

1 A bill to be entitled
 2 An act relating to the Department of Highway Safety and
 3 Motor Vehicles; amending s. 316.1575, F.S.; requiring a
 4 person walking or driving a vehicle to stop at a railroad
 5 crossing upon the signal of a law enforcement officer;
 6 amending s. 316.159, F.S.; requiring the driver of a
 7 commercial motor vehicle to slow when approaching a
 8 railroad crossing; providing that a violation of such
 9 requirement is a noncriminal moving violation; amending s.
 10 316.1937, F.S.; revising installation requirements for
 11 ignition interlock devices to reduce the detected blood-
 12 alcohol level at which the vehicle will not start;
 13 amending s. 316.251, F.S.; conforming a cross-reference;
 14 amending s. 316.613, F.S.; redefining the term "motor
 15 vehicle" to exclude certain trucks from the requirement to
 16 use a child restraint or safety belt; amending s. 316.645,
 17 F.S.; authorizing a police officer to make an arrest upon
 18 probable cause of a violation of laws governing motor
 19 vehicle licenses; amending s. 316.650, F.S.; revising
 20 requirements for traffic citation forms; providing for the
 21 electronic transmission of citation data; amending s.
 22 319.001, F.S.; defining the term "certificate of title" to
 23 include information stored electronically in the
 24 department's database; amending s. 320.01, F.S.; revising
 25 the definition of the term "motorcycle" to exclude a
 26 vehicle in which the operator is enclosed by a cabin;
 27 repealing s. 28, ch. 2006-290, Laws of Florida, relating
 28 to original registration of a motorcycle, motor-driven

29 cycle, or moped; amending s. 320.0706, F.S.; providing
30 that a violation of requirements for displaying a truck
31 license plate is a moving violation; amending s. 320.0715,
32 F.S.; requiring the department to withhold issuing or to
33 suspend a registration and license plate for a commercial
34 motor vehicle if the federal identifying number is not
35 provided or if the motor carrier or vehicle owner has been
36 prohibited from operating; amending s. 320.08053, F.S.;
37 removing a requirement that the department create certain
38 specifications by rule for specialty license plates;
39 amending s. 322.01, F.S.; defining the term "convenience
40 service" for purposes of transactions with the department;
41 revising the definition of the term "conviction" to
42 provide for application to offenses committed by a person
43 holding a commercial driver's license; revising the
44 definition of the terms "hazardous materials" and "out-of-
45 service order"; amending s. 322.0255, F.S.; revising
46 eligibility for reimbursement for organizations that
47 conduct motorcycle safety courses; amending s. 322.03,
48 F.S.; removing provisions for issuance of a license valid
49 in Florida only; prohibiting a person from holding more
50 than one driver's license; authorizing use of such
51 licenses until next renewal; amending s. 322.051, F.S.;
52 revising requirements for application for issuance or
53 renewal of an identification card; revising provisions
54 providing for the expiration of an identification card
55 issued by the department; amending s. 322.08, F.S.;
56 revising requirements for application for a driver's

57 license; amending s. 322.14, F.S.; revising provisions for
58 content of a driver's license; requiring the license to
59 contain the licensee's residence address; removing a
60 requirement that the license contain the licensee's
61 mailing address; amending s. 322.15, F.S.; authorizing a
62 law enforcement officer or authorized representative of
63 the department to collect a person's fingerprints
64 electronically; amending s. 322.17, F.S.; revising
65 provisions for replacement instruction permit or driver
66 license; removing fee amounts; requiring payment of
67 specified fee amounts; removing a provision for a change
68 of address sticker; conforming cross-references; amending
69 s. 322.18, F.S.; revising provisions providing for the
70 expiration and renewal of driver's licenses; providing for
71 the renewal of certain licenses every 8 years; conforming
72 cross-references; providing for the renewal of licenses
73 using a convenience service; requiring the department to
74 issue new licenses rather than extension stickers;
75 amending s. 322.19, F.S.; revising provisions for a
76 licensee changing address; removing a provision for the
77 licensee to request a change-of-address sticker;
78 conforming cross-references; amending s. 322.21, F.S.;
79 revising fees for issuance of original, renewal, and
80 replacement driver's licenses and identification cards;
81 revising fees for specified endorsements; providing for
82 distribution of revised fees; amending s. 322.2715, F.S.;
83 providing that the required installation period of an
84 ignition interlock device for certain DUI offenses be

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85 | continuous; amending s. 322.291, F.S.; providing
86 | additional requirements for a third or subsequent
87 | violation of requirements for installation of an ignition
88 | interlock device; requiring treatment and extension of the
89 | duration of the ignition interlock requirement; repealing
90 | s. 322.60, F.S., relating to the prohibition on commercial
91 | motor vehicle drivers possessing more than one license;
92 | amending s. 322.61, F.S.; clarifying provisions
93 | disqualifying a person from operating a commercial motor
94 | vehicle following certain traffic violations; providing
95 | for permanent disqualification following conviction of a
96 | felony involving the manufacture, distribution, or
97 | dispensing of a controlled substance; amending s. 322.64,
98 | F.S.; providing that refusal to submit to a breath, urine,
99 | or blood test disqualifies a person from operating a
100 | commercial motor vehicle; providing a period of
101 | disqualification if a person has an unlawful blood-alcohol
102 | or breath-alcohol level; providing for issuance of a
103 | notice of disqualification; revising the requirements for
104 | a formal review hearing following a person's
105 | disqualification from operating a commercial motor
106 | vehicle; amending s. 324.021, F.S.; clarifying that a
107 | judgment becomes final by expiration of the time for
108 | appeal; amending s. 501.976, F.S.; conforming a cross-
109 | reference; providing an effective date.

