

20112160er

1
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

20112160er

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

20112160er

59 322.135, F.S.; providing duties of the tax collectors
60 with respect to driver's license services; directing
61 the tax collectors who are constitutional officers to
62 assume all driver's license issuance services by a
63 certain date and according to a specified schedule;
64 deleting obsolete provisions; authorizing the
65 department to create exceptions by rule for tax
66 collectors in counties having small populations;
67 amending s. 322.20, F.S.; providing for the department
68 and the Division of Motorist Services to maintain
69 certain records; amending s. 322.202, F.S.; clarifying
70 that the Division of Motorist Services is not a law
71 enforcement agency and is not an adjunct of any law
72 enforcement agency; amending s. 322.21, F.S.;

73 requiring that, beginning on a specified date, certain
74 fees be retained by the tax collectors who issue
75 driver's licenses following the transition of the
76 driver's license issuance services; providing for the
77 Division of Motorist Services to collect fees and
78 issue driver's licenses and identification cards and
79 account for all license funds in the administration of
80 ch. 322, F.S.; amending s. 322.56, F.S.; authorizing
81 the Department of Highway Safety and Motor Vehicles to
82 contract with third-party providers to conduct online
83 examinations for applicants of learner's driver's
84 licenses; providing for requirements for the online
85 testing program; prohibiting a third-party provider
86 from providing testing services on behalf of the
87 department for a certain period if the provider fails

20112160er

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

20112160er

117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145

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

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

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

(4)

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

1. Administration;
2. Planning;
3. Public transportation;
4. Design;
5. Highway operations;
6. Right-of-way;
7. Toll operations;
8. Information systems;
9. Motor carrier weight inspection ~~compliance~~;
10. Management and budget;

20112160er

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

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

153 20.24 Department of Highway Safety and Motor Vehicles.—
154 There is created a Department of Highway Safety and Motor
155 Vehicles.

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

159 (a) Division of the Florida Highway Patrol.

160 (b) Division of Motorist Services.

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

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

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

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

167 110.205 Career service; exemptions.—

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

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

20112160er

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

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

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

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

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

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

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

203 288.816 Intergovernmental relations.—

20112160er

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

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

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

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

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

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

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

230 311.121 Qualifications, training, and certification of
231 licensed security officers at Florida seaports.—

232 (3) The Seaport Security Officer Qualification, Training,

20112160er

233 and Standards Coordinating Council is created under the
234 Department of Law Enforcement.

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

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

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

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

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

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

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

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

248 8. Two representatives of contract security services.

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

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

255 316.066 Written reports of crashes.—

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

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

20112160er

262 2. ~~That~~ Involved a violation of s. 316.061(1) or s.
263 316.193.

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

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

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

274 2. A description of the vehicles involved.

275 3. The names and addresses of the parties involved,
276 including all drivers and passengers.

277 4. The names and addresses of witnesses.

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

280 6. The names of the insurance companies for the respective
281 parties involved in the crash.

282 (c) Each party to the crash must ~~shall~~ provide the law
283 enforcement officer with proof of insurance, which must be
284 documented ~~to be included~~ in the crash report. If a law
285 enforcement officer submits a report on the crash ~~accident~~,
286 proof of insurance must be provided to the officer by each party
287 involved in the crash. Any party who fails to provide the
288 required information commits a noncriminal traffic infraction,
289 punishable as a nonmoving violation as provided in chapter 318,
290 unless the officer determines that due to injuries or other

20112160er

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

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

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

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

319 ~~(b) In the case of a county or multicounty area that has a~~

20112160er

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

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

328
329 ~~For a crash report.....\$10 per copy.~~
330 ~~For a homicide report.....\$25 per copy.~~
331 ~~For a uniform traffic citation.....\$0.50 per copy.~~

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

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

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

347 (c) Any person, knowing that he or she is not entitled to
348 obtain information made confidential and exempt by this section,

20112160er

349 who obtains or attempts to obtain such information commits a
350 felony of the third degree, punishable as provided in s.
351 775.082, s. 775.083, or s. 775.084.

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

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

376 Section 8. Section 316.1957, Florida Statutes, is amended
377 to read:

20112160er

378 316.1957 Parking violations; designated parking spaces for
379 persons who have disabilities.—When evidence is presented in any
380 court of the fact that any motor vehicle was parked in a
381 properly designated parking space for persons who have
382 disabilities in violation of s. 316.1955, it is prima facie
383 evidence that the vehicle was parked and left in the space by
384 the person, firm, or corporation in whose name the vehicle is
385 registered and licensed according to the records of the
386 department ~~Division of Motor Vehicles~~.

