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A bill to be entitled

An act relating to highway safety; amending s. 316.193, F.S.; increasing the fines for certain offenses involving driving under the influence; providing for the transfer of a portion of such fines collected into the Florida Highway Patrol Recruitment and Retention Trust Fund; amending s. 318.14, F.S.; increasing certain court costs; providing for the transfer of a portion of such court costs into the Florida Highway Patrol Recruitment and Retention Trust Fund; amending s. 322.03, F.S.; providing for an additional fine for violations of said section; providing for the transfer of such additional fines into the Florida Highway Patrol Recruitment and Retention Trust Fund; amending s. 322.065, F.S.; providing for an additional fine for violations of said section; providing for the transfer of such additional fines into the Florida Highway Patrol Recruitment and Retention Trust Fund; amending s. 322.12, F.S.; increasing the fees charged for the reinstatement of a revoked or suspended driver license; providing that a portion of such fees shall be transferred into the Florida Highway Patrol Recruitment and Retention Trust Fund; amending s. 322.15, F.S.; providing for an additional fine for violations of said section; providing for the transfer of such additional fines into the Florida Highway Patrol Recruitment and Retention Trust Fund; providing an effective date.

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



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30 Section 1. Section 316.193, Florida Statutes, is amended  
 31 to read:

32 316.193 Driving under the influence; penalties.--

33 (1) A person is guilty of the offense of driving under the  
 34 influence and is subject to punishment as provided in subsection  
 35 (2) if the person is driving or in actual physical control of a  
 36 vehicle within this state and:

37 (a) The person is under the influence of alcoholic  
 38 beverages, any chemical substance set forth in s. 877.111, or  
 39 any substance controlled under chapter 893, when affected to the  
 40 extent that the person's normal faculties are impaired;

41 (b) The person has a blood-alcohol level of 0.08 or more  
 42 grams of alcohol per 100 milliliters of blood; or

43 (c) The person has a breath-alcohol level of 0.08 or more  
 44 grams of alcohol per 210 liters of breath.

45 (2)(a) Except as provided in paragraph (b), subsection  
 46 (3), or subsection (4), any person who is convicted of a  
 47 violation of subsection (1) shall be punished:

48 1. By a fine of:

49 a. Not less than \$750 ~~\$250~~ or more than \$1,000 ~~\$500~~ for a  
 50 first conviction.

51 b. Not less than \$1,000 ~~\$500~~ or more than \$1,500 ~~\$1,000~~  
 52 for a second conviction; and

53 2. By imprisonment for:

54 a. Not more than 6 months for a first conviction.

55 b. Not more than 9 months for a second conviction.

56 3. For a second conviction, by mandatory placement for a  
 57 period of at least 1 year, at the convicted person's sole  
 58 expense, of an ignition interlock device approved by the  
 59 department in accordance with s. 316.1938 upon all vehicles that



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60 are individually or jointly leased or owned and routinely  
61 operated by the convicted person, when the convicted person  
62 qualifies for a permanent or restricted license. The  
63 installation of such device may not occur before July 1, 2003.

64  
65 Five hundred dollars of each fine collected pursuant to this  
66 paragraph shall be remitted to the Department of Revenue for  
67 transfer into the Florida Highway Patrol Recruitment and  
68 Retention Trust Fund.

69 (b)1. Any person who is convicted of a third violation of  
70 this section for an offense that occurs within 10 years after a  
71 prior conviction for a violation of this section commits a  
72 felony of the third degree, punishable as provided in s.  
73 775.082, s. 775.083, or s. 775.084. In addition, the court shall  
74 order the mandatory placement for a period of not less than 2  
75 years, at the convicted person's sole expense, of an ignition  
76 interlock device approved by the department in accordance with  
77 s. 316.1938 upon all vehicles that are individually or jointly  
78 leased or owned and routinely operated by the convicted person,  
79 when the convicted person qualifies for a permanent or  
80 restricted license. The installation of such device may not  
81 occur before July 1, 2003.

