

FOR CONSIDERATION 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; creating s. 321.052, F.S.; requiring the  
50 Department of Highway Safety and Motor Vehicles to  
51 authorize sheriffs to act as agents for the Florida  
52 Highway Patrol; amending s. 321.23, F.S.; specifying  
53 the fee to be charged for a copy of a uniform traffic  
54 citation; providing for a portion of the fees for  
55 crash reports to be distributed to the investigating  
56 agency under certain circumstances; authorizing the  
57 Department of Highway Safety and Motor Vehicles to  
58 scan the records of crash reports, which shall be

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59 considered original copies; amending s. 322.02, F.S.;

60 providing for the Division of Motorist Services to

61 administer ch. 322, F.S., relating to driver's

62 licenses; amending s. 322.135, F.S.; providing duties

63 of the tax collectors with respect to driver's license

64 services; directing the tax collectors who are

65 constitutional officers to assume all driver's license

66 issuance services by a certain date and according to a

67 specified schedule; deleting obsolete provisions;

68 authorizing the department to adopt rules creating

69 exceptions for counties that are unable to provide

70 full driver's license services; providing for

71 interlocal agreements to provide such services;

72 amending s. 322.20, F.S.; providing for the department

73 and the Division of Motorist Services to maintain

74 certain records; amending s. 322.202, F.S.; clarifying

75 that the Division of Motorist Services is not a law

76 enforcement agency and is not an adjunct of any law

77 enforcement agency; amending s. 322.21, F.S.;

78 requiring that a portion of the fees charged for the

79 replacement of a driver's licenses or identification

80 card be used to support motorist services activities;

81 requiring that such fees be retained by the tax

82 collectors who issue driver's licenses following the

83 transition of the driver's license issuance services

84 to the constitutional tax collectors; providing for

85 the Division of Motorist Services to collect fees and

86 issue driver's licenses and identification cards and

87 account for all license funds in the administration of

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88 ch. 322, F.S.; repealing s. 334.044(32), F.S.,  
89 relating to the authorization of the Office of Motor  
90 Carrier Compliance within the Department of  
91 Transportation to employ sworn law enforcement  
92 officers to enforce traffic and criminal laws in this  
93 state; amending s. 413.012, F.S., relating to certain  
94 confidential records; conforming a reference to  
95 changes made by the act; amending s. 921.0022, F.S.;  
96 conforming a cross-reference; creating the Law  
97 Enforcement Consolidation Task Force; providing for  
98 membership; requiring the Department of Highway Safety  
99 and Motor Vehicles to provide administrative  
100 assistance to the task force; requiring the agency  
101 that is represented by a member of the task force to  
102 bear the travel expenses incurred by the member;  
103 requiring the task force to evaluate the duplication  
104 of law enforcement functions and to identify possible  
105 consolidation; requiring the task force to evaluate  
106 administrative functions; requiring the task force to  
107 evaluate whether to limit the jurisdiction of the  
108 Florida Highway Patrol; requiring the task force to  
109 make recommendations and submit a report to the  
110 Legislature by a certain date; providing for future  
111 expiration; transferring the Office of Motor Carrier  
112 Compliance of the Department of Transportation to the  
113 Division of the Florida Highway Patrol of the  
114 Department of Highway Safety and Motor Vehicles;  
115 authorizing the Executive Office of the Governor to  
116 transfer funds and positions between agencies;

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117 providing an effective date.

118

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

120

121 Section 1. Paragraph (b) of subsection (4) of section  
122 20.23, Florida Statutes, is amended to read:

123 20.23 Department of Transportation.—There is created a  
124 Department of Transportation which shall be a decentralized  
125 agency.

126 (4)

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

137 1. Administration;

138 2. Planning;

139 3. Public transportation;

140 4. Design;

141 5. Highway operations;

142 6. Right-of-way;

143 7. Toll operations;

144 8. Information systems;

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

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- 146           10. Management and budget;  
147           11. Comptroller;  
148           12. Construction;  
149           13. Maintenance; and  
150           14. Materials.

151           Section 2. Subsection (2) of section 20.24, Florida  
152 Statutes, is amended, and subsection (3) is added to that  
153 section, to read:

154           20.24 Department of Highway Safety and Motor Vehicles.—  
155 There is created a Department of Highway Safety and Motor  
156 Vehicles.

157           (2) The following divisions, and bureaus within the  
158 divisions, of the Department of Highway Safety and Motor  
159 Vehicles are established:

160           (a) Division of the Florida Highway Patrol.

161           (b) Division of Motorist Services.

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

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

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

166           Section 3. Paragraph (m) of subsection (2) of section  
167 110.205, Florida Statutes, is amended to read:

168           110.205 Career service; exemptions.—

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

171           (m) All assistant division director, deputy division  
172 director, and bureau chief positions in any department, and  
173 those positions determined by the department to have managerial  
174 responsibilities comparable to such positions, which ~~positions~~

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175 include, but are not limited to:

176 1. Positions in the Department of Health and the Department  
177 of Children and Family Services that are assigned primary duties  
178 of serving as the superintendent or assistant superintendent of  
179 an institution.

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

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

190 4. Positions in the Department of Environmental Protection  
191 that are assigned the duty of an Environmental Administrator or  
192 program administrator.

193 5. Positions in the Department of Health that are assigned  
194 the duties of Environmental Administrator, Assistant County  
195 Health Department Director, and County Health Department  
196 Financial Administrator.

