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HB 5501, Engrossed 1

2010 Legislature

1 A bill to be entitled
2 An act relating to the Department of Highway Safety and
3 Motor Vehicles; amending s. 316.008, F.S.; authorizing a
4 county or municipality to use traffic infraction detectors
5 to enforce specified provisions when a driver fails to
6 stop at a traffic control device; providing that a county
7 or municipality may install such detectors or authorize
8 installation of such detectors by contract or interlocal
9 agreement; restricting such installation and use by a
10 county to unincorporated areas of the county and
11 installation and use by a municipality to the incorporated
12 area of the municipality; providing for such installation
13 and use on state roads under the jurisdiction of the
14 Department of Transportation; providing for contingent
15 effect; amending s. 316.066, F.S.; revising provisions for
16 motor vehicle crash reports; providing for short-form
17 crash reports to be completed under certain circumstances
18 and maintained by the local law enforcement agency;
19 authorizing law enforcement agencies to request
20 supplemental reports from drivers and written reports from
21 witnesses under certain circumstances; amending s. 322.02,
22 F.S.; revising legislative intent relating to delivery of
23 driver's license services by tax collectors; providing
24 that it is the intent of the Legislature to transition all
25 driver license issuance services from the Department of
26 Highway Safety and Motor Vehicles to tax collectors;
27 conforming a cross-reference; amending s. 322.135, F.S.;
28 requiring the department to authorize any or all of the

ENROLLED

HB 5501, Engrossed 1

2010 Legislature

29 tax collectors in the several counties of the state to
30 serve as its agent for the provision of specified driver's
31 license services; removing an exemption from a fee charged
32 by such agents; directing the department, in conjunction
33 with the Florida Tax Collectors Association and the
34 Florida Association of Counties, to develop a plan to
35 transition all driver's license issuance services to
36 county tax collectors; requiring the plan to be submitted
37 to the Legislature; removing procedures for approval of
38 tax collectors as agents upon application by the tax
39 collector; amending s. 322.20, F.S.; providing for county
40 clerks of court and tax collectors to provide 3-year, 7-
41 year, or complete driver records to any person upon
42 collection of specified fees; requiring certain fees
43 collected to be remitted to the department within a
44 certain time period; amending ss. 322.2615, 324.051,
45 921.0022, F.S.; conforming cross-references; providing an
46 effective date.

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

49
50 Section 1. If House Bill 325 or Senate Bill 2166, 2010
51 Regular Session, is adopted in the same legislative session or
52 an extension thereof and becomes law, subsection (7) is added to
53 section 316.008, Florida Statutes, to read:

54 316.008 Powers of local authorities.—

55 (7) (a) A county or municipality may use traffic infraction
56 detectors to enforce s. 316.074(1) or s. 316.075(1)(c)1. when a

ENROLLED
 HB 5501, Engrossed 1

2010 Legislature

57 driver fails to stop at a traffic signal on streets and highways
 58 under its jurisdiction under s. 316.0083. Only a municipality
 59 may install or authorize the installation of any such detectors
 60 within the incorporated area of the municipality. Only a county
 61 may install or authorize the installation of any such detectors
 62 within the unincorporated area of the county.

63 (b) Pursuant to paragraph (a), a municipality may install
 64 or, by contract or interlocal agreement, authorize the
 65 installation of any such detectors only within the incorporated
 66 area of the municipality, and a county may install or, by
 67 contract or interlocal agreement, authorize the installation of
 68 any such detectors only within the unincorporated area of the
 69 county. A county may authorize installation of any such
 70 detectors by interlocal agreement on roads under its
 71 jurisdiction.

72 (c) Pursuant to s. 316.0083, a county or municipality may
 73 use traffic infraction detectors to enforce a s. 316.074(1) or
 74 s. 316.075(1)(c)1. when a driver fails to stop at a traffic
 75 signal on state roads under the original jurisdiction of the
 76 Department of Transportation when permitted by the Department of
 77 Transportation.