110 |
111 | Be It Enacted by the Legislature of the State of Florida:
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113 Section 1. Paragraph (b) of subsection (1) of section
 114 316.1575, Florida Statutes, is amended to read:

115 316.1575 Obedience to traffic control devices at railroad-
 116 highway grade crossings.--

117 (1) Any person walking or driving a vehicle and
 118 approaching a railroad-highway grade crossing under any of the
 119 circumstances stated in this section shall stop within 50 feet
 120 but not less than 15 feet from the nearest rail of such railroad
 121 and shall not proceed until he or she can do so safely. The
 122 foregoing requirements apply when:

123 (b) A crossing gate is lowered or a law enforcement
 124 officer or a human flagger gives or continues to give a signal
 125 of the approach or passage of a railroad train;

126 Section 2. Section 316.159, Florida Statutes, is amended
 127 to read:

128 316.159 Certain vehicles to stop or slow at all railroad
 129 grade crossings.--

130 (1) The driver of any motor vehicle carrying passengers
 131 for hire, excluding taxicabs, of any school bus carrying any
 132 school child, or of any vehicle carrying explosive substances or
 133 flammable liquids as a cargo or part of a cargo, before crossing
 134 at grade any track or tracks of a railroad, shall stop such
 135 vehicle within 50 feet but not less than 15 feet from the
 136 nearest rail of the railroad and, while so stopped, shall listen
 137 and look in both directions along the track for any approaching
 138 train, and for signals indicating the approach of a train,
 139 except as hereinafter provided, and shall not proceed until he
 140 or she can do so safely. After stopping as required herein and

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141 upon proceeding when it is safe to do so, the driver of any such
 142 vehicle shall cross only in a gear of the vehicle so that there
 143 will be no necessity for changing gears while traversing the
 144 crossing, and the driver shall not shift gears while crossing
 145 the track or tracks.

146 (2) No stop need be made at any such crossing where a
 147 police officer, a traffic control signal, or a sign directs
 148 traffic to proceed. However, any school bus carrying any school
 149 child shall be required to stop unless directed to proceed by a
 150 police officer.

151 (3) The driver of any commercial motor vehicle not
 152 required to stop under subsection (1) or (2), before crossing at
 153 grade any track or tracks of a railroad, shall slow down and
 154 check that the tracks are clear of an approaching train.

155 (4)~~(3)~~ A violation of this section is a noncriminal
 156 traffic infraction, punishable as a moving violation as provided
 157 in chapter 318.

158 Section 3. Subsection (1) of section 316.1937, Florida
 159 Statutes is amended to read:

160 316.1937 Ignition interlock devices, requiring; unlawful
 161 acts.--

162 (1) In addition to any other authorized penalties, the
 163 court may require that any person who is convicted of driving
 164 under the influence in violation of s. 316.193 shall not operate
 165 a motor vehicle unless that vehicle is equipped with a
 166 functioning ignition interlock device certified by the
 167 department as provided in s. 316.1938, and installed in such a
 168 manner that the vehicle will not start if the operator's blood

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169 alcohol level is in excess of 0.025 ~~0.05~~ percent or as otherwise
 170 specified by the court. The court may require the use of an
 171 approved ignition interlock device for a period of not less than
 172 6 months, if the person is permitted to operate a motor vehicle,
 173 whether or not the privilege to operate a motor vehicle is
 174 restricted, as determined by the court. The court, however,
 175 shall order placement of an ignition interlock device in those
 176 circumstances required by s.316.193.

177 Section 4. Subsection (2) of section 316.251, Florida
 178 Statutes, is amended to read:

179 316.251 Maximum bumper heights.--

180 (2) "New motor vehicles" as defined in s. 319.001(9)~~(8)~~,
 181 "antique automobiles" as defined in s. 320.08, "horseless
 182 carriages" as defined in s. 320.086, and "street rods" as
 183 defined in s. 320.0863 shall be excluded from the requirements
 184 of this section.

185 Section 5. Subsection (2) of section 316.613, Florida
 186 Statutes, is amended to read:

187 316.613 Child restraint requirements.--

188 (2) As used in this section, the term "motor vehicle"
 189 means a motor vehicle as defined in s. 316.003 that is operated
 190 on the roadways, streets, and highways of the state. The term
 191 does not include:

192 (a) A school bus as defined in s. 316.003(45).

193 (b) A bus used for the transportation of persons for
 194 compensation, other than a bus regularly used to transport
 195 children to or from school, as defined in s. 316.615(1) (b), or
 196 in conjunction with school activities.

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197 (c) A farm tractor or implement of husbandry.

198 (d) A truck having a gross vehicle weight rating of more
 199 than 26,000 ~~of net weight of more than 5,000~~ pounds.

200 (e) A motorcycle, moped, or bicycle.

201 Section 6. Section 316.645, Florida Statutes, is amended
 202 to read:

203 316.645 Arrest authority of officer at scene of a traffic
 204 crash.--A police officer who makes an investigation at the scene
 205 of a traffic crash may arrest any driver of a vehicle involved
 206 in the crash when, based upon personal investigation, the
 207 officer has reasonable and probable grounds to believe that the
 208 person has committed any offense under the provisions of this
 209 chapter, chapter 320, or chapter 322 in connection with the
 210 crash.

211 Section 7. Subsections (1), (3), (4), (5), (6), and (7) of
 212 section 316.650, Florida Statutes, are amended to read:

213 316.650 Traffic citations.--

214 (1)(a) The department shall prepare~~7~~ and supply to every
 215 traffic enforcement agency in this state~~7~~, an appropriate form
 216 traffic citation that contains ~~containing~~ a notice to appear, is
 217 ~~(which shall be issued in prenumbered books,~~ meets with
 218 ~~citations in quintuplicate) and meeting~~ the requirements of this
 219 chapter or any laws of this state regulating traffic, and is
 220 ~~which form shall be~~ consistent with the state traffic court
 221 rules and the procedures established by the department. The form
 222 shall include a box that ~~which~~ is to be checked by the law
 223 enforcement officer when the officer believes that the traffic
 224 violation or crash was due to aggressive careless driving as

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225 defined in s. 316.1923. The form shall also include a box that
 226 ~~which~~ is to be checked by the law enforcement officer when the
 227 officer writes a uniform traffic citation for a violation of s.
 228 316.074(1) or s. 316.075(1)(c)1. as a result of the driver
 229 failing to stop at a traffic signal.

230 (b) The department shall prepare, and supply to every
 231 traffic enforcement agency in the state, an appropriate
 232 affidavit-of-compliance form that ~~which~~ shall be issued along
 233 with the form traffic citation for any violation of s. 316.610
 234 and that indicates ~~which shall indicate~~ the specific defect
 235 needing ~~which needs~~ to be corrected. However, such affidavit of
 236 compliance shall not be issued in the case of a violation of s.
 237 316.610 by a commercial motor vehicle as defined in s.
 238 316.003(66). Such affidavit-of-compliance form shall be
 239 distributed in the same manner and to the same parties as is the
 240 form traffic citation.

