to be a transporter of hazardous materials.

411 (5) The Department of Highway Safety and Motor Vehicles
412 ~~Transportation~~ may adopt and revise rules to assure the safe
413 operation of commercial motor vehicles. The Department of
414 Highway Safety and Motor Vehicles ~~Transportation~~ may enter into
415 cooperative agreements as provided in 49 C.F.R. part 388.
416 Department of Transportation personnel may conduct motor carrier
417 and shipper compliance reviews for the purpose of determining
418 compliance with this section and s. 627.7415.

419 (6) The state Department of Highway Safety and Motor
420 Vehicles ~~Transportation~~ shall perform the duties that are
421 assigned to the Field Administrator, Federal Motor Carrier
422 Safety Administration under the federal rules, and an agent of
423 that department, ~~as described in s. 316.545(9)~~, may enforce
424 those rules.

425 (7) A person who operates a commercial motor vehicle solely
426 in intrastate commerce shall direct to the state Department of
427 Highway Safety and Motor Vehicles ~~Transportation~~ any
428 communication that the federal rules require persons subject to
429 the jurisdiction of the United States Department of
430 Transportation to direct to that department.

431 (8) For the purpose of enforcing this section, any law
432 enforcement officer of the Department of Highway Safety and
433 Motor Vehicles ~~Transportation~~ or duly appointed agent who holds
434 a current safety inspector certification from the Commercial
435 Vehicle Safety Alliance may require the driver of any commercial

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436 vehicle operated on the highways of this state to stop and
437 submit to an inspection of the vehicle or the driver's records.
438 If the vehicle or driver is found to be operating in an unsafe
439 condition, or if any required part or equipment is not present
440 or is not in proper repair or adjustment, and the continued
441 operation would present an unduly hazardous operating condition,
442 the officer may require the vehicle or the driver to be removed
443 from service pursuant to the North American Standard Out-of-
444 Service Criteria, until corrected. However, if continuous
445 operation would not present an unduly hazardous operating
446 condition, the officer may give written notice requiring
447 correction of the condition within 14 days.

448 (a) Any member of the Florida Highway Patrol or any law
449 enforcement officer employed by a sheriff's office or municipal
450 police department authorized to enforce the traffic laws of this
451 state pursuant to s. 316.640 who has reason to believe that a
452 vehicle or driver is operating in an unsafe condition may, as
453 provided in subsection (10), enforce the provisions of this
454 section.

455 (b) Any person who fails to comply with an officer's
456 request to submit to an inspection under this subsection commits
457 a violation of s. 843.02 if the person resists the officer
458 without violence or a violation of s. 843.01 if the person
459 resists the officer with violence.

460 Section 10. Paragraph (a) of subsection (6) of section
461 316.3025, Florida Statutes, is amended to read:

462 316.3025 Penalties.—

463 (6) (a) Only an officer or agent of the Department of Highway
464 Safety and Motor Vehicles ~~Transportation~~ is authorized to

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465 collect the penalty provided by this section. Such officer or
466 agent shall cooperate with the owner or driver of the motor
467 vehicle so as not to unduly delay the vehicle.

468 Section 11. Subsections (1), (2), and (3) of section
469 316.3026, Florida Statutes, are amended to read:

470 316.3026 Unlawful operation of motor carriers.—

471 (1) The Office of Motor Carrier Compliance ~~of the~~
472 ~~Department of Transportation~~ may issue out-of-service orders to
473 motor carriers, as defined in s. 320.01(33), who, have after
474 proper notice, have failed to pay any penalty or fine assessed
475 by the department, or its agent, against any owner or motor
476 carrier for violations of state law, refused to submit to a
477 compliance review and provide records pursuant to s. 316.302(5)
478 or s. 316.70, or violated safety regulations pursuant to s.
479 316.302 or insurance requirements ~~found~~ in s. 627.7415. Such
480 out-of-service orders ~~shall~~ have the effect of prohibiting the
481 operations of any motor vehicles owned, leased, or otherwise
482 operated by the motor carrier upon the roadways of this state,
483 until ~~such time as~~ the violations have been corrected or
484 penalties have been paid. Out-of-service orders ~~issued under~~
485 ~~this section~~ must be approved by the director of the Division of
486 the Florida Highway Patrol ~~Secretary of Transportation~~ or his or
487 her designee. An administrative hearing pursuant to s. 120.569
488 shall be afforded to motor carriers subject to such orders.

489 (2) Any motor carrier enjoined or prohibited from operating
490 by an out-of-service order by this state, any other state, or
491 the Federal Motor Carrier Safety Administration may not operate
492 on the roadways of this state until the motor carrier has been
493 authorized to resume operations by the originating enforcement

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494 jurisdiction. Commercial motor vehicles owned or operated by any
495 motor carrier prohibited from operation found on the roadways of
496 this state shall be placed out of service by law enforcement
497 officers of the Department of Highway Safety and Motor Vehicles
498 ~~Transportation~~, and the motor carrier assessed a \$10,000 civil
499 penalty pursuant to 49 C.F.R. s. 383.53, in addition to any
500 other penalties imposed on the driver or other responsible
501 person. Any person who knowingly drives, operates, or causes to
502 be operated any commercial motor vehicle in violation of an out-
503 of-service order issued by the department in accordance with
504 this section commits a felony of the third degree, punishable as
505 provided in s. 775.082(3)(d). Any costs associated with the
506 impoundment or storage of such vehicles are the responsibility
507 of the motor carrier. Vehicle out-of-service orders may be
508 rescinded when the department receives proof of authorization
509 for the motor carrier to resume operation.

510 (3) In addition to the sanctions found in subsections (1)
511 and (2), the Department of Highway Safety and Motor Vehicles
512 ~~Transportation~~ may petition the circuit courts of this state to
513 enjoin any motor carrier from operating when it fails to comply
514 with out-of-service orders issued by a competent authority
515 within or outside this state.

516 Section 12. Subsection (1) of section 316.516, Florida
517 Statutes, is amended to read:

518 316.516 Width, height, and length; inspection; penalties.-

519 (1) Any law enforcement officer, as prescribed in s.
520 316.640, or any weight inspector ~~and safety officer~~ of the
521 Department of Transportation, as prescribed in s. 316.545(1),
522 who has reason to believe that the width, height, or length of a

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523 vehicle or combination of vehicles and the load thereon is not
524 in conformance with s. 316.515 is authorized to require the
525 driver to stop and submit such vehicle and load to measurement
526 of its width, height, or length.

