

1 A bill to be entitled
2 An act relating to the Department of Highway Safety and
3 Motor Vehicles; amending s. 20.24, F.S.; reorganizing the
4 department into two divisions; removing provisions for the
5 Divisions of Driver Licenses and Motor Vehicles;
6 establishing the Division of Motorist Services; creating
7 s. 218.337, F.S.; providing for a tax collector to
8 establish branch offices to conduct state or county
9 business; providing for approval of the tax collector's
10 budget by the Department of Financial Services; amending
11 ss. 288.816, 311.121, 316.1957, 316.613, 318.15, 320.05,
12 320.275, 322.20, and 413.012, F.S., relating to issuance
13 of special license plates to officials of foreign
14 governments, seaport security officer qualifications and
15 training coordinating council, parking violations, child
16 restraint devices, failure to comply or to appear,
17 creation and maintenance of records, appointments to the
18 Automobile Dealers Industry Advisory Board, records of the
19 department, and disclosure of confidential records,
20 respectively; conforming provisions to the reorganization
21 of the department; specifying that creation and
22 maintenance of records by the Division of Motorist
23 Services pursuant to specified provisions shall not be
24 regarded as law enforcement functions of agency
25 recordkeeping; amending s. 322.02, F.S.; providing for the
26 department to employ a director to serve as the executive
27 officer of the Division of Motorist Services for
28 administration of specified provisions relating to

29 driver's licenses; amending s. 322.135, F.S.; revising
 30 provisions for the department to authorize tax collectors
 31 to act as agents for the provision of driver's license
 32 services; providing for certain tax collectors to assume
 33 all driver's license issuance services; authorizing the
 34 department to adopt rules to exempt certain counties from
 35 providing such services; providing for a county tax
 36 collector to provide driver's license services for another
 37 county under an interlocal agreement; amending s. 322.202,
 38 F.S.; providing legislative findings relating to arrests
 39 based on information obtained from the Division of
 40 Motorist Services; amending s. 322.21, F.S.; revising
 41 distribution of certain fees collected for issuance of
 42 replacement driver's licenses and identification cards;
 43 revising certain duties to conform to the reorganization
 44 of the department; providing an effective date.

45
 46 Be It Enacted by the Legislature of the State of Florida:

47
 48 Section 1. Section 20.24, Florida Statutes, is amended to
 49 read:

50 20.24 Department of Highway Safety and Motor Vehicles.—
 51 There is created a Department of Highway Safety and Motor
 52 Vehicles.

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

55 (2) The following divisions, ~~and bureaus within the~~
 56 ~~divisions,~~ of the Department of Highway Safety and Motor

57 Vehicles are established:

58 (a) Division of the Florida Highway Patrol.

59 (b) Division of Motorist Services.

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

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

62 Section 2. Section 218.337, Florida Statutes, is created
63 to read:

64 218.337 Tax collectors; branch offices.—A tax collector
65 may establish one or more branch offices by acquiring title to
66 real property or by lease agreement. The tax collector may staff
67 and equip such branch offices to conduct state business only
68 upon execution of an interagency agreement or, if authorized to
69 do so by resolution of the county governing body, conduct
70 business pursuant to s. (1)(k), Art. VIII of the State
71 Constitution. The department shall rely on the tax collector's
72 determination that a branch office is necessary and shall base
73 its approval of the tax collector's budget in accordance with
74 the procedures of s. 195.087(2).

75 Section 3. Paragraph (e) of subsection (2) of section
76 288.816, Florida Statutes, is amended to read:

77 288.816 Intergovernmental relations.—

78 (2) The Office of Tourism, Trade, and Economic Development
79 shall be responsible for all consular relations between the
80 state and all foreign governments doing business in Florida. The
81 office shall monitor United States laws and directives to ensure
82 that all federal treaties regarding foreign privileges and
83 immunities are properly observed. The office shall promulgate
84 rules which shall:

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

91 Section 4. Paragraph (a) of subsection (3) of section
 92 311.121, Florida Statutes, is amended to read:

93 311.121 Qualifications, training, and certification of
 94 licensed security officers at Florida seaports.—

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

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

- 100 1. The seaport administrator of the Department of Law
 101 Enforcement.
- 102 2. The Commissioner of Education or his or her designee.
- 103 3. The director of the Division of Licensing of the
 104 Department of Agriculture and Consumer Services.
- 105 4. The administrator of the Florida Seaport Transportation
 106 and Economic Development Council.
- 107 5. Two seaport security directors from seaports designated
 108 under s. 311.09.
- 109 6. One director of a state law enforcement academy.
- 110 7. One representative of a local law enforcement agency.
- 111 8. Two representatives of contract security services.
- 112 9. One representative of the ~~Division of Driver Licenses~~

113 ~~of the~~ Department of Highway Safety and Motor Vehicles.