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

202 Section 4. Paragraph (e) of subsection (2) of section  
203 288.816, Florida Statutes, is amended to read:

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204 288.816 Intergovernmental relations.—

205 (2) The Office of Tourism, Trade, and Economic Development  
206 shall be responsible for all consular relations between the  
207 state and all foreign governments doing business in Florida. The  
208 office shall monitor United States laws and directives to ensure  
209 that all federal treaties regarding foreign privileges and  
210 immunities are properly observed. The office shall promulgate  
211 rules which shall:

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

218 Section 5. Paragraph (f) of subsection (1) of section  
219 311.115, Florida Statutes, is amended to read:

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

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

226 (f) One member from the Office of Motor Carrier Compliance  
227 of the Department of Highway Safety and Motor Vehicles  
228 ~~Transportation~~.

229 Section 6. Paragraph (a) of subsection (3) of section  
230 311.121, Florida Statutes, is amended to read:

231 311.121 Qualifications, training, and certification of  
232 licensed security officers at Florida seaports.—



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233 (3) The Seaport Security Officer Qualification, Training,  
234 and Standards Coordinating Council is created under the  
235 Department of Law Enforcement.

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

238 1. The seaport administrator of the Department of Law  
239 Enforcement.

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

241 3. The director of the Division of Licensing of the  
242 Department of Agriculture and Consumer Services.

243 4. The administrator of the Florida Seaport Transportation  
244 and Economic Development Council.

245 5. Two seaport security directors from seaports designated  
246 under s. 311.09.

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

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

249 8. Two representatives of contract security services.

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

252 Section 7. Subsections (1), (2), (4), and (5) of section  
253 316.066, Florida Statutes, are amended, and present subsections  
254 (3), (4), (5), and (6) of that section are renumbered as  
255 subsections (2), (3), (4), and (5), respectively, to read:

256 316.066 Written reports of crashes.—

257 (1) (a) A Florida Traffic Crash Report, Long Form is  
258 required to be completed and submitted to the department within  
259 10 days after completing an investigation by every law  
260 enforcement officer who in the regular course of duty  
261 investigates a motor vehicle crash that:

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- 262 1. ~~That~~ Resulted in death or personal injury.
- 263 2. ~~That~~ Involved a violation of s. 316.061(1) or s.
- 264 316.193.
- 265 3. ~~In which a vehicle was rendered inoperative to a degree~~
- 266 ~~that required a wrecker to remove it from traffic, if such~~
- 267 ~~action is appropriate, in the officer's discretion.~~
- 268 (b) In every crash for which a Florida Traffic Crash
- 269 Report, Long Form is not required by this section, the law
- 270 enforcement officer may complete a short-form crash report or
- 271 provide a driver exchange-of-information form ~~short-form crash~~
- 272 ~~report~~ to be completed by each party involved in the crash. The
- 273 short-form report must include:
- 274 1. The date, time, and location of the crash.
- 275 2. A description of the vehicles involved.
- 276 3. The names and addresses of the parties involved,
- 277 including all drivers and passengers.
- 278 4. The names and addresses of witnesses.
- 279 5. The name, badge number, and law enforcement agency of
- 280 the officer investigating the crash.
- 281 6. The names of the insurance companies for the respective
- 282 parties involved in the crash.
- 283 (c) Each party to the crash must ~~shall~~ provide the law
- 284 enforcement officer with proof of insurance, which must be
- 285 documented ~~to be included~~ in the crash report. If a law
- 286 enforcement officer submits a report on the crash accident,
- 287 proof of insurance must be provided to the officer by each party
- 288 involved in the crash. Any party who fails to provide the
- 289 required information commits a noncriminal traffic infraction,
- 290 punishable as a nonmoving violation as provided in chapter 318,

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291 unless the officer determines that due to injuries or other  
292 special circumstances such insurance information cannot be  
293 provided immediately. If the person provides the law enforcement  
294 agency, within 24 hours after the crash, proof of insurance that  
295 was valid at the time of the crash, the law enforcement agency  
296 may void the citation.

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

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

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

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320           ~~(b) In the case of a county or multicounty area that has a~~  
 321 ~~certified central traffic records center, a law enforcement~~  
 322 ~~agency or driver must submit to the center within the time limit~~  
 323 ~~prescribed in this section a written report of the crash. A~~  
 324 ~~driver who is required to file a crash report must be notified~~  
 325 ~~of the proper place to submit the completed report.~~

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

- 329
- 330           ~~For a crash report.....\$10 per copy.~~
  - 331           ~~For a homicide report.....\$25 per copy.~~
  - 332           ~~For a uniform traffic citation.....\$0.50 per copy.~~

333

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

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

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

348           (c) Any person, knowing that he or she is not entitled to

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349 obtain information made confidential and exempt by this section,  
350 who obtains or attempts to obtain such information commits a  
351 felony of the third degree, punishable as provided in s.  
352 775.082, s. 775.083, or s. 775.084.

353 (d) Any person who knowingly uses confidential and exempt  
354 information in violation of a filed written sworn statement or  
355 contractual agreement required by this section commits a felony  
356 of the third degree, punishable as provided in s. 775.082, s.  
357 775.083, or s. 775.084.

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

377 Section 8. Section 316.1957, Florida Statutes, is amended

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378 to read:

379 316.1957 Parking violations; designated parking spaces for  
380 persons who have disabilities.—When evidence is presented in any  
381 court of the fact that any motor vehicle was parked in a  
382 properly designated parking space for persons who have  
383 disabilities in violation of s. 316.1955, it is prima facie  
384 evidence that the vehicle was parked and left in the space by  
385 the person, firm, or corporation in whose name the vehicle is  
386 registered and licensed according to the records of the  
387 department ~~Division of Motor Vehieles~~.

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

390 316.302 Commercial motor vehicles; safety regulations;  
391 transporters and shippers of hazardous materials; enforcement.—

392 (4) (a) Except as provided in this subsection, all  
393 commercial motor vehicles transporting any hazardous material on  
394 any road, street, or highway open to the public, whether engaged  
395 in interstate or intrastate commerce, and any person who offers  
396 hazardous materials for such transportation, are subject to the  
397 regulations contained in 49 C.F.R. part 107, subpart G, and 49  
398 C.F.R. parts 171, 172, 173, 177, 178, and 180. Effective July 1,  
399 1997, the exceptions for intrastate motor carriers provided in  
400 49 C.F.R. 173.5 and 173.8 are hereby adopted.