78 Section 2. Section 316.066, Florida Statutes, is amended
 79 to read:

80 316.066 Written reports of crashes.—

81 ~~(1) The driver of a vehicle which is in any manner~~
 82 ~~involved in a crash resulting in bodily injury to or death of~~
 83 ~~any person or damage to any vehicle or other property in an~~
 84 ~~apparent amount of at least \$500 shall, within 10 days after the~~

ENROLLED

HB 5501, Engrossed 1

2010 Legislature

85 ~~crash, forward a written report of such crash to the department~~
 86 ~~or traffic records center. However, when the investigating~~
 87 ~~officer has made a written report of the crash pursuant to~~
 88 ~~subsection (3), no written report need be forwarded to the~~
 89 ~~department or traffic records center by the driver.~~

90 ~~(2) The receiving entity may require any driver of a~~
 91 ~~vehicle involved in a crash of which a written report must be~~
 92 ~~made as provided in this section to file supplemental written~~
 93 ~~reports whenever the original report is insufficient in the~~
 94 ~~opinion of the department and may require witnesses of crashes~~
 95 ~~to render reports to the department.~~

96 ~~(1)(3)~~(a) A Florida Traffic Crash Report, Long Form is
 97 required to be completed and submitted to the department within
 98 10 days after completing an investigation by every law
 99 enforcement officer who in the regular course of duty
 100 investigates a motor vehicle crash:

101 1. That ~~which~~ crash resulted in death or personal injury
 102 ~~shall, within 10 days after completing the investigation,~~
 103 ~~forward a written report of the crash to the department or~~
 104 ~~traffic records center.~~

105 2. That ~~which~~ crash involved a violation of s. 316.061(1)
 106 or s. 316.193 ~~shall, within 10 days after completing the~~
 107 ~~investigation, forward a written report of the crash to the~~
 108 ~~department or traffic records center.~~

109 3. In which ~~crash~~ a vehicle was rendered inoperative to a
 110 degree that ~~which~~ required a wrecker to remove it from traffic
 111 ~~may, within 10 days after completing the investigation, forward~~
 112 ~~a written report of the crash to the department or traffic~~

ENROLLED
 HB 5501, Engrossed 1

2010 Legislature

113 ~~records center~~ if such action is appropriate, in the officer's
 114 discretion.

115 (b) In every crash for ~~case in~~ which a Florida Traffic
 116 Crash Report, Long Form is not required by this section ~~and a~~
 117 ~~written report to a law enforcement officer is not prepared,~~ the
 118 law enforcement officer may complete a short-form crash report
 119 or provide a short-form crash report to be completed by ~~shall~~
 120 ~~provide~~ each party involved in the crash ~~a short-form report,~~
 121 ~~prescribed by the state, to be completed by the party.~~ The
 122 short-form report must include:

- 123 1. The date, time, and location of the crash.†
- 124 2. A description of the vehicles involved.†
- 125 3. The names and addresses of the parties involved.†
- 126 4. The names and addresses of witnesses.†
- 127 5. The name, badge number, and law enforcement agency of
 128 the officer investigating the crash.† ~~and~~
- 129 6. The names of the insurance companies for the respective
 130 parties involved in the crash.

131 (c) Each party to the crash shall provide the law
 132 enforcement officer with proof of insurance to be included in
 133 the crash report. If a law enforcement officer submits a report
 134 on the accident, proof of insurance must be provided to the
 135 officer by each party involved in the crash. Any party who fails
 136 to provide the required information commits a noncriminal
 137 traffic is guilty of an infraction, punishable as for a
 138 nonmoving violation, ~~punishable~~ as provided in chapter 318,
 139 unless the officer determines that due to injuries or other
 140 special circumstances such insurance information cannot be

ENROLLED
 HB 5501, Engrossed 1

2010 Legislature

141 provided immediately. If the person provides the law enforcement
 142 agency, within 24 hours after the crash, proof of insurance that
 143 was valid at the time of the crash, the law enforcement agency
 144 may void the citation.

