

## Committee Substitute for Senate Bill No. 40-A

An act relating to the Department of Highway Safety and Motor Vehicles; amending s. 318.18, F.S.; increasing the fine imposed for failing to pay a civil traffic penalty within the period specified; requiring that the additional revenue be deposited into the General Revenue Fund; prohibiting the use of a portion of that amount in establishing the budget of the clerk of the court; amending s. 320.06, F.S.; requiring that certain fees collected from motor vehicle registration and registration renewal be deposited into the Highway Safety Operating Trust Fund; amending s. 320.08, F.S.; authorizing the use of certain fees from motorcycle and moped registration for the general operations of the department; amending ss. 320.0805 and 320.08056, F.S.; requiring that certain fees for prestige and specialty license plates be deposited into the Highway Safety Operating Trust Fund; amending s. 322.025, F.S.; revising requirements for funding motorcycle driver improvement programs; amending s. 322.0255, F.S.; eliminating a requirement that the department reimburse organizations that provide motorcycle safety education courses; providing an effective date.

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

Section 1. Paragraph (a) of subsection (8) of section 318.18, Florida Statutes, is amended to read:

318.18 Amount of penalties.—The penalties required for a noncriminal disposition pursuant to s. 318.14 or a criminal offense listed in s. 318.17 are as follows:

(8)(a) Any person who fails to comply with the court's requirements or who fails to pay the civil penalties specified in this section within the 30-day period provided for in s. 318.14 must pay an additional civil penalty of \$16 ~~\$12~~, ~~\$6.50~~ \$2.50 of which must be remitted to the Department of Revenue for deposit in the General Revenue Fund, and \$9.50 of which must be remitted to the Department of Revenue for deposit in the Highway Safety Operating Trust Fund. Of this additional civil penalty of \$16, \$4 is not revenue for purposes of s. 28.36 and may not be used in establishing the budget of the clerk of the court under that section or s. 28.35. The department shall contract with the Florida Association of Court Clerks, Inc., to design, establish, operate, upgrade, and maintain an automated statewide Uniform Traffic Citation Accounting System to be operated by the clerks of the court which shall include, but not be limited to, the accounting for traffic infractions by type, a record of the disposition of the citations, and an accounting system for the fines assessed and the subsequent fine amounts paid to the clerks of the court. On or before December 1, 2001, the clerks of the court must provide the information required by this chapter to be transmitted to the department by electronic transmission pursuant to the contract.

Section 2. Paragraph (b) of subsection (3) of section 320.06, Florida Statutes, is amended to read:

320.06 Registration certificates, license plates, and validation stickers generally.—

(3)

(b) An additional fee of 50 cents shall be collected and deposited into the Highway Safety Operating Trust Fund on each motor vehicle registration or motor vehicle renewal registration issued in this state in order that all license plates and validation stickers be fully treated with retroreflective material.

Section 3. Paragraph (c) of subsection (1) of section 320.08, Florida Statutes, is amended to read:

320.08 License taxes.—Except as otherwise provided herein, there are hereby levied and imposed annual license taxes for the operation of motor vehicles, mopeds, motorized bicycles as defined in s. 316.003(2), and mobile homes, as defined in s. 320.01, which shall be paid to and collected by the department or its agent upon the registration or renewal of registration of the following:

(1) MOTORCYCLES AND MOPEDS.—

(c) Upon registration of any motorcycle, motor-driven cycle, or moped there shall be paid in addition to the license taxes specified in this subsection a nonrefundable motorcycle safety education fee in the amount of \$2.50. The proceeds of such additional fee shall be deposited in the Highway Safety Operating Trust Fund ~~and be used exclusively~~ to fund a motorcycle driver improvement program implemented pursuant to s. 322.025, ~~or the Florida Motorcycle Safety Education Program established in s. 322.0255, or the general operations of the department.~~

Section 4. Subsection (2) of section 320.0805, Florida Statutes, is amended to read:

320.0805 Personalized prestige license plates.—

(2) Each request for specific numbers or letters or combinations thereof shall be submitted annually to the department on an application form supplied by the department, accompanied by the following tax and fees:

(a) The license tax required for the vehicle, as set forth in s. 320.08;

(b) A prestige plate annual use fee of \$10; ~~and~~

(c) A processing fee of \$2, to be deposited into the Highway Safety Operating Trust Fund.

Section 5. Paragraph (b) of subsection (3) of section 320.08056, Florida Statutes, is amended to read:

320.08056 Specialty license plates.—

(3) Each request must be made annually to the department, accompanied by the following tax and fees:

(b) A processing fee of \$2, to be deposited into the Highway Safety Operating Trust Fund.

A request may be made any time during a registration period. If a request is made for a specialty license plate to replace a current valid license plate, the specialty license plate must be issued with appropriate decals attached at no tax for the plate, but all fees and service charges must be paid. When a request is made for a specialty license plate at the beginning of the registration period, the tax, together with all applicable fees and service charges, must be paid.

Section 6. Subsection (1) of section 322.025, Florida Statutes, is amended to read:

**322.025 Driver improvement.—**

(1) The department may implement programs to improve the driving ability of the drivers of this state. Such programs may include, but shall not be limited to, safety awareness campaigns, driver training, and licensing improvement. Motorcycle driver improvement programs implemented pursuant to this section or s. 322.0255 may ~~shall~~ be funded by the motorcycle safety education fee collected pursuant to s. 320.08(1)(c), which shall be deposited in the Highway Safety Operating Trust Fund ~~of the department and appropriated for that purpose.~~

Section 7. Subsections (5), (6), (7), and (8) of section 322.0255, Florida Statutes, are amended to read:

**322.0255 Florida Motorcycle Safety Education Program.—**

~~(5) The department shall, subject to the availability of funds, reimburse each organization that provides an approved motorcycle safety education course for each student who begins the on-cycle portion of the course. This shall include any student not required to attend a motorcycle safety education course prior to licensure as required in s. 322.12. The amount to be reimbursed per student to each course provider shall be determined by the department. In order to facilitate such determination, each course provider shall be required to submit proof satisfactory to the department of the expected cost per student to be incurred by such course provider. In no event shall the amount to be reimbursed per student to any course provider exceed the expected cost per student. In addition to the amount of any reimbursement, each course provider that conducts such a course may charge each student a tuition fee sufficient to defray the cost of conducting the course. The department shall fund the payments required under this subsection from the motorcycle safety education fee, as provided in ss. 320.08 and 322.025.~~

~~(5)~~(6) Each organization that provides an approved motorcycle safety course may charge a registration fee, not to exceed \$20 per student. This fee must be refunded if the student completes the course. However, any student who registers for, and does not complete, the course must forfeit his or her registration fee. Forfeited fees may be retained by the organization that conducts the course.

(6)~~(7)~~ The department may adopt rules to implement this section.

(7)~~(8)~~ On and after January 1, 1989, every first-time applicant for licensure to operate a motorcycle who is under 21 years of age shall be required to complete a motorcycle education course as established pursuant to this section. Proof of completion of such education course shall be presented to the driver license examining office prior to such licensure to operate a motorcycle.

Section 8. This act shall take effect February 1, 2009, or upon becoming a law, whichever occurs later.

Approved by the Governor January 27, 2009.

Filed in Office Secretary of State January 27, 2009.