401 (b) In addition to the penalties provided in s.  
402 316.3025(3) (b), (c), (d), and (e), any motor carrier or any of  
403 its officers, drivers, agents, representatives, employees, or  
404 shippers of hazardous materials that do not comply with this  
405 subsection or any rule adopted by a state agency that is  
406 consistent with the federal rules and regulations regarding

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407 hazardous materials commits a misdemeanor of the first degree,  
408 punishable as provided in s. 775.082 or s. 775.083. To ensure  
409 compliance with this subsection, ~~enforcement officers of the~~  
410 ~~Motor Carrier Compliance Office within the Department of~~  
411 ~~Transportation~~ and state highway patrol officers may inspect  
412 shipping documents and cargo of any vehicle known or suspected  
413 to be a transporter of hazardous materials.

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

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

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

434 (8) For the purpose of enforcing this section, any law  
435 enforcement officer of the Department of Highway Safety and

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436 Motor Vehicles ~~Transportation~~ or duly appointed agent who holds  
437 a current safety inspector certification from the Commercial  
438 Vehicle Safety Alliance may require the driver of any commercial  
439 vehicle operated on the highways of this state to stop and  
440 submit to an inspection of the vehicle or the driver's records.  
441 If the vehicle or driver is found to be operating in an unsafe  
442 condition, or if any required part or equipment is not present  
443 or is not in proper repair or adjustment, and the continued  
444 operation would present an unduly hazardous operating condition,  
445 the officer may require the vehicle or the driver to be removed  
446 from service pursuant to the North American Standard Out-of-  
447 Service Criteria, until corrected. However, if continuous  
448 operation would not present an unduly hazardous operating  
449 condition, the officer may give written notice requiring  
450 correction of the condition within 14 days.

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

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

463 Section 10. Paragraph (a) of subsection (6) of section  
464 316.3025, Florida Statutes, is amended to read:



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465 316.3025 Penalties.—

466 (6) (a) Only an officer or agent of the Department of Highway  
467 Safety and Motor Vehicles ~~Transportation~~ is authorized to  
468 collect the penalty provided by this section. Such officer or  
469 agent shall cooperate with the owner or driver of the motor  
470 vehicle so as not to unduly delay the vehicle.

471 Section 11. Subsections (1), (2), and (3) of section  
472 316.3026, Florida Statutes, are amended to read:

473 316.3026 Unlawful operation of motor carriers.—

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

492 (2) Any motor carrier enjoined or prohibited from operating  
493 by an out-of-service order by this state, any other state, or

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494 the Federal Motor Carrier Safety Administration may not operate  
495 on the roadways of this state until the motor carrier has been  
496 authorized to resume operations by the originating enforcement  
497 jurisdiction. Commercial motor vehicles owned or operated by any  
498 motor carrier prohibited from operation found on the roadways of  
499 this state shall be placed out of service by law enforcement  
500 officers of the Department of Highway Safety and Motor Vehicles  
501 ~~Transportation~~, and the motor carrier assessed a \$10,000 civil  
502 penalty pursuant to 49 C.F.R. s. 383.53, in addition to any  
503 other penalties imposed on the driver or other responsible  
504 person. Any person who knowingly drives, operates, or causes to  
505 be operated any commercial motor vehicle in violation of an out-  
506 of-service order issued by the department in accordance with  
507 this section commits a felony of the third degree, punishable as  
508 provided in s. 775.082(3)(d). Any costs associated with the  
509 impoundment or storage of such vehicles are the responsibility  
510 of the motor carrier. Vehicle out-of-service orders may be  
511 rescinded when the department receives proof of authorization  
512 for the motor carrier to resume operation.

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

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

521 316.516 Width, height, and length; inspection; penalties.-

522 (1) Any law enforcement officer, as prescribed in s.

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523 316.640, or any weight inspector and ~~safety officer~~ of the  
524 Department of Transportation, as prescribed in s. 316.545(1),  
525 who has reason to believe that the width, height, or length of a  
526 vehicle or combination of vehicles and the load thereon is not  
527 in conformance with s. 316.515 is authorized to require the  
528 driver to stop and submit such vehicle and load to measurement  
529 of its width, height, or length.

530 Section 13. Subsection (1), paragraphs (a) and (b) of  
531 subsection (2), paragraph (b) of subsection (4), and subsections  
532 (5), (9), and (10) of section 316.545, Florida Statutes, are  
533 amended to read:

534 316.545 Weight and load unlawful; special fuel and motor  
535 fuel tax enforcement; inspection; penalty; review.—

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

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552 officer's person pursuant to s. 843.01 is guilty of a felony of  
553 the third degree, punishable as provided in s. 775.082, s.  
554 775.083, or s. 775.084.

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

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581 operating in violation of said weight limits.

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

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610 shall be the sole responsibility of the owner. A person who has  
611 been assessed a penalty pursuant to this paragraph for failure  
612 to have a valid vehicle registration certificate pursuant to the  
613 provisions of chapter 320 is not subject to the delinquent fee  
614 authorized in s. 320.07 if such person obtains a valid  
615 registration certificate within 10 working days after such  
616 penalty was assessed.

