

By the Committee on Transportation; and Senator Latvala

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1 A bill to be entitled
2 An act relating to the Office of Motor Carrier
3 Compliance; amending s. 20.23, F.S.; creating a motor
4 carrier weight inspection area of program
5 responsibility within the Department of
6 Transportation, which replaces motor carrier
7 compliance; amending s. 20.24, F.S.; creating the
8 Office of Motor Carrier Compliance within the Division
9 of the Florida Highway Patrol within the Department of
10 Highway Safety and Motor Vehicles; amending ss.
11 110.205, 311.115, 316.302, 316.3025, 316.3026,
12 316.516, 316.545, 316.640, 320.18, 321.05, and
13 334.044, F.S.; conforming provisions to changes made
14 by the act; creating the Law Enforcement Consolidation
15 Task Force; providing for membership; requiring the
16 task force to make recommendations and submit a report
17 to the Legislature by a certain date; providing for
18 future expiration; providing an effective date.

19
20 Be It Enacted by the Legislature of the State of Florida:

21
22 Section 1. Paragraph (b) of subsection (4) of section
23 20.23, Florida Statutes, is amended to read:

24 20.23 Department of Transportation.—There is created a
25 Department of Transportation which shall be a decentralized
26 agency.

27 (4)

28 (b) The secretary may appoint positions at the level of
29 deputy assistant secretary or director which the secretary deems

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30 necessary to accomplish the mission and goals of the department,
31 including, but not limited to, the areas of program
32 responsibility provided in this paragraph, each of whom shall be
33 appointed by and serve at the pleasure of the secretary. The
34 secretary may combine, separate, or delete offices as needed in
35 consultation with the Executive Office of the Governor. The
36 department's areas of program responsibility include, but are
37 not limited to:

- 38 1. Administration;
- 39 2. Planning;
- 40 3. Public transportation;
- 41 4. Design;
- 42 5. Highway operations;
- 43 6. Right-of-way;
- 44 7. Toll operations;
- 45 8. Information systems;
- 46 9. Motor carrier weight inspection ~~compliance~~;
- 47 10. Management and budget;
- 48 11. Comptroller;
- 49 12. Construction;
- 50 13. Maintenance; and
- 51 14. Materials.

52 Section 2. Subsection (2) of section 20.24, Florida
53 Statutes, is amended to read:

54 20.24 Department of Highway Safety and Motor Vehicles.—
55 There is created a Department of Highway Safety and Motor
56 Vehicles.

57 (2) The following divisions, and bureaus within the
58 divisions, of the Department of Highway Safety and Motor

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59 Vehicles are established:

60 (a) Division of the Florida Highway Patrol.

61 1. Office of Motor Carrier Compliance.

62 (b) Division of Driver Licenses.

63 (c) Division of Motor Vehicles.

64 Section 3. Paragraph (m) of subsection (2) of section

65 110.205, Florida Statutes, is amended to read:

66 110.205 Career service; exemptions.—

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

69 (m) All assistant division director, deputy division
70 director, and bureau chief positions in any department, and
71 those positions determined by the department to have managerial
72 responsibilities comparable to such positions, which positions
73 include, but are not limited to:

74 1. Positions in the Department of Health and the Department
75 of Children and Family Services that are assigned primary duties
76 of serving as the superintendent or assistant superintendent of
77 an institution.

78 2. Positions in the Department of Corrections that are
79 assigned primary duties of serving as the warden, assistant
80 warden, colonel, or major of an institution or that are assigned
81 primary duties of serving as the circuit administrator or deputy
82 circuit administrator.

83 3. Positions in the Department of Transportation that are
84 assigned primary duties of serving as regional toll managers and
85 managers of offices, as defined in s. 20.23(4)(b) and (5)(c) ~~and~~
86 ~~and captains and majors of the Office of Motor Carrier~~
87 ~~Compliance.~~

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88 4. Positions in the Department of Environmental Protection
89 that are assigned the duty of an Environmental Administrator or
90 program administrator.

91 5. Positions in the Department of Health that are assigned
92 the duties of Environmental Administrator, Assistant County
93 Health Department Director, and County Health Department
94 Financial Administrator.

95

96 Unless otherwise fixed by law, the department shall set the
97 salary and benefits of the positions listed in this paragraph in
98 accordance with the rules established for the Selected Exempt
99 Service.