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

389 316.302 Commercial motor vehicles; safety regulations;
390 transporters and shippers of hazardous materials; enforcement.—

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

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

20112160er

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

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

20112160er

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:

20112160er

465 316.3025 Penalties.—

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

20112160er

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.

20112160er

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

20112160er

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

20112160er

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

20112160er

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

20112160er

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~~

20112160er

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.-

20112160er

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

20112160er

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

20112160er

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

20112160er

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

20112160er

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,

20112160er

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

20112160er

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

20112160er

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~~.

20112160er

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

20112160er

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

20112160er

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. Subsections (2), (3), (4), and (5) of section
996 321.23, Florida Statutes, are amended to read:

997 321.23 Public records; fees for copies; destruction of
998 obsolete records; photographing records; effect as evidence.—

999 (2) Fees for copies of public records shall be charged and
1000 collected as follows:

1001 (a) For a crash report, a copy.....\$10

1002 (b) For a homicide report, a copy.....\$25

1003 (c) For a uniform traffic citation, a copy.....\$0.50

1004 (d) ~~(e)~~ Photographs (accidents, etc.):

1005	1006	1007	1008	1009	1010	1011	1012	1013
	Enlargement							
	Proof							
					Color		Black &	
							White	
	1. 5" x 7"			\$1.00			\$0.75	
	2. 8" x 10"			\$1.50			\$1.00	
	3. 11" x 14"			Not Available			\$1.75	
	4. 16" x 20"			Not Available			\$2.75	
	5. 20" x 24"			Not Available			\$3.75	

1014
1015 ~~(d)~~ The department shall furnish such information without charge

20112160er

1016 to any local, state, or federal law enforcement agency upon
1017 proof satisfactory to the department as to the purpose of the
1018 investigation.

1019 (3) Fees collected under this section shall be deposited in
1020 the Highway Safety Operating Trust Fund, unless the department
1021 provides the crash report online, in which case the department
1022 may distribute up to \$5 of the amount collected per copy to the
1023 investigating agency.

1024 (4) The department may ~~is authorized to~~ destroy reports,
1025 records, documents, papers, and correspondence which are
1026 considered obsolete.

1027 (5) The department may scan, ~~is authorized to~~ photograph,
1028 microphotograph, or reproduce on film such documents, records,
1029 and reports as it may select. The photographs or
1030 microphotographs in the form of film or print of any records
1031 made in compliance with the provisions of this section shall
1032 have the same force and effect as the originals ~~thereof would~~
1033 ~~have~~ and shall be treated as originals for the purpose of their
1034 admissibility in evidence. Duly certified or authenticated
1035 reproductions of such photographs or microphotographs shall be
1036 admitted in evidence equally with the original photographs or
1037 microphotographs.

1038 Section 22. Subsection (3) of section 322.02, Florida
1039 Statutes, is amended to read:

1040 322.02 Legislative intent; administration.-

1041 (3) The department shall employ a director, who is charged
1042 with the duty of serving as the executive officer of the
1043 Division of Motorist Services ~~Driver Licenses~~ of the department
1044 insofar as the administration of this chapter is concerned. He

20112160er

1045 or she shall be subject to the supervision and direction of the
1046 department, and his or her official actions and decisions as
1047 executive officer shall be conclusive unless the same are
1048 superseded or reversed by the department or by a court of
1049 competent jurisdiction.

1050 Section 23. Subsections (1) and (5) of section 322.135,
1051 Florida Statutes, are amended, and subsection (7) is added to
1052 that section, to read:

1053 322.135 Driver's license agents.—

1054 (1) The department shall, upon application, authorize by
1055 interagency agreement any or all of the tax collectors who are
1056 constitutional officers under s. 1(d), Art. VIII of the State
1057 Constitution in the several counties of the state, subject to
1058 the requirements of law, in accordance with rules of the
1059 department, to serve as its agent for the provision of specified
1060 driver's license services.

1061 (a) These services shall be limited to the issuance of
1062 driver's licenses and identification cards as authorized by this
1063 chapter.