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

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

158 ~~(2)-(4)~~ (a) One or more counties may enter into an agreement
 159 with the appropriate state agency to be certified by the agency
 160 to have a traffic records center for the purpose of tabulating
 161 and analyzing countywide traffic crash reports. The agreement
 162 must include: certification by the agency that the center has
 163 adequate auditing and monitoring mechanisms in place to ensure
 164 the quality and accuracy of the data; the time period in which
 165 the traffic records center must report crash data to the agency;
 166 and the medium in which the traffic records must be submitted to
 167 the agency.

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

ENROLLED
 HB 5501, Engrossed 1

2010 Legislature

169 certified central traffic records center, a law enforcement
 170 agency or driver must submit to the center within the time limit
 171 prescribed in this section a written report of the crash. A
 172 driver who is required to file a crash report must be notified
 173 of the proper place to submit the completed report.

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

- 177
- 178 For a crash report \$10 per copy.
- 179 For a homicide report \$25 per copy.
- 180 For a uniform traffic citation \$0.50 per copy.
- 181

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

186 (3)~~(5)~~ (a) Crash reports that reveal the identity, home or
 187 employment telephone number or home or employment address of, or
 188 other personal information concerning the parties involved in
 189 the crash and that are held by any agency that regularly
 190 receives or prepares information from or concerning the parties
 191 to motor vehicle crashes are confidential and exempt from s.
 192 119.07(1) and s. 24(a), Art. I of the State Constitution for a
 193 period of 60 days after the date the report is filed.

194 (b) Crash reports held by an agency under paragraph (a)
 195 may be made immediately available to the parties involved in the
 196 crash, their legal representatives, their licensed insurance

ENROLLED

HB 5501, Engrossed 1

2010 Legislature

197 agents, their insurers or insurers to which they have applied
198 for coverage, persons under contract with such insurers to
199 provide claims or underwriting information, prosecutorial
200 authorities, victim services programs, radio and television
201 stations licensed by the Federal Communications Commission,
202 newspapers qualified to publish legal notices under ss. 50.011
203 and 50.031, and free newspapers of general circulation,
204 published once a week or more often, available and of interest
205 to the public generally for the dissemination of news. For the
206 purposes of this section, the following products or publications
207 are not newspapers as referred to in this section: those
208 intended primarily for members of a particular profession or
209 occupational group; those with the primary purpose of
210 distributing advertising; and those with the primary purpose of
211 publishing names and other personal identifying information
212 concerning parties to motor vehicle crashes.

213 (c) Any local, state, or federal agency that is authorized
214 to have access to crash reports by any provision of law shall be
215 granted such access in the furtherance of the agency's statutory
216 duties.

217 (d) As a condition precedent to accessing a crash report
218 within 60 days after the date the report is filed, a person must
219 present a valid driver's license or other photographic
220 identification, proof of status, or identification that
221 demonstrates his or her qualifications to access that
222 information, and file a written sworn statement with the state
223 or local agency in possession of the information stating that
224 information from a crash report made confidential and exempt by

ENROLLED

HB 5501, Engrossed 1

2010 Legislature

225 | this section will not be used for any commercial solicitation of
226 | accident victims, or knowingly disclosed to any third party for
227 | the purpose of such solicitation, during the period of time that
228 | the information remains confidential and exempt. In lieu of
229 | requiring the written sworn statement, an agency may provide
230 | crash reports by electronic means to third-party vendors under
231 | contract with one or more insurers, but only when such contract
232 | states that information from a crash report made confidential
233 | and exempt by this section will not be used for any commercial
234 | solicitation of accident victims by the vendors, or knowingly
235 | disclosed by the vendors to any third party for the purpose of
236 | such solicitation, during the period of time that the
237 | information remains confidential and exempt, and only when a
238 | copy of such contract is furnished to the agency as proof of the
239 | vendor's claimed status.

240 | (e) This subsection does not prevent the dissemination or
241 | publication of news to the general public by any legitimate
242 | media entitled to access confidential and exempt information
243 | pursuant to this section.

