

BILL

ORIGINAL

YEAR

1 A bill to be entitled
 2 An act relating to the Department of Highway Safety and
 3 Motor Vehicles; terminating the DUI Programs Coordination
 4 Trust Fund; providing for the disposition of the balances
 5 in and revenues of the trust fund; prescribing procedures
 6 for the termination of the trust fund; amending s. 17.61,
 7 F.S.; removing the DUI Programs Coordination Trust Fund
 8 from the list of funds invested by the Chief Financial
 9 Officer; reenacting and amending s. 20.24, F.S., relating
 10 to the establishment of the Department of Highway Safety
 11 and Motor Vehicles pursuant to the provisions of the
 12 Florida Government Accountability Act; removing a
 13 provision for the Bureau of Motor Vehicle Inspection;
 14 amending s. 215.20, F.S.; removing the DUI Programs
 15 Coordination Trust Fund from the list of funds subject to
 16 a specified service charge; amending s. 319.40, F.S.;
 17 authorizing the issuance of electronic motor vehicle
 18 titles in lieu of paper motor vehicle titles; authorizing
 19 the department to collect and use e-mail addresses of
 20 motor vehicle owners and registrants as a notification
 21 method; amending s. 320.95, F.S.; authorizing the
 22 department to collect and use e-mail addresses of motor
 23 vehicle owners and registrants as a notification method;
 24 amending s. 322.293, F.S.; requiring that DUI programs be
 25 administered by the department and paid for by revenues
 26 collected for enrollment in DUI programs; revising
 27 provisions for disposition of assessments collected for
 28 enrollment in a DUI program; providing that such

BILL

ORIGINAL

YEAR

29 assessments be deposited into the Highway Safety Operating
 30 Trust Fund; amending s. 328.30, F.S.; authorizing the use
 31 of electronic mail for distribution of vessel titles;
 32 authorizing the department to collect and use e-mail
 33 addresses of vessel owners and registrants as a
 34 notification method; amending s. 328.80, F.S.; authorizing
 35 the department to accept certain applications by
 36 electronic or telephonic means; authorizing the department
 37 to collect and use e-mail addresses of vessel owners and
 38 registrants as a notification method; transferring the
 39 Office of Motor Carrier Compliance to the Division of the
 40 Florida Highway Patrol of the Department of Highway Safety
 41 and Motor Vehicles; directing the Division of Statutory
 42 Revision of the Office of Legislative Services to prepare
 43 a reviser's bill to conform the Florida Statutes to
 44 organizational changes made by the act; providing
 45 effective dates.

46
 47 Be It Enacted by the Legislature of the State of Florida:

48
 49 Section 1. (1) The DUI Programs Coordination Trust Fund
 50 within the Department of Highway Safety and Motor Vehicles,
 51 FLAIR number 76-2-172, is terminated.

52 (2) All current balances remaining in, and all revenues
 53 of, the trust fund shall be transferred to the Highway Safety
 54 Operating Trust Fund within the Department of Highway Safety and
 55 Motor Vehicles, FLAIR number 76-2-009.

56 (3) The Department of Highway Safety and Motor Vehicles

BILL

ORIGINAL

YEAR

57 shall pay any outstanding debts and obligations of the
 58 terminated fund as soon as practicable and the Chief Financial
 59 Officer shall close out and remove the terminated fund from the
 60 various state accounting systems using generally accepted
 61 accounting principles concerning warrants outstanding, assets,
 62 and liabilities.

63 Section 2. Paragraph (c) of subsection (3) of section
 64 17.61, Florida Statutes, is amended to read:

65 17.61 Chief Financial Officer; powers and duties in the
 66 investment of certain funds.--

67 (3)

68 (c) Except as provided in this paragraph and except for
 69 moneys described in paragraph (d), the following agencies shall
 70 not invest trust fund moneys as provided in this section, but
 71 shall retain such moneys in their respective trust funds for
 72 investment, with interest appropriated to the General Revenue
 73 Fund, pursuant to s. 17.57:

74 1. The Agency for Health Care Administration, except for
 75 the Tobacco Settlement Trust Fund.

76 2. The Agency for Persons with Disabilities, except for:

77 a. The Federal Grants Trust Fund.

78 b. The Tobacco Settlement Trust Fund.

79 3. The Department of Children and Family Services, except
 80 for:

81 a. The Alcohol, Drug Abuse, and Mental Health Trust Fund.