82 2. Any person who is convicted of a third violation of  
83 this section for an offense that occurs more than 10 years after  
84 the date of a prior conviction for a violation of this section  
85 shall be punished by a fine of not less than \$1,500 ~~\$1,000~~ or  
86 more than \$3,000 ~~\$2,500~~ and by imprisonment for not more than 12  
87 months. In addition, the court shall order the mandatory  
88 placement for a period of at least 2 years, at the convicted  
89 person's sole expense, of an ignition interlock device approved



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90 by the department in accordance with s. 316.1938 upon all  
 91 vehicles that are individually or jointly leased or owned and  
 92 routinely operated by the convicted person, when the convicted  
 93 person qualifies for a permanent or restricted license. The  
 94 installation of such device may not occur before July 1, 2003.

95 3. Any person who is convicted of a fourth or subsequent  
 96 violation of this section, regardless of when any prior  
 97 conviction for a violation of this section occurred, commits a  
 98 felony of the third degree, punishable as provided in s.  
 99 775.082, s. 775.083, or s. 775.084. However, the fine imposed  
 100 for such fourth or subsequent violation may be not less than  
 101 \$1,500 ~~\$1,000~~.

102  
 103 Five hundred dollars of each fine collected pursuant to this  
 104 paragraph shall be remitted to the Department of Revenue for  
 105 transfer into the Florida Highway Patrol Recruitment and  
 106 Retention Trust Fund.

107 (3) Any person:  
 108 (a) Who is in violation of subsection (1);  
 109 (b) Who operates a vehicle; and  
 110 (c) Who, by reason of such operation, causes or  
 111 contributes to causing:

112 1. Damage to the property or person of another commits a  
 113 misdemeanor of the first degree, punishable as provided in s.  
 114 775.082 or s. 775.083.

115 2. Serious bodily injury to another, as defined in s.  
 116 316.1933, commits a felony of the third degree, punishable as  
 117 provided in s. 775.082, s. 775.083, or s. 775.084.

118 3. The death of any human being commits DUI manslaughter,  
 119 and commits:



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120 a. A felony of the second degree, punishable as provided  
 121 in s. 775.082, s. 775.083, or s. 775.084.

122 b. A felony of the first degree, punishable as provided in  
 123 s. 775.082, s. 775.083, or s. 775.084, if:

124 (I) At the time of the crash, the person knew, or should  
 125 have known, that the crash occurred; and

126 (II) The person failed to give information and render aid  
 127 as required by s. 316.062.

128 (4) Any person who is convicted of a violation of  
 129 subsection (1) and who has a blood-alcohol level or breath-  
 130 alcohol level of 0.20 or higher, or any person who is convicted  
 131 of a violation of subsection (1) and who at the time of the  
 132 offense was accompanied in the vehicle by a person under the age  
 133 of 18 years, shall be punished:

134 (a) By a fine of:

135 1. Not less than \$1,500 ~~\$500~~ or more than \$2,000 ~~\$1,000~~  
 136 for a first conviction.

137 2. Not less than \$2,000 ~~\$1,000~~ or more than \$3,000 ~~\$2,000~~  
 138 for a second conviction.

139 3. Not less than \$3,000 ~~\$2,000~~ for a third or subsequent  
 140 conviction.

141

142 One thousand dollars of each fine collected pursuant to this  
 143 paragraph shall be remitted to the Department of Revenue for  
 144 transfer into the Florida Highway Patrol Recruitment and  
 145 Retention Trust Fund.

146 (b) By imprisonment for:

147 1. Not more than 9 months for a first conviction.

148 2. Not more than 12 months for a second conviction.

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150 For the purposes of this subsection, only the instant offense is  
151 required to be a violation of subsection (1) by a person who has  
152 a blood-alcohol level or breath-alcohol level of 0.20 or higher.

153 (c) In addition to the penalties in paragraphs (a) and  
154 (b), the court shall order the mandatory placement, at the  
155 convicted person's sole expense, of an ignition interlock device  
156 approved by the department in accordance with s. 316.1938 upon  
157 all vehicles that are individually or jointly leased or owned  
158 and routinely operated by the convicted person for up to 6  
159 months for the first offense and for at least 2 years for a  
160 second offense, when the convicted person qualifies for a  
161 permanent or restricted license. The installation of such device  
162 may not occur before July 1, 2003.