100 Section 4. Paragraph (f) of subsection (1) of section
101 311.115, Florida Statutes, is amended to read:

102 311.115 Seaport Security Standards Advisory Council.—The
103 Seaport Security Standards Advisory Council is created under the
104 Office of Drug Control. The council shall serve as an advisory
105 council as provided in s. 20.03(7).

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

108 (f) One member from the Office of Motor Carrier Compliance
109 of the Department of Highway Safety and Motor Vehicles
110 ~~Transportation~~.

111 Section 5. Paragraph (b) of subsection (4) and subsections
112 (5), (6), (7), and (8) of section 316.302, Florida Statutes, are
113 amended to read:

114 316.302 Commercial motor vehicles; safety regulations;
115 transporters and shippers of hazardous materials; enforcement.—

116 (4)

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117 (b) In addition to the penalties provided in s.
118 316.3025(3)(b), (c), (d), and (e), any motor carrier or any of
119 its officers, drivers, agents, representatives, employees, or
120 shippers of hazardous materials that do not comply with this
121 subsection or any rule adopted by a state agency that is
122 consistent with the federal rules and regulations regarding
123 hazardous materials commits a misdemeanor of the first degree,
124 punishable as provided in s. 775.082 or s. 775.083. To ensure
125 compliance with this subsection, enforcement officers of the
126 Motor Carrier Compliance Office ~~within the Department of~~
127 ~~Transportation~~ and state highway patrol officers may inspect
128 shipping documents and cargo of any vehicle known or suspected
129 to be a transporter of hazardous materials.

130 (5) The department ~~of Transportation~~ may adopt and revise
131 rules to assure the safe operation of commercial motor vehicles.
132 The department ~~of Transportation~~ may enter into cooperative
133 agreements as provided in 49 C.F.R. part 388. Department ~~of~~
134 ~~Transportation~~ personnel may conduct motor carrier and shipper
135 compliance reviews for the purpose of determining compliance
136 with this section and s. 627.7415.

137 (6) The state Department of Highway Safety and Motor
138 Vehicles ~~Transportation~~ shall perform the duties that are
139 assigned to the Field Administrator, Federal Motor Carrier
140 Safety Administration under the federal rules, and an agent of
141 that department, as described in s. 316.545(9), may enforce
142 those rules.

143 (7) A person who operates a commercial motor vehicle solely
144 in intrastate commerce shall direct to the state Department of
145 Highway Safety and Motor Vehicles ~~Transportation~~ any

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146 communication that the federal rules require persons subject to
147 the jurisdiction of the United States Department of
148 Transportation to direct to that department.

149 (8) For the purpose of enforcing this section, any law
150 enforcement officer of the department ~~of Transportation~~ or duly
151 appointed agent who holds a current safety inspector
152 certification from the Commercial Vehicle Safety Alliance may
153 require the driver of any commercial vehicle operated on the
154 highways of this state to stop and submit to an inspection of
155 the vehicle or the driver's records. If the vehicle or driver is
156 found to be operating in an unsafe condition, or if any required
157 part or equipment is not present or is not in proper repair or
158 adjustment, and the continued operation would present an unduly
159 hazardous operating condition, the officer may require the
160 vehicle or the driver to be removed from service pursuant to the
161 North American Standard Out-of-Service Criteria, until
162 corrected. However, if continuous operation would not present an
163 unduly hazardous operating condition, the officer may give
164 written notice requiring correction of the condition within 14
165 days.

166 (a) Any member of the Florida Highway Patrol or any law
167 enforcement officer employed by a sheriff's office or municipal
168 police department authorized to enforce the traffic laws of this
169 state pursuant to s. 316.640 who has reason to believe that a
170 vehicle or driver is operating in an unsafe condition may, as
171 provided in subsection (10), enforce the provisions of this
172 section.

173 (b) Any person who fails to comply with an officer's
174 request to submit to an inspection under this subsection commits

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175 a violation of s. 843.02 if the person resists the officer
176 without violence or a violation of s. 843.01 if the person
177 resists the officer with violence.