527 Section 13. Subsection (1), paragraphs (a) and (b) of
528 subsection (2), paragraph (b) of subsection (4), and subsections
529 (5), (9), and (10) of section 316.545, Florida Statutes, are
530 amended to read:

531 316.545 Weight and load unlawful; special fuel and motor
532 fuel tax enforcement; inspection; penalty; review.—

533 (1) Any officer of the Florida Highway Patrol ~~weight and~~
534 ~~safety officer of the Department of Transportation~~ having reason
535 to believe that the weight of a vehicle and load is unlawful is
536 authorized to require the driver to stop and submit to a
537 weighing of the same by means of either portable or fixed scales
538 and may require that such vehicle be driven to the nearest weigh
539 station or public scales, provided such a facility is within 5
540 highway miles. Upon a request by the vehicle driver, the officer
541 shall weigh the vehicle at fixed scales rather than by portable
542 scales if such a facility is available within 5 highway miles.
543 Anyone who refuses to submit to such weighing obstructs an
544 officer pursuant to s. 843.02 and is guilty of a misdemeanor of
545 the first degree, punishable as provided in s. 775.082 or s.
546 775.083. Anyone who knowingly and willfully resists, obstructs,
547 or opposes a weight and safety officer while refusing to submit
548 to such weighing by resisting the officer with violence to the
549 officer's person pursuant to s. 843.01 is guilty of a felony of
550 the third degree, punishable as provided in s. 775.082, s.
551 775.083, or s. 775.084.

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552 (2) (a) Whenever an officer of the Florida Highway Patrol or
553 a weight inspector of the Department of Transportation, upon
554 weighing a vehicle or combination of vehicles with load,
555 determines that the axle weight or gross weight is unlawful, the
556 officer may require the driver to stop the vehicle in a suitable
557 place and remain standing until a determination can be made as
558 to the amount of weight thereon and, if overloaded, the amount
559 of penalty to be assessed as provided herein. However, any gross
560 weight over and beyond 6,000 pounds beyond the maximum herein
561 set shall be unloaded and all material so unloaded shall be
562 cared for by the owner or operator of the vehicle at the risk of
563 such owner or operator. Except as otherwise provided in this
564 chapter, to facilitate compliance with and enforcement of the
565 weight limits established in s. 316.535, weight tables published
566 pursuant to s. 316.535(7) shall include a 10-percent scale
567 tolerance and shall thereby reflect the maximum scaled weights
568 allowed any vehicle or combination of vehicles. As used in this
569 section, scale tolerance means the allowable deviation from
570 legal weights established in s. 316.535. Notwithstanding any
571 other provision of the weight law, if a vehicle or combination
572 of vehicles does not exceed the gross, external bridge, or
573 internal bridge weight limits imposed in s. 316.535 and the
574 driver of such vehicle or combination of vehicles can comply
575 with the requirements of this chapter by shifting or equalizing
576 the load on all wheels or axles and does so when requested by
577 the proper authority, the driver shall not be held to be
578 operating in violation of said weight limits.

579 (b) The officer or inspector shall inspect the license
580 plate or registration certificate of the commercial vehicle, as

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581 defined in s. 316.003(66), to determine if its gross weight is
582 in compliance with the declared gross vehicle weight. If its
583 gross weight exceeds the declared weight, the penalty shall be 5
584 cents per pound on the difference between such weights. In those
585 cases when the commercial vehicle, as defined in s. 316.003(66),
586 is being operated over the highways of the state with an expired
587 registration or with no registration from this or any other
588 jurisdiction or is not registered under the applicable
589 provisions of chapter 320, the penalty herein shall apply on the
590 basis of 5 cents per pound on that scaled weight which exceeds
591 35,000 pounds on laden truck tractor-semitrailer combinations or
592 tandem trailer truck combinations, 10,000 pounds on laden
593 straight trucks or straight truck-trailer combinations, or
594 10,000 pounds on any unladen commercial motor vehicle. If the
595 license plate or registration has not been expired for more than
596 90 days, the penalty imposed under this paragraph may not exceed
597 \$1,000. In the case of special mobile equipment as defined in s.
598 316.003(48), which qualifies for the license tax provided for in
599 s. 320.08(5)(b), being operated on the highways of the state
600 with an expired registration or otherwise not properly
601 registered under the applicable provisions of chapter 320, a
602 penalty of \$75 shall apply in addition to any other penalty
603 which may apply in accordance with this chapter. A vehicle found
604 in violation of this section may be detained until the owner or
605 operator produces evidence that the vehicle has been properly
606 registered. Any costs incurred by the retention of the vehicle
607 shall be the sole responsibility of the owner. A person who has
608 been assessed a penalty pursuant to this paragraph for failure
609 to have a valid vehicle registration certificate pursuant to the

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610 provisions of chapter 320 is not subject to the delinquent fee
611 authorized in s. 320.07 if such person obtains a valid
612 registration certificate within 10 working days after such
613 penalty was assessed.

614 (4)

615 (b) In addition to the penalty provided for in paragraph
616 (a), the vehicle may be detained until the owner or operator of
617 the vehicle furnishes evidence that the vehicle has been
618 properly registered pursuant to s. 207.004. Any officer of the
619 Florida Highway Patrol or agent of the Department of
620 Transportation may issue a temporary fuel use permit and collect
621 the appropriate fee as provided for in s. 207.004(4).
622 Notwithstanding the provisions of subsection (6), all permit
623 fees collected pursuant to this paragraph shall be transferred
624 to the Department of Highway Safety and Motor Vehicles to be
625 allocated pursuant to s. 207.026.

626 (5) Whenever any person violates the provisions of this
627 chapter and becomes indebted to the state because of such
628 violation in the amounts aforesaid and refuses to pay said
629 penalty, in addition to the provisions of s. 316.3026, such
630 penalty shall become a lien upon the motor vehicle, and the same
631 may be foreclosed by the state in a court of equity. It shall be
632 presumed that the owner of the motor vehicle is liable for the
633 sum. Any person, firm, or corporation claiming an interest in
634 the seized motor vehicle may, at any time after the lien of the
635 state attaches to the motor vehicle, obtain possession of the
636 seized vehicle by filing a good and sufficient forthcoming bond
637 with the officer having possession of the vehicle, payable to
638 the Governor of the state in twice the amount of the state's

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639 lien, with a corporate surety duly authorized to transact
640 business in this state as surety, conditioned to have the motor
641 vehicle or combination of vehicles forthcoming to abide the
642 result of any suit for the foreclosure of such lien. It shall be
643 presumed that the owner of the motor vehicle is liable for the
644 penalty imposed under this section. Upon the posting of such
645 bond with the officer making the seizure, the vehicle shall be
646 released and the bond shall be forwarded to the Department of
647 Highway Safety and Motor Vehicles ~~Transportation~~ for
648 safekeeping. The lien of the state against the motor vehicle
649 aforesaid shall be foreclosed in equity, and the ordinary rules
650 of court relative to proceedings in equity shall control. If it
651 appears that the seized vehicle has been released to the
652 defendant upon his or her forthcoming bond, the state shall take
653 judgment of foreclosure against the property itself, and
654 judgment against the defendant and the sureties on the bond for
655 the amount of the lien, including cost of proceedings. After the
656 rendition of the decree, the state may, at its option, proceed
657 to sue out execution against the defendant and his or her
658 sureties for the amount recovered as aforesaid or direct the
659 sale of the vehicle under foreclosure.