244 | (4)~~(6)~~(a) Any driver failing to file the written report
245 | required under subsection (1) or subsection (2) commits a
246 | noncriminal traffic infraction, punishable as a nonmoving
247 | violation as provided in chapter 318.

248 | (b) Any employee of a state or local agency in possession
249 | of information made confidential and exempt by this section who
250 | knowingly discloses such confidential and exempt information to
251 | a person not entitled to access such information under this
252 | section is guilty of a felony of the third degree, punishable as

ENROLLED

HB 5501, Engrossed 1

2010 Legislature

253 provided in s. 775.082, s. 775.083, or s. 775.084.

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

259 (d) Any person who knowingly uses confidential and exempt
 260 information in violation of a filed written sworn statement or
 261 contractual agreement required by this section commits a felony
 262 of the third degree, punishable as provided in s. 775.082, s.
 263 775.083, or s. 775.084.

264 (5) ~~(7)~~ Except as specified in this subsection, each crash
 265 report made by a person involved in a crash and any statement
 266 made by such person to a law enforcement officer for the purpose
 267 of completing a crash report required by this section shall be
 268 without prejudice to the individual so reporting. No such report
 269 or statement shall be used as evidence in any trial, civil or
 270 criminal. However, subject to the applicable rules of evidence,
 271 a law enforcement officer at a criminal trial may testify as to
 272 any statement made to the officer by the person involved in the
 273 crash if that person's privilege against self-incrimination is
 274 not violated. The results of breath, urine, and blood tests
 275 administered as provided in s. 316.1932 or s. 316.1933 are not
 276 confidential and shall be admissible into evidence in accordance
 277 with the provisions of s. 316.1934(2). Crash reports made by
 278 persons involved in crashes shall not be used for commercial
 279 solicitation purposes; however, the use of a crash report for
 280 purposes of publication in a newspaper or other news periodical

ENROLLED

HB 5501, Engrossed 1

2010 Legislature

281 or a radio or television broadcast shall not be construed as
 282 "commercial purpose."

283 ~~(6)-(8)~~ A law enforcement officer, as defined in s.
 284 943.10(1), may enforce this section.

285 Section 3. Subsections (1) and (5) of section 322.02,
 286 Florida Statutes, are amended to read:

287 322.02 Legislative intent; administration.—

288 (1) The Legislature finds that over the past several years
 289 the department and individual county tax collectors have entered
 290 into contracts for the delivery of full and limited driver
 291 license services where such contractual relationships best
 292 served the public interest through state administration and
 293 enforcement and local government implementation. It is the
 294 intent of the Legislature that the complete transition of all
 295 driver license issuance services to tax collectors who are
 296 constitutional officers under s. 1(d), Art. VIII of the State
 297 Constitution be completed no later than June 30, 2015. The
 298 transition of services to appointed charter county tax
 299 collectors may occur on a limited basis as directed by the
 300 department ~~future interests and processes for developing and~~
 301 ~~expanding the department's relationship with tax collectors~~
 302 ~~through contractual relationships for the delivery of driver~~
 303 ~~license services be achieved through the provisions of this~~
 304 ~~chapter, thereby serving best the public interest considering~~
 305 ~~accountability, cost-effectiveness, efficiency, responsiveness,~~
 306 ~~and high-quality service to the drivers in Florida.~~

307 (5) The tax collector in and for his or her county may be
 308 designated the exclusive agent of the department to implement

ENROLLED
 HB 5501, Engrossed 1

2010 Legislature

309 and administer the provisions of this chapter as provided by s.
 310 322.135~~(5)~~.

311 Section 4. Section 322.135, Florida Statutes, is amended
 312 to read:

313 322.135 Driver's license agents.—

314 (1) The department shall ~~may~~, upon application, authorize
 315 any or all of the tax collectors in the several counties of the
 316 state, subject to the requirements of law, in accordance with
 317 rules of the department, to serve as its agent for the provision
 318 of specified driver's license services.

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

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

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

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

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

333 3. For a voter registration transaction.