241 (c) Notwithstanding paragraphs (a) and (b), a traffic
 242 enforcement agency may produce uniform traffic citations by
 243 electronic means. Such citations must be consistent with the
 244 state traffic court rules and the procedures established by the
 245 department and, must be appropriately numbered and inventoried,
 246 ~~and may have fewer copies than the quintuplicate form.~~
 247 Affidavit-of-compliance forms may also be produced by electronic
 248 means.

249 (d) The department must distribute to every traffic
 250 enforcement agency and to any others who request it, a traffic
 251 infraction reference guide describing the class of the traffic
 252 infraction, the penalty for the infraction, the points to be

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253 assessed on a driver's record ~~license~~, and any other information
 254 necessary to describe a violation and the penalties therefor.

255 (3) (a) Except for a traffic citation issued pursuant to s.
 256 316.1001, each traffic enforcement officer, upon issuing a
 257 traffic citation to an alleged violator of any provision of the
 258 motor vehicle laws of this state or of any traffic ordinance of
 259 any municipality ~~city~~ or town, shall deposit the original ~~and~~
 260 ~~one copy of such~~ traffic citation or, in the case of a traffic
 261 enforcement agency that ~~which~~ has an automated citation issuance
 262 system, the chief administrative officer shall provide by an
 263 electronic transmission a replica of the citation data to
 264 ~~facsimile with~~ a court having jurisdiction over the alleged
 265 offense or with its traffic violations bureau within 5 days
 266 after issuance to the violator.

267 (b) If a traffic citation is issued pursuant to s.
 268 316.1001, a traffic enforcement officer may deposit the original
 269 ~~and one copy of such~~ traffic citation or, in the case of a
 270 traffic enforcement agency that has an automated citation
 271 system, may provide by an electronic transmission a replica of
 272 the citation data to ~~facsimile with~~ a court having jurisdiction
 273 over the alleged offense or with its traffic violations bureau
 274 within 45 days after the date of issuance of the citation to the
 275 violator. If the person cited for the violation of s. 316.1001
 276 makes the election provided by s. 318.14(12) and pays the \$25
 277 fine, or such other amount as imposed by the governmental entity
 278 owning the applicable toll facility, plus the amount of the
 279 unpaid toll that is shown on the traffic citation directly to
 280 the governmental entity that issued the citation, or on whose

281 | behalf the citation was issued, in accordance with s.
 282 | 318.14(12), the traffic citation will not be submitted to the
 283 | court, the disposition will be reported to the department by the
 284 | governmental entity that issued the citation, or on whose behalf
 285 | the citation was issued, and no points will be assessed against
 286 | the person's driver's license.

287 | (4) The chief administrative officer of every traffic
 288 | enforcement agency shall require that ~~the return to him or her~~
 289 | ~~of the officer-agency department record~~ copy of every traffic
 290 | citation issued by an officer under the chief administrative
 291 | officer's supervision to an alleged violator of any traffic law
 292 | or ordinance and ~~of~~ all copies of every traffic citation that
 293 | ~~which~~ has been spoiled or upon which any entry has been made and
 294 | not issued to an alleged violator be returned to the chief
 295 | administrative officer or agency. In the case of a traffic
 296 | enforcement agency that ~~which~~ has an automated citation issuance
 297 | system, the chief administrative officer shall require the
 298 | return of all electronic traffic citation records.

299 | (5) Upon the deposit of the original ~~and one copy of such~~
 300 | traffic citation or upon ~~deposit of~~ an electronic transmission
 301 | of a replica of citation data ~~facsimile~~ of the traffic citation
 302 | with respect to traffic enforcement agencies that ~~which~~ have an
 303 | automated citation issuance system with a court having
 304 | jurisdiction over the alleged offense or with its traffic
 305 | violations bureau ~~as aforesaid~~, the original citation, the
 306 | electronic citation containing a replica of citation data
 307 | ~~facsimile~~, or a copy of such traffic citation may be disposed of
 308 | only by trial in the court or other official action by a judge

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309 of the court, including forfeiture of the bail, or by the
 310 deposit of sufficient bail with, or payment of a fine to, the
 311 traffic violations bureau by the person to whom such traffic
 312 citation has been issued by the traffic enforcement officer.

313 (6) The chief administrative officer shall transmit, on a
 314 form approved by the department, ~~the department record copy of~~
 315 ~~the uniform traffic citation to the department~~ within 5 days
 316 after submission of the original, groups of issued citations ~~and~~
 317 ~~one copy to the court, or citation~~ and transmittal data to the
 318 court. Batches of electronic citations containing a replica of
 319 citation data may be transmitted to the court ~~department~~ in an
 320 electronic ~~automated~~ fashion, in a format ~~form~~ prescribed by the
 321 department within 5 days after issuance to the violator. A copy
 322 ~~of such transmittal shall also be provided to the court having~~
 323 ~~jurisdiction for accountability purposes.~~

324 (7) The chief administrative officer shall also maintain
 325 or cause to be maintained in connection with every traffic
 326 citation issued by an officer under his or her supervision a
 327 record of the disposition of the charge by the court or its
 328 traffic violations bureau in which the original or copy of the
 329 traffic citation or electronic citation was deposited.

330 Section 8. Subsections (1) through (11) of section
 331 319.001, Florida Statutes, are renumbered as subsections (2)
 332 through (12), respectively, and a new subsection (1) is added to
 333 that section to read:

334 319.001 Definitions.--As used in this chapter, the term:

335 (1) "Certificate of title" means the record that is
 336 evidence of ownership of a vehicle, whether a paper certificate

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337 authorized by the department or a certificate consisting of
 338 information that is stored in an electronic form in the
 339 department's database.

340 Section 9. Subsection (27) of section 320.01, Florida
 341 Statutes, is amended to read:

342 320.01 Definitions, general.--

343 (27) "Motorcycle" means any motor vehicle having a seat or
 344 saddle for the use of the rider and designed to travel on not
 345 more than three wheels in contact with the ground, but excluding
 346 a tractor, ~~or a moped,~~ or a vehicle in which the operator is
 347 enclosed by a cabin.

