

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: State Affairs Committee
 2 Representative Gregory offered the following:

Amendment (with title amendment)

Between lines 69 and 70, insert:

Section 5. Subsection (2) of section 206.27, Florida Statutes, is amended to read:

206.27 Records and files as public records.—

(2) Nothing herein shall be construed as requiring the department to provide as a public record any information concerning audits in progress or those records and files of the department described in this section which are currently the subject of pending investigation by the Department of Revenue or the Florida Department of Law Enforcement. It is specifically provided that the foregoing information shall be exempt from the provisions of s. 119.07(1) and shall be considered confidential

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17 pursuant to s. 213.053; however, the department may make
18 available to the Secretary ~~executive director of the Department~~
19 of Highway Safety and Motor Vehicles or his or her designee,
20 exclusively for official purposes in administering chapter 207,
21 any information concerning any audit in progress, and the
22 provisions of s. 213.053(8) requiring a written agreement and
23 maintenance of confidentiality by the recipient, and the penalty
24 for breach of confidentiality, shall apply if the department
25 makes such information available. Any officer, employee, or
26 former officer or employee of the department who divulges any
27 such information in any manner except for such official purposes
28 or under s. 213.053 is guilty of a misdemeanor of the first
29 degree, punishable as provided in s. 775.082 or s. 775.083.

30 Section 6. Paragraph (a) of subsection (2) of section
31 207.021, Florida Statutes, is amended to read:

32 207.021 Informal conferences; settlement or compromise of
33 taxes, penalties, or interest.—

34 (2) (a) The secretary ~~executive director~~ or his or her
35 designee may enter into a closing agreement with a taxpayer
36 settling or compromising the taxpayer's liability for any tax,
37 interest, or penalty assessed under this chapter. Each agreement
38 must be in writing, in the form of a closing agreement approved
39 by the department, and signed by the secretary ~~executive~~
40 ~~director~~ or his or her designee. The agreement is final and
41 conclusive, except upon a showing of material fraud or

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42 misrepresentation of material fact. The department may not make
43 an additional assessment against the taxpayer for the tax,
44 interest, or penalty specified in the closing agreement for the
45 time specified in the closing agreement, and the taxpayer may
46 not institute a judicial or administrative proceeding to recover
47 any tax, interest, or penalty paid pursuant to the closing
48 agreement. The secretary ~~executive director~~ of the department or
49 his or her designee may approve the closing agreement.

50 Section 7. Subsection (7) of section 316.545, Florida
51 Statutes, is amended to read:

52 316.545 Weight and load unlawful; special fuel and motor
53 fuel tax enforcement; inspection; penalty; review.—

54 (7) There is created within the Department of
55 Transportation the Commercial Motor Vehicle Review Board,
56 consisting of three permanent members who shall be the Secretary
57 of Transportation, the Secretary ~~executive director of the~~
58 ~~Department~~ of Highway Safety and Motor Vehicles, and the
59 Commissioner of Agriculture, or their authorized
60 representatives, and four additional members appointed pursuant
61 to paragraph (b), which may review any penalty imposed upon any
62 vehicle or person under the provisions of this chapter relating
63 to weights imposed on the highways by the axles and wheels of
64 motor vehicles, to special fuel and motor fuel tax compliance,
65 or to violations of safety regulations.

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66 Section 8. Subsections (1) and (2) of section 320.275,
67 Florida Statutes, are amended to read:

68 320.275 Automobile Dealers Industry Advisory Board.—

69 (1) AUTOMOBILE DEALERS INDUSTRY ADVISORY BOARD.—The
70 Automobile Dealers Industry Advisory Board is created within the
71 Department of Highway Safety and Motor Vehicles. The board shall
72 make recommendations on proposed legislation, make
73 recommendations on proposed rules and procedures, present
74 licensed motor vehicle dealer industry issues to the department
75 for its consideration, consider any matters relating to the
76 motor vehicle dealer industry presented to it by the department,
77 and submit an annual report to the secretary ~~executive director~~
78 of the department and file copies with the Governor, the
79 President of the Senate, and the Speaker of the House of
80 Representatives.