334 ~~4. For changes in an organ donation registration.~~

335 ~~4.5.~~ In violation of any federal or state law.

336 (2) Each tax collector is required to give a good and

ENROLLED

HB 5501, Engrossed 1

2010 Legislature

337 sufficient surety bond, payable to the department, conditioned
338 upon his or her faithfully and truly performing the duties
339 imposed upon him or her according to the requirements of law and
340 the rules of the department and upon his or her accounting for
341 all materials, records, and other property and money that come
342 into his or her possession or control by reason of performing
343 these duties.

344 (a) The amount of the bond must be determined by the
345 department as an amount not less than 10 percent above the
346 average of the daily deposits of each tax collector.

347 (b) If a tax collector is also an agent of the department
348 for purposes of s. 320.03, the amount of the bond must be at
349 least 10 percent above the average of the total daily deposits
350 of all funds received by the tax collector on behalf of the
351 department.

352 (c) Notwithstanding the provisions of s. 320.03, only one
353 bond is required in order for a tax collector to serve as an
354 agent of the department under chapters 320 and 322.

355 (3) Each tax collector shall keep a full and complete
356 record of all materials, records, and other properties received
357 by him or her from the department, or from any other source, and
358 shall make prompt remittance of moneys collected by him or her
359 at such times and in such manner as prescribed by law, in
360 accordance with departmental rules.

361 (4) A tax collector may not issue or renew a driver's
362 license if he or she has any reason to believe that the licensee
363 or prospective licensee is physically or mentally unqualified to
364 operate a motor vehicle. The tax collector may direct any such

ENROLLED

HB 5501, Engrossed 1

2010 Legislature

365 licensee to the department for examination or reexamination
366 under s. 322.221.

367 (5) The department, in conjunction with the Florida Tax
368 Collectors Association and the Florida Association of Counties,
369 shall develop a plan to transition all driver's license issuance
370 services to the county tax collectors who are constitutional
371 officers under s. 1(d), Art. VIII of the State Constitution. The
372 transition plan must be submitted to the President of the Senate
373 and the Speaker of the House of Representatives on or before
374 February 1, 2011. The transition plan must include a timeline to
375 complete the full transition of all driver's license issuance
376 services no later than June 30, 2015, and may include, but is
377 not limited to, recommendations on the use of regional service
378 centers, interlocal agreements, and equipment. The county tax
379 collector at his or her option may apply to the department for
380 approval by the executive director to be the exclusive agent of
381 the department for his or her county to administer driver
382 license services as provided and authorized in this chapter.

383 ~~(a) The application by the county tax collector shall be~~
384 ~~in writing to the executive director of the department. The~~
385 ~~application must be submitted by September 1 to be effective for~~
386 ~~the state's subsequent fiscal year beginning July 1.~~

387 ~~(b) The department shall provide a form for such~~
388 ~~application, which shall include the following information:~~

389 ~~1. Locations within the county where offices and branch~~
390 ~~offices for driver license services are proposed.~~

391 ~~2. The designation by the tax collector of the driver~~
392 ~~license functions to be performed by the tax collector in the~~

ENROLLED
 HB 5501, Engrossed 1

2010 Legislature

393 county.

394 ~~3. Any anticipated capital acquisition or construction~~
 395 ~~costs.~~

396 ~~4. A projection of equipment available or to be provided~~
 397 ~~by the department.~~

398 ~~5. All anticipated operating costs, including facilities,~~
 399 ~~equipment, and personnel to administer driver license services.~~

400 ~~(c) The department shall review applications on or before~~
 401 ~~September 1 of each year. The department shall compare the costs~~
 402 ~~included in the information submitted in the application with~~
 403 ~~the related costs incurred by the department to accomplish the~~
 404 ~~same level of services. The department shall approve or deny an~~
 405 ~~application within 60 calendar days after the application is~~
 406 ~~received unless the department and the applicant agree mutually~~
 407 ~~to a specific alternative date.~~

