

## CHAPTER 2011-66

### Senate Bill No. 2160

An act relating to the Department of Highway Safety and Motor Vehicles; amending s. 20.23, F.S.; creating motor carrier weight inspection as an area of program responsibility within the Department of Transportation, which replaces motor carrier compliance; amending s. 20.24, F.S.; revising the divisions within the Department of Highway Safety and Motor Vehicles; creating the Office of Motor Carrier Compliance of the Division of the Florida Highway Patrol within the Department of Highway Safety and Motor Vehicles; amending ss. 110.205, 311.115, 316.302, 316.3025, 316.3026, 316.516, 316.545, 316.640, 320.18, and 321.05, F.S.; conforming provisions to changes made by the act; amending s. 288.816, F.S.; requiring the department rather than the Division of Motor Vehicles to issue special motor vehicle license plates; amending s. 311.121, F.S.; providing for a representative of the department rather than the Division of Driver Licenses to be appointed to the Seaport Security Officer Qualification, Training, and Standards Coordinating Council; amending s. 316.066, F.S.; revising circumstances under which a law enforcement officer is required to submit to the department a Florida Traffic Crash Report, Long Form; providing for the use of driver exchange-of-information forms under certain circumstances; eliminating provisions authorizing counties to establish certified central traffic records centers, including provisions authorizing the funding of such centers; deleting restrictions on the commercial use of crash reports; amending s. 316.1957, F.S.; requiring that motor vehicle records be maintained by the department; amending s. 316.613, F.S.; requiring the department rather than the Division of Motor Vehicles to provide notice of the requirements for child restraint devices; amending s. 318.15, F.S.; providing for the department rather than the Division of Driver Licenses to administer certain provisions governing the suspension of a person's driver's license and privilege to drive; amending s. 320.05, F.S.; providing for a Division of Motorist Services Procedures Manual; clarifying that the creation and maintenance of records by the division is not a law enforcement function; amending s. 320.275, F.S.; providing for a representative of the department rather than the Division of Motor Vehicles to be appointed to the Automobile Dealers Industry Advisory Board; amending s. 321.23, F.S.; specifying the fee to be charged for a copy of a uniform traffic citation; providing for a portion of the fees for crash reports to be distributed to the investigating agency under certain circumstances; authorizing the Department of Highway Safety and Motor Vehicles to scan the records of crash reports, which shall be considered original copies; amending s. 322.02, F.S.; providing for the Division of Motorist Services to administer ch. 322, F.S., relating to driver's licenses; amending s. 322.135, F.S.; providing duties of the tax collectors with respect to driver's license services; directing the tax collectors who are constitutional officers to assume all driver's license issuance services by a certain date and according to a specified schedule; deleting obsolete

provisions; authorizing the department to create exceptions by rule for tax collectors in counties having small populations; amending s. 322.20, F.S.; providing for the department and the Division of Motorist Services to maintain certain records; amending s. 322.202, F.S.; clarifying that the Division of Motorist Services is not a law enforcement agency and is not an adjunct of any law enforcement agency; amending s. 322.21, F.S.; requiring that, beginning on a specified date, certain fees be retained by the tax collectors who issue driver's licenses following the transition of the driver's license issuance services; providing for the Division of Motorist Services to collect fees and issue driver's licenses and identification cards and account for all license funds in the administration of ch. 322, F.S.; amending s. 322.56, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to contract with third-party providers to conduct online examinations for applicants of learner's driver's licenses; providing for requirements for the online testing program; prohibiting a third-party provider from providing testing services on behalf of the department for a certain period if the provider fails to comply with certain requirements; authorizing the department to adopt rules; repealing s. 334.044(32), F.S., relating to the authorization of the Office of Motor Carrier Compliance within the Department of Transportation to employ sworn law enforcement officers to enforce traffic and criminal laws in this state; amending s. 413.012, F.S., relating to certain confidential records; conforming a reference to changes made by the act; amending s. 921.0022, F.S.; conforming a cross-reference; creating the Law Enforcement Consolidation Task Force; providing for membership; requiring the Department of Highway Safety and Motor Vehicles to provide administrative assistance to the task force; requiring the agency that is represented by a member of the task force to bear the travel expenses incurred by the member; requiring the task force to evaluate the duplication of law enforcement functions and to identify possible consolidation; requiring the task force to evaluate administrative functions; requiring the task force to make recommendations and submit a report to the Legislature by a certain date; providing for future expiration; transferring the Office of Motor Carrier Compliance of the Department of Transportation to the Division of the Florida Highway Patrol of the Department of Highway Safety and Motor Vehicles; authorizing the Executive Office of the Governor to transfer funds and positions between agencies; providing an effective date.