660 ~~(9) Any agent of the Department of Transportation who is~~
661 ~~employed for the purpose of being a weight and safety officer~~
662 ~~and who meets the qualifications established by law for law~~
663 ~~enforcement officers shall have the same arrest powers as are~~
664 ~~granted any law enforcement officer for the purpose of enforcing~~
665 ~~the provisions of weight, load, safety, commercial motor vehicle~~
666 ~~registration, and fuel tax compliance laws.~~

667 (9) ~~(10)~~ The Department of Transportation may employ weight

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668 inspectors to operate its fixed-scale facilities. Weight
669 inspectors on duty at a fixed-scale facility are authorized to
670 enforce the laws governing commercial motor vehicle weight,
671 registration, size, and load and to assess and collect civil
672 penalties for violations of said laws. A weight inspector may
673 detain a commercial motor vehicle that has an obvious safety
674 defect critical to the continued safe operation of the vehicle
675 or that is operating in violation of an out-of-service order as
676 reported on the federal Safety and Fitness Electronic Records
677 database. The weight inspector may immediately summon a law
678 enforcement officer of the Department of Highway Safety and
679 Motor Vehicles Transportation, or other law enforcement officer
680 authorized by s. 316.640 to enforce the traffic laws of this
681 state, to take appropriate enforcement action. The vehicle shall
682 be released if the defect is repaired prior to the arrival of a
683 law enforcement officer. Weight inspectors shall not be
684 classified as law enforcement officers subject to certification
685 requirements of chapter 943, and are not authorized to carry
686 weapons or make arrests. Any person who obstructs, opposes, or
687 resists a weight inspector in the performance of the duties
688 herein prescribed shall be guilty of an offense as described in
689 subsection (1) for obstructing, opposing, or resisting a law
690 enforcement officer.

691 Section 14. Paragraph (b) of subsection (1) of section
692 316.613, Florida Statutes, is amended to read:

693 316.613 Child restraint requirements.—

694 (1)

695 (b) The department ~~Division of Motor Vehicles~~ shall provide
696 notice of the requirement for child restraint devices, which

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697 notice shall accompany the delivery of each motor vehicle
698 license tag.

699 Section 15. Paragraph (a) of subsection (1) of section
700 316.640, Florida Statutes, is amended to read:

701 316.640 Enforcement.—The enforcement of the traffic laws of
702 this state is vested as follows:

703 (1) STATE.—

704 (a)1.a. The Division of Florida Highway Patrol of the
705 Department of Highway Safety and Motor Vehicles; the Division of
706 Law Enforcement of the Fish and Wildlife Conservation
707 Commission; the Division of Law Enforcement of the Department of
708 Environmental Protection; ~~law enforcement officers of the~~
709 ~~Department of Transportation;~~ and the agents, inspectors, and
710 officers of the Department of Law Enforcement each have
711 authority to enforce all of the traffic laws of this state on
712 all the streets and highways thereof and elsewhere throughout
713 the state wherever the public has a right to travel by motor
714 vehicle.

715 b. University police officers shall have authority to
716 enforce all of the traffic laws of this state when violations
717 occur on or within 1,000 feet of any property or facilities that
718 are under the guidance, supervision, regulation, or control of a
719 state university, a direct-support organization of such state
720 university, or any other organization controlled by the state
721 university or a direct-support organization of the state
722 university, or when such violations occur within a specified
723 jurisdictional area as agreed upon in a mutual aid agreement
724 entered into with a law enforcement agency pursuant to s.
725 23.1225(1). Traffic laws may also be enforced off-campus when

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726 hot pursuit originates on or within 1,000 feet of any such
727 property or facilities, or as agreed upon in accordance with the
728 mutual aid agreement.

729 c. Community college police officers shall have the
730 authority to enforce all the traffic laws of this state only
731 when such violations occur on any property or facilities that
732 are under the guidance, supervision, regulation, or control of
733 the community college system.

734 d. Police officers employed by an airport authority shall
735 have the authority to enforce all of the traffic laws of this
736 state only when such violations occur on any property or
737 facilities that are owned or operated by an airport authority.

738 (I) An airport authority may employ as a parking
739 enforcement specialist any individual who successfully completes
740 a training program established and approved by the Criminal
741 Justice Standards and Training Commission for parking
742 enforcement specialists but who does not otherwise meet the
743 uniform minimum standards established by the commission for law
744 enforcement officers or auxiliary or part-time officers under s.
745 943.12. Nothing in this sub-sub-paragraph shall be construed
746 to permit the carrying of firearms or other weapons, nor shall
747 such parking enforcement specialist have arrest authority.

748 (II) A parking enforcement specialist employed by an
749 airport authority is authorized to enforce all state, county,
750 and municipal laws and ordinances governing parking only when
751 such violations are on property or facilities owned or operated
752 by the airport authority employing the specialist, by
753 appropriate state, county, or municipal traffic citation.

754 e. The Office of Agricultural Law Enforcement of the

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755 Department of Agriculture and Consumer Services shall have the
756 authority to enforce traffic laws of this state.

757 f. School safety officers shall have the authority to
758 enforce all of the traffic laws of this state when such
759 violations occur on or about any property or facilities which
760 are under the guidance, supervision, regulation, or control of
761 the district school board.

762 2. An agency of the state as described in subparagraph 1.
763 is prohibited from establishing a traffic citation quota. A
764 violation of this subparagraph is not subject to the penalties
765 provided in chapter 318.

766 3. Any disciplinary action taken or performance evaluation
767 conducted by an agency of the state as described in subparagraph
768 1. of a law enforcement officer's traffic enforcement activity
769 must be in accordance with written work-performance standards.
770 Such standards must be approved by the agency and any collective
771 bargaining unit representing such law enforcement officer. A
772 violation of this subparagraph is not subject to the penalties
773 provided in chapter 318.