408 ~~(d) The department may provide technical assistance to an~~
 409 ~~applicant upon request.~~

410 ~~(6) Administration of driver license services by a county~~
 411 ~~tax collector as the exclusive agent of the department must be~~
 412 ~~revenue neutral with no adverse state fiscal impact and with no~~
 413 ~~adverse unfunded mandate to the tax collector.~~

414 ~~(7) Upon approval by the department for a tax collector to~~
 415 ~~provide exclusive driver license services in a county, the~~
 416 ~~department and the applicable tax collector shall develop a~~
 417 ~~transition plan for the orderly transfer of service~~
 418 ~~responsibilities to the tax collector. This plan shall include,~~
 419 ~~but is not limited to:~~

420 ~~(a) The specifics of any possible use of any state-owned~~

ENROLLED
 HB 5501, Engrossed 1

2010 Legislature

421 ~~or leased facilities giving consideration to lease expiration~~
 422 ~~date, cancellation provisions, and possibilities for sublease of~~
 423 ~~such facilities.~~

424 ~~(b) Consideration of staffing needs of the tax collector,~~
 425 ~~either the assumption by the collector or departmental~~
 426 ~~relocation of employees adversely affected.~~

427 ~~(c) The execution of a standard agreement between the~~
 428 ~~department and the tax collector for providing driver license~~
 429 ~~services.~~

430 ~~(8) The county tax collector, as the exclusive agent of~~
 431 ~~the Department of Highway Safety and Motor Vehicles, shall be~~
 432 ~~paid fees for driver license services.~~

433 (6)-(9) Notwithstanding chapter 116, each county officer
 434 within this state who is authorized to collect funds provided
 435 for in this chapter shall pay all sums officially received by
 436 the officer into the State Treasury no later than 5 working days
 437 after the close of the business day in which the officer
 438 received the funds. Payment by county officers to the state
 439 shall be made by means of electronic funds transfers.

440 Section 5. Subsection (11) of section 322.20, Florida
 441 Statutes, is amended to read:

442 322.20 Records of the department; fees; destruction of
 443 records.—

444 (11) (a) The department may charge the following fees for
 445 the following services and documents:

446 1. For providing a transcript of any one individual's
 447 driver history record or any portion thereof for the past 3
 448 years ~~or for searching for such record when no record is found~~

ENROLLED

HB 5501, Engrossed 1

2010 Legislature

- 449 ~~on file~~ \$8
- 450 2. For providing a transcript of any one individual's
- 451 driver history record or any portion thereof for the past 7
- 452 years ~~or for searching for such record when no record is found~~
- 453 ~~on file~~ \$10
- 454 3. For providing a certified copy of a transcript of the
- 455 driver history record or any portion thereof for any one
- 456 individual \$10
- 457 4. For providing a certified photographic copy of a
- 458 document, per page \$1
- 459 5. For providing an exemplified record \$15
- 460 6. For providing photocopies of documents, papers,
- 461 letters, clearances, or license or insurance status reports, per
- 462 page \$0.50
- 463 7. For assisting persons in searching any one individual's
- 464 driver record at a terminal located at the department's general
- 465 headquarters in Tallahassee \$2
- 466 8. For searching for any one individual's driver history
- 467 record when no record is found on file \$2
- 468 9. For electronically searching for any one individual's
- 469 driver history record to determine if the record meets requested
- 470 criteria \$0.01
- 471 (b) The department shall furnish such information without
- 472 charge to any local, state, or federal law enforcement agency or
- 473 court upon proof satisfactory to the department as to the
- 474 purpose of the investigation.
- 475 (c) The clerks of court and tax collectors authorized
- 476 under s. 322.135, may provide 3-year, 7-year, or complete driver

ENROLLED

HB 5501, Engrossed 1

2010 Legislature

477 records to any person requesting such records upon payment of
478 the appropriate fees. In addition to the fees authorized under
479 paragraph (a), clerks of court and tax collectors may assess the
480 fee listed in s. 322.135(1)(c) for this service. The applicable
481 record fees listed in paragraph (a) must be remitted to the
482 department no later than 5 days after payment is received,
483 unless a shorter remittance period is required by law.