114 Section 5. Section 316.1957, Florida Statutes, is amended
115 to read:

116 316.1957 Parking violations; designated parking spaces for
117 persons who have disabilities.—When evidence is presented in any
118 court of the fact that any motor vehicle was parked in a
119 properly designated parking space for persons who have
120 disabilities in violation of s. 316.1955, it is prima facie
121 evidence that the vehicle was parked and left in the space by
122 the person, firm, or corporation in whose name the vehicle is
123 registered and licensed according to the records of the
124 department ~~Division of Motor Vehicles~~.

125 Section 6. Paragraph (b) of subsection (1) of section
126 316.613, Florida Statutes, is amended to read:

127 316.613 Child restraint requirements.—

128 (1)

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

133 Section 7. Paragraph (a) of subsection (1) of section
134 318.15, Florida Statutes, is amended to read:

135 318.15 Failure to comply with civil penalty or to appear;
136 penalty.—

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

141 with ss. 318.14 and 28.246, fails to attend driver improvement
 142 school, or fails to appear at a scheduled hearing, the clerk of
 143 the court shall notify the ~~Division of Driver Licenses of the~~
 144 Department of Highway Safety and Motor Vehicles of such failure
 145 within 10 days after such failure. Upon receipt of such notice,
 146 the department shall immediately issue an order suspending the
 147 driver's license and privilege to drive of such person effective
 148 20 days after the date the order of suspension is mailed in
 149 accordance with s. 322.251(1), (2), and (6). Any such suspension
 150 of the driving privilege which has not been reinstated,
 151 including a similar suspension imposed outside Florida, shall
 152 remain on the records of the department for a period of 7 years
 153 from the date imposed and shall be removed from the records
 154 after the expiration of 7 years from the date it is imposed.

155 Section 8. Paragraph (b) of subsection (3) and subsection
 156 (5) of section 320.05, Florida Statutes, are amended to read:

157 320.05 Records of the department; inspection procedure;
 158 lists and searches; fees.—

159 (3)

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

162 1. For providing lists of motor vehicle or vessel records
 163 for the entire state, or any part or parts thereof, divided
 164 according to counties, a sum computed at a rate of not less than
 165 1 cent nor more than 5 cents per item.

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

168 3. For providing noncertified photographic copies of

169 micrographic records, \$1 per page.

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

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

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

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

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

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

186 10. For providing lists of licensed motor vehicle dealers,
187 \$25 per list.

188 11. For each copy of a videotape record, \$15 per tape.

189 12. For each copy of the Division of Motorist Services
190 ~~Motor Vehicles~~ Procedures Manual, \$25.

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

195 Section 9. Paragraphs (a) and (b) of subsection (2) of
196 section 320.275, Florida Statutes, are amended to read:

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197 | 320.275 Automobile Dealers Industry Advisory Board.—
 198 | (2) MEMBERSHIP, TERMS, MEETINGS.—
 199 | (a) The board shall be composed of 12 members. The
 200 | executive director of the Department of Highway Safety and Motor
 201 | Vehicles shall appoint the members from names submitted by the
 202 | entities for the designated categories the member will
 203 | represent. The executive director shall appoint one
 204 | representative of the Department of Highway Safety and Motor
 205 | Vehicles, ~~who must represent the Division of Motor Vehicles;~~ two
 206 | representatives of the independent motor vehicle industry as
 207 | recommended by the Florida Independent Automobile Dealers
 208 | Association; two representatives of the franchise motor vehicle
 209 | industry as recommended by the Florida Automobile Dealers
 210 | Association; one representative of the auction motor vehicle
 211 | industry who is from an auction chain and is recommended by a
 212 | group affiliated with the National Auto Auction Association; one
 213 | representative of the auction motor vehicle industry who is from
 214 | an independent auction and is recommended by a group affiliated
 215 | with the National Auto Auction Association; one representative
 216 | from the Department of Revenue; a Florida tax collector
 217 | representative recommended by the Florida Tax Collectors
 218 | Association; one representative from the Better Business Bureau;
 219 | one representative from the Department of Agriculture and
 220 | Consumer Services, who must represent the Division of Consumer
 221 | Services; and one representative of the insurance industry who
 222 | writes motor vehicle dealer surety bonds.
 223 | (b)1. The executive director shall appoint the following
 224 | initial members to 1-year terms: one representative from the