1064 (b) Each tax collector who is authorized by the department
1065 to provide driver's license services shall bear all costs
1066 associated with providing those services.

1067 (c) A service fee of \$6.25 shall be charged, in addition to
1068 the fees set forth in this chapter, for providing all services
1069 pursuant to this chapter. The service fee may not be charged:

1070 1. More than once per customer during a single visit to a
1071 tax collector's office.

1072 2. For a reexamination requested by the Medical Advisory
1073 Board or required pursuant to s. 322.221.

20112160er

1074 3. For a voter registration transaction.

1075 4. In violation of any federal or state law.

1076 (5) All driver's license issuance services shall be assumed
1077 by the tax collectors who are constitutional officers under s.
1078 1(d), Art. VIII of the State Constitution by June 30, 2015. The
1079 implementation shall follow the schedule outlined in the
1080 transition report of February 1, 2011, which was required
1081 pursuant to chapter 2010-163, Laws of Florida. The department,
1082 in conjunction with the Florida Tax Collectors Association and
1083 the Florida Association of Counties, shall develop a plan to
1084 transition all driver's license issuance services to the county
1085 tax collectors who are constitutional officers under s. 1(d),
1086 Art. VIII of the State Constitution. The transition plan must be
1087 submitted to the President of the Senate and the Speaker of the
1088 House of Representatives on or before February 1, 2011. The
1089 transition plan must include a timeline to complete the full
1090 transition of all driver's license issuance services no later
1091 than June 30, 2015, and may include, but is not limited to,
1092 recommendations on the use of regional service centers,
1093 interlocal agreements, and equipment.

1094 (7) The department may create exceptions by rule for tax
1095 collectors who cannot provide full driver's license services due
1096 to the small population in the tax collectors' county.

1097 Section 24. Subsections (9), (10), (13), (14), and (16) of
1098 section 322.20, Florida Statutes, are amended to read:

1099 322.20 Records of the department; fees; destruction of
1100 records.—

1101 (9) The department may, upon application, furnish to any
1102 person, from its ~~the records of the Division of Driver Licenses,~~

20112160er

1103 a list of the names, addresses, and birth dates of the licensed
1104 drivers of the entire state or any portion thereof by age group.
1105 In addition, the department may furnish to the courts, for the
1106 purpose of establishing jury selection lists, the names,
1107 addresses, and birth dates of the persons of the entire state or
1108 any portion thereof by age group having identification cards
1109 issued by the department. Each person who requests such
1110 information shall pay a fee, set by the department, of 1 cent
1111 per name listed, except that the department shall furnish such
1112 information without charge to the courts for the purpose of jury
1113 selection or to any state agency or to any state attorney,
1114 sheriff, or chief of police. Such court, state agency, state
1115 attorney, or law enforcement agency may not sell, give away, or
1116 allow the copying of such information. Noncompliance with this
1117 prohibition shall authorize the department to charge the
1118 noncomplying court, state agency, state attorney, or law
1119 enforcement agency the appropriate fee for any subsequent lists
1120 requested. The department may adopt rules necessary to implement
1121 this subsection.

1122 (10) The department ~~Division of Driver Licenses~~ is
1123 authorized, upon application of any person and payment of the
1124 proper fees, to search and to assist such person in the search
1125 of the records of the department and make reports thereof and to
1126 make photographic copies of the departmental records and
1127 attestations thereof.

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

20112160er

1132 through a secure website to inspect the minor's driver history
1133 record. Internet access to driver history records granted to a
1134 minor's parents, guardian, or other responsible adult shall be
1135 furnished by the department at no fee and shall terminate when
1136 the minor attains 18 years of age.

1137 (14) The department is authorized in accordance with
1138 chapter 257 to destroy reports, records, documents, papers, and
1139 correspondence ~~in the Division of Driver Licenses~~ which are
1140 considered obsolete.

1141 (16) The creation and maintenance of records by the
1142 Division of Motorist Services within the department ~~and the~~
1143 ~~Division of Driver Licenses~~ pursuant to this chapter shall not
1144 be regarded as law enforcement functions of agency
1145 recordkeeping.

1146 Section 25. Section 322.202, Florida Statutes, is amended
1147 to read:

1148 322.202 Admission of evidence obtained from the Division of
1149 Motorist Services ~~Driver Licenses and the Division of Motor~~
1150 ~~Vehicles.~~—

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

20112160er

1161 ~~Driver Licenses, the Division of Motor Vehicles,~~ and the
1162 Department of Highway Safety and Motor Vehicles provide a
1163 sufficient incentive to maintain records in a current and
1164 correct fashion.