163 (5) The court shall place all offenders convicted of  
164 violating this section on monthly reporting probation and shall  
165 require completion of a substance abuse course conducted by a  
166 DUI program licensed by the department under s. 322.292, which  
167 must include a psychosocial evaluation of the offender. If the  
168 DUI program refers the offender to an authorized substance abuse  
169 treatment provider for substance abuse treatment, in addition to  
170 any sentence or fine imposed under this section, completion of  
171 all such education, evaluation, and treatment is a condition of  
172 reporting probation. The offender shall assume reasonable costs  
173 for such education, evaluation, and treatment. The referral to  
174 treatment resulting from a psychosocial evaluation shall not be  
175 waived without a supporting independent psychosocial evaluation  
176 conducted by an authorized substance abuse treatment provider  
177 appointed by the court, which shall have access to the DUI  
178 program's psychosocial evaluation before the independent  
179 psychosocial evaluation is conducted. The court shall review the



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180 results and recommendations of both evaluations before  
181 determining the request for waiver. The offender shall bear the  
182 full cost of this procedure. The term "substance abuse" means  
183 the abuse of alcohol or any substance named or described in  
184 Schedules I through V of s. 893.03. If an offender referred to  
185 treatment under this subsection fails to report for or complete  
186 such treatment or fails to complete the DUI program substance  
187 abuse education course and evaluation, the DUI program shall  
188 notify the court and the department of the failure. Upon receipt  
189 of the notice, the department shall cancel the offender's  
190 driving privilege, notwithstanding the terms of the court order  
191 or any suspension or revocation of the driving privilege. The  
192 department may temporarily reinstate the driving privilege on a  
193 restricted basis upon verification from the DUI program that the  
194 offender is currently participating in treatment and the DUI  
195 education course and evaluation requirement has been completed.  
196 If the DUI program notifies the department of the second failure  
197 to complete treatment, the department shall reinstate the  
198 driving privilege only after notice of completion of treatment  
199 from the DUI program. The organization that conducts the  
200 substance abuse education and evaluation may not provide  
201 required substance abuse treatment unless a waiver has been  
202 granted to that organization by the department. A waiver may be  
203 granted only if the department determines, in accordance with  
204 its rules, that the service provider that conducts the substance  
205 abuse education and evaluation is the most appropriate service  
206 provider and is licensed under chapter 397 or is exempt from  
207 such licensure. A statistical referral report shall be submitted  
208 quarterly to the department by each organization authorized to  
209 provide services under this section.



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210 (6) With respect to any person convicted of a violation of  
211 subsection (1), regardless of any penalty imposed pursuant to  
212 subsection (2), subsection (3), or subsection (4):

213 (a) For the first conviction, the court shall place the  
214 defendant on probation for a period not to exceed 1 year and, as  
215 a condition of such probation, shall order the defendant to  
216 participate in public service or a community work project for a  
217 minimum of 50 hours; or the court may order instead, that any  
218 defendant pay an additional fine of \$10 for each hour of public  
219 service or community work otherwise required, if, after  
220 consideration of the residence or location of the defendant at  
221 the time public service or community work is required, payment  
222 of the fine is in the best interests of the state. However, the  
223 total period of probation and incarceration may not exceed 1  
224 year. The court must also, as a condition of probation, order  
225 the impoundment or immobilization of the vehicle that was  
226 operated by or in the actual control of the defendant or any one  
227 vehicle registered in the defendant's name at the time of  
228 impoundment or immobilization, for a period of 10 days or for  
229 the unexpired term of any lease or rental agreement that expires  
230 within 10 days. The impoundment or immobilization must not occur  
231 concurrently with the incarceration of the defendant. The  
232 impoundment or immobilization order may be dismissed in  
233 accordance with paragraph (e), paragraph (f), paragraph (g), or  
234 paragraph (h).