348 Section 10. Section 28 of chapter 2006-290, Laws of
 349 Florida, is repealed.

350 Section 11. Section 320.0706, Florida Statutes, is amended
 351 to read:

352 320.0706 Display of license plates on trucks.--The owner
 353 of any commercial truck of gross vehicle weight of 26,001 pounds
 354 or more shall display the registration license plate on both the
 355 front and rear of the truck in conformance with all the
 356 requirements of s. 316.605 that do not conflict with this
 357 section. The owner of a dump truck may place the rear license
 358 plate on the gate no higher than 60 inches to allow for better
 359 visibility. However, the owner of a truck tractor shall be
 360 required to display the registration license plate only on the
 361 front of such vehicle. A violation of this section is a
 362 noncriminal traffic infraction, punishable as a moving violation
 363 as provided in chapter 318.

364 Section 12. Subsection (4) of section 320.0715, Florida

365 Statutes, is amended to read:

366 320.0715 International Registration Plan; motor carrier
 367 services; permits; retention of records.--

368 (4) Each motor carrier registered under the International
 369 Registration Plan shall maintain and keep, for a period of 4
 370 years, pertinent records and papers as may be required by the
 371 department for the reasonable administration of this chapter.

372 (a) The department shall withhold registrations and
 373 license plates for commercial motor vehicles unless the
 374 identifying number issued by the federal agency responsible for
 375 motor carrier safety is provided for the motor carrier and the
 376 entity responsible for motor carrier safety for each motor
 377 vehicle as part of the application process.

378 (b) The department may not issue a commercial motor
 379 vehicle registration or license plate to, and may not transfer
 380 the commercial motor vehicle registration or license plate for,
 381 a motor carrier or vehicle owner who has been prohibited from
 382 operating by a federal or state agency responsible for motor
 383 carrier safety.

384 (c) The department, with notice, shall suspend any
 385 commercial motor vehicle registration and license plate issued
 386 to a motor carrier or vehicle owner who has been prohibited from
 387 operating by a federal or state agency responsible for motor
 388 carrier safety.

389 Section 13. Subsection (3) of section 320.08053, Florida
 390 Statutes, is amended to read:

391 320.08053 Requirements for requests to establish specialty
 392 license plates.--

393 ~~(3) The department shall adopt rules providing viewpoint~~
 394 ~~neutral specifications for the design of specialty license~~
 395 ~~plates that promote or enhance the readability of all specialty~~
 396 ~~license plates and that discourage counterfeiting. The rules~~
 397 ~~shall provide uniform specifications requiring inclusion of the~~
 398 ~~word "Florida" in the same location on each specialty license~~
 399 ~~plate, in such a size and location that is clearly identifiable~~
 400 ~~on the specialty license plate when mounted on a vehicle, and~~
 401 ~~shall provide specifications for the size and location of any~~
 402 ~~words or logos appearing on a specialty license plate.~~

403 Section 14. Subsections (10) through (44) of section
 404 322.01, Florida Statutes, are renumbered as subsections (11)
 405 through (45), respectively, present subsections (10), (23), and
 406 (29) are amended, and a new subsection (10) is added to that
 407 section, to read:

408 322.01 Definitions.--As used in this chapter:

409 (10) "Convenience service" means any means whereby an
 410 individual conducts a transaction with the department other than
 411 in person.

412 (11)-(10)(a) "Conviction" means a conviction of an offense
 413 relating to the operation of motor vehicles on highways which is
 414 a violation of this chapter or any other such law of this state
 415 or any other state, including an admission or determination of a
 416 noncriminal traffic infraction pursuant to s. 318.14, or a
 417 judicial disposition of an offense committed under any federal
 418 law substantially conforming to the aforesaid state statutory
 419 provisions.

420 (b) Notwithstanding any other provisions of this chapter,

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421 the definition of "conviction" provided in 49 C.F.R. part 383.5
 422 applies to offenses committed in a commercial motor vehicle or
 423 by a person holding a commercial driver's license.

424 (24)~~(23)~~ "Hazardous materials" means any material that has
 425 been designated as hazardous under 49 U.S.C. s. 5103 and is
 426 required to be placarded under subpart F of 49 C.F.R. part 172
 427 or any quantity of a material listed as a select agent or toxin
 428 in 42 C.F.R. part 73 ~~has the meaning such term has under s. 103~~
 429 ~~of the Hazardous Materials Transportation Act.~~

430 (30)~~(29)~~ "Out-of-service order" means a prohibition issued
 431 by an authorized local, state, or Federal Government official
 432 which precludes a person from driving a commercial motor vehicle
 433 ~~for a period of 72 hours or less.~~

434 Section 15. Subsection (5) of section 322.0255, Florida
 435 Statutes, is amended to read:

436 322.0255 Florida Motorcycle Safety Education Program.--

437 (5) The department shall, subject to the availability of
 438 funds, reimburse each organization that provides an approved
 439 motorcycle safety education course for each student who begins
 440 the on-cycle portion of the course. This shall include any
 441 student not required to attend a motorcycle safety education
 442 course prior to licensure as required in s. 322.12. The amount
 443 to be reimbursed per student to each course provider shall be
 444 determined by the department. In order to facilitate such
 445 determination, each course provider shall be required to submit
 446 proof satisfactory to the department of the expected cost per
 447 student to be incurred by such course provider. In no event
 448 shall the amount to be reimbursed per student to any course

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449 provider exceed the expected cost per student. In addition to
450 the amount of any reimbursement, each course provider that
451 conducts such a course may charge each student a tuition fee
452 sufficient to defray the cost of conducting the course. The
453 department shall fund the payments required under this
454 subsection from the motorcycle safety education fee, as provided
455 in ss. 320.08 and 322.025. The only organizations that are
456 eligible for reimbursement under this subsection are
457 organizations that executed a contract on or after July 1, 2008.
458 This reimbursement shall continue for 12 months following the
459 execution of the organization's contract.

460 Section 16. Subsection (1) of section 322.03, Florida
461 Statutes, is amended to read:

462 322.03 Drivers must be licensed; penalties.--

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

467 (a) A person who drives a commercial motor vehicle shall
468 not receive a driver's license unless and until he or she
469 surrenders to the department all driver's licenses in his or her
470 possession issued to him or her by any other jurisdiction or
471 makes an affidavit that he or she does not possess a driver's
472 license. Any such person who fails to surrender such licenses or
473 who makes a false affidavit concerning such licenses is guilty
474 of a misdemeanor of the first degree, punishable as provided in
475 s. 775.082 or s. 775.083.