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;
11. Comptroller;
12. Construction;
13. Maintenance; and
14. Materials.

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

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

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

- (a) Division of the Florida Highway Patrol.
- (b) Division of Motorist Services.
- ~~(b) Division of Driver Licenses.~~
- ~~(c) Division of Motor Vehicles.~~

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

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

110.205 Career service; exemptions.—

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

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

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

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

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

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

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

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

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

288.816 Intergovernmental relations.—

(2) The Office of Tourism, Trade, and Economic Development shall be responsible for all consular relations between the state and all foreign governments doing business in Florida. The office shall monitor United States laws and directives to ensure that all federal treaties regarding

foreign privileges and immunities are properly observed. The office shall promulgate rules which shall:

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

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

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

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

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

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

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

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

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

1. The seaport administrator of the Department of Law Enforcement.
2. The Commissioner of Education or his or her designee.
3. The director of the Division of Licensing of the Department of Agriculture and Consumer Services.
4. The administrator of the Florida Seaport Transportation and Economic Development Council.
5. Two seaport security directors from seaports designated under s. 311.09.
6. One director of a state law enforcement academy.
7. One representative of a local law enforcement agency.

8. Two representatives of contract security services.
9. One representative of the ~~Division of Driver Licenses~~ of the Department of Highway Safety and Motor Vehicles.

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

316.066 Written reports of crashes.—

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

1. ~~That~~ Resulted in death or personal injury.
2. ~~That~~ Involved a violation of s. 316.061(1) or s. 316.193.
3. ~~In which a vehicle was rendered inoperative to a degree that required a wrecker to remove it from traffic, if such action is appropriate, in the officer's discretion.~~

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

1. The date, time, and location of the crash.
2. A description of the vehicles involved.
3. The names and addresses of the parties involved, including all drivers and passengers.
4. The names and addresses of witnesses.
5. The name, badge number, and law enforcement agency of the officer investigating the crash.
6. The names of the insurance companies for the respective parties involved in the crash.

(c) Each party to the crash must ~~shall~~ provide the law enforcement officer with proof of insurance, which must be documented ~~to be included~~ in the crash report. If a law enforcement officer submits a report on the crash ~~accident~~, proof of insurance must be provided to the officer by each party involved in the crash. Any party who fails to provide the required information commits a noncriminal traffic infraction, punishable as a nonmoving

violation as provided in chapter 318, unless the officer determines that due to injuries or other special circumstances such insurance information cannot be provided immediately. If the person provides the law enforcement agency, within 24 hours after the crash, proof of insurance that was valid at the time of the crash, the law enforcement agency may void the citation.

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

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

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

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

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

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

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

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

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

(c) Any person, knowing that he or she is not entitled to obtain information made confidential and exempt by this section, who obtains or attempts to obtain such information commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

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

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

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



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

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

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

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

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

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

(8) For the purpose of enforcing this section, any law enforcement officer of the Department of Highway Safety and Motor Vehicles Transportation or duly appointed agent who holds a current safety inspector certification from the Commercial Vehicle Safety Alliance may require the driver of any commercial vehicle operated on the highways of this state to stop and submit

to an inspection of the vehicle or the driver's records. If the vehicle or driver is found to be operating in an unsafe condition, or if any required part or equipment is not present or is not in proper repair or adjustment, and the continued operation would present an unduly hazardous operating condition, the officer may require the vehicle or the driver to be removed from service pursuant to the North American Standard Out-of-Service Criteria, until corrected. However, if continuous operation would not present an unduly hazardous operating condition, the officer may give written notice requiring correction of the condition within 14 days.