178 Section 6. Paragraph (a) of subsection (6) of section
179 316.3025, Florida Statutes, is amended to read:

180 316.3025 Penalties.—

181 (6) (a) Only an officer or agent of the department ~~of~~
182 ~~Transportation~~ is authorized to collect the penalty provided by
183 this section. Such officer or agent shall cooperate with the
184 owner or driver of the motor vehicle so as not to unduly delay
185 the vehicle.

186 Section 7. Section 316.3026, Florida Statutes, is amended
187 to read:

188 316.3026 Unlawful operation of motor carriers.—

189 (1) The Office of Motor Carrier Compliance ~~of the~~
190 ~~Department of Transportation~~ may issue out-of-service orders to
191 motor carriers, as defined in s. 320.01(33), who, have after
192 proper notice failed to pay any penalty or fine assessed by the
193 department, or its agent, against any owner or motor carrier for
194 violations of state law, refused to submit to a compliance
195 review and provide records pursuant to s. 316.302(5) or s.
196 316.70, or violated safety regulations pursuant to s. 316.302 or
197 insurance requirements ~~found~~ in s. 627.7415. Such out-of-service
198 orders ~~shall~~ have the effect of prohibiting the operations of
199 any motor vehicles owned, leased, or otherwise operated by the
200 motor carrier upon the roadways of this state, until ~~such time~~
201 ~~as~~ the violations have been corrected or penalties have been
202 paid. Out-of-service orders ~~issued under this section~~ must be
203 approved by the director of the Division of the Florida Highway

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204 Patrol ~~Secretary of Transportation~~ or his or her designee. An
205 administrative hearing pursuant to s. 120.569 shall be afforded
206 to motor carriers subject to such orders.

207 (2) Any motor carrier enjoined or prohibited from operating
208 by an out-of-service order by this state, any other state, or
209 the Federal Motor Carrier Safety Administration may not operate
210 on the roadways of this state until the motor carrier has been
211 authorized to resume operations by the originating enforcement
212 jurisdiction. Commercial motor vehicles owned or operated by any
213 motor carrier prohibited from operation found on the roadways of
214 this state shall be placed out of service by law enforcement
215 officers of the department ~~of Transportation~~, and the motor
216 carrier assessed a \$10,000 civil penalty pursuant to 49 C.F.R.
217 s. 383.53, in addition to any other penalties imposed on the
218 driver or other responsible person. Any person who knowingly
219 drives, operates, or causes to be operated any commercial motor
220 vehicle in violation of an out-of-service order issued by the
221 department in accordance with this section commits a felony of
222 the third degree, punishable as provided in s. 775.082(3)(d).
223 Any costs associated with the impoundment or storage of such
224 vehicles are the responsibility of the motor carrier. Vehicle
225 out-of-service orders may be rescinded when the department
226 receives proof of authorization for the motor carrier to resume
227 operation.

228 (3) In addition to the sanctions found in subsections (1)
229 and (2), the department ~~of Transportation~~ may petition the
230 circuit courts of this state to enjoin any motor carrier from
231 operating when it fails to comply with out-of-service orders
232 issued by a competent authority within or outside this state.

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233 Section 8. Subsection (1) of section 316.516, Florida
234 Statutes, is amended to read:

235 316.516 Width, height, and length; inspection; penalties.—

236 (1) Any law enforcement officer, as prescribed in s.
237 316.640, or any weight inspector ~~and safety officer~~ of the
238 Department of Transportation, as prescribed in s. 316.545(1),
239 who has reason to believe that the width, height, or length of a
240 vehicle or combination of vehicles and the load thereon is not
241 in conformance with s. 316.515 is authorized to require the
242 driver to stop and submit such vehicle and load to measurement
243 of its width, height, or length.

244 Section 9. Subsection (1), paragraphs (a) and (b) of
245 subsection (2), paragraph (b) of subsection (4), and subsections
246 (5), (9), and (10) of section 316.545, Florida Statutes, are
247 amended to read:

248 316.545 Weight and load unlawful; special fuel and motor
249 fuel tax enforcement; inspection; penalty; review.—