617 (4)

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

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

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

663 ~~(9) Any agent of the Department of Transportation who is~~  
664 ~~employed for the purpose of being a weight and safety officer~~  
665 ~~and who meets the qualifications established by law for law~~  
666 ~~enforcement officers shall have the same arrest powers as are~~  
667 ~~granted any law enforcement officer for the purpose of enforcing~~

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668 ~~the provisions of weight, load, safety, commercial motor vehicle~~  
669 ~~registration, and fuel tax compliance laws.~~

670 (9) ~~(10)~~ The Department of Transportation may employ weight  
671 inspectors to operate its fixed-scale facilities. Weight  
672 inspectors on duty at a fixed-scale facility are authorized to  
673 enforce the laws governing commercial motor vehicle weight,  
674 registration, size, and load and to assess and collect civil  
675 penalties for violations of said laws. A weight inspector may  
676 detain a commercial motor vehicle that has an obvious safety  
677 defect critical to the continued safe operation of the vehicle  
678 or that is operating in violation of an out-of-service order as  
679 reported on the federal Safety and Fitness Electronic Records  
680 database. The weight inspector may immediately summon a law  
681 enforcement officer of the Department of Highway Safety and  
682 Motor Vehicles Transportation, or other law enforcement officer  
683 authorized by s. 316.640 to enforce the traffic laws of this  
684 state, to take appropriate enforcement action. The vehicle shall  
685 be released if the defect is repaired prior to the arrival of a  
686 law enforcement officer. Weight inspectors shall not be  
687 classified as law enforcement officers subject to certification  
688 requirements of chapter 943, and are not authorized to carry  
689 weapons or make arrests. Any person who obstructs, opposes, or  
690 resists a weight inspector in the performance of the duties  
691 herein prescribed shall be guilty of an offense as described in  
692 subsection (1) for obstructing, opposing, or resisting a law  
693 enforcement officer.

694 Section 14. Paragraph (b) of subsection (1) of section  
695 316.613, Florida Statutes, is amended to read:

696 316.613 Child restraint requirements.-



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697 (1)

698 (b) The department ~~Division of Motor Vehicles~~ shall provide  
699 notice of the requirement for child restraint devices, which  
700 notice shall accompany the delivery of each motor vehicle  
701 license tag.

702 Section 15. Paragraph (a) of subsection (1) of section  
703 316.640, Florida Statutes, is amended to read:

704 316.640 Enforcement.—The enforcement of the traffic laws of  
705 this state is vested as follows:

706 (1) STATE.—

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

718 b. University police officers shall have authority to  
719 enforce all of the traffic laws of this state when violations  
720 occur on or within 1,000 feet of any property or facilities that  
721 are under the guidance, supervision, regulation, or control of a  
722 state university, a direct-support organization of such state  
723 university, or any other organization controlled by the state  
724 university or a direct-support organization of the state  
725 university, or when such violations occur within a specified

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726 jurisdictional area as agreed upon in a mutual aid agreement  
727 entered into with a law enforcement agency pursuant to s.  
728 23.1225(1). Traffic laws may also be enforced off-campus when  
729 hot pursuit originates on or within 1,000 feet of any such  
730 property or facilities, or as agreed upon in accordance with the  
731 mutual aid agreement.

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

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

741 (I) An airport authority may employ as a parking  
742 enforcement specialist any individual who successfully completes  
743 a training program established and approved by the Criminal  
744 Justice Standards and Training Commission for parking  
745 enforcement specialists but who does not otherwise meet the  
746 uniform minimum standards established by the commission for law  
747 enforcement officers or auxiliary or part-time officers under s.  
748 943.12. Nothing in this sub-sub-paragraph shall be construed  
749 to permit the carrying of firearms or other weapons, nor shall  
750 such parking enforcement specialist have arrest authority.

751 (II) A parking enforcement specialist employed by an  
752 airport authority is authorized to enforce all state, county,  
753 and municipal laws and ordinances governing parking only when  
754 such violations are on property or facilities owned or operated

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755 by the airport authority employing the specialist, by  
756 appropriate state, county, or municipal traffic citation.

757 e. The Office of Agricultural Law Enforcement of the  
758 Department of Agriculture and Consumer Services shall have the  
759 authority to enforce traffic laws of this state.

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

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

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

777 4. The Division of the Florida Highway Patrol may employ as  
778 a traffic accident investigation officer any individual who  
779 successfully completes instruction in traffic accident  
780 investigation and court presentation through the Selective  
781 Traffic Enforcement Program as approved by the Criminal Justice  
782 Standards and Training Commission and funded through the  
783 National Highway Traffic Safety Administration or a similar

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

797 Section 16. Paragraph (a) of subsection (1) of section  
798 318.15, Florida Statutes, is amended to read:

799 318.15 Failure to comply with civil penalty or to appear;  
800 penalty.—

801 (1) (a) If a person fails to comply with the civil penalties  
802 provided in s. 318.18 within the time period specified in s.  
803 318.14(4), fails to enter into or comply with the terms of a  
804 penalty payment plan with the clerk of the court in accordance  
805 with ss. 318.14 and 28.246, fails to attend driver improvement  
806 school, or fails to appear at a scheduled hearing, the clerk of  
807 the court shall notify ~~the Division of Driver Licenses of the~~  
808 Department of Highway Safety and Motor Vehicles of such failure  
809 within 10 days after such failure. Upon receipt of such notice,  
810 the department shall immediately issue an order suspending the  
811 driver's license and privilege to drive of such person effective  
812 20 days after the date the order of suspension is mailed in

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813 accordance with s. 322.251(1), (2), and (6). Any such suspension  
814 of the driving privilege which has not been reinstated,  
815 including a similar suspension imposed outside Florida, shall  
816 remain on the records of the department for a period of 7 years  
817 from the date imposed and shall be removed from the records  
818 after the expiration of 7 years from the date it is imposed.

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

821 320.05 Records of the department; inspection procedure;  
822 lists and searches; fees.—

823 (3)

824 (b) Fees therefor shall be charged and collected as  
825 follows:

826 1. For providing lists of motor vehicle or vessel records  
827 for the entire state, or any part or parts thereof, divided  
828 according to counties, a sum computed at a rate of not less than  
829 1 cent nor more than 5 cents per item.