81 (2) MEMBERSHIP, TERMS, MEETINGS.—

82 (a) The board shall be composed of 12 members. The
83 Secretary ~~executive director of the Department~~ of Highway Safety
84 and Motor Vehicles shall appoint the members from names
85 submitted by the entities for the designated categories the
86 member will represent. The secretary ~~executive director~~ shall
87 appoint one representative of the Department of Highway Safety
88 and Motor Vehicles; two representatives of the independent motor
89 vehicle industry as recommended by the Florida Independent
90 Automobile Dealers Association; two representatives of the

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91 franchise motor vehicle industry as recommended by the Florida
92 Automobile Dealers Association; one representative of the
93 auction motor vehicle industry who is from an auction chain and
94 is recommended by a group affiliated with the National Auto
95 Auction Association; one representative of the auction motor
96 vehicle industry who is from an independent auction and is
97 recommended by a group affiliated with the National Auto Auction
98 Association; one representative from the Department of Revenue;
99 a Florida tax collector representative recommended by the
100 Florida Tax Collectors Association; one representative from the
101 Better Business Bureau; one representative from the Department
102 of Agriculture and Consumer Services, who must represent the
103 Division of Consumer Services; and one representative of the
104 insurance industry who writes motor vehicle dealer surety bonds.

105 (b)1. The secretary ~~executive director~~ shall appoint the
106 following initial members to 1-year terms: one representative
107 from the motor vehicle auction industry who represents an
108 auction chain, one representative from the independent motor
109 vehicle industry, one representative from the franchise motor
110 vehicle industry, one representative from the Department of
111 Revenue, one Florida tax collector, and one representative from
112 the Better Business Bureau.

113 2. The secretary ~~executive director~~ shall appoint the
114 following initial members to 2-year terms: one representative
115 from the motor vehicle auction industry who represents an

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116 independent auction, one representative from the independent
117 motor vehicle industry, one representative from the franchise
118 motor vehicle industry, one representative from the Division of
119 Consumer Services, one representative from the insurance
120 industry, and one representative from the department.

121 3. As the initial terms expire, the secretary ~~executive~~
122 ~~director~~ shall appoint successors from the same designated
123 category for terms of 2 years. If renominated, a member may
124 succeed himself or herself.

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

127 (c) The board shall meet at least two times per year.
128 Meetings may be called by the chair of the board or by the
129 secretary ~~executive director~~ of the department. One meeting
130 shall be held in the fall of the year to review legislative
131 proposals. The board shall conduct all meetings in accordance
132 with applicable Florida Statutes and shall keep minutes of all
133 meetings. Meetings may be held in locations around the state in
134 department facilities or in other appropriate locations.

135 Section 9. Subsection (1) of section 322.125, Florida
136 Statutes, is amended to read:

137 322.125 Medical Advisory Board.—

138 (1) There shall be a Medical Advisory Board composed of
139 not fewer than 12 or more than 25 members, at least one of whom
140 must be 60 years of age or older and all but one of whose

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141 medical and other specialties must relate to driving abilities,
142 which number must include a doctor of medicine who is employed
143 by the Department of Highway Safety and Motor Vehicles in
144 Tallahassee, who shall serve as administrative officer for the
145 board. The Secretary ~~executive director of the Department of~~
146 Highway Safety and Motor Vehicles shall recommend persons to
147 serve as board members. Every member but two must be a doctor of
148 medicine licensed to practice medicine in this or any other
149 state. One member must be an optometrist licensed to practice
150 optometry in this state. One member must be a chiropractic
151 physician licensed to practice chiropractic medicine in this
152 state. Members shall be approved by the Cabinet and shall serve
153 4-year staggered terms. The board membership must, to the
154 maximum extent possible, consist of equal representation of the
155 disciplines of the medical community treating the mental or
156 physical disabilities that could affect the safe operation of
157 motor vehicles.