235 (b) For the second conviction for an offense that occurs  
236 within a period of 5 years after the date of a prior conviction  
237 for violation of this section, the court shall order  
238 imprisonment for not less than 10 days. The court must also, as  
239 a condition of probation, order the impoundment or





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240 immobilization of all vehicles owned by the defendant at the  
241 time of impoundment or immobilization, for a period of 30 days  
242 or for the unexpired term of any lease or rental agreement that  
243 expires within 30 days. The impoundment or immobilization must  
244 not occur concurrently with the incarceration of the defendant  
245 and must occur concurrently with the driver's license revocation  
246 imposed under s. 322.28(2)(a)2. The impoundment or  
247 immobilization order may be dismissed in accordance with  
248 paragraph (e), paragraph (f), paragraph (g), or paragraph (h).  
249 At least 48 hours of confinement must be consecutive.

250 (c) For the third or subsequent conviction for an offense  
251 that occurs within a period of 10 years after the date of a  
252 prior conviction for violation of this section, the court shall  
253 order imprisonment for not less than 30 days. The court must  
254 also, as a condition of probation, order the impoundment or  
255 immobilization of all vehicles owned by the defendant at the  
256 time of impoundment or immobilization, for a period of 90 days  
257 or for the unexpired term of any lease or rental agreement that  
258 expires within 90 days. The impoundment or immobilization must  
259 not occur concurrently with the incarceration of the defendant  
260 and must occur concurrently with the driver's license revocation  
261 imposed under s. 322.28(2)(a)3. The impoundment or  
262 immobilization order may be dismissed in accordance with  
263 paragraph (e), paragraph (f), paragraph (g), or paragraph (h).  
264 At least 48 hours of confinement must be consecutive.

265 (d) The court must at the time of sentencing the defendant  
266 issue an order for the impoundment or immobilization of a  
267 vehicle. Within 7 business days after the date that the court  
268 issues the order of impoundment or immobilization, the clerk of  
269 the court must send notice by certified mail, return receipt



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270 requested, to the registered owner of each vehicle, if the  
271 registered owner is a person other than the defendant, and to  
272 each person of record claiming a lien against the vehicle.

273 (e) A person who owns but was not operating the vehicle  
274 when the offense occurred may submit to the court a police  
275 report indicating that the vehicle was stolen at the time of the  
276 offense or documentation of having purchased the vehicle after  
277 the offense was committed from an entity other than the  
278 defendant or the defendant's agent. If the court finds that the  
279 vehicle was stolen or that the sale was not made to circumvent  
280 the order and allow the defendant continued access to the  
281 vehicle, the order must be dismissed and the owner of the  
282 vehicle will incur no costs. If the court denies the request to  
283 dismiss the order of impoundment or immobilization, the  
284 petitioner may request an evidentiary hearing.

285 (f) A person who owns but was not operating the vehicle  
286 when the offense occurred, and whose vehicle was stolen or who  
287 purchased the vehicle after the offense was committed directly  
288 from the defendant or the defendant's agent, may request an  
289 evidentiary hearing to determine whether the impoundment or  
290 immobilization should occur. If the court finds that either the  
291 vehicle was stolen or the purchase was made without knowledge of  
292 the offense, that the purchaser had no relationship to the  
293 defendant other than through the transaction, and that such  
294 purchase would not circumvent the order and allow the defendant  
295 continued access to the vehicle, the order must be dismissed and  
296 the owner of the vehicle will incur no costs.

297 (g) The court shall also dismiss the order of impoundment  
298 or immobilization of the vehicle if the court finds that the



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299 family of the owner of the vehicle has no other private or  
300 public means of transportation.

301 (h) The court may also dismiss the order of impoundment or  
302 immobilization of any vehicles that are owned by the defendant  
303 but that are operated solely by the employees of the defendant  
304 or any business owned by the defendant.

305 (i) All costs and fees for the impoundment or  
306 immobilization, including the cost of notification, must be paid  
307 by the owner of the vehicle or, if the vehicle is leased or  
308 rented, by the person leasing or renting the vehicle, unless the  
309 impoundment or immobilization order is dismissed. All provisions  
310 of s. 713.78 shall apply.