476 (b) ~~A person who does not drive a commercial motor vehicle~~

477 ~~is not required to surrender a license issued by another~~
 478 ~~jurisdiction, upon a showing to the department that such license~~
 479 ~~is necessary because of employment or part-time residence. Any~~
 480 ~~person who retains a driver's license because of employment or~~
 481 ~~part-time residence shall, upon qualifying for a license in this~~
 482 ~~state, be issued a driver's license which shall be valid within~~
 483 ~~this state only.~~ All surrendered licenses may be returned by the
 484 department to the issuing jurisdiction together with information
 485 that the licensee is now licensed in a new jurisdiction or may
 486 be destroyed by the department, which shall notify the issuing
 487 jurisdiction of such destruction. A person may not have more
 488 than one valid Florida driver's license at any time.

489 (c) Part-time residents issued a license pursuant to
 490 paragraph (b) may continue to hold such license until the next
 491 regularly scheduled renewal. Licenses that are identified as
 492 "Valid in Florida only" may not be issued or renewed effective
 493 July 1, 2009. This paragraph is repealed effective June 30,
 494 2017.

495 Section 17. Subsections (1) and (2) of section 322.051,
 496 Florida Statutes, are amended to read:

497 322.051 Identification cards.--

498 (1) Any person who is 5 years of age or older, or any
 499 person who has a disability, regardless of age, who applies for
 500 a disabled parking permit under s. 320.0848, may be issued an
 501 identification card by the department upon completion of an
 502 application and payment of an application fee.

503 (a) Each such application shall include the following
 504 information regarding the applicant:

505 1. Full name (first, middle or maiden, and last), gender,
 506 proof of social security card number satisfactory to the
 507 department, county of residence, and mailing address, proof of
 508 residential address satisfactory to the department, country of
 509 birth, and a brief description.

510 2. Proof of birth date satisfactory to the department.

511 3. Proof of identity satisfactory to the department. Such
 512 proof must include one of the following documents issued to the
 513 applicant:

514 a. A driver's license record or identification card record
 515 from another jurisdiction that required the applicant to submit
 516 a document for identification which is substantially similar to
 517 a document required under sub-subparagraph b., sub-subparagraph
 518 c., sub-subparagraph d., sub-subparagraph e., sub-subparagraph
 519 f., ~~or~~ sub-subparagraph g., or sub-subparagraph h.;

520 b. A certified copy of a United States birth certificate;

521 c. A valid unexpired United States passport;

522 d. A naturalization certificate issued by the United
 523 States Department of Homeland Security;

524 e. A valid unexpired ~~An~~ alien registration receipt card
 525 (green card);

526 f. Consular Report of Birth Abroad provided by the United
 527 States Department of State.

528 ~~g.~~ An unexpired employment authorization card issued by
 529 the United States Department of Homeland Security; or

530 ~~h.~~ Proof of nonimmigrant classification provided by the
 531 United States Department of Homeland Security, for an original
 532 identification card. In order to prove such nonimmigrant

533 classification, applicants may produce but are not limited to
 534 the following documents:

535 (I) A notice of hearing from an immigration court
 536 scheduling a hearing on any proceeding.

537 (II) A notice from the Board of Immigration Appeals
 538 acknowledging pendency of an appeal.

539 (III) Notice of the approval of an application for
 540 adjustment of status issued by the United States Bureau of
 541 Citizenship and Immigration Services.

542 (IV) Any official documentation confirming the filing of a
 543 petition for asylum or refugee status or any other relief issued
 544 by the United States Bureau of Citizenship and Immigration
 545 Services.

546 (V) Notice of action transferring any pending matter from
 547 another jurisdiction to Florida, issued by the United States
 548 Bureau of Citizenship and Immigration Services.

549 (VI) Order of an immigration judge or immigration officer
 550 granting any relief that authorizes the alien to live and work
 551 in the United States including, but not limited to asylum.

552 (VII) Evidence that an application is pending for
 553 adjustment of status to that of an alien lawfully admitted for
 554 permanent residence in the United States or conditional
 555 permanent resident status in the United States, if a visa number
 556 is available having a current priority date for processing by
 557 the United States Bureau of Citizenship and Immigration
 558 Services.

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560 Presentation of any of the documents described in sub-
561 subparagraph g. ~~f.~~ or sub-subparagraph h. ~~g.~~ entitles the
562 applicant to an identification card for a period not to exceed
563 the expiration date of the document presented or 1 year,
564 whichever first occurs.

565 (b) An application for an identification card must be
566 signed and verified by the applicant in a format designated by
567 the department before a person authorized to administer oaths
568 and payment of the applicable fee pursuant to s. 322.21. ~~The fee~~
569 ~~for an identification card is \$3, including payment for the~~
570 ~~color photograph or digital image of the applicant.~~

571 (c) Each such applicant may include fingerprints and any
572 other unique biometric means of identity.

573 (2) (a) Every identification card:

574 1. Issued to a person at least 5 years of age who has not
575 attained 15 years of age expires ~~shall expire~~, unless canceled
576 earlier, on the fourth birthday of the applicant following the
577 date of original issue.

578 2. Issued to a person at least 15 years of age or older
579 expires, unless canceled earlier, on the eighth birthday of the
580 applicant following the date of original issue.

581 3. Renewal of any identification card shall be made for
582 the applicable term enumerated in this section. ~~However, if an~~
583 ~~individual is 60 years of age or older, and has an~~
584 ~~identification card issued under this section, the card shall~~
585 ~~not expire unless done so by cancellation by the department or~~
586 ~~by the death of the cardholder. Renewal of any identification~~
587 ~~card shall be made for a term which shall expire on the fourth~~

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588 ~~birthday of the applicant following expiration of the~~
589 ~~identification card renewed, unless surrendered earlier. Any~~
590 ~~application for renewal received later than 90 days after~~
591 ~~expiration of the identification card shall be considered the~~
592 ~~same as an application for an original identification card. The~~
593 ~~renewal fee for an identification card shall be \$10, of which \$4~~
594 ~~shall be deposited into the General Revenue Fund and \$6 into the~~
595 ~~Highway Safety Operating Trust Fund. The department shall, at~~
596 ~~the end of 4 years and 6 months after the issuance or renewal of~~
597 ~~an identification card, destroy any record of the card if it has~~
598 ~~expired and has not been renewed, unless the cardholder is 60~~
599 ~~years of age or older.~~

600 (b) Notwithstanding any other provision of this chapter,
601 if an applicant establishes his or her identity for an
602 identification card using a document authorized under sub-
603 subparagraph (1)(a)3.e., the identification card shall expire on
604 the eighth ~~fourth~~ birthday of the applicant following the date
605 of original issue or upon first renewal or duplicate issued
606 after implementation of this section. After an initial showing
607 of such documentation, he or she is exempted from having to
608 renew or obtain a duplicate in person.