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

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

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

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

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

840 7. For providing electronic access to motor vehicle,  
841 vessel, and mobile home registration data requested by tag,

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842 vehicle identification number, title number, or decal number, 50  
843 cents per item.

844 8. For providing electronic access to driver's license  
845 status report by name, sex, and date of birth or by driver  
846 license number, 50 cents per item.

847 9. For providing lists of licensed mobile home dealers and  
848 manufacturers and recreational vehicle dealers and  
849 manufacturers, \$15 per list.

850 10. For providing lists of licensed motor vehicle dealers,  
851 \$25 per list.

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

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

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

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

861 320.18 Withholding registration.—

862 (1) The department may withhold the registration of any  
863 motor vehicle or mobile home the owner of which has failed to  
864 register it under the provisions of law for any previous period  
865 or periods for which it appears registration should have been  
866 made in this state, until the tax for such period or periods is  
867 paid. The department may cancel any vehicle or vessel  
868 registration, driver's license, identification card, or fuel-use  
869 tax decal if the owner pays for the vehicle or vessel  
870 registration, driver's license, identification card, or fuel-use

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

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

886 320.275 Automobile Dealers Industry Advisory Board.—

887 (2) MEMBERSHIP, TERMS, MEETINGS.—

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

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

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

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



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929           3. As the initial terms expire, the executive director  
930 shall appoint successors from the same designated category for  
931 terms of 2 years. If renominated, a member may succeed himself  
932 or herself.

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

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

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

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958 state the following duties, functions, and powers:

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

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987 property on or being transported on the highways. Each patrol  
 988 officer of the Florida Highway Patrol is subject to and has the  
 989 same arrest and other authority provided for law enforcement  
 990 officers generally in chapter 901 and has statewide  
 991 jurisdiction. Each officer also has arrest authority as provided  
 992 for state law enforcement officers in s. 901.15. This section  
 993 does ~~shall not be construed as being in~~ conflict with, but is  
 994 supplemental to, chapter 933.

995 Section 21. Section 321.052, Florida Statutes, is created  
 996 to read:

997 321.052 Agents.—The Department of Highway Safety and Motor  
 998 Vehicles shall, upon application, authorize any or all of the  
 999 sheriffs in the several counties of the state, subject to the  
 1000 requirements of law, in accordance with rules of the department,  
 1001 to serve as its agent for purposes of the provisions specified  
 1002 in s. 321.05.

1003 Section 22. Subsections (2), (3), (4), and (5) of section  
 1004 321.23, Florida Statutes, are amended to read:

1005 321.23 Public records; fees for copies; destruction of  
 1006 obsolete records; photographing records; effect as evidence.—

1007 (2) Fees for copies of public records shall be charged and  
 1008 collected as follows:

- 1009 (a) For a crash report, a copy.....\$10
- 1010 (b) For a homicide report, a copy.....\$25
- 1011 (c) For a uniform traffic citation, a copy.....\$0.50
- 1012 (d) ~~(e)~~ Photographs (accidents, etc.):

1014	Enlargement	Color	Black &
1015	Proof		White

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1016			
1017	1. 5" x 7"	\$1.00	\$0.75
1018	2. 8" x 10"	\$1.50	\$1.00
1019	3. 11" x 14"	Not Available	\$1.75
1020	4. 16" x 20"	Not Available	\$2.75
1021	5. 20" x 24"	Not Available	\$3.75
1022			

1023 (d) The department shall furnish such information without  
 1024 charge to any local, state, or federal law enforcement agency  
 1025 upon proof satisfactory to the department as to the purpose of  
 1026 the investigation.

1027 (3) Fees collected under this section shall be deposited in  
 1028 the Highway Safety Operating Trust Fund, unless the department  
 1029 provides the crash report online, in which case the department  
 1030 may distribute up to \$5 of the amount collected per copy to the  
 1031 investigating agency.

1032 (4) The department may ~~is authorized to~~ destroy reports,  
 1033 records, documents, papers, and correspondence which are  
 1034 considered obsolete.

1035 (5) The department may scan, ~~is authorized to~~ photograph,  
 1036 microphotograph, or reproduce on film such documents, records,  
 1037 and reports as it may select. The photographs or  
 1038 microphotographs in the form of film or print of any records  
 1039 made in compliance with the provisions of this section shall  
 1040 have the same force and effect as the originals ~~thereof would~~  
 1041 ~~have~~ and shall be treated as originals for the purpose of their  
 1042 admissibility in evidence. Duly certified or authenticated  
 1043 reproductions of such photographs or microphotographs shall be  
 1044 admitted in evidence equally with the original photographs or

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1045 microphotographs.

1046 Section 23. Subsection (3) of section 322.02, Florida  
1047 Statutes, is amended to read:

1048 322.02 Legislative intent; administration.-

1049 (3) The department shall employ a director, who is charged  
1050 with the duty of serving as the executive officer of the  
1051 Division of Motorist Services ~~Driver Licenses~~ of the department  
1052 insofar as the administration of this chapter is concerned. He  
1053 or she shall be subject to the supervision and direction of the  
1054 department, and his or her official actions and decisions as  
1055 executive officer shall be conclusive unless the same are  
1056 superseded or reversed by the department or by a court of  
1057 competent jurisdiction.

1058 Section 24. Subsections (1) and (5) of section 322.135,  
1059 Florida Statutes, are amended, and subsection (7) is added to  
1060 that section, to read:

1061 322.135 Driver's license agents.-

1062 (1) The department shall, upon application, authorize by  
1063 interagency agreement any or all of the tax collectors who are  
1064 constitutional officers under s. 1(d), Art. VIII of the State  
1065 Constitution in the several counties of the state, subject to  
1066 the requirements of law, in accordance with rules of the  
1067 department, to serve as its agent for the provision of specified  
1068 driver's license services.