311 (j) The person who owns a vehicle that is impounded or  
312 immobilized under this paragraph, or a person who has a lien of  
313 record against such a vehicle and who has not requested a review  
314 of the impoundment pursuant to paragraph (e), paragraph (f), or  
315 paragraph (g), may, within 10 days after the date that person  
316 has knowledge of the location of the vehicle, file a complaint  
317 in the county in which the owner resides to determine whether  
318 the vehicle was wrongfully taken or withheld from the owner or  
319 lienholder. Upon the filing of a complaint, the owner or  
320 lienholder may have the vehicle released by posting with the  
321 court a bond or other adequate security equal to the amount of  
322 the costs and fees for impoundment or immobilization, including  
323 towing or storage, to ensure the payment of such costs and fees  
324 if the owner or lienholder does not prevail. When the bond is  
325 posted and the fee is paid as set forth in s. 28.24, the clerk  
326 of the court shall issue a certificate releasing the vehicle. At  
327 the time of release, after reasonable inspection, the owner or  
328 lienholder must give a receipt to the towing or storage company



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329 indicating any loss or damage to the vehicle or to the contents  
330 of the vehicle.

331 (k) A defendant, in the court's discretion, may be  
332 required to serve all or any portion of a term of imprisonment  
333 to which the defendant has been sentenced pursuant to this  
334 section in a residential alcoholism treatment program or a  
335 residential drug abuse treatment program. Any time spent in such  
336 a program must be credited by the court toward the term of  
337 imprisonment.

338

339 For the purposes of this section, any conviction for a violation  
340 of s. 327.35; a previous conviction for the violation of former  
341 s. 316.1931, former s. 860.01, or former s. 316.028; or a  
342 previous conviction outside this state for driving under the  
343 influence, driving while intoxicated, driving with an unlawful  
344 blood-alcohol level, driving with an unlawful breath-alcohol  
345 level, or any other similar alcohol-related or drug-related  
346 traffic offense, is also considered a previous conviction for  
347 violation of this section. However, in satisfaction of the fine  
348 imposed pursuant to this section, the court may, upon a finding  
349 that the defendant is financially unable to pay either all or  
350 part of the fine, order that the defendant participate for a  
351 specified additional period of time in public service or a  
352 community work project in lieu of payment of that portion of the  
353 fine which the court determines the defendant is unable to pay.  
354 In determining such additional sentence, the court shall  
355 consider the amount of the unpaid portion of the fine and the  
356 reasonable value of the services to be ordered; however, the  
357 court may not compute the reasonable value of services at a rate  
358 less than the federal minimum wage at the time of sentencing.



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359 (7) A conviction under this section does not bar any civil  
360 suit for damages against the person so convicted.

361 (8) At the arraignment, or in conjunction with any notice  
362 of arraignment provided by the clerk of the court, the clerk  
363 shall provide any person charged with a violation of this  
364 section with notice that upon conviction the court shall suspend  
365 or revoke the offender's driver's license and that the offender  
366 should make arrangements for transportation at any proceeding in  
367 which the court may take such action. Failure to provide such  
368 notice does not affect the court's suspension or revocation of  
369 the offender's driver's license.

370 (9) A person who is arrested for a violation of this  
371 section may not be released from custody:

372 (a) Until the person is no longer under the influence of  
373 alcoholic beverages, any chemical substance set forth in s.  
374 877.111, or any substance controlled under chapter 893 and  
375 affected to the extent that his or her normal faculties are  
376 impaired;

377 (b) Until the person's blood-alcohol level or breath-  
378 alcohol level is less than 0.05; or

379 (c) Until 8 hours have elapsed from the time the person  
380 was arrested.

381 (10) The rulings of the Department of Highway Safety and  
382 Motor Vehicles under s. 322.2615 shall not be considered in any  
383 trial for a violation of this section. Testimony or evidence  
384 from the administrative proceedings or any written statement  
385 submitted by a person in his or her request for administrative  
386 review is inadmissible into evidence or for any other purpose in  
387 any criminal proceeding, unless timely disclosed in criminal



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388 discovery pursuant to Rule 3.220, Florida Rules of Criminal  
389 Procedure.

390 (11) The Department of Highway Safety and Motor Vehicles  
391 is directed to adopt rules providing for the implementation of  
392 the use of ignition interlock devices.