250 (1) Any ~~weight and safety~~ officer of the Florida Highway
251 Patrol ~~Department of Transportation~~ having reason to believe
252 that the weight of a vehicle and load is unlawful is authorized
253 to require the driver to stop and submit to a weighing of the
254 same by means of either portable or fixed scales and may require
255 that such vehicle be driven to the nearest weigh station or
256 public scales, provided such a facility is within 5 highway
257 miles. Upon a request by the vehicle driver, the officer shall
258 weigh the vehicle at fixed scales rather than by portable scales
259 if such a facility is available within 5 highway miles. Anyone
260 who refuses to submit to such weighing obstructs an officer
261 pursuant to s. 843.02 and is guilty of a misdemeanor of the

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262 first degree, punishable as provided in s. 775.082 or s.
263 775.083. Anyone who knowingly and willfully resists, obstructs,
264 or opposes a weight and safety officer while refusing to submit
265 to such weighing by resisting the officer with violence to the
266 officer's person pursuant to s. 843.01 is guilty of a felony of
267 the third degree, punishable as provided in s. 775.082, s.
268 775.083, or s. 775.084.

269 (2) (a) Whenever an officer of the Florida Highway Patrol or
270 weight inspector of the Department of Transportation, upon
271 weighing a vehicle or combination of vehicles with load,
272 determines that the axle weight or gross weight is unlawful, the
273 officer or inspector may require the driver to stop the vehicle
274 in a suitable place and remain standing until a determination
275 can be made as to the amount of weight thereon and, if
276 overloaded, the amount of penalty to be assessed as provided
277 herein. However, any gross weight over and beyond 6,000 pounds
278 beyond the maximum herein set shall be unloaded and all material
279 so unloaded shall be cared for by the owner or operator of the
280 vehicle at the risk of such owner or operator. Except as
281 otherwise provided in this chapter, to facilitate compliance
282 with and enforcement of the weight limits established in s.
283 316.535, weight tables published pursuant to s. 316.535(7) shall
284 include a 10-percent scale tolerance and shall thereby reflect
285 the maximum scaled weights allowed any vehicle or combination of
286 vehicles. As used in this section, scale tolerance means the
287 allowable deviation from legal weights established in s.
288 316.535. Notwithstanding any other provision of the weight law,
289 if a vehicle or combination of vehicles does not exceed the
290 gross, external bridge, or internal bridge weight limits imposed

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291 in s. 316.535 and the driver of such vehicle or combination of
292 vehicles can comply with the requirements of this chapter by
293 shifting or equalizing the load on all wheels or axles and does
294 so when requested by the proper authority, the driver shall not
295 be held to be operating in violation of said weight limits.

296 (b) The officer or inspector shall inspect the license
297 plate or registration certificate of the commercial vehicle, as
298 defined in s. 316.003(66), to determine if its gross weight is
299 in compliance with the declared gross vehicle weight. If its
300 gross weight exceeds the declared weight, the penalty shall be 5
301 cents per pound on the difference between such weights. In those
302 cases when the commercial vehicle, as defined in s. 316.003(66),
303 is being operated over the highways of the state with an expired
304 registration or with no registration from this or any other
305 jurisdiction or is not registered under the applicable
306 provisions of chapter 320, the penalty herein shall apply on the
307 basis of 5 cents per pound on that scaled weight which exceeds
308 35,000 pounds on laden truck tractor-semitrailer combinations or
309 tandem trailer truck combinations, 10,000 pounds on laden
310 straight trucks or straight truck-trailer combinations, or
311 10,000 pounds on any unladen commercial motor vehicle. If the
312 license plate or registration has not been expired for more than
313 90 days, the penalty imposed under this paragraph may not exceed
314 \$1,000. In the case of special mobile equipment as defined in s.
315 316.003(48), which qualifies for the license tax provided for in
316 s. 320.08(5)(b), being operated on the highways of the state
317 with an expired registration or otherwise not properly
318 registered under the applicable provisions of chapter 320, a
319 penalty of \$75 shall apply in addition to any other penalty

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320 which may apply in accordance with this chapter. A vehicle found
321 in violation of this section may be detained until the owner or
322 operator produces evidence that the vehicle has been properly
323 registered. Any costs incurred by the retention of the vehicle
324 shall be the sole responsibility of the owner. A person who has
325 been assessed a penalty pursuant to this paragraph for failure
326 to have a valid vehicle registration certificate pursuant to the
327 provisions of chapter 320 is not subject to the delinquent fee
328 authorized in s. 320.07 if such person obtains a valid
329 registration certificate within 10 working days after such
330 penalty was assessed.