774 4. The Division of the Florida Highway Patrol may employ as
775 a traffic accident investigation officer any individual who
776 successfully completes instruction in traffic accident
777 investigation and court presentation through the Selective
778 Traffic Enforcement Program as approved by the Criminal Justice
779 Standards and Training Commission and funded through the
780 National Highway Traffic Safety Administration or a similar
781 program approved by the commission, but who does not necessarily
782 meet the uniform minimum standards established by the commission
783 for law enforcement officers or auxiliary law enforcement

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784 officers under chapter 943. Any such traffic accident
785 investigation officer who makes an investigation at the scene of
786 a traffic accident may issue traffic citations, based upon
787 personal investigation, when he or she has reasonable and
788 probable grounds to believe that a person who was involved in
789 the accident committed an offense under this chapter, chapter
790 319, chapter 320, or chapter 322 in connection with the
791 accident. This subparagraph does not permit the officer to carry
792 firearms or other weapons, and such an officer does not have
793 authority to make arrests.

794 Section 16. Paragraph (a) of subsection (1) of section
795 318.15, Florida Statutes, is amended to read:

796 318.15 Failure to comply with civil penalty or to appear;
797 penalty.—

798 (1) (a) If a person fails to comply with the civil penalties
799 provided in s. 318.18 within the time period specified in s.
800 318.14(4), fails to enter into or comply with the terms of a
801 penalty payment plan with the clerk of the court in accordance
802 with ss. 318.14 and 28.246, fails to attend driver improvement
803 school, or fails to appear at a scheduled hearing, the clerk of
804 the court shall notify ~~the Division of Driver Licenses of the~~
805 Department of Highway Safety and Motor Vehicles of such failure
806 within 10 days after such failure. Upon receipt of such notice,
807 the department shall immediately issue an order suspending the
808 driver's license and privilege to drive of such person effective
809 20 days after the date the order of suspension is mailed in
810 accordance with s. 322.251(1), (2), and (6). Any such suspension
811 of the driving privilege which has not been reinstated,
812 including a similar suspension imposed outside Florida, shall

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813 remain on the records of the department for a period of 7 years
814 from the date imposed and shall be removed from the records
815 after the expiration of 7 years from the date it is imposed.

816 Section 17. Paragraph (b) of subsection (3) and subsection
817 (5) of section 320.05, Florida Statutes, are amended to read:

818 320.05 Records of the department; inspection procedure;
819 lists and searches; fees.—

820 (3)

821 (b) Fees therefor shall be charged and collected as
822 follows:

823 1. For providing lists of motor vehicle or vessel records
824 for the entire state, or any part or parts thereof, divided
825 according to counties, a sum computed at a rate of not less than
826 1 cent nor more than 5 cents per item.

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

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

831 4. For providing certified copies of motor vehicle or
832 vessel records, \$3 per record.

833 5. For providing noncertified computer-generated printouts
834 of motor vehicle or vessel records, 50 cents per record.

835 6. For providing certified computer-generated printouts of
836 motor vehicle or vessel records, \$3 per record.

837 7. For providing electronic access to motor vehicle,
838 vessel, and mobile home registration data requested by tag,
839 vehicle identification number, title number, or decal number, 50
840 cents per item.

841 8. For providing electronic access to driver's license

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842 status report by name, sex, and date of birth or by driver
843 license number, 50 cents per item.

844 9. For providing lists of licensed mobile home dealers and
845 manufacturers and recreational vehicle dealers and
846 manufacturers, \$15 per list.

847 10. For providing lists of licensed motor vehicle dealers,
848 \$25 per list.

849 11. For each copy of a videotape record, \$15 per tape.

850 12. For each copy of the Division of Motorist Services
851 ~~Motor Vehicles~~ Procedures Manual, \$25.

852 (5) The creation and maintenance of records by ~~the~~
853 ~~department and~~ the Division of Motorist Services ~~Motor Vehicles~~
854 pursuant to this chapter shall not be regarded as law
855 enforcement functions of agency recordkeeping.

856 Section 18. Subsection (1) of section 320.18, Florida
857 Statutes, is amended to read:

858 320.18 Withholding registration.-

859 (1) The department may withhold the registration of any
860 motor vehicle or mobile home the owner of which has failed to
861 register it under the provisions of law for any previous period
862 or periods for which it appears registration should have been
863 made in this state, until the tax for such period or periods is
864 paid. The department may cancel any vehicle or vessel
865 registration, driver's license, identification card, or fuel-use
866 tax decal if the owner pays for the vehicle or vessel
867 registration, driver's license, identification card, or fuel-use
868 tax decal; pays any administrative, delinquency, or
869 reinstatement fee; or pays any tax liability, penalty, or
870 interest specified in chapter 207 by a dishonored check, or if

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871 the vehicle owner or motor carrier has failed to pay a penalty
872 for a weight or safety violation issued by the Department of
873 Transportation or the Department of Highway Safety and Motor
874 Vehicles ~~Motor Carrier Compliance Office~~. The Department of
875 Transportation and the Department of Highway Safety and Motor
876 Vehicles may impound any commercial motor vehicle that has a
877 canceled license plate or fuel-use tax decal until the tax
878 liability, penalty, and interest specified in chapter 207, the
879 license tax, or the fuel-use decal fee, and applicable
880 administrative fees have been paid for by certified funds.

881 Section 19. Paragraphs (a) and (b) of subsection (2) of
882 section 320.275, Florida Statutes, are amended to read:

883 320.275 Automobile Dealers Industry Advisory Board.—

884 (2) MEMBERSHIP, TERMS, MEETINGS.—

885 (a) The board shall be composed of 12 members. The
886 executive director of the Department of Highway Safety and Motor
887 Vehicles shall appoint the members from names submitted by the
888 entities for the designated categories the member will
889 represent. The executive director shall appoint one
890 representative of the Department of Highway Safety and Motor
891 Vehicles, ~~who must represent the Division of Motor Vehicles~~; two
892 representatives of the independent motor vehicle industry as
893 recommended by the Florida Independent Automobile Dealers
894 Association; two representatives of the franchise motor vehicle
895 industry as recommended by the Florida Automobile Dealers
896 Association; one representative of the auction motor vehicle
897 industry who is from an auction chain and is recommended by a
898 group affiliated with the National Auto Auction Association; one
899 representative of the auction motor vehicle industry who is from

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900 an independent auction and is recommended by a group affiliated
901 with the National Auto Auction Association; one representative
902 from the Department of Revenue; a Florida tax collector
903 representative recommended by the Florida Tax Collectors
904 Association; one representative from the Better Business Bureau;
905 one representative from the Department of Agriculture and
906 Consumer Services, who must represent the Division of Consumer
907 Services; and one representative of the insurance industry who
908 writes motor vehicle dealer surety bonds.