393 Section 2. Subsection (10) of section 318.14, Florida  
394 Statutes, is amended to read:

395 318.14 Noncriminal traffic infractions; exception;  
396 procedures.--

397 (10)(a) Any person cited for an offense listed under this  
398 subsection may, in lieu of payment of fine or court appearance,  
399 elect to enter a plea of nolo contendere and provide proof of  
400 compliance to the clerk of the court or authorized operator of a  
401 traffic violations bureau. In such case, adjudication shall be  
402 withheld; however, no election shall be made under this  
403 subsection if such person has made an election under this  
404 subsection in the 12 months preceding election hereunder. No  
405 person may make more than three elections under this subsection.  
406 This subsection applies to the following offenses:

407 1. Operating a motor vehicle without a valid driver's  
408 license in violation of the provisions of s. 322.03, s. 322.065,  
409 or s. 322.15(1), or operating a motor vehicle with a license  
410 which has been suspended for failure to appear, failure to pay  
411 civil penalty, or failure to attend a driver improvement course  
412 pursuant to s. 322.291.

413 2. Operating a motor vehicle without a valid registration  
414 in violation of s. 320.0605, s. 320.07, or s. 320.131.

415 3. Operating a motor vehicle in violation of s. 316.646.

416 (b) Any person cited for an offense listed in this  
417 subsection shall present proof of compliance prior to the



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418 scheduled court appearance date. For the purposes of this  
419 subsection, proof of compliance shall consist of a valid,  
420 renewed, or reinstated driver's license or registration  
421 certificate and proper proof of maintenance of security as  
422 required by s. 316.646. Notwithstanding waiver of fine, any  
423 person establishing proof of compliance shall be assessed court  
424 costs of \$35 ~~\$22~~, except that a person charged with violation of  
425 s. 316.646(1)-(3) may be assessed court costs of \$20 ~~\$7~~.  
426 Thirteen dollars of such costs shall be remitted to the  
427 Department of Revenue for transfer into the Florida Highway  
428 Patrol Recruitment and Retention Trust Fund. One dollar of such  
429 costs shall be remitted to the Department of Revenue for deposit  
430 into the Child Welfare Training Trust Fund of the Department of  
431 Children and Family Services. One dollar of such costs shall be  
432 distributed to the Department of Juvenile Justice for deposit  
433 into the Juvenile Justice Training Trust Fund. Twelve dollars of  
434 such costs shall be distributed to the municipality and \$8 shall  
435 be retained by the county, if the offense was committed within  
436 the municipality. If the offense was committed in an  
437 unincorporated area of a county or if the citation was for a  
438 violation of s. 316.646(1)-(3), the county shall retain the  
439 entire amount, except for the moneys to be deposited into the  
440 Florida Highway Patrol Recruitment and Retention Trust Fund, the  
441 Child Welfare Training Trust Fund, and the Juvenile Justice  
442 Training Trust Fund. This subsection shall not be construed to  
443 authorize the operation of a vehicle without a valid driver's  
444 license, without a valid vehicle tag and registration, or  
445 without the maintenance of required security.

446 Section 3. Section 322.03, Florida Statutes, is amended to  
447 read:



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448 322.03 Drivers must be licensed; penalties.--

449 (1) Except as otherwise authorized in this chapter, a  
450 person may not drive any motor vehicle upon a highway in this  
451 state unless such person has a valid driver's license under the  
452 provisions of this chapter.

453 (a) A person who drives a commercial motor vehicle shall  
454 not receive a driver's license unless and until he or she  
455 surrenders to the department all driver's licenses in his or her  
456 possession issued to him or her by any other jurisdiction or  
457 makes an affidavit that he or she does not possess a driver's  
458 license. Any such person who fails to surrender such licenses or  
459 who makes a false affidavit concerning such licenses is guilty  
460 of a misdemeanor of the first degree, punishable as provided in  
461 s. 775.082 or s. 775.083.