158 Section 10. Paragraph (b) of subsection (1) of section
159 397.333, Florida Statutes, is amended to read:

160 397.333 Statewide Drug Policy Advisory Council.—

161 (1)(b) The following state officials shall be appointed to
162 serve on the advisory council:

163 1. The Attorney General, or his or her designee.

164 2. The executive director of the Department of Law
165 Enforcement, or his or her designee.

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166 3. The Secretary of Children and Families, or his or her
167 designee.

168 4. The director of the Office of Planning and Budgeting in
169 the Executive Office of the Governor, or his or her designee.

170 5. The Secretary of Corrections, or his or her designee.

171 6. The Secretary of Juvenile Justice, or his or her
172 designee.

173 7. The Commissioner of Education, or his or her designee.

174 8. The Secretary ~~executive director of the Department~~ of
175 Highway Safety and Motor Vehicles, or his or her designee.

176 9. The Adjutant General of the state as the Chief of the
177 Department of Military Affairs, or his or her designee.

178 Section 11. Paragraph (b) of subsection (1) of section
179 943.0313, Florida Statutes, is amended to read:

180 943.0313 Domestic Security Oversight Council.—The
181 Legislature finds that there exists a need to provide executive
182 direction and leadership with respect to terrorism prevention,
183 preparation, protection, response, and recovery efforts by state
184 and local agencies in this state. In recognition of this need,
185 the Domestic Security Oversight Council is hereby created. The
186 council shall serve as an advisory council pursuant to s.

187 20.03(7) to provide guidance to the state's regional domestic
188 security task forces and other domestic security working groups
189 and to make recommendations to the Governor and the Legislature

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190 regarding the expenditure of funds and allocation of resources
191 related to counter-terrorism and domestic security efforts.

192 (1) MEMBERSHIP.—

193 (b) In addition to the members designated in paragraph
194 (a), the council may invite other ex officio, nonvoting members
195 to attend and participate in council meetings. Those nonvoting
196 members may include, but need not be limited to:

197 1. The Secretary ~~executive director of the Department~~ of
198 Highway Safety and Motor Vehicles.

199 2. The Secretary of Health Care Administration.

200 3. The Secretary of Environmental Protection.

201 4. The director of the Division of Law Enforcement within
202 the Fish and Wildlife Conservation Commission.

203 5. A representative of the Commission on Human Relations.

204 6. A representative of the United States Coast Guard.

205 7. A United States Attorney from a federal judicial
206 circuit within this state.

207 8. A special agent in charge from an office of the Federal
208 Bureau of Investigation within this state.

209 Section 12. Subsection (1) of section 943.06, Florida
210 Statutes, is amended to read:

211 943.06 Criminal and Juvenile Justice Information Systems
212 Council.—There is created a Criminal and Juvenile Justice
213 Information Systems Council within the department.

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214 (1) The council shall be composed of 15 members,
215 consisting of the Attorney General or a designated assistant;
216 the executive director of the Department of Law Enforcement or a
217 designated assistant; the secretary of the Department of
218 Corrections or a designated assistant; the chair of the Florida
219 Commission on Offender Review or a designated assistant; the
220 Secretary of Juvenile Justice or a designated assistant; the
221 Secretary ~~executive director of the Department~~ of Highway Safety
222 and Motor Vehicles or a designated assistant; the Secretary of
223 Children and Families or a designated assistant; the State
224 Courts Administrator or a designated assistant; 1 public
225 defender appointed by the Florida Public Defender Association,
226 Inc.; 1 state attorney appointed by the Florida Prosecuting
227 Attorneys Association, Inc.; and 5 members, to be appointed by
228 the Governor, consisting of 2 sheriffs, 2 police chiefs, and 1
229 clerk of the circuit court.

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

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Remove line 20 and insert:

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the prevailing side; amending ss. 206.27, 207.021, 316.545,

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320.275, 322.125, 397.333, 943.0313, and 943.06, F.S.;

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conforming provisions to changes made by the act; providing an

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effective date.