609 (c) Notwithstanding any other provisions of this chapter,
610 if an applicant establishes his or her identity for an
611 identification card using an identification document authorized
612 under sub-subparagraph (1)(a)3.g.f. or sub-subparagraph
613 (1)(a)3.h.g., the identification card shall expire 1 year ~~2~~
614 ~~years~~ after the date of issuance or upon the expiration date
615 cited on the United States Department of Homeland Security

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616 documents, whichever date first occurs, and may not be renewed
 617 or obtain a duplicate except in person.

618 Section 18. Subsection (2) of section 322.08, Florida
 619 Statutes, are amended to read:

620 322.08 Application for license.--

621 (2) Each such application shall include the following
 622 information regarding the applicant:

623 (a) Full name (first, middle or maiden, and last), gender,
 624 proof of social security card number satisfactory to the
 625 department, county of residence, and mailing address, and proof
 626 of residential address satisfactory to the department, country
 627 of birth, and a brief description.

628 (b) Proof of birth date satisfactory to the department.

629 (c) Proof of identity satisfactory to the department. Such
 630 proof must include one of the following documents issued to the
 631 applicant:

632 1. A driver's license record or identification card record
 633 from another jurisdiction that required the applicant to submit
 634 a document for identification which is substantially similar to
 635 a document required under subparagraph 2., subparagraph 3.,
 636 subparagraph 4., subparagraph 5., subparagraph 6., ~~or~~
 637 subparagraph 7., or subparagraph 8.;

638 2. A certified copy of a United States birth certificate;

639 3. A valid unexpired United States passport;

640 4. A naturalization certificate issued by the United
 641 States Department of Homeland Security;

642 5. A valid unexpired ~~An~~ alien registration receipt card
 643 (green card);

644 6. Consular Report of Birth Abroad provided by the United
645 States Department of State;

646 7.6. An unexpired employment authorization card issued by
647 the United States Department of Homeland Security; or

648 8.7. Proof of nonimmigrant classification provided by the
649 United States Department of Homeland Security, for an original
650 driver's license. In order to prove nonimmigrant classification,
651 an applicant may produce the following documents, including, but
652 not limited to:

653 a. A notice of hearing from an immigration court
654 scheduling a hearing on any proceeding.

655 b. A notice from the Board of Immigration Appeals
656 acknowledging pendency of an appeal.

657 c. A notice of the approval of an application for
658 adjustment of status issued by the United States Bureau of
659 Citizenship and Immigration Services.

660 d. Any official documentation confirming the filing of a
661 petition for asylum or refugee status or any other relief issued
662 by the United States Bureau of Citizenship and Immigration
663 Services.

664 e. A notice of action transferring any pending matter from
665 another jurisdiction to this state issued by the United States
666 Bureau of Citizenship and Immigration Services.

667 f. An order of an immigration judge or immigration officer
668 granting any relief that authorizes the alien to live and work
669 in the United States, including, but not limited to, asylum.

670 g. Evidence that an application is pending for adjustment
671 of status to that of an alien lawfully admitted for permanent

672 residence in the United States or conditional permanent resident
 673 status in the United States, if a visa number is available
 674 having a current priority date for processing by the United
 675 States Bureau of Citizenship and Immigration Services.

676
 677 Presentation of any of the documents in subparagraph 7. ~~6.~~ or
 678 subparagraph 8. ~~7.~~ entitles the applicant to a driver's license
 679 or temporary permit for a period not to exceed the expiration
 680 date of the document presented or 1 year, whichever occurs
 681 first.

682 (d) Whether the applicant has previously been licensed to
 683 drive, and, if so, when and by what state, and whether any such
 684 license or driving privilege has ever been disqualified,
 685 revoked, or suspended, or whether an application has ever been
 686 refused, and, if so, the date of and reason for such
 687 disqualification, suspension, revocation, or refusal.

688 (e) Each such application may include fingerprints and
 689 other unique biometric means of identity.

690 Section 19. Paragraph (a) of subsection (1) of section
 691 322.14, Florida Statutes, is amended to read:

692 322.14 Licenses issued to drivers.--

693 (1)(a) The department shall, upon successful completion of
 694 all required examinations and payment of the required fee, issue
 695 to every applicant qualifying therefor, a driver's license as
 696 applied for, which license shall bear thereon a color photograph
 697 or digital image of the licensee; the name of the state; a
 698 distinguishing number assigned to the licensee; and the
 699 licensee's full name, date of birth, and residence ~~mailing~~

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700 address; a brief description of the licensee, including, but not
 701 limited to, the licensee's gender and height; and the dates of
 702 issuance and expiration of the license. A space shall be
 703 provided upon which the licensee shall affix his or her usual
 704 signature. No license shall be valid until it has been so signed
 705 by the licensee except that the signature of said licensee shall
 706 not be required if it appears thereon in facsimile or if the
 707 licensee is not present within the state at the time of
 708 issuance. Applicants qualifying to receive a Class A, Class B,
 709 or Class C driver's license must appear in person within the
 710 state for issuance of a color photographic or digital imaged
 711 driver's license pursuant to s. 322.142.

712 Section 20. Section 322.15, Florida Statutes, is amended
 713 to read:

714 322.15 License to be carried and exhibited on demand;
 715 fingerprint to be imprinted upon a citation.--

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

722 (2) Upon the failure of any person to display a driver's
 723 license as required by subsection (1), the law enforcement
 724 officer or authorized representative of the department stopping
 725 the person shall require the person to imprint his or her
 726 fingerprints ~~fingerprint~~ upon any citation issued by the officer
 727 or authorized representative, or the officer or authorized

728 representative shall collect the fingerprints electronically.