462 (b) A person who does not drive a commercial motor vehicle  
463 is not required to surrender a license issued by another  
464 jurisdiction, upon a showing to the department that such license  
465 is necessary because of employment or part-time residence. Any  
466 person who retains a driver's license because of employment or  
467 part-time residence shall, upon qualifying for a license in this  
468 state, be issued a driver's license which shall be valid within  
469 this state only. All surrendered licenses may be returned by the  
470 department to the issuing jurisdiction together with information  
471 that the licensee is now licensed in a new jurisdiction or may  
472 be destroyed by the department, which shall notify the issuing  
473 jurisdiction of such destruction. A person may not have more  
474 than one valid Florida driver's license at any time.

475 (2) Prior to issuing a driver's license, the department  
476 shall require any person who has been convicted two or more  
477 times of a violation of s. 316.193 or of a substantially similar





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478 alcohol-related or drug-related offense outside this state  
479 within the preceding 5 years, or who has been convicted of three  
480 or more such offenses within the preceding 10 years, to present  
481 proof of successful completion of or enrollment in a department-  
482 approved substance abuse education course. If the person fails  
483 to complete such education course within 90 days after issuance,  
484 the department shall cancel the license. Further, prior to  
485 issuing the driver's license the department shall require such  
486 person to present proof of financial responsibility as provided  
487 in s. 324.031. For the purposes of this paragraph, a previous  
488 conviction for violation of former s. 316.028, former s.  
489 316.1931, or former s. 860.01 shall be considered a previous  
490 conviction for violation of s. 316.193.

491 (3)(a) The department may not issue a commercial driver's  
492 license to any person who is not a resident of this state.

493 (b) A resident of this state who is required by the laws  
494 of this state to possess a commercial driver's license may not  
495 operate a commercial motor vehicle in this state unless he or  
496 she possesses a valid commercial driver's license issued by this  
497 state. Except as provided in paragraph (c), any person who  
498 violates this paragraph is guilty of a misdemeanor of the first  
499 degree, punishable as provided in s. 775.082 or s. 775.083.

500 (c) Any person whose commercial driver's license has been  
501 expired for a period of 30 days or less and who drives a  
502 commercial motor vehicle within this state is guilty of a  
503 nonmoving violation, punishable as provided in s. 318.18.

504 (4) A person may not operate a motorcycle unless he or she  
505 holds a driver's license that authorizes such operation, subject  
506 to the appropriate restrictions and endorsements.



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507 (5) It is a violation of this section for any person whose  
508 driver's license has been expired for more than 4 months to  
509 operate a motor vehicle on the highways of this state.

510 (6) A person who is charged with a violation of this  
511 section, other than a violation of paragraph (a) of subsection  
512 (1), may not be convicted if, prior to or at the time of his or  
513 her court or hearing appearance, the person produces in court or  
514 to the clerk of the court in which the charge is pending a  
515 driver's license issued to him or her and valid at the time of  
516 his or her arrest. The clerk of the court is authorized to  
517 dismiss such case at any time prior to the defendant's  
518 appearance in court. The clerk of the court may assess a fee of  
519 \$5 for dismissing the case under this subsection.

520 (7) In addition to any other penalty imposed for a  
521 violation of this section, the court shall impose an additional  
522 fine of \$13, which additional fine, when collected, shall be  
523 remitted to the Department of Revenue for transfer into the  
524 Florida Highway Patrol Recruitment and Retention Trust Fund.

525 Section 4. Section 322.065, Florida Statutes, is amended  
526 to read:

527 322.065 Driver's license expired for 4 months or less;  
528 penalties.--Any person whose driver's license has been expired  
529 for 4 months or less and who drives a motor vehicle upon the  
530 highways of this state is guilty of an infraction and subject to  
531 the penalty provided in s. 318.18 and an additional fine of \$13,  
532 which additional fine, when collected, shall be remitted to the  
533 Department of Revenue for transfer into the Florida Highway  
534 Patrol Recruitment and Retention Trust Fund.