225 | motor vehicle auction industry who represents an auction chain,
 226 | one representative from the independent motor vehicle industry,
 227 | one representative from the franchise motor vehicle industry,
 228 | one representative from the Department of Revenue, one Florida
 229 | tax collector, and one representative from the Better Business
 230 | Bureau.

231 | 2. The executive director shall appoint the following
 232 | initial members to 2-year terms: one representative from the
 233 | motor vehicle auction industry who represents an independent
 234 | auction, one representative from the independent motor vehicle
 235 | industry, one representative from the franchise motor vehicle
 236 | industry, one representative from the Division of Consumer
 237 | Services, one representative from the insurance industry, and
 238 | one representative from the department ~~Division of Motor~~
 239 | ~~Vehicles~~.

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

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

246 | Section 10. Subsection (3) of section 322.02, Florida
 247 | Statutes, is amended to read:

248 | 322.02 Legislative intent; administration.—

249 | (3) The department shall employ a director, who is charged
 250 | with the duty of serving as the executive officer of the
 251 | Division of Motorist Services ~~Driver Licenses~~ of the department
 252 | insofar as the administration of this chapter is concerned. He

253 or she shall be subject to the supervision and direction of the
 254 department, and his or her official actions and decisions as
 255 executive officer shall be conclusive unless the same are
 256 superseded or reversed by the department or by a court of
 257 competent jurisdiction.

258 Section 11. Subsections (1) and (5) of section 322.135,
 259 Florida Statutes, are amended, and subsection (7) is added to
 260 that section, to read:

261 322.135 Driver's license agents.—

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

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

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

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

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

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

283 3. For a voter registration transaction.

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

285 (5) All driver's license issuance services shall be
286 assumed by the tax collectors who are constitutional officers
287 under s. 1(d), Art. VIII of the State Constitution no later than
288 December 31, 2013. ~~The department, in conjunction with the~~
289 ~~Florida Tax Collectors Association and the Florida Association~~
290 ~~of Counties, shall develop a plan to transition all driver's~~
291 ~~license issuance services to the county tax collectors who are~~
292 ~~constitutional officers under s. 1(d), Art. VIII of the State~~
293 ~~Constitution. The transition plan must be submitted to the~~
294 ~~President of the Senate and the Speaker of the House of~~
295 ~~Representatives on or before February 1, 2011. The transition~~
296 ~~plan must include a timeline to complete the full transition of~~
297 ~~all driver's license issuance services no later than June 30,~~
298 ~~2015, and may include, but is not limited to, recommendations on~~
299 ~~the use of regional service centers, interlocal agreements, and~~
300 ~~equipment.~~

301 (7) The department may adopt rules to create exceptions
302 for counties that cannot provide full driver's license services
303 due to their small population. In addition, counties may enter
304 into interlocal agreements providing for a county tax collector
305 to provide driver's license services for another county.

306 Section 12. Subsections (9), (10), (13), (14), and (16) of
307 section 322.20, Florida Statutes, are amended to read:

308 322.20 Records of the department; fees; destruction of

309 records.—

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

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

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

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

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

355 Section 13. Section 322.202, Florida Statutes, is amended
 356 to read:

357 322.202 Admission of evidence obtained from the Division
 358 of Motorist Services ~~Driver Licenses and the Division of Motor~~
 359 ~~Vehicles.~~