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

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

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

316.3025 Penalties.—

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

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

316.3026 Unlawful operation of motor carriers.—

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

her designee. An administrative hearing pursuant to s. 120.569 shall be afforded to motor carriers subject to such orders.

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

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

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

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

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

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

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

(1) Any ~~officer of the Florida Highway Patrol~~ weight and safety officer of the Department of Transportation having reason to believe that the weight of a vehicle and load is unlawful is authorized to require the driver to stop and

submit to a weighing of the same by means of either portable or fixed scales and may require that such vehicle be driven to the nearest weigh station or public scales, provided such a facility is within 5 highway miles. Upon a request by the vehicle driver, the officer shall weigh the vehicle at fixed scales rather than by portable scales if such a facility is available within 5 highway miles. Anyone who refuses to submit to such weighing obstructs an officer pursuant to s. 843.02 and is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. Anyone who knowingly and willfully resists, obstructs, or opposes a weight and safety officer while refusing to submit to such weighing by resisting the officer with violence to the officer's person pursuant to s. 843.01 is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

(b) The officer or inspector shall inspect the license plate or registration certificate of the commercial vehicle, as defined in s. 316.003(66), to determine if its gross weight is in compliance with the declared gross vehicle weight. If its gross weight exceeds the declared weight, the penalty shall be 5 cents per pound on the difference between such weights. In those cases when the commercial vehicle, as defined in s. 316.003(66), is being operated over the highways of the state with an expired registration or with no registration from this or any other jurisdiction or is not registered under the applicable provisions of chapter 320, the penalty herein shall apply on the basis of 5 cents per pound on that scaled weight which exceeds 35,000 pounds on laden truck tractor-semitrailer combinations or tandem trailer truck combinations, 10,000 pounds on laden straight trucks or straight truck-trailer combinations, or 10,000 pounds on any unladen commercial motor vehicle. If the

license plate or registration has not been expired for more than 90 days, the penalty imposed under this paragraph may not exceed \$1,000. In the case of special mobile equipment as defined in s. 316.003(48), which qualifies for the license tax provided for in s. 320.08(5)(b), being operated on the highways of the state with an expired registration or otherwise not properly registered under the applicable provisions of chapter 320, a penalty of \$75 shall apply in addition to any other penalty which may apply in accordance with this chapter. A vehicle found in violation of this section may be detained until the owner or operator produces evidence that the vehicle has been properly registered. Any costs incurred by the retention of the vehicle shall be the sole responsibility of the owner. A person who has been assessed a penalty pursuant to this paragraph for failure to have a valid vehicle registration certificate pursuant to the provisions of chapter 320 is not subject to the delinquent fee authorized in s. 320.07 if such person obtains a valid registration certificate within 10 working days after such penalty was assessed.

(4)

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

(5) Whenever any person violates the provisions of this chapter and becomes indebted to the state because of such violation in the amounts aforesaid and refuses to pay said penalty, in addition to the provisions of s. 316.3026, such penalty shall become a lien upon the motor vehicle, and the same may be foreclosed by the state in a court of equity. It shall be presumed that the owner of the motor vehicle is liable for the sum. Any person, firm, or corporation claiming an interest in the seized motor vehicle may, at any time after the lien of the state attaches to the motor vehicle, obtain possession of the seized vehicle by filing a good and sufficient forthcoming bond with the officer having possession of the vehicle, payable to the Governor of the state in twice the amount of the state's lien, with a corporate surety duly authorized to transact business in this state as surety, conditioned to have the motor vehicle or combination of vehicles forthcoming to abide the result of any suit for the foreclosure of such lien. It shall be presumed that the owner of the motor vehicle is liable for the penalty imposed under this section. Upon the posting of such bond with the officer making the seizure, the vehicle shall be released and the bond shall be forwarded to the Department of Highway Safety and Motor Vehicles Transportation for safekeeping. The lien of the state against the motor vehicle aforesaid shall be foreclosed in equity, and the ordinary rules of court relative to proceedings in equity shall control. If it appears that the seized vehicle has been released to the defendant upon his

or her forthcoming bond, the state shall take judgment of foreclosure against the property itself, and judgment against the defendant and the sureties on the bond for the amount of the lien, including cost of proceedings. After the rendition of the decree, the state may, at its option, proceed to sue out execution against the defendant and his or her sureties for the amount recovered as aforesaid or direct the sale of the vehicle under foreclosure.