331 (4)

332 (b) In addition to the penalty provided for in paragraph
333 (a), the vehicle may be detained until the owner or operator of
334 the vehicle furnishes evidence that the vehicle has been
335 properly registered pursuant to s. 207.004. Any officer of the
336 Florida Highway Patrol or agent of the Department of
337 Transportation may issue a temporary fuel use permit and collect
338 the appropriate fee as provided for in s. 207.004(4).
339 Notwithstanding the provisions of subsection (6), all permit
340 fees collected pursuant to this paragraph shall be transferred
341 to the Department of Highway Safety and Motor Vehicles to be
342 allocated pursuant to s. 207.026.

343 (5) Whenever any person violates the provisions of this
344 chapter and becomes indebted to the state because of such
345 violation in the amounts aforesaid and refuses to pay said
346 penalty, in addition to the provisions of s. 316.3026, such
347 penalty shall become a lien upon the motor vehicle, and the same
348 may be foreclosed by the state in a court of equity. It shall be

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349 presumed that the owner of the motor vehicle is liable for the
350 sum. Any person, firm, or corporation claiming an interest in
351 the seized motor vehicle may, at any time after the lien of the
352 state attaches to the motor vehicle, obtain possession of the
353 seized vehicle by filing a good and sufficient forthcoming bond
354 with the officer having possession of the vehicle, payable to
355 the Governor of the state in twice the amount of the state's
356 lien, with a corporate surety duly authorized to transact
357 business in this state as surety, conditioned to have the motor
358 vehicle or combination of vehicles forthcoming to abide the
359 result of any suit for the foreclosure of such lien. It shall be
360 presumed that the owner of the motor vehicle is liable for the
361 penalty imposed under this section. Upon the posting of such
362 bond with the officer making the seizure, the vehicle shall be
363 released and the bond shall be forwarded to the department ~~of~~
364 ~~Transportation~~ for safekeeping. The lien of the state against
365 the motor vehicle aforesaid shall be foreclosed in equity, and
366 the ordinary rules of court relative to proceedings in equity
367 shall control. If it appears that the seized vehicle has been
368 released to the defendant upon his or her forthcoming bond, the
369 state shall take judgment of foreclosure against the property
370 itself, and judgment against the defendant and the sureties on
371 the bond for the amount of the lien, including cost of
372 proceedings. After the rendition of the decree, the state may,
373 at its option, proceed to sue out execution against the
374 defendant and his or her sureties for the amount recovered as
375 aforesaid or direct the sale of the vehicle under foreclosure.

376 ~~(9) Any agent of the Department of Transportation who is~~
377 ~~employed for the purpose of being a weight and safety officer~~

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378 and who meets the qualifications established by law for law
379 enforcement officers shall have the same arrest powers as are
380 granted any law enforcement officer for the purpose of enforcing
381 the provisions of weight, load, safety, commercial motor vehicle
382 registration, and fuel tax compliance laws.

383 (9) ~~(10)~~ The Department of Transportation may employ weight
384 inspectors to operate its fixed-scale facilities. Weight
385 inspectors on duty at a fixed-scale facility are authorized to
386 enforce the laws governing commercial motor vehicle weight,
387 registration, size, and load and to assess and collect civil
388 penalties for violations of said laws. A weight inspector may
389 detain a commercial motor vehicle that has an obvious safety
390 defect critical to the continued safe operation of the vehicle
391 or that is operating in violation of an out-of-service order as
392 reported on the federal Safety and Fitness Electronic Records
393 database. The weight inspector may immediately summon a law
394 enforcement officer of the Department of Highway Safety and
395 Motor Vehicles Transportation, or other law enforcement officer
396 authorized by s. 316.640 to enforce the traffic laws of this
397 state, to take appropriate enforcement action. The vehicle shall
398 be released if the defect is repaired prior to the arrival of a
399 law enforcement officer. Weight inspectors shall not be
400 classified as law enforcement officers subject to certification
401 requirements of chapter 943, and are not authorized to carry
402 weapons or make arrests. Any person who obstructs, opposes, or
403 resists a weight inspector in the performance of the duties
404 herein prescribed shall be guilty of an offense as described in
405 subsection (1) for obstructing, opposing, or resisting a law
406 enforcement officer.