909 (b)1. The executive director shall appoint the following
910 initial members to 1-year terms: one representative from the
911 motor vehicle auction industry who represents an auction chain,
912 one representative from the independent motor vehicle industry,
913 one representative from the franchise motor vehicle industry,
914 one representative from the Department of Revenue, one Florida
915 tax collector, and one representative from the Better Business
916 Bureau.

917 2. The executive director shall appoint the following
918 initial members to 2-year terms: one representative from the
919 motor vehicle auction industry who represents an independent
920 auction, one representative from the independent motor vehicle
921 industry, one representative from the franchise motor vehicle
922 industry, one representative from the Division of Consumer
923 Services, one representative from the insurance industry, and
924 one representative from the department ~~Division of Motor~~
925 ~~Vehicles~~.

926 3. As the initial terms expire, the executive director
927 shall appoint successors from the same designated category for
928 terms of 2 years. If renominated, a member may succeed himself

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929 or herself.

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

932 Section 20. Subsection (1) of section 321.05, Florida
933 Statutes, is amended to read:

934 321.05 Duties, functions, and powers of patrol officers.—
935 The members of the Florida Highway Patrol are hereby declared to
936 be conservators of the peace and law enforcement officers of the
937 state, with the common-law right to arrest a person who, in the
938 presence of the arresting officer, commits a felony or commits
939 an affray or breach of the peace constituting a misdemeanor,
940 with full power to bear arms; and they shall apprehend, without
941 warrant, any person in the unlawful commission of any of the
942 acts over which the members of the Florida Highway Patrol are
943 given jurisdiction as hereinafter set out and deliver him or her
944 to the sheriff of the county that further proceedings may be had
945 against him or her according to law. In the performance of any
946 of the powers, duties, and functions authorized by law, members
947 of the Florida Highway Patrol have the same protections and
948 immunities afforded other peace officers, which shall be
949 recognized by all courts having jurisdiction over offenses
950 against the laws of this state, and have authority to apply for,
951 serve, and execute search warrants, arrest warrants, capias, and
952 other process of the court. The patrol officers under the
953 direction and supervision of the Department of Highway Safety
954 and Motor Vehicles shall perform and exercise throughout the
955 state the following duties, functions, and powers:

956 (1) To patrol the state highways and regulate, control, and
957 direct the movement of traffic thereon; to maintain the public

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958 peace by preventing violence on highways; to apprehend fugitives
959 from justice; to enforce all laws ~~now in effect~~ regulating and
960 governing traffic, travel, and public safety upon the public
961 highways and providing for the protection of the public highways
962 and public property thereon, including the security and safety
963 of this state's transportation infrastructure; to make arrests
964 without warrant for the violation of any state law committed in
965 their presence in accordance with ~~the laws of this state law~~;
966 providing that no search may ~~shall~~ be made unless it is incident
967 to a lawful arrest, to regulate and direct traffic
968 concentrations and congestions; to enforce laws governing the
969 operation, licensing, and taxing and limiting the size, weight,
970 width, length, and speed of vehicles and licensing and
971 controlling the operations of drivers and operators of vehicles,
972 including the safety, size, and weight of commercial motor
973 vehicles; ~~to cooperate with officials designated by law to~~
974 collect all state fees and revenues levied as an incident to the
975 use or right to use the highways for any purpose, including the
976 taxing and registration of commercial motor vehicles; to require
977 the drivers of vehicles to stop and exhibit their driver's
978 licenses, registration cards, or documents required by law to be
979 carried by such vehicles; to investigate traffic accidents,
980 secure testimony of witnesses and of persons involved, and make
981 report thereof with copy, if ~~when~~ requested in writing, to any
982 person in interest or his or her attorney; to investigate
983 reported thefts of vehicles; and to seize contraband or stolen
984 property on or being transported on the highways. Each patrol
985 officer of the Florida Highway Patrol is subject to and has the
986 same arrest and other authority provided for law enforcement

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987 officers generally in chapter 901 and has statewide
 988 jurisdiction. Each officer also has arrest authority as provided
 989 for state law enforcement officers in s. 901.15. This section
 990 does ~~shall not be construed as being in~~ conflict with, but is
 991 supplemental to, chapter 933.

992 Section 21. Subsections (2), (3), (4), and (5) of section
 993 321.23, Florida Statutes, are amended to read:

994 321.23 Public records; fees for copies; destruction of
 995 obsolete records; photographing records; effect as evidence.—

996 (2) Fees for copies of public records shall be charged and
 997 collected as follows:

- 998 (a) For a crash report, a copy.....\$10
- 999 (b) For a homicide report, a copy.....\$25
- 1000 (c) For a uniform traffic citation, a copy.....\$0.50
- 1001 (d) ~~(e)~~ Photographs (accidents, etc.):

1002	1003	1004	1005
	Enlargement	Color	Black &
	Proof		White
1006	1. 5" x 7"	\$1.00	\$0.75
1007	2. 8" x 10"	\$1.50	\$1.00
1008	3. 11" x 14"	Not Available	\$1.75
1009	4. 16" x 20"	Not Available	\$2.75
1010	5. 20" x 24"	Not Available	\$3.75

1011

1012 (d) The department shall furnish such information without
 1013 charge to any local, state, or federal law enforcement agency
 1014 upon proof satisfactory to the department as to the purpose of
 1015 the investigation.

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1016 (3) Fees collected under this section shall be deposited in
1017 the Highway Safety Operating Trust Fund, unless the department
1018 provides the crash report online, in which case the department
1019 may distribute up to \$5 of the amount collected per copy to the
1020 investigating agency.

1021 (4) The department may ~~is authorized to~~ destroy reports,
1022 records, documents, papers, and correspondence which are
1023 considered obsolete.

1024 (5) The department may scan, ~~is authorized to~~ photograph,
1025 microphotograph, or reproduce on film such documents, records,
1026 and reports as it may select. The photographs or
1027 microphotographs in the form of film or print of any records
1028 made in compliance with the provisions of this section shall
1029 have the same force and effect as the originals ~~thereof would~~
1030 ~~have~~ and shall be treated as originals for the purpose of their
1031 admissibility in evidence. Duly certified or authenticated
1032 reproductions of such photographs or microphotographs shall be
1033 admitted in evidence equally with the original photographs or
1034 microphotographs.