~~(9) Any agent of the Department of Transportation who is employed for the purpose of being a weight and safety officer and who meets the qualifications established by law for law enforcement officers shall have the same arrest powers as are granted any law enforcement officer for the purpose of enforcing the provisions of weight, load, safety, commercial motor vehicle registration, and fuel tax compliance laws.~~

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

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

316.613 Child restraint requirements.—

(1)

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

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

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

(1) STATE.—

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

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

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

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

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

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

owned or operated by the airport authority employing the specialist, by appropriate state, county, or municipal traffic citation.

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

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

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

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

4. The Division of the Florida Highway Patrol may employ as a traffic accident investigation officer any individual who successfully completes instruction in traffic accident investigation and court presentation through the Selective Traffic Enforcement Program as approved by the Criminal Justice Standards and Training Commission and funded through the National Highway Traffic Safety Administration or a similar program approved by the commission, but who does not necessarily meet the uniform minimum standards established by the commission for law enforcement officers or auxiliary law enforcement officers under chapter 943. Any such traffic accident investigation officer who makes an investigation at the scene of a traffic accident may issue traffic citations, based upon personal investigation, when he or she has reasonable and probable grounds to believe that a person who was involved in the accident committed an offense under this chapter, chapter 319, chapter 320, or chapter 322 in connection with the accident. This subparagraph does not permit the officer to carry firearms or other weapons, and such an officer does not have authority to make arrests.

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

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

(1)(a) If a person fails to comply with the civil penalties provided in s. 318.18 within the time period specified in s. 318.14(4), fails to enter into or comply with the terms of a penalty payment plan with the clerk of the court



in accordance with ss. 318.14 and 28.246, fails to attend driver improvement school, or fails to appear at a scheduled hearing, the clerk of the court shall notify ~~the Division of Driver Licenses of the Department of Highway Safety and Motor Vehicles~~ of such failure within 10 days after such failure. Upon receipt of such notice, the department shall immediately issue an order suspending the driver's license and privilege to drive of such person effective 20 days after the date the order of suspension is mailed in accordance with s. 322.251(1), (2), and (6). Any such suspension of the driving privilege which has not been reinstated, including a similar suspension imposed outside Florida, shall remain on the records of the department for a period of 7 years from the date imposed and shall be removed from the records after the expiration of 7 years from the date it is imposed.

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

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

(3)

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

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

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

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

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

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

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

7. For providing electronic access to motor vehicle, vessel, and mobile home registration data requested by tag, vehicle identification number, title number, or decal number, 50 cents per item.

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

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

10. For providing lists of licensed motor vehicle dealers, \$25 per list.
11. For each copy of a videotape record, \$15 per tape.
12. For each copy of the Division of Motorist Services ~~Motor Vehicles~~ Procedures Manual, \$25.

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

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

320.18 Withholding registration.—

(1) The department may withhold the registration of any motor vehicle or mobile home the owner of which has failed to register it under the provisions of law for any previous period or periods for which it appears registration should have been made in this state, until the tax for such period or periods is paid. The department may cancel any vehicle or vessel registration, driver's license, identification card, or fuel-use tax decal if the owner pays for the vehicle or vessel registration, driver's license, identification card, or fuel-use tax decal; pays any administrative, delinquency, or reinstatement fee; or pays any tax liability, penalty, or interest specified in chapter 207 by a dishonored check, or if the vehicle owner or motor carrier has failed to pay a penalty for a weight or safety violation issued by the Department of Transportation or the Department of Highway Safety and Motor Vehicles ~~Motor Carrier Compliance Office~~. The Department of Transportation and the Department of Highway Safety and Motor Vehicles may impound any commercial motor vehicle that has a canceled license plate or fuel-use tax decal until the tax liability, penalty, and interest specified in chapter 207, the license tax, or the fuel-use decal fee, and applicable administrative fees have been paid for by certified funds.