535 Section 5. Subsection (2) of section 322.12, Florida  
536 Statutes, is amended to read:



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537 322.12 Examination of applicants.--

538 (2) The department shall examine every applicant for a  
539 driver's license, including an applicant who is licensed in  
540 another state or country, except as otherwise provided in this  
541 chapter. A person who holds a learner's driver's license as  
542 provided for in s. 322.1615 is not required to pay a fee for  
543 successfully completing the examination showing his or her  
544 ability to operate a motor vehicle as provided for herein and  
545 need not pay the fee for a replacement license as provided in s.  
546 322.17(2). Any person who applies for reinstatement following  
547 the suspension or revocation of his or her driver's license  
548 shall pay a service fee of \$125 ~~\$25~~ following a suspension, and  
549 \$250 ~~\$50~~ following a revocation, which is in addition to the fee  
550 for a license. Any person who applies for reinstatement of a  
551 commercial driver's license following the disqualification of  
552 his or her privilege to operate a commercial motor vehicle shall  
553 pay a service fee of \$250 ~~\$50~~, which is in addition to the fee  
554 for a license. The department shall collect all of these fees at  
555 the time of reinstatement. The department shall issue proper  
556 receipts for such fees and shall promptly transmit all funds  
557 received by it as follows:

558 (a) Of the \$125 ~~\$25~~ fee received from a licensee for  
559 reinstatement following a suspension, the department shall  
560 deposit \$15 in the General Revenue Fund, shall remit \$100 to the  
561 Department of Revenue for transfer into the Florida Highway  
562 Patrol Recruitment and Retention Trust Fund, and shall deposit  
563 the remaining \$10 in the Highway Safety Operating Trust Fund.

564 (b) Of the \$250 ~~\$50~~ fee received from a licensee for  
565 reinstatement following a revocation or disqualification, the  
566 department shall deposit \$35 in the General Revenue Fund, shall



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567 remit \$200 to the Department of Revenue for transfer into the  
568 Florida Highway Patrol Recruitment and Retention Trust Fund, and  
569 shall deposit the remaining \$15 in the Highway Safety Operating  
570 Trust Fund.

571

572 If the revocation or suspension of the driver's license was for  
573 a violation of s. 316.193, or for refusal to submit to a lawful  
574 breath, blood, or urine test, an additional fee of \$105 must be  
575 charged. However, only one such \$105 fee is to be collected from  
576 one person convicted of such violations arising out of the same  
577 incident. The department shall collect the \$105 fee and deposit  
578 it into the Highway Safety Operating Trust Fund at the time of  
579 reinstatement of the person's driver's license, but the fee must  
580 not be collected if the suspension or revocation was overturned.

581 Section 6. Section 322.15, Florida Statutes, is amended to  
582 read:

583 322.15 License to be carried and exhibited on demand;  
584 fingerprint to be imprinted upon a citation.--

585 (1) Every licensee shall have his or her driver's license,  
586 which must be fully legible with no portion of such license  
587 faded, altered, mutilated, or defaced, in his or her immediate  
588 possession at all times when operating a motor vehicle and shall  
589 display the same upon the demand of a law enforcement officer or  
590 an authorized representative of the department.

591 (2) Upon the failure of any person to display a driver's  
592 license as required by subsection (1), the law enforcement  
593 officer or authorized representative of the department stopping  
594 the person shall require the person to imprint his or her  
595 fingerprint upon any citation issued by the officer or  
596 authorized representative.



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597 (3) In relation to violations of subsection (1) or s.  
598 322.03(5), persons who cannot supply proof of a valid driver's  
599 license for the reason that the license was suspended for  
600 failure to comply with that citation shall be issued a  
601 suspension clearance by the clerk of the court for that citation  
602 upon payment of the applicable penalty and fee for that  
603 citation. If proof of a valid driver's license is not provided  
604 to the clerk of the court within 30 days, the person's driver's  
605 license shall again be suspended for failure to comply.

606 (4) A violation of subsection (1) is a noncriminal traffic  
607 infraction, punishable as a nonmoving violation as provided in  
608 chapter 318.18 and by an additional fine of \$13, which  
609 additional fine, when collected, shall be remitted to the  
610 Department of Revenue for transfer into the Florida Highway  
611 Patrol Recruitment and Retention Trust Fund.

612 Section 7. This act shall take effect July 1, 2003.