1069 (a) These services shall be limited to the issuance of  
1070 driver's licenses and identification cards as authorized by this  
1071 chapter.

1072 (b) Each tax collector who is authorized by the department  
1073 to provide driver's license services shall bear all costs

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1074 associated with providing those services.

1075 (c) A service fee of \$6.25 shall be charged, in addition to  
1076 the fees set forth in this chapter, for providing all services  
1077 pursuant to this chapter. The service fee may not be charged:

1078 1. More than once per customer during a single visit to a  
1079 tax collector's office.

1080 2. For a reexamination requested by the Medical Advisory  
1081 Board or required pursuant to s. 322.221.

1082 3. For a voter registration transaction.

1083 4. In violation of any federal or state law.

1084 (5) All driver's license issuance services shall be assumed  
1085 by the tax collectors who are constitutional officers under s.  
1086 1(d), Art. VIII of the State Constitution by June 30, 2015. The  
1087 implementation shall follow the schedule outlined in the  
1088 transition report of February 1, 2011, which was required  
1089 pursuant to chapter 2010-163, Laws of Florida. ~~The department,~~  
1090 ~~in conjunction with the Florida Tax Collectors Association and~~  
1091 ~~the Florida Association of Counties, shall develop a plan to~~  
1092 ~~transition all driver's license issuance services to the county~~  
1093 ~~tax collectors who are constitutional officers under s. 1(d),~~  
1094 ~~Art. VIII of the State Constitution. The transition plan must be~~  
1095 ~~submitted to the President of the Senate and the Speaker of the~~  
1096 ~~House of Representatives on or before February 1, 2011. The~~  
1097 ~~transition plan must include a timeline to complete the full~~  
1098 ~~transition of all driver's license issuance services no later~~  
1099 ~~than June 30, 2015, and may include, but is not limited to,~~  
1100 ~~recommendations on the use of regional service centers,~~  
1101 ~~interlocal agreements, and equipment.~~

1102 (7) The department may adopt rules to create exceptions for

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1103 counties that are unable to provide full driver's license  
1104 services due to their small population. In addition, counties  
1105 may create interlocal agreements to provide driver's license  
1106 services across county lines.

1107 Section 25. Subsections (9), (10), (13), (14), and (16) of  
1108 section 322.20, Florida Statutes, are amended to read:

1109 322.20 Records of the department; fees; destruction of  
1110 records.-

1111 (9) The department may, upon application, furnish to any  
1112 person, from its ~~the records of the Division of Driver Licenses,~~  
1113 a list of the names, addresses, and birth dates of the licensed  
1114 drivers of the entire state or any portion thereof by age group.  
1115 In addition, the department may furnish to the courts, for the  
1116 purpose of establishing jury selection lists, the names,  
1117 addresses, and birth dates of the persons of the entire state or  
1118 any portion thereof by age group having identification cards  
1119 issued by the department. Each person who requests such  
1120 information shall pay a fee, set by the department, of 1 cent  
1121 per name listed, except that the department shall furnish such  
1122 information without charge to the courts for the purpose of jury  
1123 selection or to any state agency or to any state attorney,  
1124 sheriff, or chief of police. Such court, state agency, state  
1125 attorney, or law enforcement agency may not sell, give away, or  
1126 allow the copying of such information. Noncompliance with this  
1127 prohibition shall authorize the department to charge the  
1128 noncomplying court, state agency, state attorney, or law  
1129 enforcement agency the appropriate fee for any subsequent lists  
1130 requested. The department may adopt rules necessary to implement  
1131 this subsection.

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1132           (10) The department ~~Division of Driver Licenses~~ is  
1133 authorized, upon application of any person and payment of the  
1134 proper fees, to search and to assist such person in the search  
1135 of the records of the department and make reports thereof and to  
1136 make photographic copies of the departmental records and  
1137 attestations thereof.

1138           (13) The department ~~Division of Driver Licenses~~ shall  
1139 implement a system that allows either parent of a minor, or a  
1140 guardian, or other responsible adult who signed a minor's  
1141 application for a driver's license to have Internet access  
1142 through a secure website to inspect the minor's driver history  
1143 record. Internet access to driver history records granted to a  
1144 minor's parents, guardian, or other responsible adult shall be  
1145 furnished by the department at no fee and shall terminate when  
1146 the minor attains 18 years of age.

1147           (14) The department is authorized in accordance with  
1148 chapter 257 to destroy reports, records, documents, papers, and  
1149 correspondence ~~in the Division of Driver Licenses~~ which are  
1150 considered obsolete.

1151           (16) The creation and maintenance of records by the  
1152 Division of Motorist Services within the department ~~and the~~  
1153 ~~Division of Driver Licenses~~ pursuant to this chapter shall not  
1154 be regarded as law enforcement functions of agency  
1155 recordkeeping.

1156           Section 26. Section 322.202, Florida Statutes, is amended  
1157 to read:

1158           322.202 Admission of evidence obtained from the Division of  
1159 Motorist Services ~~Driver Licenses and the Division of Motor~~  
1160 ~~Vehicles.~~-



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1161           (1) The Legislature finds that the Division of Motorist  
1162 Services ~~Driver Licenses and the Division of Motor Vehicles~~ of  
1163 the Department of Highway Safety and Motor Vehicles is ~~are~~ not a  
1164 law enforcement agency ~~agencies~~. The Legislature also finds that  
1165 the division is not an adjunct ~~divisions are not adjuncts~~ of any  
1166 law enforcement agency in that employees have no stake in  
1167 particular prosecutions. The Legislature further finds that  
1168 errors in records maintained by the divisions~~s~~ are not within the  
1169 collective knowledge of any law enforcement agency. The  
1170 Legislature also finds that the missions of the division ~~of~~  
1171 ~~Driver Licenses, the Division of Motor Vehicles,~~ and the  
1172 Department of Highway Safety and Motor Vehicles provide a  
1173 sufficient incentive to maintain records in a current and  
1174 correct fashion.