1035 Section 22. Subsection (3) of section 322.02, Florida
1036 Statutes, is amended to read:

1037 322.02 Legislative intent; administration.-

1038 (3) The department shall employ a director, who is charged
1039 with the duty of serving as the executive officer of the
1040 Division of Motorist Services ~~Driver Licenses~~ of the department
1041 insofar as the administration of this chapter is concerned. He
1042 or she shall be subject to the supervision and direction of the
1043 department, and his or her official actions and decisions as
1044 executive officer shall be conclusive unless the same are

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1045 superseded or reversed by the department or by a court of
1046 competent jurisdiction.

1047 Section 23. Subsections (1) and (5) of section 322.135,
1048 Florida Statutes, are amended, and subsection (7) is added to
1049 that section, to read:

1050 322.135 Driver's license agents.—

1051 (1) The department shall, upon application, authorize by
1052 interagency agreement any or all of the tax collectors who are
1053 constitutional officers under s. 1(d), Art. VIII of the State
1054 Constitution in the several counties of the state, subject to
1055 the requirements of law, in accordance with rules of the
1056 department, to serve as its agent for the provision of specified
1057 driver's license services.

1058 (a) These services shall be limited to the issuance of
1059 driver's licenses and identification cards as authorized by this
1060 chapter.

1061 (b) Each tax collector who is authorized by the department
1062 to provide driver's license services shall bear all costs
1063 associated with providing those services.

1064 (c) A service fee of \$6.25 shall be charged, in addition to
1065 the fees set forth in this chapter, for providing all services
1066 pursuant to this chapter. The service fee may not be charged:

1067 1. More than once per customer during a single visit to a
1068 tax collector's office.

1069 2. For a reexamination requested by the Medical Advisory
1070 Board or required pursuant to s. 322.221.

1071 3. For a voter registration transaction.

1072 4. In violation of any federal or state law.

1073 (5) All driver's license issuance services shall be assumed

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1074 by the tax collectors who are constitutional officers under s.
1075 1(d), Art. VIII of the State Constitution by June 30, 2015. The
1076 implementation shall follow the schedule outlined in the
1077 transition report of February 1, 2011, which was required
1078 pursuant to chapter 2010-163, Laws of Florida. ~~The department,~~
1079 ~~in conjunction with the Florida Tax Collectors Association and~~
1080 ~~the Florida Association of Counties, shall develop a plan to~~
1081 ~~transition all driver's license issuance services to the county~~
1082 ~~tax collectors who are constitutional officers under s. 1(d),~~
1083 ~~Art. VIII of the State Constitution. The transition plan must be~~
1084 ~~submitted to the President of the Senate and the Speaker of the~~
1085 ~~House of Representatives on or before February 1, 2011. The~~
1086 ~~transition plan must include a timeline to complete the full~~
1087 ~~transition of all driver's license issuance services no later~~
1088 ~~than June 30, 2015, and may include, but is not limited to,~~
1089 ~~recommendations on the use of regional service centers,~~
1090 ~~interlocal agreements, and equipment.~~

1091 (7) The department may adopt rules to create exceptions for
1092 counties that are unable to provide full driver's license
1093 services due to their small population. In addition, counties
1094 may create interlocal agreements to provide driver's license
1095 services across county lines.

1096 Section 24. Subsections (9), (10), (13), (14), and (16) of
1097 section 322.20, Florida Statutes, are amended to read:

1098 322.20 Records of the department; fees; destruction of
1099 records.—

1100 (9) The department may, upon application, furnish to any
1101 person, from its ~~the records of the Division of Driver Licenses,~~
1102 a list of the names, addresses, and birth dates of the licensed

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1103 drivers of the entire state or any portion thereof by age group.
1104 In addition, the department may furnish to the courts, for the
1105 purpose of establishing jury selection lists, the names,
1106 addresses, and birth dates of the persons of the entire state or
1107 any portion thereof by age group having identification cards
1108 issued by the department. Each person who requests such
1109 information shall pay a fee, set by the department, of 1 cent
1110 per name listed, except that the department shall furnish such
1111 information without charge to the courts for the purpose of jury
1112 selection or to any state agency or to any state attorney,
1113 sheriff, or chief of police. Such court, state agency, state
1114 attorney, or law enforcement agency may not sell, give away, or
1115 allow the copying of such information. Noncompliance with this
1116 prohibition shall authorize the department to charge the
1117 noncomplying court, state agency, state attorney, or law
1118 enforcement agency the appropriate fee for any subsequent lists
1119 requested. The department may adopt rules necessary to implement
1120 this subsection.

1121 (10) The department ~~Division of Driver Licenses~~ is
1122 authorized, upon application of any person and payment of the
1123 proper fees, to search and to assist such person in the search
1124 of the records of the department and make reports thereof and to
1125 make photographic copies of the departmental records and
1126 attestations thereof.

1127 (13) The department ~~Division of Driver Licenses~~ shall
1128 implement a system that allows either parent of a minor, or a
1129 guardian, or other responsible adult who signed a minor's
1130 application for a driver's license to have Internet access
1131 through a secure website to inspect the minor's driver history

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1132 record. Internet access to driver history records granted to a
1133 minor's parents, guardian, or other responsible adult shall be
1134 furnished by the department at no fee and shall terminate when
1135 the minor attains 18 years of age.

1136 (14) The department is authorized in accordance with
1137 chapter 257 to destroy reports, records, documents, papers, and
1138 correspondence ~~in the Division of Driver Licenses~~ which are
1139 considered obsolete.

1140 (16) The creation and maintenance of records by the
1141 Division of Motorist Services within the department ~~and the~~
1142 ~~Division of Driver Licenses~~ pursuant to this chapter shall not
1143 be regarded as law enforcement functions of agency
1144 recordkeeping.

1145 Section 25. Section 322.202, Florida Statutes, is amended
1146 to read:

1147 322.202 Admission of evidence obtained from the Division of
1148 Motorist Services ~~Driver Licenses and the Division of Motor~~
1149 ~~Vehicles.~~-

1150 (1) The Legislature finds that the Division of Motorist
1151 Services ~~Driver Licenses and the Division of Motor Vehicles~~ of
1152 the Department of Highway Safety and Motor Vehicles is ~~are~~ not a
1153 law enforcement agency ~~agencies~~. The Legislature also finds that
1154 the division is not an adjunct ~~divisions are not adjuncts~~ of any
1155 law enforcement agency in that employees have no stake in
1156 particular prosecutions. The Legislature further finds that
1157 errors in records maintained by the divisions ~~s~~ are not within the
1158 collective knowledge of any law enforcement agency. The
1159 Legislature also finds that the missions of the division ~~of~~
1160 ~~Driver Licenses, the Division of Motor Vehicles, and the~~

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1161 Department of Highway Safety and Motor Vehicles provide a
1162 sufficient incentive to maintain records in a current and
1163 correct fashion.