729 (3) In relation to violations of subsection (1) or s.
 730 322.03(5), persons who cannot supply proof of a valid driver's
 731 license for the reason that the license was suspended for
 732 failure to comply with that citation shall be issued a
 733 suspension clearance by the clerk of the court for that citation
 734 upon payment of the applicable penalty and fee for that
 735 citation. If proof of a valid driver's license is not provided
 736 to the clerk of the court within 30 days, the person's driver's
 737 license shall again be suspended for failure to comply.

738 (4) A violation of subsection (1) is a noncriminal traffic
 739 infraction, punishable as a nonmoving violation as provided in
 740 chapter 318.

741 Section 21. Section 322.17, Florida Statutes, is amended
 742 to read:

743 322.17 Duplicate and replacement certificates.--

744 (1)(a) In the event that an instruction permit or driver's
 745 license issued under the provisions of this chapter is lost or
 746 destroyed, the person to whom the same was issued may, upon
 747 payment of the appropriate fee pursuant to s. 322.21 \$10, obtain
 748 a replacement ~~duplicate, or substitute thereof~~, upon furnishing
 749 proof satisfactory to the department that such permit or license
 750 has been lost or destroyed, and further furnishing the full
 751 name, date of birth, sex, residence and mailing address, proof
 752 of birth satisfactory to the department, and proof of identity
 753 satisfactory to the department. ~~Five dollars of the fee levied~~
 754 ~~in this paragraph shall go to the Highway Safety Operating Trust~~
 755 ~~Fund of the department.~~

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756 (b) In the event that an instruction permit or driver's
757 license issued under the provisions of this chapter is stolen,
758 the person to whom the same was issued may, at no charge, obtain
759 a replacement ~~duplicate, or substitute thereof,~~ upon furnishing
760 proof satisfactory to the department that such permit or license
761 was stolen and further furnishing the full name, date of birth,
762 sex, residence and mailing address, proof of birth satisfactory
763 to the department, and proof of identity satisfactory to the
764 department.

765 (2) Upon the surrender of the original license and the
766 payment of the appropriate fees pursuant to s. 322.21 ~~a \$10~~
767 ~~replacement fee,~~ the department shall issue a replacement
768 license to make a change in name, address, or restrictions. ~~Upon~~
769 ~~written request by the licensee and notification of a change in~~
770 ~~address, and the payment of a \$10 fee, the department shall~~
771 ~~issue an address sticker which shall be affixed to the back of~~
772 ~~the license by the licensee. Nine dollars of the fee levied in~~
773 ~~this subsection shall go to the Highway Safety Operating Trust~~
774 ~~Fund of the department.~~

775 (3) Notwithstanding any other provisions of this chapter,
776 if a licensee establishes his or her identity for a driver's
777 license using an identification document authorized under s.
778 322.08(2)(c) 7.6. ~~or 8.7.,~~ the licensee may not obtain a
779 duplicate or replacement instruction permit or driver's license
780 except in person and upon submission of an identification
781 document authorized under s. 322.08(2)(c) 7.6. ~~or 8.7.~~

782 Section 22. Subsections (2), (4), (5), (8), and (9) of
783 section 322.18, Florida Statutes, are amended to read:

784 322.18 Original applications, licenses, and renewals;
 785 expiration of licenses; delinquent licenses.--

786 (2) Each applicant who is entitled to the issuance of a
 787 driver's license, as provided in this section, shall be issued a
 788 driver's license, as follows:

789 (a) An applicant who has not attained 80 years of age
 790 applying for an original issuance shall be issued a driver's
 791 license that ~~which~~ expires at midnight on the licensee's
 792 birthday which next occurs on or after the eighth ~~sixth~~
 793 anniversary of the date of issue. An applicant who is at least
 794 80 years of age applying for an original issuance shall be
 795 issued a driver's license that expires at midnight on the
 796 licensee's birthday that next occurs on or after the sixth
 797 anniversary of the date of issue.

798 (b) An applicant who has not attained 80 years of age
 799 applying for a renewal issuance ~~or renewal extension~~ shall be
 800 issued a driver's license that ~~or renewal extension sticker~~
 801 ~~which~~ expires at midnight on the licensee's birthday that ~~which~~
 802 next occurs 8 ~~4~~ years after the month of expiration of the
 803 license being renewed. An applicant who is at least 80 years of
 804 age applying for a renewal issuance shall be issued a driver's
 805 license that, ~~except that a driver whose driving record reflects~~
 806 ~~no convictions for the preceding 3 years shall be issued a~~
 807 ~~driver's license or renewal extension sticker which~~ expires at
 808 midnight on the licensee's birthday that ~~which~~ next occurs 6
 809 years after the month of expiration of the license being
 810 renewed.

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811 (c) Notwithstanding any other provision of this chapter,
812 if an applicant establishes his or her identity for a driver's
813 license using a document authorized under s. 322.08(2)(c)5., the
814 driver's license shall expire in accordance with paragraph (b).
815 After an initial showing of such documentation, he or she is
816 exempted from having to renew or obtain a duplicate in person.

817 (d) Notwithstanding any other provision of this chapter,
818 if an applicant establishes his or her identity for a driver's
819 license using a document authorized in s. 322.08(2)(c)7.6- or
820 8.7-, the driver's license shall expire 8 2 years after the date
821 of issuance or upon the expiration date cited on the United
822 States Department of Homeland Security documents, whichever date
823 first occurs.

824 (e) Notwithstanding any other provision of this chapter,
825 an applicant applying for an original or renewal issuance of a
826 commercial driver's license as defined in s. 322.01(7), with a
827 hazardous-materials endorsement, pursuant to s. 322.57(1)(e),
828 shall be issued a driver's license that expires at midnight on
829 the licensee's birthday that next occurs 4 years after the month
830 of expiration of the license being issued or renewed.

831 (4)(a) Except as otherwise provided in this chapter, all
832 licenses shall be renewable every 8 4 years ~~or 6 years,~~
833 ~~depending upon the terms of issuance~~ and shall be issued or
834 renewed ~~extended~~ upon application, payment of the fees required
835 by s. 322.21, and successful passage of any required
836 examination, unless the department has reason to believe that
837 the licensee is no longer qualified to receive a license.