1175           (2) The Legislature finds that the purpose of the  
1176 exclusionary rule is to deter misconduct on the part of law  
1177 enforcement officers and law enforcement agencies.

1178           (3) The Legislature finds that the application of the  
1179 exclusionary rule to cases where a law enforcement officer  
1180 effects an arrest based on objectively reasonable reliance on  
1181 information obtained from the divisions is repugnant to the  
1182 purposes of the exclusionary rule and contrary to the decisions  
1183 of the United States Supreme Court in *Arizona v. Evans*, 514 U.S.  
1184 1 (1995) and *United States v. Leon*, 468 U.S. 897 (1984).

1185           (4) In any case where a law enforcement officer effects an  
1186 arrest based on objectively reasonable reliance on information  
1187 obtained from the divisions, evidence found pursuant to such an  
1188 arrest shall not be suppressed by application of the  
1189 exclusionary rule on the grounds that the arrest is subsequently

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1190 determined to be unlawful due to erroneous information obtained  
1191 from the divisions.

1192 Section 27. Paragraphs (e) and (f) of subsection (1) and  
1193 subsection (2) of section 322.21, Florida Statutes, are amended  
1194 to read:

1195 322.21 License fees; procedure for handling and collecting  
1196 fees.—

1197 (1) Except as otherwise provided herein, the fee for:

1198 (e) A replacement driver's license issued pursuant to s.  
1199 322.17 is \$25. Of this amount \$7 shall be deposited into the  
1200 Highway Safety Operating Trust Fund and \$18 shall be deposited  
1201 into the General Revenue Fund. Funds deposited into the Highway  
1202 Safety Operating Trust Fund shall be used for motorist services  
1203 activities, including infrastructure and technology, which  
1204 support the delivery of driver's license issuance and vehicle  
1205 registration services by tax collector's who are constitutional  
1206 officers under s. (1)(d), Art. VIII of the State Constitution.  
1207 Beginning July 1, 2015, or upon completion of the transition of  
1208 driver's license issuance services, the tax collector shall  
1209 retain \$7 of this amount and the remaining revenues shall be  
1210 deposited into the General Revenue Fund.

1211 (f) An original, renewal, or replacement identification  
1212 card issued pursuant to s. 322.051 is \$25. Funds collected from  
1213 these fees shall be distributed as follows:

1214 1. For an original identification card issued pursuant to  
1215 s. 322.051 the fee is \$25. This amount shall be deposited into  
1216 the General Revenue Fund.

1217 2. For a renewal identification card issued pursuant to s.  
1218 322.051 the fee is \$25. Of this amount, \$6 shall be deposited

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1219 into the Highway Safety Operating Trust Fund and \$19 shall be  
1220 deposited into the General Revenue Fund.

1221 3. For a replacement identification card issued pursuant to  
1222 s. 322.051 the fee is \$25. Of this amount, \$9 shall be deposited  
1223 into the Highway Safety Operating Trust Fund and \$16 shall be  
1224 deposited into the General Revenue Fund. Funds deposited into  
1225 the Highway Safety Operating Trust Fund shall be used for  
1226 motorist services activities, including infrastructure and  
1227 technology, which support the delivery of driver's license  
1228 issuance and vehicle registration services by tax collector's  
1229 who are constitutional officers under s. (1)(d), Art. VIII of  
1230 the State Constitution. Beginning July 1, 2015, or upon  
1231 completion of the transition of the driver's license issuance  
1232 services, the tax collector shall retain \$9 of this amount, and  
1233 the remaining revenues shall be deposited into the General  
1234 Revenue Fund.

1235 (2) It is the duty of the director of the Division of  
1236 Motorist Services ~~Driver Licenses~~ to set up a division in the  
1237 department with the necessary personnel to perform the necessary  
1238 clerical and routine work for the department in issuing and  
1239 recording applications, licenses, and certificates of  
1240 eligibility, including the receiving and accounting of all  
1241 license funds and their payment into the State Treasury, and  
1242 other incidental clerical work connected with the administration  
1243 of this chapter. The department may use such electronic,  
1244 mechanical, or other devices as necessary to accomplish the  
1245 purposes of this chapter.

1246 Section 28. Subsection (32) of section 334.044, Florida  
1247 Statutes, is repealed.

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1248 Section 29. Subsection (2) of section 413.012, Florida  
1249 Statutes, is amended to read:

1250 413.012 Confidential records disclosure prohibited;  
1251 exemptions.-

1252 (2) It is unlawful for any person to disclose, authorize  
1253 the disclosure, solicit, receive, or make use of any list of  
1254 names and addresses or any record containing any information set  
1255 forth in subsection (1) and maintained in the division. The  
1256 prohibition provided for in this subsection shall not apply to  
1257 the use of such information for purposes directly connected with  
1258 the administration of the vocational rehabilitation program or  
1259 with the monthly dispatch to the Division of Motorist Services  
1260 ~~Driver Licenses~~ of the Department of Highway Safety and Motor  
1261 Vehicles of the name in full, place and date of birth, sex,  
1262 social security number, and resident address of individuals with  
1263 central visual acuity 20/200 or less in the better eye with  
1264 correcting glasses, or a disqualifying field defect in which the  
1265 peripheral field has contracted to such an extent that the  
1266 widest diameter or visual field subtends an angular distance no  
1267 greater than 20 degrees. When requested in writing by an  
1268 applicant or client, or her or his representative, the Division  
1269 of Blind Services shall release confidential information to the  
1270 applicant or client or her or his representative.