1164 (2) The Legislature finds that the purpose of the
1165 exclusionary rule is to deter misconduct on the part of law
1166 enforcement officers and law enforcement agencies.

1167 (3) The Legislature finds that the application of the
1168 exclusionary rule to cases where a law enforcement officer
1169 effects an arrest based on objectively reasonable reliance on
1170 information obtained from the divisions is repugnant to the
1171 purposes of the exclusionary rule and contrary to the decisions
1172 of the United States Supreme Court in *Arizona v. Evans*, 514 U.S.
1173 1 (1995) and *United States v. Leon*, 468 U.S. 897 (1984).

1174 (4) In any case where a law enforcement officer effects an
1175 arrest based on objectively reasonable reliance on information
1176 obtained from the divisions, evidence found pursuant to such an
1177 arrest shall not be suppressed by application of the
1178 exclusionary rule on the grounds that the arrest is subsequently
1179 determined to be unlawful due to erroneous information obtained
1180 from the divisions.

1181 Section 26. Paragraphs (e) and (f) of subsection (1) and
1182 subsection (2) of section 322.21, Florida Statutes, are amended
1183 to read:

1184 322.21 License fees; procedure for handling and collecting
1185 fees.—

1186 (1) Except as otherwise provided herein, the fee for:

1187 (e) A replacement driver's license issued pursuant to s.
1188 322.17 is \$25. Of this amount \$7 shall be deposited into the
1189 Highway Safety Operating Trust Fund and \$18 shall be deposited

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1190 into the General Revenue Fund. Funds deposited into the Highway
1191 Safety Operating Trust Fund shall be used for motorist services
1192 activities, including infrastructure and technology, which
1193 support the delivery of driver's license issuance and vehicle
1194 registration services by tax collector's who are constitutional
1195 officers under s. (1)(d), Art. VIII of the State Constitution.
1196 Beginning July 1, 2015, or upon completion of the transition of
1197 driver's license issuance services, the tax collector shall
1198 retain \$7 of this amount and the remaining revenues shall be
1199 deposited into the General Revenue Fund.

1200 (f) An original, renewal, or replacement identification
1201 card issued pursuant to s. 322.051 is \$25. Funds collected from
1202 these fees shall be distributed as follows:

1203 1. For an original identification card issued pursuant to
1204 s. 322.051 the fee is \$25. This amount shall be deposited into
1205 the General Revenue Fund.

1206 2. For a renewal identification card issued pursuant to s.
1207 322.051 the fee is \$25. Of this amount, \$6 shall be deposited
1208 into the Highway Safety Operating Trust Fund and \$19 shall be
1209 deposited into the General Revenue Fund.

1210 3. For a replacement identification card issued pursuant to
1211 s. 322.051 the fee is \$25. Of this amount, \$9 shall be deposited
1212 into the Highway Safety Operating Trust Fund and \$16 shall be
1213 deposited into the General Revenue Fund. Funds deposited into
1214 the Highway Safety Operating Trust Fund shall be used for
1215 motorist services activities, including infrastructure and
1216 technology, which support the delivery of driver's license
1217 issuance and vehicle registration services by tax collector's
1218 who are constitutional officers under s. (1)(d), Art. VIII of

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1219 the State Constitution. Beginning July 1, 2015, or upon
1220 completion of the transition of the driver's license issuance
1221 services, the tax collector shall retain \$9 of this amount, and
1222 the remaining revenues shall be deposited into the General
1223 Revenue Fund.

1224 (2) It is the duty of the director of the Division of
1225 Motorist Services ~~Driver Licenses~~ to set up a division in the
1226 department with the necessary personnel to perform the necessary
1227 clerical and routine work for the department in issuing and
1228 recording applications, licenses, and certificates of
1229 eligibility, including the receiving and accounting of all
1230 license funds and their payment into the State Treasury, and
1231 other incidental clerical work connected with the administration
1232 of this chapter. The department may use such electronic,
1233 mechanical, or other devices as necessary to accomplish the
1234 purposes of this chapter.

1235 Section 27. Subsection (32) of section 334.044, Florida
1236 Statutes, is repealed.

1237 Section 28. Subsection (2) of section 413.012, Florida
1238 Statutes, is amended to read:

1239 413.012 Confidential records disclosure prohibited;
1240 exemptions.-

1241 (2) It is unlawful for any person to disclose, authorize
1242 the disclosure, solicit, receive, or make use of any list of
1243 names and addresses or any record containing any information set
1244 forth in subsection (1) and maintained in the division. The
1245 prohibition provided for in this subsection shall not apply to
1246 the use of such information for purposes directly connected with
1247 the administration of the vocational rehabilitation program or

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1248 with the monthly dispatch to the Division of Motorist Services
 1249 ~~Driver Licenses~~ of the Department of Highway Safety and Motor
 1250 Vehicles of the name in full, place and date of birth, sex,
 1251 social security number, and resident address of individuals with
 1252 central visual acuity 20/200 or less in the better eye with
 1253 correcting glasses, or a disqualifying field defect in which the
 1254 peripheral field has contracted to such an extent that the
 1255 widest diameter or visual field subtends an angular distance no
 1256 greater than 20 degrees. When requested in writing by an
 1257 applicant or client, or her or his representative, the Division
 1258 of Blind Services shall release confidential information to the
 1259 applicant or client or her or his representative.

1260 Section 29. Paragraph (c) of subsection (3) of section
 1261 921.0022, Florida Statutes, is amended to read:

1262 921.0022 Criminal Punishment Code; offense severity ranking
 1263 chart.—

1264 (3) OFFENSE SEVERITY RANKING CHART

1265 (c) LEVEL 3

1266

Florida Statute	Felony Degree	Description
119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.
316.066 <u>(3)</u> (4) (b) - (d)	3rd	Unlawfully obtaining or using confidential crash reports.
316.193(2)(b)	3rd	Felony DUI, 3rd conviction.

1267

1268

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1270

316.1935 (2) 3rd Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.

1271

319.30 (4) 3rd Possession by junkyard of motor vehicle with identification number plate removed.

1272

319.33 (1) (a) 3rd Alter or forge any certificate of title to a motor vehicle or mobile home.

1273

319.33 (1) (c) 3rd Procure or pass title on stolen vehicle.

1274

319.33 (4) 3rd With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.

1275

327.35 (2) (b) 3rd Felony BUI.

1276

328.05 (2) 3rd Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.

1277

328.07 (4) 3rd Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.