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

320.275 Automobile Dealers Industry Advisory Board.—

(2) MEMBERSHIP, TERMS, MEETINGS.—

(a) The board shall be composed of 12 members. The executive director of the Department of Highway Safety and Motor Vehicles shall appoint the members from names submitted by the entities for the designated categories the member will represent. The executive director shall appoint one representative of the Department of Highway Safety and Motor Vehicles; ~~who must represent the Division of Motor Vehicles~~; two representatives of the independent motor vehicle industry as recommended by the Florida Independent Automobile Dealers Association; two representatives of the franchise motor vehicle industry as recommended by the Florida Automobile

Dealers Association; one representative of the auction motor vehicle industry who is from an auction chain and is recommended by a group affiliated with the National Auto Auction Association; one representative of the auction motor vehicle industry who is from an independent auction and is recommended by a group affiliated with the National Auto Auction Association; one representative from the Department of Revenue; a Florida tax collector representative recommended by the Florida Tax Collectors Association; one representative from the Better Business Bureau; one representative from the Department of Agriculture and Consumer Services, who must represent the Division of Consumer Services; and one representative of the insurance industry who writes motor vehicle dealer surety bonds.

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

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

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

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

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

321.05 Duties, functions, and powers of patrol officers.—The members of the Florida Highway Patrol are hereby declared to be conservators of the peace and law enforcement officers of the state, with the common-law right to arrest a person who, in the presence of the arresting officer, commits a felony or commits an affray or breach of the peace constituting a misdemeanor, with full power to bear arms; and they shall apprehend, without warrant, any person in the unlawful commission of any of the acts over which the members of the Florida Highway Patrol are given jurisdiction as hereinafter set out and deliver him or her to the sheriff of the county that further proceedings may be had against him or her according to law. In the performance of any of the powers, duties, and functions authorized by law, members of the Florida Highway Patrol have the same protections and immunities afforded other peace officers, which shall be recognized by all courts having jurisdiction over

offenses against the laws of this state, and have authority to apply for, serve, and execute search warrants, arrest warrants, capias, and other process of the court. The patrol officers under the direction and supervision of the Department of Highway Safety and Motor Vehicles shall perform and exercise throughout the state the following duties, functions, and powers:

(1) To patrol the state highways and regulate, control, and direct the movement of traffic thereon; to maintain the public peace by preventing violence on highways; to apprehend fugitives from justice; to enforce all laws ~~now in effect~~ regulating and governing traffic, travel, and public safety upon the public highways and providing for the protection of the public highways and public property thereon, including the security and safety of this state's transportation infrastructure; to make arrests without warrant for the violation of any state law committed in their presence in accordance with the laws of this state law; providing that no search may shall be made unless it is incident to a lawful arrest, to regulate and direct traffic concentrations and congestions; to enforce laws governing the operation, licensing, and taxing and limiting the size, weight, width, length, and speed of vehicles and licensing and controlling the operations of drivers and operators of vehicles, including the safety, size, and weight of commercial motor vehicles; ~~to cooperate with officials designated by law to collect all state fees and revenues levied as an incident to the use or right to use the highways for any purpose, including the taxing and registration of commercial motor vehicles~~; to require the drivers of vehicles to stop and exhibit their driver's licenses, registration cards, or documents required by law to be carried by such vehicles; to investigate traffic accidents, secure testimony of witnesses and of persons involved, and make report thereof with copy, ~~if when~~ requested in writing, to any person in interest or his or her attorney; to investigate reported thefts of vehicles; and to seize contraband or stolen property on or being transported on the highways. Each patrol officer of the Florida Highway Patrol is subject to and has the same arrest and other authority provided for law enforcement officers generally in chapter 901 and has statewide jurisdiction. Each officer also has arrest authority as provided for state law enforcement officers in s. 901.15. This section ~~does shall~~ not be ~~construed as being in conflict with~~, but is supplemental to, chapter 933.