82 b. The Social Services Block Grant Trust Fund.

83 c. The Tobacco Settlement Trust Fund.

84 d. The Working Capital Trust Fund.

BILL ORIGINAL YEAR

- 85 4. The Department of Community Affairs, only for the
- 86 Operating Trust Fund.
- 87 5. The Department of Corrections.
- 88 6. The Department of Elderly Affairs, except for:
- 89 a. The Federal Grants Trust Fund.
- 90 b. The Tobacco Settlement Trust Fund.
- 91 7. The Department of Health, except for:
- 92 a. The Federal Grants Trust Fund.
- 93 b. The Grants and Donations Trust Fund.
- 94 c. The Maternal and Child Health Block Grant Trust Fund.
- 95 d. The Tobacco Settlement Trust Fund.
- 96 8. The Department of Highway Safety and Motor Vehicles,
- 97 only for:
- 98 ~~a. The DUI Programs Coordination Trust Fund.~~
- 99 ~~b.~~ the Security Deposits Trust Fund.
- 100 9. The Department of Juvenile Justice.
- 101 10. The Department of Law Enforcement.
- 102 11. The Department of Legal Affairs.
- 103 12. The Department of State, only for:
- 104 a. The Grants and Donations Trust Fund.
- 105 b. The Records Management Trust Fund.
- 106 13. The Executive Office of the Governor, only for:
- 107 a. The Economic Development Transportation Trust Fund.
- 108 b. The Economic Development Trust Fund.
- 109 14. The Florida Public Service Commission, only for the
- 110 Florida Public Service Regulatory Trust Fund.
- 111 15. The Justice Administrative Commission.
- 112 16. The state courts system.

BILL ORIGINAL YEAR

113 Section 3. Section 20.24, Florida Statutes, is reenacted
 114 and amended to read:

115 20.24 Department of Highway Safety and Motor Vehicles.--
 116 There is created a Department of Highway Safety and Motor
 117 Vehicles.

118 (1) The head of the Department of Highway Safety and Motor
 119 Vehicles is the Governor and Cabinet.

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

123 (a) Division of the Florida Highway Patrol.

124 (b) Division of Driver Licenses.

125 (c) Division of Motor Vehicles.

126 ~~1. Bureau of Motor Vehicle Inspection.~~

127 Section 4. Paragraphs (m) through (x) of subsection (4) of
 128 section 215.20, Florida Statutes, are amended to read:

129 215.20 Certain income and certain trust funds to
 130 contribute to the General Revenue Fund.--

131 (4) The income of a revenue nature deposited in the
 132 following described trust funds, by whatever name designated, is
 133 that from which the appropriations authorized by subsection (3)
 134 shall be made:

135 ~~(m) Within the Department of Highway Safety and Motor~~
 136 ~~Vehicles, the DUI Programs Coordination Trust Fund.~~

137 (m) ~~(n)~~ Within the Department of Legal Affairs, the Crimes
 138 Compensation Trust Fund.

139 (n) ~~(o)~~ Within the Department of Management Services:

140 1. The Administrative Trust Fund.

BILL ORIGINAL YEAR

- 141 2. The Architects Incidental Trust Fund.
- 142 3. The Bureau of Aircraft Trust Fund.
- 143 4. The Florida Facilities Pool Working Capital Trust Fund.
- 144 5. The Grants and Donations Trust Fund.
- 145 6. The Police and Firefighters' Premium Tax Trust Fund.
- 146 7. The Public Employees Relations Commission Trust Fund.
- 147 8. The State Personnel System Trust Fund.
- 148 9. The Supervision Trust Fund.
- 149 10. The Working Capital Trust Fund.
- 150 (o)~~(p)~~ Within the Department of Revenue:
- 151 1. The Additional Court Cost Clearing Trust Fund.
- 152 2. The Administrative Trust Fund.
- 153 3. The Certification Program Trust Fund.
- 154 4. The Fuel Tax Collection Trust Fund.
- 155 5. The Local Alternative Fuel User Fee Clearing Trust
- 156 Fund.
- 157 6. The Local Option Fuel Tax Trust Fund.
- 158 7. The Motor Vehicle Rental Surcharge Clearing Trust Fund.
- 159 8. The Motor Vehicle Warranty Trust Fund.
- 160 9. The Oil and Gas Tax Trust Fund.
- 161 10. The Operations Trust Fund.
- 162 11. The Severance Tax Solid Mineral Trust Fund.
- 163 12. The State Alternative Fuel User Fee Clearing Trust
- 164 Fund.
- 165 13. All taxes levied on motor fuels other than gasoline
- 166 levied pursuant to the provisions of s. 206.87(1)(a).
- 167 (p)~~(q)~~ Within the Department of State:
- 168 1. The Records Management Trust Fund.