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407 Section 10. Paragraph (a) of subsection (1) of section
408 316.640, Florida Statutes, is amended to read:

409 316.640 Enforcement.—The enforcement of the traffic laws of
410 this state is vested as follows:

411 (1) STATE.—

412 (a)1.a. The Division of Florida Highway Patrol of the
413 Department of Highway Safety and Motor Vehicles; the Division of
414 Law Enforcement of the Fish and Wildlife Conservation
415 Commission; the Division of Law Enforcement of the Department of
416 Environmental Protection; ~~law enforcement officers of the~~
417 ~~Department of Transportation;~~ and the agents, inspectors, and
418 officers of the Department of Law Enforcement each have
419 authority to enforce all of the traffic laws of this state on
420 all the streets and highways thereof and elsewhere throughout
421 the state wherever the public has a right to travel by motor
422 vehicle.

423 b. University police officers shall have authority to
424 enforce all of the traffic laws of this state when violations
425 occur on or within 1,000 feet of any property or facilities that
426 are under the guidance, supervision, regulation, or control of a
427 state university, a direct-support organization of such state
428 university, or any other organization controlled by the state
429 university or a direct-support organization of the state
430 university, or when such violations occur within a specified
431 jurisdictional area as agreed upon in a mutual aid agreement
432 entered into with a law enforcement agency pursuant to s.
433 23.1225(1). Traffic laws may also be enforced off-campus when
434 hot pursuit originates on or within 1,000 feet of any such
435 property or facilities, or as agreed upon in accordance with the

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436 mutual aid agreement.

437 c. Community college police officers shall have the
438 authority to enforce all the traffic laws of this state only
439 when such violations occur on any property or facilities that
440 are under the guidance, supervision, regulation, or control of
441 the community college system.

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

446 (I) An airport authority may employ as a parking
447 enforcement specialist any individual who successfully completes
448 a training program established and approved by the Criminal
449 Justice Standards and Training Commission for parking
450 enforcement specialists but who does not otherwise meet the
451 uniform minimum standards established by the commission for law
452 enforcement officers or auxiliary or part-time officers under s.
453 943.12. Nothing in this sub-sub-subparagraph shall be construed
454 to permit the carrying of firearms or other weapons, nor shall
455 such parking enforcement specialist have arrest authority.

456 (II) A parking enforcement specialist employed by an
457 airport authority is authorized to enforce all state, county,
458 and municipal laws and ordinances governing parking only when
459 such violations are on property or facilities owned or operated
460 by the airport authority employing the specialist, by
461 appropriate state, county, or municipal traffic citation.

462 e. The Office of Agricultural Law Enforcement of the
463 Department of Agriculture and Consumer Services shall have the
464 authority to enforce traffic laws of this state.

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465 f. School safety officers shall have the authority to
466 enforce all of the traffic laws of this state when such
467 violations occur on or about any property or facilities which
468 are under the guidance, supervision, regulation, or control of
469 the district school board.

470 2. An agency of the state as described in subparagraph 1.
471 is prohibited from establishing a traffic citation quota. A
472 violation of this subparagraph is not subject to the penalties
473 provided in chapter 318.

474 3. Any disciplinary action taken or performance evaluation
475 conducted by an agency of the state as described in subparagraph
476 1. of a law enforcement officer's traffic enforcement activity
477 must be in accordance with written work-performance standards.
478 Such standards must be approved by the agency and any collective
479 bargaining unit representing such law enforcement officer. A
480 violation of this subparagraph is not subject to the penalties
481 provided in chapter 318.

482 4. The Division of the Florida Highway Patrol may employ as
483 a traffic accident investigation officer any individual who
484 successfully completes instruction in traffic accident
485 investigation and court presentation through the Selective
486 Traffic Enforcement Program as approved by the Criminal Justice
487 Standards and Training Commission and funded through the
488 National Highway Traffic Safety Administration or a similar
489 program approved by the commission, but who does not necessarily
490 meet the uniform minimum standards established by the commission
491 for law enforcement officers or auxiliary law enforcement
492 officers under chapter 943. Any such traffic accident
493 investigation officer who makes an investigation at the scene of

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494 a traffic accident may issue traffic citations, based upon
495 personal investigation, when he or she has reasonable and
496 probable grounds to believe that a person who was involved in
497 the accident committed an offense under this chapter, chapter
498 319, chapter 320, or chapter 322 in connection with the
499 accident. This subparagraph does not permit the officer to carry
500 firearms or other weapons, and such an officer does not have
501 authority to make arrests.