1165 (2) The Legislature finds that the purpose of the
1166 exclusionary rule is to deter misconduct on the part of law
1167 enforcement officers and law enforcement agencies.

1168 (3) The Legislature finds that the application of the
1169 exclusionary rule to cases where a law enforcement officer
1170 effects an arrest based on objectively reasonable reliance on
1171 information obtained from the divisions is repugnant to the
1172 purposes of the exclusionary rule and contrary to the decisions
1173 of the United States Supreme Court in *Arizona v. Evans*, 514 U.S.
1174 1 (1995) and *United States v. Leon*, 468 U.S. 897 (1984).

1175 (4) In any case where a law enforcement officer effects an
1176 arrest based on objectively reasonable reliance on information
1177 obtained from the divisions, evidence found pursuant to such an
1178 arrest shall not be suppressed by application of the
1179 exclusionary rule on the grounds that the arrest is subsequently
1180 determined to be unlawful due to erroneous information obtained
1181 from the divisions.

1182 Section 26. Paragraphs (e) and (f) of subsection (1) and
1183 subsection (2) of section 322.21, Florida Statutes, are amended
1184 to read:

1185 322.21 License fees; procedure for handling and collecting
1186 fees.—

1187 (1) Except as otherwise provided herein, the fee for:

1188 (e) A replacement driver's license issued pursuant to s.
1189 322.17 is \$25. Of this amount \$7 shall be deposited into the

20112160er

1190 Highway Safety Operating Trust Fund and \$18 shall be deposited
1191 into the General Revenue Fund. Beginning July 1, 2015, or upon
1192 completion of the transition of driver's license issuance
1193 services, if the replacement driver's license is issued by the
1194 tax collector, the tax collector shall retain the \$7 that would
1195 otherwise be deposited into the Highway Safety Operating Trust
1196 Fund and the remaining revenues shall be deposited into the
1197 General Revenue Fund.

1198 (f) An original, renewal, or replacement identification
1199 card issued pursuant to s. 322.051 is \$25. Funds collected from
1200 these fees shall be distributed as follows:

1201 1. For an original identification card issued pursuant to
1202 s. 322.051 the fee is \$25. This amount shall be deposited into
1203 the General Revenue Fund.

1204 2. For a renewal identification card issued pursuant to s.
1205 322.051 the fee is \$25. Of this amount, \$6 shall be deposited
1206 into the Highway Safety Operating Trust Fund and \$19 shall be
1207 deposited into the General Revenue Fund.

1208 3. For a replacement identification card issued pursuant to
1209 s. 322.051 the fee is \$25. Of this amount, \$9 shall be deposited
1210 into the Highway Safety Operating Trust Fund and \$16 shall be
1211 deposited into the General Revenue Fund. Beginning July 1, 2015,
1212 or upon completion of the transition of the driver's license
1213 issuance services, if the replacement identification card is
1214 issued by the tax collector, the tax collector shall retain the
1215 \$9 that would otherwise be deposited into the Highway Safety
1216 Operating Trust Fund and the remaining revenues shall be
1217 deposited into the General Revenue Fund.

1218 (2) It is the duty of the director of the Division of

20112160er

1219 Motorist Services ~~Driver Licenses~~ to set up a division in the
1220 department with the necessary personnel to perform the necessary
1221 clerical and routine work for the department in issuing and
1222 recording applications, licenses, and certificates of
1223 eligibility, including the receiving and accounting of all
1224 license funds and their payment into the State Treasury, and
1225 other incidental clerical work connected with the administration
1226 of this chapter. The department may use such electronic,
1227 mechanical, or other devices as necessary to accomplish the
1228 purposes of this chapter.

1229 Section 27. Subsection (8) is added to section 322.56,
1230 Florida Statutes, to read:

1231 322.56 Contracts for administration of driver's license
1232 examination.—

1233 (8) The department shall contract with providers of
1234 approved online traffic law and substance abuse education
1235 courses to serve as third-party providers to conduct online, on
1236 behalf of the department, examinations required pursuant to ss.
1237 322.12 and 322.1615 to applicants for Class E learner's driver's
1238 licenses.