BILL ORIGINAL YEAR

169 2. The trust funds administered by the Division of
 170 Historical Resources.

171 (q)~~(r)~~ Within the Department of Transportation, all income
 172 derived from outdoor advertising and overweight violations which
 173 is deposited in the State Transportation Trust Fund.

174 (r)~~(s)~~ Within the Department of Veterans' Affairs:

- 175 1. The Grants and Donations Trust Fund.
- 176 2. The Operations and Maintenance Trust Fund.
- 177 3. The State Homes for Veterans Trust Fund.

178 (s)~~(t)~~ Within the Division of Administrative Hearings, the
 179 Administrative Trust Fund.

180 (t)~~(u)~~ Within the Fish and Wildlife Conservation
 181 Commission:

- 182 1. The Conservation and Recreation Lands Program Trust
 183 Fund.
- 184 2. The Florida Panther Research and Management Trust Fund.
- 185 3. The Land Acquisition Trust Fund.
- 186 4. The Marine Resources Conservation Trust Fund, with the
 187 exception of those fees collected for recreational saltwater
 188 fishing licenses as provided in s. 379.354.

189 (u)~~(v)~~ Within the Florida Public Service Commission, the
 190 Florida Public Service Regulatory Trust Fund.

191 (v)~~(w)~~ Within the Justice Administrative Commission, the
 192 Indigent Criminal Defense Trust Fund.

193 (w)~~(x)~~ Within the Office of Financial Regulation of the
 194 Financial Services Commission:

- 195 1. The Administrative Trust Fund.
- 196 2. The Anti-Fraud Trust Fund.

BILL ORIGINAL YEAR

197 3. The Financial Institutions' Regulatory Trust Fund.

198 4. The Regulatory Trust Fund.

199

200 The enumeration of the foregoing moneys or trust funds shall not
 201 prohibit the applicability of s. 215.24 should the Governor
 202 determine that for the reasons mentioned in s. 215.24 the money
 203 or trust funds should be exempt herefrom, as it is the purpose
 204 of this law to exempt income from its force and effect when, by
 205 the operation of this law, federal matching funds or
 206 contributions or private grants to any trust fund would be lost
 207 to the state.

208 Section 5. Section 319.40, Florida Statutes, is amended to
 209 read:

210 319.40 Transactions by electronic or telephonic means.--

211 (1) The department is authorized to accept any application
 212 provided for under this chapter by electronic or telephonic
 213 means.

214 (2) The department may issue an electronic certificate of
 215 title in lieu of printing a paper title.

216 (3) The department may collect and use e-mail addresses of
 217 motor vehicle owners and registrants as a notification method in
 218 lieu of the United States Postal Service.

219 Section 6. Section 320.95, Florida Statutes, is amended to
 220 read:

221 320.95 Transactions by electronic or telephonic means.--

222 (1) The department is authorized to accept any application
 223 provided for under this chapter by electronic or telephonic
 224 means.

BILL ORIGINAL YEAR

225 (2) The department may collect and use e-mail addresses of
 226 motor vehicle owners and registrants as a notification method in
 227 lieu of the United States Postal Service.

228 Section 7. Section 322.293, Florida Statutes, is amended
 229 to read:

230 322.293 DUI Programs ~~Coordination Trust Fund~~; assessment;
 231 disposition.--

232 (1) ~~The DUI Programs Coordination Trust Fund~~ shall be
 233 administered by the department, and the costs of administration
 234 shall be borne by the revenue collections provided in this
 235 section ~~the fund~~. All funds received by the department ~~DUI~~
 236 ~~Programs Coordination Trust Fund~~ shall be used solely for the
 237 purposes set forth in this chapter and for the general operation
 238 of the department ~~section and s. 322.292~~. However, if the
 239 Legislature passes legislation consolidating existing trust
 240 funds assigned to the department, all funds remaining in and
 241 deposited to the ~~DUI Programs Coordination Trust Fund~~ shall be
 242 transferred to the consolidated trust funds, subject to their
 243 being earmarked for use solely for the purposes set forth in
 244 this section and s. 322.292.