502 Section 11. Subsection (1) of section 320.18, Florida
503 Statutes, is amended to read:

504 320.18 Withholding registration.—

505 (1) The department may withhold the registration of any
506 motor vehicle or mobile home the owner of which has failed to
507 register it under the provisions of law for any previous period
508 or periods for which it appears registration should have been
509 made in this state, until the tax for such period or periods is
510 paid. The department may cancel any vehicle or vessel
511 registration, driver's license, identification card, or fuel-use
512 tax decal if the owner pays for the vehicle or vessel
513 registration, driver's license, identification card, or fuel-use
514 tax decal; pays any administrative, delinquency, or
515 reinstatement fee; or pays any tax liability, penalty, or
516 interest specified in chapter 207 by a dishonored check, or if
517 the vehicle owner or motor carrier has failed to pay a penalty
518 for a weight or safety violation issued by the Department of
519 Transportation or the Department of Highway Safety and Motor
520 Vehicles ~~Motor Carrier Compliance Office~~. The Department of
521 Transportation and the Department of Highway Safety and Motor
522 Vehicles may impound any commercial motor vehicle that has a

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523 canceled license plate or fuel-use tax decal until the tax
524 liability, penalty, and interest specified in chapter 207, the
525 license tax, or the fuel-use decal fee, and applicable
526 administrative fees have been paid for by certified funds.

527 Section 12. Subsection (1) of section 321.05, Florida
528 Statutes, is amended to read:

529 321.05 Duties, functions, and powers of patrol officers.—
530 The members of the Florida Highway Patrol are hereby declared to
531 be conservators of the peace and law enforcement officers of the
532 state, with the common-law right to arrest a person who, in the
533 presence of the arresting officer, commits a felony or commits
534 an affray or breach of the peace constituting a misdemeanor,
535 with full power to bear arms; and they shall apprehend, without
536 warrant, any person in the unlawful commission of any of the
537 acts over which the members of the Florida Highway Patrol are
538 given jurisdiction as hereinafter set out and deliver him or her
539 to the sheriff of the county that further proceedings may be had
540 against him or her according to law. In the performance of any
541 of the powers, duties, and functions authorized by law, members
542 of the Florida Highway Patrol have the same protections and
543 immunities afforded other peace officers, which shall be
544 recognized by all courts having jurisdiction over offenses
545 against the laws of this state, and have authority to apply for,
546 serve, and execute search warrants, arrest warrants, capias, and
547 other process of the court. The patrol officers under the
548 direction and supervision of the Department of Highway Safety
549 and Motor Vehicles shall perform and exercise throughout the
550 state the following duties, functions, and powers:

551 (1) To patrol the state highways and regulate, control, and

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552 direct the movement of traffic thereon; to maintain the public
553 peace by preventing violence on highways; to apprehend fugitives
554 from justice; to enforce all laws ~~now in effect~~ regulating and
555 governing traffic, travel, and public safety upon the public
556 highways and providing for the protection of the public highways
557 and public property thereon, including the security and safety
558 of Florida's transportation infrastructure; to make arrests
559 without warrant for the violation of any state law committed in
560 their presence in accordance with ~~the laws of this state law~~;
561 providing that a ~~ne~~ search may not ~~shall~~ be made unless it is
562 incident to a lawful arrest, to regulate and direct traffic
563 concentrations and congestions; to enforce laws governing the
564 operation, licensing, and taxing and limiting the size, weight,
565 width, length, and speed of vehicles and licensing and
566 controlling the operations of drivers and operators of vehicles,
567 including the safety, size, and weight of commercial motor
568 vehicles; ~~to cooperate with officials designated by law to~~
569 collect all state fees and revenues levied as an incident to the
570 use or right to use the highways for any purpose, including the
571 taxing and registration of commercial motor vehicles; to require
572 the drivers of vehicles to stop and exhibit their driver's
573 licenses, registration cards, or documents required by law to be
574 carried by such vehicles; to investigate traffic accidents,
575 secure testimony of witnesses and of persons involved, and make
576 report thereof with copy, if ~~when~~ requested in writing, to any
577 person in interest or his or her attorney; to investigate
578 reported thefts of vehicles; and to seize contraband or stolen
579 property on or being transported on the highways. Each patrol
580 officer of the Florida Highway Patrol is subject to and has the