484 Section 6. Subsection (2) of section 322.2615, Florida
485 Statutes, is amended to read:

486 322.2615 Suspension of license; right to review.—

487 (2) Except as provided in paragraph (1)(a), the law
488 enforcement officer shall forward to the department, within 5
489 days after issuing the notice of suspension, the driver's
490 license; an affidavit stating the officer's grounds for belief
491 that the person was driving or in actual physical control of a
492 motor vehicle while under the influence of alcoholic beverages
493 or chemical or controlled substances; the results of any breath
494 or blood test or an affidavit stating that a breath, blood, or
495 urine test was requested by a law enforcement officer or
496 correctional officer and that the person refused to submit; the
497 officer's description of the person's field sobriety test, if
498 any; the notice of suspension; and a copy of the crash report,
499 if any. The failure of the officer to submit materials within
500 the 5-day period specified in this subsection and in subsection
501 (1) does not affect the department's ability to consider any
502 evidence submitted at or prior to the hearing. The officer may
503 also submit a copy of a videotape of the field sobriety test or
504 the attempt to administer such test. Materials submitted to the

ENROLLED
 HB 5501, Engrossed 1

2010 Legislature

505 department by a law enforcement agency or correctional agency
 506 shall be considered self-authenticating and shall be in the
 507 record for consideration by the hearing officer. Notwithstanding
 508 s. 316.066 (5) ~~(7)~~, the crash report shall be considered by the
 509 hearing officer.

510 Section 7. Paragraph (a) of subsection (1) of section
 511 324.051, Florida Statutes, is amended to read:

512 324.051 Reports of crashes; suspensions of licenses and
 513 registrations.—

514 (1) (a) Every law enforcement officer who, in the regular
 515 course of duty either at the time of and at the scene of the
 516 crash or thereafter by interviewing participants or witnesses,
 517 investigates a motor vehicle crash which he or she is required
 518 to report pursuant to s. 316.066 (1) ~~(3)~~ shall forward a written
 519 report of the crash to the department within 10 days of
 520 completing the investigation. However, when the investigation of
 521 a crash will take more than 10 days to complete, a preliminary
 522 copy of the crash report shall be forwarded to the department
 523 within 10 days after ~~of~~ the occurrence of the crash, to be
 524 followed by a final report within 10 days after completion of
 525 the investigation. The report shall be on a form and contain
 526 information consistent with the requirements of s. 316.068.

527 Section 8. Paragraph (c) of subsection (3) of section
 528 921.0022, Florida Statutes, is amended to read:

529 921.0022 Criminal Punishment Code; offense severity
 530 ranking chart.—

531 (3) OFFENSE SEVERITY RANKING CHART

532 (c) LEVEL 3

ENROLLED
 HB 5501, Engrossed 1

2010 Legislature

533	Florida Statute	Felony Degree	Description
534	119.10 (2) (b)	3rd	Unlawful use of confidential information from police reports.
535	316.066 <u>(4)</u> (6) (b) - (d)	3rd	Unlawfully obtaining or using confidential crash reports.
536	316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
537	316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
538	319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
539	319.33 (1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
540	319.33 (1) (c)	3rd	Procure or pass title on stolen

ENROLLED
 HB 5501, Engrossed 1

2010 Legislature

vehicle.

541

319.33 (4) 3rd With intent to defraud,
 possess, sell, etc., a blank,
 forged, or unlawfully obtained
 title or registration.

542

327.35 (2) (b) 3rd Felony BUI.

543

328.05 (2) 3rd Possess, sell, or counterfeit
 fictitious, stolen, or
 fraudulent titles or bills of
 sale of vessels.

544

328.07 (4) 3rd Manufacture, exchange, or
 possess vessel with counterfeit
 or wrong ID number.

545

376.302 (5) 3rd Fraud related to reimbursement
 for cleanup expenses under the
 Inland Protection Trust Fund.