1271 Section 30. Paragraph (c) of subsection (3) of section  
1272 921.0022, Florida Statutes, is amended to read:

1273 921.0022 Criminal Punishment Code; offense severity ranking  
1274 chart.-

1275 (3) OFFENSE SEVERITY RANKING CHART

1276 (c) LEVEL 3

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1277

Florida	Felony	
Statute	Degree	Description

1278

119.10 (2) (b)	3rd	Unlawful use of confidential information from police reports.
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1279

316.066	3rd	Unlawfully obtaining or using confidential crash reports.
<u>(3)</u> <del>(4)</del> (b) - (d)		

1280

316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
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1281

316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
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1282

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

1283

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

1284

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

1285

319.33 (4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
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1286

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1287

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

1288

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

1289

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

1290

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

1291

379.2431 3rd Taking, disturbing, mutilating,  
(1) (e) 5. 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.

1292

379.2431 3rd Soliciting to commit or conspiring to  
(1) (e) 6. commit a violation of the Marine Turtle  
Protection Act.

1293

400.9935 (4) 3rd Operating a clinic without a license or  
filing false license application or  
other required information.

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1294	440.1051(3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
1295	501.001(2)(b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
1296	624.401(4)(a)	3rd	Transacting insurance without a certificate of authority.
1297	624.401(4)(b)1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
1298	626.902(1)(a) & (b)	3rd	Representing an unauthorized insurer.
1299	697.08	3rd	Equity skimming.
1300	790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.
1301	796.05(1)	3rd	Live on earnings of a prostitute.
1302	806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.

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1303	806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
1304	810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
1305	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
1306	812.0145(2)(c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
1307	815.04(4)(b)	2nd	Computer offense devised to defraud or obtain property.
1308	817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
1309	817.233	3rd	Burning to defraud insurer.
1310	817.234 (8)(b)-(c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
1311	817.234(11)(a)	3rd	Insurance fraud; property value less than \$20,000.



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1312

817.236 3rd Filing a false motor vehicle insurance application.

1313

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

1314

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

1315

817.505 (4) 3rd Patient brokering.

1316

828.12 (2) 3rd Tortures any animal with intent to inflict intense pain, serious physical injury, or death.

1317

831.28 (2) (a) 3rd Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.

1318

831.29 2nd Possession of instruments for counterfeiting drivers' licenses or identification cards.

1319

838.021 (3) (b) 3rd Threatens unlawful harm to public servant.

1320

843.19 3rd Injure, disable, or kill police dog or horse.

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1321

860.15(3) 3rd Overcharging for repairs and parts.

1322

870.01(2) 3rd Riot; inciting or encouraging.

1323

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).

1324

893.13(1)(d)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 university.

1325

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.

1326

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

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

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prescription for a controlled substance.

1327

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

1328

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

1329

893.13(7)(a)11. 3rd Furnish false or fraudulent material information on any document or record required by chapter 893.

1330

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.

1331

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.

1332

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

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1333

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.

1334

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

1335

944.47 3rd Introduce contraband to correctional facility.  
(1)(a)1.-2.

1336

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

1337

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

1338

1339 Section 31. Effective July 1, 2011, a Law Enforcement  
1340 Consolidation Task Force is created.

1341 (1) Members of the task force shall consist of the  
1342 executive director of the Department of Highway Safety and Motor  
1343 Vehicles, the executive director of the Department of Law  
1344 Enforcement, a representative from the Office of the Attorney  
1345 General, a representative from the Department of Agriculture and  
1346 Consumer Services, the Colonel of the Florida Highway Patrol,  
1347 the Colonel of the Division of Law Enforcement of the Fish and

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1348 Wildlife Conservation Commission, a representative from the  
1349 Florida Sheriffs Association, and a representative from the  
1350 Florida Police Chiefs Association.

1351 (2) The Department of Highway Safety and Motor Vehicles  
1352 shall provide administrative assistance to the task force.  
1353 However, this does not include travel expenses incurred by  
1354 members of the task force, which shall be borne by the agency  
1355 that the member represents.

1356 (3) The task force shall evaluate the duplication of law  
1357 enforcement functions throughout state government and identify  
1358 functions that are appropriate for possible consolidation. The  
1359 task force shall also evaluate administrative functions,  
1360 including, but not limited to, accreditation, training, legal  
1361 representation, vehicle fleets, aircraft, civilian-support  
1362 staffing, information technology, and geographic regions,  
1363 districts, or troops currently in use. The task force shall also  
1364 evaluate whether the Florida Highway Patrol should limit its  
1365 jurisdiction, except while in fresh pursuit, to the State  
1366 Highway System or the Florida Intrastate Highway System. The  
1367 task force shall make recommendations and submit a plan to  
1368 consolidate state law enforcement responsibilities. The task  
1369 force shall submit to the President of the Senate and the  
1370 Speaker of the House of Representatives the plan by February 1,  
1371 2012. The plan must include recommendations on the methodology  
1372 to be used in creating a consolidated law enforcement entity by  
1373 June 30, 2013. The task force expires June 30, 2012.

1374 Section 32. (1) The Office of Motor Carrier Compliance of  
1375 the Department of Transportation is transferred to the Division  
1376 of the Florida Highway Patrol of the Department of Highway

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1377 Safety and Motor Vehicles as provided in SPB 7084 of the General  
1378 Appropriations Act for the 2011-2012 fiscal year.

1379 (2) Notwithstanding ss. 216.192 and 216.351, Florida  
1380 Statutes, upon approval by the Legislative Budget Commission,  
1381 the Executive Office of the Governor may transfer funds and  
1382 positions between agencies to implement this section.

1383 Section 33. This act shall take effect July 1, 2011.