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581 same arrest and other authority provided for law enforcement
582 officers generally in chapter 901 and has statewide
583 jurisdiction. Each officer also has arrest authority as provided
584 for state law enforcement officers in s. 901.15. This section
585 does ~~shall not be construed as being in~~ conflict with, but is
586 supplemental to, chapter 933.

587 Section 13. Subsections (32) and (33) of section 334.044,
588 Florida Statutes, are amended to read:

589 334.044 Department; powers and duties.—The department shall
590 have the following general powers and duties:

591 ~~(32) In order to fulfill the department's mission to~~
592 ~~provide a safe and efficient transportation system, the~~
593 ~~department's Office of Motor Carrier Compliance may employ sworn~~
594 ~~law enforcement officers, certified in accordance with chapter~~
595 ~~943, to enforce the traffic and criminal laws of this state.~~
596 ~~Such officers shall have full law enforcement powers granted to~~
597 ~~other peace officers of this state, including making arrests,~~
598 ~~carrying firearms, serving court process, and seizing vehicles~~
599 ~~defined as contraband under s. 319.33, illegal drugs, stolen~~
600 ~~property, and the proceeds of illegal activities. Officers~~
601 ~~appointed under this section have the primary responsibility for~~
602 ~~enforcing laws relating to size and weight of commercial motor~~
603 ~~vehicles; safety, traffic, tax, and registration of commercial~~
604 ~~motor vehicles; interdiction of vehicles defined as contraband~~
605 ~~under s. 319.33, illegal drugs, and stolen property; and~~
606 ~~violations that threaten the overall security and safety of~~
607 ~~Florida's transportation infrastructure and the motoring public.~~
608 ~~The office is also authorized to appoint part-time or auxiliary~~
609 ~~law enforcement officers pursuant to chapter 943 and to provide~~

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610 ~~compensation in accordance with law.~~

611 ~~(32)~~⁽³³⁾ To enter into agreement with Space Florida to
612 coordinate and cooperate in the development of spaceport
613 infrastructure and related transportation facilities contained
614 in the Strategic Intermodal System Plan and, where appropriate,
615 encourage the cooperation and integration of airports and
616 spaceports in order to meet transportation-related needs.

617 Section 14. Effective July 1, 2011, a Law Enforcement
618 Consolidation Task Force is created.

619 (1) Members of the task force shall consist of the
620 executive director of the Department of Highway Safety and Motor
621 Vehicles, the executive director of the Department of Law
622 Enforcement, a representative from the Office of the Attorney
623 General, a representative from the Department of Agriculture and
624 Consumer Services, the Colonel of the Florida Highway Patrol,
625 the Colonel of the Division of Law Enforcement in the Fish and
626 Wildlife Conservation Commission, a representative from the
627 Florida Sheriffs Association, and a representative from the
628 Florida Police Chiefs Association.

629 (2) Administrative assistance to the task force shall be
630 provided by the Department of Highway Safety and Motor Vehicles.
631 However, this does not include travel expenses incurred by
632 members of the task force, which shall be borne by the agency
633 the member represents.

634 (3) The task force shall evaluate the duplication of law
635 enforcement functions throughout state government and identify
636 functions that are appropriate for possible consolidation. The
637 task force shall also evaluate administrative functions,
638 including, but not limited to, accreditation, training, legal

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639 representation, vehicle fleets, aircraft, civilian support
640 staffing, information technology, geographic regions, and
641 districts or troops currently in use. The task force shall make
642 recommendations and submit a plan to consolidate state law
643 enforcement responsibilities. The plan shall be submitted to the
644 President of the Senate and the Speaker of the House of
645 Representatives by February 1, 2012. The plan must include
646 recommendations on the methodology to be used in creating a
647 consolidated state law enforcement entity by June 30, 2013. The
648 task force shall expire June 30, 2012.

649 Section 15. This act shall take effect July 1, 2011.