546

379.2431 (1) (e) 5. 3rd Taking, disturbing, mutilating,
 destroying, causing to be
 destroyed, transferring,
 selling, offering to sell,
 molesting, or harassing marine

ENROLLED
 HB 5501, Engrossed 1

2010 Legislature

turtles, marine turtle eggs, or
 marine turtle nests in
 violation of the Marine Turtle
 Protection Act.

547

379.2431(1)(e)6. 3rd Soliciting to commit or
 conspiring to commit a
 violation of the Marine Turtle
 Protection Act.

548

400.9935(4) 3rd Operating a clinic without a
 license or filing false license
 application or other required
 information.

549

440.1051(3) 3rd False report of workers'
 compensation fraud or
 retaliation for making such a
 report.

550

501.001(2)(b) 2nd Tamper with a consumer product
 or the container using
 materially false/misleading
 information.

551

624.401(4)(a) 3rd Transacting insurance without a
 certificate of authority.

552

ENROLLED

HB 5501, Engrossed 1

2010 Legislature

553	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
554	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
555	697.08	3rd	Equity skimming.
556	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
557	796.05 (1)	3rd	Live on earnings of a prostitute.
558	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
559	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

ENROLLED
 HB 5501, Engrossed 1

2010 Legislature

with firearm or dangerous
 weapon.

560

812.014(2)(c)2. 3rd Grand theft; \$5,000 or more but
 less than \$10,000.

561

812.0145(2)(c) 3rd Theft from person 65 years of
 age or older; \$300 or more but
 less than \$10,000.

562

815.04(4)(b) 2nd Computer offense devised to
 defraud or obtain property.

563

817.034(4)(a)3. 3rd Engages in scheme to defraud
 (Florida Communications Fraud
 Act), property valued at less
 than \$20,000.

564

817.233 3rd Burning to defraud insurer.

565

817.234(8)(b)-(c) 3rd Unlawful solicitation of
 persons involved in motor
 vehicle accidents.

566

817.234(11)(a) 3rd Insurance fraud; property value
 less than \$20,000.

567

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HB 5501, Engrossed 1

2010 Legislature

568	817.236	3rd	Filing a false motor vehicle insurance application.
569	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
570	817.413 (2)	3rd	Sale of used goods as new.
571	817.505 (4)	3rd	Patient brokering.
572	828.12 (2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
573	831.28 (2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
574	831.29	2nd	Possession of instruments for counterfeiting drivers' licenses or identification cards.

ENROLLED

HB 5501, Engrossed 1

2010 Legislature

575	838.021 (3) (b)	3rd	Threatens unlawful harm to public servant.
576	843.19	3rd	Injure, disable, or kill police dog or horse.
577	860.15 (3)	3rd	Overcharging for repairs and parts.
578	870.01 (2)	3rd	Riot; inciting or encouraging.
579	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).
580	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

ENROLLED
 HB 5501, Engrossed 1

2010 Legislature

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.

581	893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
582	893.13(7)(a)8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
583	893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
584	893.13(7)(a)10.	3rd	Affix false or forged label to package of controlled substance.
585	893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any

ENROLLED
 HB 5501, Engrossed 1

2010 Legislature

document or record required by
 chapter 893.

586

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.

587

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.

588

893.13(8)(a)3. 3rd Knowingly write a prescription
 for a controlled substance for
 a fictitious person.

589

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

ENROLLED
 HB 5501, Engrossed 1

2010 Legislature

writing the prescription is a
 monetary benefit for the
 practitioner.

590

918.13(1)(a) 3rd Alter, destroy, or conceal
 investigation evidence.

591

944.47(1)(a)1.- 3rd Introduce contraband to
 2. correctional facility.

592

944.47(1)(c) 2nd Possess contraband while upon
 the grounds of a correctional
 institution.

593

985.721 3rd Escapes from a juvenile
 facility (secure detention or
 residential commitment
 facility).

594

595 Section 9. This act shall take effect July 1, 2010.