1239 (a) The online testing program shall:

1240 1. Use personal questions before the examination, which the
1241 applicant is required to answer during the examination, to
1242 strengthen test security to deter fraud;

1243 2. Require, before the start of the examination, the
1244 applicant's parent, guardian, or other responsible adult who
1245 meets the requirements of s. 322.09 to provide the third-party
1246 administrator with his or her driver's license number and to
1247 certify that the parent, guardian, or responsible adult will

20112160er

1248 monitor the applicant during the examination; and

1249 3. Require, before issuance by the department of a
1250 learner's driver's license to an applicant who has passed an
1251 online examination, the applicant's parent, guardian, or other
1252 responsible adult who meets the requirements of s. 322.09 to
1253 certify to the department that he or she monitored the applicant
1254 during the online examination. This certification shall be
1255 similar to the certification required by s. 322.05(3). This
1256 subsection does not preclude the department from continuing to
1257 provide written examinations at driver's license facilities.

1258 (b) All data regarding an applicant's completion of the
1259 examinations required in ss. 322.12 and 322.1615 must be
1260 submitted to the department electronically in a format specified
1261 by the department. This shall be the official documentation for
1262 the completion of the examination. A third-party provider that
1263 is found to be in violation of this paragraph is automatically
1264 ineligible to provide online testing on behalf of the department
1265 for a minimum of 1 year.

1266 (c) The department may adopt rules to administer this
1267 subsection.

1268 Section 28. Subsection (32) of section 334.044, Florida
1269 Statutes, is repealed.

1270 Section 29. Subsection (2) of section 413.012, Florida
1271 Statutes, is amended to read:

1272 413.012 Confidential records disclosure prohibited;
1273 exemptions.—

1274 (2) It is unlawful for any person to disclose, authorize
1275 the disclosure, solicit, receive, or make use of any list of
1276 names and addresses or any record containing any information set

20112160er

1277 forth in subsection (1) and maintained in the division. The
1278 prohibition provided for in this subsection shall not apply to
1279 the use of such information for purposes directly connected with
1280 the administration of the vocational rehabilitation program or
1281 with the monthly dispatch to the Division of Motorist Services
1282 ~~Driver Licenses~~ of the Department of Highway Safety and Motor
1283 Vehicles of the name in full, place and date of birth, sex,
1284 social security number, and resident address of individuals with
1285 central visual acuity 20/200 or less in the better eye with
1286 correcting glasses, or a disqualifying field defect in which the
1287 peripheral field has contracted to such an extent that the
1288 widest diameter or visual field subtends an angular distance no
1289 greater than 20 degrees. When requested in writing by an
1290 applicant or client, or her or his representative, the Division
1291 of Blind Services shall release confidential information to the
1292 applicant or client or her or his representative.

1293 Section 30. Paragraph (c) of subsection (3) of section
1294 921.0022, Florida Statutes, is amended to read:

1295 921.0022 Criminal Punishment Code; offense severity ranking
1296 chart.—

1297 (3) OFFENSE SEVERITY RANKING CHART

1298 (c) LEVEL 3

Florida Statute	Felony Degree	Description
-----------------	---------------	-------------

1299

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

1300

316.066	3rd	Unlawfully obtaining or using
---------	-----	-------------------------------

20112160er

1301	<u>(3)</u> (4) (b) - (d)		confidential crash reports.
1302	316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
1303	316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
1304	319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
1305	319.33 (1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
1306	319.33 (1) (c)	3rd	Procure or pass title on stolen vehicle.
1307	319.33 (4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
1308	327.35 (2) (b)	3rd	Felony BUI.
1309	328.05 (2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
	328.07 (4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.

20112160er

1310	376.302 (5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
1311	379.2431 (1) (e) 5.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.
1312	379.2431 (1) (e) 6.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
1313	400.9935 (4)	3rd	Operating a clinic without a license or filing false license application or other required information.
1314	440.1051 (3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
1315	501.001 (2) (b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
1316			

20112160er

1317	624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.
1318	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
1319	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
1320	697.08	3rd	Equity skimming.
1321	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
1322	796.05 (1)	3rd	Live on earnings of a prostitute.
1323	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
1324	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.
1325	810.09 (2) (c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less

20112160er

			than \$10,000.
1326	812.0145(2)(c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
1327	815.04(4)(b)	2nd	Computer offense devised to defraud or obtain property.
1328	817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
1329	817.233	3rd	Burning to defraud insurer.
1330	817.234 (8)(b)-(c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
1331	817.234(11)(a)	3rd	Insurance fraud; property value less than \$20,000.
1332	817.236	3rd	Filing a false motor vehicle insurance application.
1333	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
1334	817.413(2)	3rd	Sale of used goods as new.