360 (1) The Legislature finds that the Division of Motorist
 361 Services ~~Driver Licenses and the Division of Motor Vehicles~~ of
 362 the Department of Highway Safety and Motor Vehicles is ~~are~~ not a
 363 law enforcement agency ~~agencies~~. The Legislature also finds that
 364 the division is not an adjunct ~~divisions are not adjuncts~~ of any

365 law enforcement agency in that employees have no stake in
 366 particular prosecutions. The Legislature further finds that
 367 errors in records maintained by the division ~~divisions~~ are not
 368 within the collective knowledge of any law enforcement agency.
 369 The Legislature also finds that the missions of the division of ~~of~~
 370 ~~Driver Licenses, the Division of Motor Vehieles,~~ and the
 371 department ~~of Highway Safety and Motor Vehieles~~ provide a
 372 sufficient incentive to maintain records in a current and
 373 correct fashion.

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

377 (3) The Legislature finds that the application of the
 378 exclusionary rule to cases where a law enforcement officer
 379 effects an arrest based on objectively reasonable reliance on
 380 information obtained from the division ~~divisions~~ is repugnant to
 381 the purposes of the exclusionary rule and contrary to the
 382 decisions of the United States Supreme Court in Arizona v.
 383 Evans, 514 U.S. 1 (1995) and United States v. Leon, 468 U.S. 897
 384 (1984).

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

392 Section 14. Paragraphs (e) and (f) of subsection (1) and
 393 subsection (2) of section 322.21, Florida Statutes, are amended
 394 to read:

395 322.21 License fees; procedure for handling and collecting
 396 fees.—

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

398 (e) A replacement driver's license issued pursuant to s.
 399 322.17 is \$25. Of this amount \$7 shall be deposited into the
 400 Highway Safety Operating Trust Fund if issued by the department
 401 or retained by the tax collector if issued by the tax collector
 402 and \$18 shall be deposited into the General Revenue Fund.

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

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

409 2. For a renewal identification card issued pursuant to s.
 410 322.051 the fee is \$25. Of this amount, \$6 shall be deposited
 411 into the Highway Safety Operating Trust Fund and \$19 shall be
 412 deposited into the General Revenue Fund.

413 3. For a replacement identification card issued pursuant
 414 to s. 322.051 the fee is \$25. Of this amount, \$9 shall be
 415 deposited into the Highway Safety Operating Trust Fund if issued
 416 by the department or retained by the tax collector if issued by
 417 the tax collector and \$16 shall be deposited into the General
 418 Revenue Fund.

419 (2) It is the duty of the Division of Motorist Services to

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420 provide ~~Director of the Division of Driver Licenses to set up a~~
 421 ~~division in the department with~~ the necessary personnel to
 422 perform the ~~necessary~~ clerical and routine work for the
 423 department in issuing and recording applications, licenses, and
 424 certificates of eligibility, including the receiving and
 425 accounting of all license funds and their payment into the State
 426 Treasury, and other incidental clerical work connected with the
 427 administration of this chapter. The department may use such
 428 electronic, mechanical, or other devices as necessary to
 429 accomplish the purposes of this chapter.

430 Section 15. Subsection (2) of section 413.012, Florida
 431 Statutes, is amended to read:

432 413.012 Confidential records disclosure prohibited;
 433 exemptions.—

434 (2) It is unlawful for any person to disclose, authorize
 435 the disclosure, solicit, receive, or make use of any list of
 436 names and addresses or any record containing any information set
 437 forth in subsection (1) and maintained in the division. The
 438 prohibition provided for in this subsection shall not apply to
 439 the use of such information for purposes directly connected with
 440 the administration of the vocational rehabilitation program or
 441 with the monthly dispatch to the ~~Division of Driver Licenses of~~
 442 ~~the~~ Department of Highway Safety and Motor Vehicles of the name
 443 in full, place and date of birth, sex, social security number,
 444 and resident address of individuals with central visual acuity
 445 20/200 or less in the better eye with correcting glasses, or a
 446 disqualifying field defect in which the peripheral field has
 447 contracted to such an extent that the widest diameter or visual

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448 | field subtends an angular distance no greater than 20 degrees.
449 | When requested in writing by an applicant or client, or her or
450 | his representative, the Division of Blind Services shall release
451 | confidential information to the applicant or client or her or
452 | his representative.

453 | Section 16. This act shall take effect July 1, 2011.