Section 21. Subsections (2), (3), (4), and (5) of section 321.23, Florida Statutes, are amended to read:

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

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

- (a) For a crash report, a copy.....\$10
- (b) For a homicide report, a copy.....\$25
- (c) For a uniform traffic citation, a copy.....\$0.50

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

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

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

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

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

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

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

322.02 Legislative intent; administration.—

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

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

322.135 Driver's license agents.—

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

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

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

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

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

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

3. For a voter registration transaction.

4. In violation of any federal or state law.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) A replacement driver's license issued pursuant to s. 322.17 is \$25. Of this amount \$7 shall be deposited into the Highway Safety Operating Trust Fund and \$18 shall be deposited into the General Revenue Fund. Beginning July 1, 2015, or upon completion of the transition of driver's license issuance services, if the replacement driver's license is issued by the tax collector, the tax collector shall retain the \$7 that would otherwise be deposited into the Highway Safety Operating Trust Fund and the remaining revenues shall be deposited into the General Revenue Fund.



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

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

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

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

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

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

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

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

(a) The online testing program shall:

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

2. Require, before the start of the examination, the applicant's parent, guardian, or other responsible adult who meets the requirements of s. 322.09 to provide the third-party administrator with his or her driver's license

number and to certify that the parent, guardian, or responsible adult will monitor the applicant during the examination; and

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

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

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

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

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

413.012 Confidential records disclosure prohibited; exemptions.—

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

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

921.0022 Criminal Punishment Code; offense severity ranking chart.—

## (3) OFFENSE SEVERITY RANKING CHART

## (c) LEVEL 3

Florida Statute	Felony Degree	Description
119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.
316.066	3rd	Unlawfully obtaining or using confidential crash reports.
<del>(3)(4)(b)-(d)</del>		
316.193(2)(b)	3rd	Felony DUI, 3rd conviction.
316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.
319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
327.35(2)(b)	3rd	Felony BUI.
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.
376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
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.
379.2431 (1)(e)6.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
400.9935(4)	3rd	Operating a clinic without a license or filing false license application or other required information.
440.1051(3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
501.001(2)(b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
624.401(4)(a)	3rd	Transacting insurance without a certificate of authority.

624.401(4)(b)1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
626.902(1)(a) & (b)	3rd	Representing an unauthorized insurer.
697.08	3rd	Equity skimming.
790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.
796.05(1)	3rd	Live on earnings of a prostitute.
806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
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 than \$10,000.
812.0145(2)(c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
815.04(4)(b)	2nd	Computer offense devised to defraud or obtain property.
817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
817.233	3rd	Burning to defraud insurer.
817.234	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
(8)(b)-(c)		
817.234(11)(a)	3rd	Insurance fraud; property value less than \$20,000.
817.236	3rd	Filing a false motor vehicle insurance application.
817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
817.413(2)	3rd	Sale of used goods as new.
817.505(4)	3rd	Patient brokering.
828.12(2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
831.28(2)(a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
831.29	2nd	Possession of instruments for counterfeiting drivers' licenses or identification cards.
838.021(3)(b)	3rd	Threatens unlawful harm to public servant.
843.19	3rd	Injure, disable, or kill police dog or horse.
860.15(3)	3rd	Overcharging for repairs and parts.
870.01(2)	3rd	Riot; inciting or encouraging.
893.13(1)(a)2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs).

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.
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.
893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
893.13(7)(a)8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
893.13(7)(a)10.	3rd	Affix false or forged label to package of controlled substance.
893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
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.
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.
893.13(8)(a)3.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.
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.
918.13(1)(a)	3rd	Alter, destroy, or conceal investigation evidence.
944.47	3rd	Introduce contraband to correctional facility.
(1)(a)1.-2.		
944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.
985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).

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

(1) Members of the task force shall consist of the executive director of the Department of Highway Safety and Motor Vehicles, the executive director of the Department of Law Enforcement, a representative from the Office of the

Attorney General, a representative from the Department of Agriculture and Consumer Services, the Colonel of the Florida Highway Patrol, the Colonel of the Division of Law Enforcement of the Fish and Wildlife Conservation Commission, a representative from the Florida Sheriffs Association, and a representative from the Florida Police Chiefs Association.

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

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

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

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

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

Approved by the Governor May 26, 2011.

Filed in Office Secretary of State May 26, 2011.