20112160er

1335	817.505 (4)	3rd	Patient brokering.
1336	828.12 (2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
1337	831.28 (2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
1338	831.29	2nd	Possession of instruments for counterfeiting drivers' licenses or identification cards.
1339	838.021 (3) (b)	3rd	Threatens unlawful harm to public servant.
1340	843.19	3rd	Injure, disable, or kill police dog or horse.
1341	860.15 (3)	3rd	Overcharging for repairs and parts.
1342	870.01 (2)	3rd	Riot; inciting or encouraging.
1343	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

20112160er

1344

(4) drugs).

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.

1345

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.

1346

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

1347

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

1348

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

1349

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

20112160er

1350	893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
1351	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.
1352	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.
1353	893.13(8)(a)3.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.
1354	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.
1355	918.13(1)(a)	3rd	Alter, destroy, or conceal investigation

20112160er

- 1356 evidence.
- 1356 944.47 3rd Introduce contraband to correctional
(1) (a) 1.-2. facility.
- 1357 944.47 (1) (c) 2nd Possess contraband while upon the
grounds of a correctional institution.
- 1358 985.721 3rd Escapes from a juvenile facility (secure
detention or residential commitment
facility).

1359

1360 Section 31. Effective July 1, 2011, a Law Enforcement
1361 Consolidation Task Force is created.

1362 (1) Members of the task force shall consist of the
1363 executive director of the Department of Highway Safety and Motor
1364 Vehicles, the executive director of the Department of Law
1365 Enforcement, a representative from the Office of the Attorney
1366 General, a representative from the Department of Agriculture and
1367 Consumer Services, the Colonel of the Florida Highway Patrol,
1368 the Colonel of the Division of Law Enforcement of the Fish and
1369 Wildlife Conservation Commission, a representative from the
1370 Florida Sheriffs Association, and a representative from the
1371 Florida Police Chiefs Association.

1372 (2) The Department of Highway Safety and Motor Vehicles
1373 shall provide administrative assistance to the task force.
1374 However, this does not include travel expenses incurred by
1375 members of the task force, which shall be borne by the agency
1376 that the member represents.

20112160er

1377 (3) The task force shall evaluate any duplication of law
1378 enforcement functions throughout state government and identify
1379 any functions that are appropriate for possible consolidation.
1380 The task force shall also evaluate administrative functions,
1381 including, but not limited to, accreditation, training, legal
1382 representation, vehicle fleets, aircraft, civilian-support
1383 staffing, information technology, and geographic regions,
1384 districts, or troops currently in use. The task force shall also
1385 evaluate whether the Florida Highway Patrol should limit its
1386 jurisdiction, except while in fresh pursuit, to the State
1387 Highway System or the Florida Intrastate Highway System. If the
1388 task force concludes that any state law enforcement
1389 consolidation is appropriate, the task force shall make
1390 recommendations and submit a plan to consolidate those state law
1391 enforcement responsibilities. Any plan submitted must include
1392 recommendations on the methodology to be used to achieve any
1393 state law enforcement consolidation recommended by the task
1394 force by June 30, 2013. The task force shall submit to the
1395 President of the Senate and the Speaker of the House of
1396 Representatives a report which includes any recommendations and
1397 plan developed by the task force by December 31, 2011. The task
1398 force expires June 30, 2012.

1399 Section 32. (1) The Office of Motor Carrier Compliance of
1400 the Department of Transportation is transferred to the Division
1401 of the Florida Highway Patrol of the Department of Highway
1402 Safety and Motor Vehicles as provided in Senate Bill 2000 of the
1403 General Appropriations Act for the 2011-2012 fiscal year.

1404 (2) Notwithstanding ss. 216.192 and 216.351, Florida
1405 Statutes, upon approval by the Legislative Budget Commission,

20112160er

1406 the Executive Office of the Governor may transfer funds and
1407 positions between agencies to implement this section.

1408 Section 33. This act shall take effect July 1, 2011.