245 (2) Each DUI program shall assess \$12 against each person
 246 enrolling in a DUI program at the time of enrollment, including
 247 persons who transfer to or from a program in another state. In
 248 addition, second and third offenders and those offenders under
 249 permanent driver's-license revocation who are evaluated for
 250 ~~eligibility for~~ license restrictions under s. 322.271(2)
 251 ~~322.271(2)(b)~~ and (4) shall be assessed \$12 upon enrollment in
 252 the program and upon each subsequent anniversary date while they

BILL

ORIGINAL

YEAR

253 are in the program, for the duration of the license period.

254 (3) All assessments collected under this section shall be
 255 deposited in the Highway Safety Operating ~~forwarded to the DUI~~
 256 ~~Programs Coordination~~ Trust Fund within 30 days after the last
 257 day of the month in which the assessment was received.

258 Section 8. Section 328.30, Florida Statutes, is amended to
 259 read:

260 328.30 Transactions by electronic or telephonic means.--

261 (1) The department is authorized to accept any application
 262 provided for under this chapter by electronic or telephonic
 263 means.

264 (2) The department may issue an electronic certificate of
 265 title in lieu of printing a paper title.

266 (3) The department may collect and use e-mail addresses of
 267 vessel owners and registrants as a notification method in lieu
 268 of the United States Postal Service.

269 Section 9. Section 328.80, Florida Statutes, is amended to
 270 read:

271 328.80 Transactions by electronic or telephonic means.--

272 (1) The department ~~commission~~ is authorized to accept any
 273 application provided for under this chapter by electronic or
 274 telephonic means.

275 (2) The department may collect and use e-mail addresses of
 276 vessel owners and registrants as a notification method in lieu
 277 of the United States Postal Service.

278 Section 10. (1) Effective January 1, 2010, the Office of
 279 Motor Carrier Compliance of the Department of Transportation is
 280 hereby transferred by a type two transfer, as defined in s.

BILL

ORIGINAL

YEAR

281 20.06(2), Florida Statutes, to the Department of Highway Safety
 282 and Motor Vehicles. The transfer includes:

283 (a) All statutory powers, duties, functions, records,
 284 personnel, and property of the Office of Motor Carrier
 285 Compliance within the Department of Transportation.

286 (b) All unexpended balances of appropriations,
 287 allocations, law enforcement trust funds, trust funds, and other
 288 funds used to fund the operations of the Office of Motor Carrier
 289 Compliance within the Department of Transportation.

290 (c) All existing legal authorities and actions of the
 291 Office of Motor Carrier Compliance, including, but not limited
 292 to, all pending and completed action on orders and rules, all
 293 enforcement matters, and all delegations, interagency
 294 agreements, and contracts with federal, state, regional, and
 295 local governments and private entities.

296 (2) This section shall not affect the validity of any
 297 judicial or administrative action involving the Office of Motor
 298 Carrier Compliance within the Department of Transportation
 299 pending on January 1, 2010, and the Department of Highway Safety
 300 and Motor Vehicles shall be substituted as a party in interest
 301 in any such action.

302 (3) It is specifically the intent of the Legislature that
 303 the statutory responsibility for law enforcement and motor
 304 carrier compliance in the state now vested in the Office of
 305 Motor Carrier Compliance within the Department of Transportation
 306 shall become the responsibility of the Department of Highway
 307 Safety and Motor Vehicles.

308 Section 11. Conforming legislation.--The Legislature

BILL

ORIGINAL

YEAR

309 recognizes that there is a need to conform the Florida Statutes
 310 to the policy decisions reflected in this act and that there is
 311 a need to resolve apparent conflicts between this act and any
 312 other legislation enacted during 2009 relating to the Office of
 313 Motor Carrier Compliance, the Department of Transportation, and
 314 the Department of Highway Safety and Motor Vehicles. Therefore,
 315 in the interim between this act becoming a law and the 2010
 316 Regular Session of the Legislature or an earlier special session
 317 addressing this issue, the Division of Statutory Revision shall,
 318 upon request, provide the relevant substantive committees of the
 319 Senate and the House of Representatives with assistance to
 320 enable such committees to prepare draft legislation to conform
 321 the Florida Statutes and any legislation enacted during 2009 to
 322 the provisions of this act.

323 Section 12. Except as otherwise expressly provided in this
 324 act, this act shall take effect July 1, 2009.