1278

376.302 (5) 3rd Fraud related to reimbursement for cleanup expenses under the Inland

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Protection Trust Fund.

1279

379.2431
(1) (e) 5.

3rd

Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.

1280

379.2431
(1) (e) 6.

3rd

Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.

1281

400.9935 (4)

3rd

Operating a clinic without a license or filing false license application or other required information.

1282

440.1051 (3)

3rd

False report of workers' compensation fraud or retaliation for making such a report.

1283

501.001 (2) (b)

2nd

Tampers with a consumer product or the container using materially false/misleading information.

1284

624.401 (4) (a)

3rd

Transacting insurance without a certificate of authority.

1285

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1286	624.401(4)(b)1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
1287	626.902(1)(a) & (b)	3rd	Representing an unauthorized insurer.
1288	697.08	3rd	Equity skimming.
1289	790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.
1290	796.05(1)	3rd	Live on earnings of a prostitute.
1291	806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
1292	806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
1293	810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
1294	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
	812.0145(2)(c)	3rd	Theft from person 65 years of age or

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older; \$300 or more but less than \$10,000.

1295

815.04 (4) (b) 2nd Computer offense devised to defraud or obtain property.

1296

817.034 (4) (a) 3. 3rd Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.

1297

817.233 3rd Burning to defraud insurer.

1298

817.234 3rd Unlawful solicitation of persons (8) (b) - (c) involved in motor vehicle accidents.

1299

817.234 (11) (a) 3rd Insurance fraud; property value less than \$20,000.

1300

817.236 3rd Filing a false motor vehicle insurance application.

1301

817.2361 3rd Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.

1302

817.413 (2) 3rd Sale of used goods as new.

1303

817.505 (4) 3rd Patient brokering.

1304

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1305	828.12(2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
1306	831.28(2)(a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
1307	831.29	2nd	Possession of instruments for counterfeiting drivers' licenses or identification cards.
1308	838.021(3)(b)	3rd	Threatens unlawful harm to public servant.
1309	843.19	3rd	Injure, disable, or kill police dog or horse.
1310	860.15(3)	3rd	Overcharging for repairs and parts.
1311	870.01(2)	3rd	Riot; inciting or encouraging.
1312	893.13(1)(a)2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs).
	893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s.

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893.03(1)(c), (2)(c)1., (2)(c)2.,
 (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7.,
 (2)(c)8., (2)(c)9., (3), or (4) drugs
 within 1,000 feet of university.

1313

893.13(1)(f)2. 2nd Sell, manufacture, or deliver s.
 893.03(1)(c), (2)(c)1., (2)(c)2.,
 (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7.,
 (2)(c)8., (2)(c)9., (3), or (4) drugs
 within 1,000 feet of public housing
 facility.

1314

893.13(6)(a) 3rd Possession of any controlled substance
 other than felony possession of
 cannabis.

1315

893.13(7)(a)8. 3rd Withhold information from practitioner
 regarding previous receipt of or
 prescription for a controlled substance.

1316

893.13(7)(a)9. 3rd Obtain or attempt to obtain controlled
 substance by fraud, forgery,
 misrepresentation, etc.

1317

893.13(7)(a)10. 3rd Affix false or forged label to package
 of controlled substance.

1318

893.13(7)(a)11. 3rd Furnish false or fraudulent material
 information on any document or record

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required by chapter 893.

1319

893.13(8)(a)1. 3rd Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.

1320

893.13(8)(a)2. 3rd Employ a trick or scheme in the practitioner's practice to assist a patient, other person, or owner of an animal in obtaining a controlled substance.

1321

893.13(8)(a)3. 3rd Knowingly write a prescription for a controlled substance for a fictitious person.

1322

893.13(8)(a)4. 3rd Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.

1323

918.13(1)(a) 3rd Alter, destroy, or conceal investigation evidence.

1324

944.47 3rd Introduce contraband to correctional

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(1) (a) 1.-2. facility.

1325

944.47(1)(c) 2nd Possess contraband while upon the grounds of a correctional institution.

1326

985.721 3rd Escapes from a juvenile facility (secure detention or residential commitment facility).

1327

1328 Section 30. Effective July 1, 2011, a Law Enforcement
 1329 Consolidation Task Force is created.

1330 (1) Members of the task force shall consist of the
 1331 executive director of the Department of Highway Safety and Motor
 1332 Vehicles, the executive director of the Department of Law
 1333 Enforcement, a representative from the Office of the Attorney
 1334 General, a representative from the Department of Agriculture and
 1335 Consumer Services, the Colonel of the Florida Highway Patrol,
 1336 the Colonel of the Division of Law Enforcement of the Fish and
 1337 Wildlife Conservation Commission, a representative from the
 1338 Florida Sheriffs Association, and a representative from the
 1339 Florida Police Chiefs Association.

1340 (2) The Department of Highway Safety and Motor Vehicles
 1341 shall provide administrative assistance to the task force.
 1342 However, this does not include travel expenses incurred by
 1343 members of the task force, which shall be borne by the agency
 1344 that the member represents.

1345 (3) The task force shall evaluate the duplication of law
 1346 enforcement functions throughout state government and identify
 1347 functions that are appropriate for possible consolidation. The

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1348 task force shall also evaluate administrative functions,
1349 including, but not limited to, accreditation, training, legal
1350 representation, vehicle fleets, aircraft, civilian-support
1351 staffing, information technology, and geographic regions,
1352 districts, or troops currently in use. The task force shall also
1353 evaluate whether the Florida Highway Patrol should limit its
1354 jurisdiction, except while in fresh pursuit, to the State
1355 Highway System or the Florida Intrastate Highway System. The
1356 task force shall make recommendations and submit a plan to
1357 consolidate state law enforcement responsibilities. The task
1358 force shall submit to the President of the Senate and the
1359 Speaker of the House of Representatives the plan by February 1,
1360 2012. The plan must include recommendations on the methodology
1361 to be used in creating a consolidated law enforcement entity by
1362 June 30, 2013. The task force expires June 30, 2012.

1363 Section 31. (1) The Office of Motor Carrier Compliance of
1364 the Department of Transportation is transferred to the Division
1365 of the Florida Highway Patrol of the Department of Highway
1366 Safety and Motor Vehicles as provided in SB 2000 of the General
1367 Appropriations Act for the 2011-2012 fiscal year.

1368 (2) Notwithstanding ss. 216.192 and 216.351, Florida
1369 Statutes, upon approval by the Legislative Budget Commission,
1370 the Executive Office of the Governor may transfer funds and
1371 positions between agencies to implement this section.

1372 Section 32. This act shall take effect July 1, 2011.

1373