838 (b) Notwithstanding any other provision of this chapter,
 839 if an applicant establishes his or her identity for a driver's
 840 license using a document authorized under s. 322.08(2)(c)5., the
 841 license, upon an initial showing of such documentation, is
 842 exempted from having to renew or obtain a duplicate in person,
 843 unless the renewal or duplication coincides with the periodic
 844 reexamination of a driver as required pursuant to s. 322.121.

845 (c) Notwithstanding any other provision of this chapter,
 846 if a licensee establishes his or her identity for a driver's
 847 license using an identification document authorized under s.
 848 322.08(2)(c)~~7.6.~~ or ~~8.7.~~, the licensee may not renew the
 849 driver's license except in person and upon submission of an
 850 identification document authorized under s. 322.08(2)(c)~~7.6.~~ or
 851 ~~8.7.~~ A driver's license renewed under this paragraph expires 8 4
 852 years after the date of issuance or upon the expiration date
 853 cited on the United States Department of Homeland Security
 854 documents, whichever date first occurs.

855 (5) All renewal driver's licenses may be issued after the
 856 applicant licensee has been determined to be eligible by the
 857 department.

858 (a) A licensee who is otherwise eligible for renewal and
 859 who is at least 80 ~~over 79~~ years of age:

860 1. Must submit to and pass a vision test administered at
 861 any driver's license office; or

862 2. If the licensee applies for a renewal using a
 863 convenience service ~~an extension by mail~~ as provided in
 864 subsection (8), he or she must submit to a vision test
 865 administered by a physician licensed under chapter 458 or

866 chapter 459, or an optometrist licensed under chapter 463, must
 867 send the results of that test to the department on a form
 868 obtained from the department and signed by such health care
 869 practitioner, and must meet vision standards that are equivalent
 870 to the standards for passing the departmental vision test. The
 871 physician or optometrist may submit the results of a vision test
 872 by a department-approved electronic means.

873 (b) A licensee who is at least 80 ~~over 79~~ years of age may
 874 not submit an application for renewal ~~extension~~ under subsection
 875 (8) by a convenience service ~~electronic or telephonic means~~,
 876 unless the results of a vision test have been electronically
 877 submitted in advance by the physician or optometrist.

878 (8) The department shall issue 8-year renewals using a
 879 convenience service ~~4 year and 6 year license extensions by~~
 880 ~~mail, electronic, or telephonic means~~ without reexamination to
 881 drivers who have not attained 80 years of age. The department
 882 shall issue 6-year renewals using a convenience service when the
 883 applicant has satisfied the requirements of subsection (5).

884 (a) If the department determines from its records that the
 885 holder of a license about to expire is eligible for renewal, the
 886 department shall mail a renewal notice to the licensee at his or
 887 her last known address, not less than 30 days prior to the
 888 licensee's birthday. The renewal notice shall direct the
 889 licensee to appear at a driver license office for in-person
 890 renewal or to transmit the completed renewal notice and the fees
 891 required by s. 322.21 to the department using a convenience
 892 service ~~by mail, electronically, or telephonically within the 30~~
 893 ~~days preceding the licensee's birthday for a license extension.~~

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894 ~~License extensions shall not be available to drivers directed to~~
 895 ~~appear for in-person renewal.~~

896 (b) Upon receipt of a properly completed renewal notice,
 897 payment of the required fees, and upon determining that the
 898 licensee is still eligible for renewal, the department shall
 899 send a new license extension sticker to the licensee ~~to affix to~~
 900 ~~the expiring license~~ as evidence that the license term has been
 901 extended.

902 (c) The department shall issue one renewal using a
 903 convenience service license extensions for two consecutive
 904 ~~license expirations only. Upon expiration of two consecutive~~
 905 ~~license extension periods, in person renewal with reexamination~~
 906 ~~as provided in s. 322.121 shall be required.~~ A person who is out
 907 of this state when his or her license expires may be issued a
 908 90-day temporary driving permit without reexamination. At the
 909 end of the 90-day period, the person must either return to this
 910 state or apply for a license where the person is located, except
 911 for a member of the Armed Forces as provided in s. 322.121(6).

912 ~~(d) In person renewal at a driver license office shall not~~
 913 ~~be available to drivers whose records indicate they were~~
 914 ~~directed to apply for a license extension.~~

915 (d)(e) Any person who knowingly possesses any forged,
 916 stolen, fictitious, counterfeit, or unlawfully issued license
 917 extension sticker, unless possession by such person has been
 918 duly authorized by the department, commits a misdemeanor of the
 919 second degree, punishable as provided in s. 775.082 or s.
 920 775.083.

921 (e)~~(f)~~ The department shall develop a plan for the
 922 equitable distribution of license ~~extensions and~~ renewals and
 923 the orderly implementation of this section.

924 (9) (a) The application form for a renewal issuance ~~or~~
 925 ~~renewal extension~~ shall include language permitting a voluntary
 926 contribution of \$1 per applicant, to be quarterly distributed by
 927 the department to Prevent Blindness Florida, a not-for-profit
 928 organization, to prevent blindness and preserve the sight of the
 929 residents of this state. A statement providing an explanation of
 930 the purpose of the funds shall be included with the application
 931 form.

932 (b) Prior to the department distributing the funds
 933 collected pursuant to paragraph (a), Prevent Blindness Florida
 934 must submit a report to the department that identifies how such
 935 funds were used during the preceding year.

936 Section 23. Subsections (2) and (4) of section 322.19,
 937 Florida Statutes, are amended to read:

938 322.19 Change of address or name.--

939 (2) Whenever any person, after applying for or receiving a
 940 driver's license, changes the residence or mailing address in
 941 the application or license, the person must, within 10 calendar
 942 days, ~~either~~ obtain a replacement license that reflects the
 943 change ~~or request in writing a change of address sticker.~~ A The
 944 written request to the department must include the old and new
 945 addresses and the driver's license number.

946 (4) Notwithstanding any other provision of this chapter,
 947 if a licensee established his or her identity for a driver's
 948 license using an identification document authorized under s.

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949 322.08(2)(c) ~~7.6~~ or ~~8.7~~, the licensee may not change his or her
 950 name or address except in person and upon submission of an
 951 identification document authorized under s. 322.08(2)(c) ~~7.6~~ or
 952 ~~8.7~~.

953 Section 24. Subsection (1) of section 322.21, Florida
 954 Statutes, is amended to read:

955 322.21 License fees; procedure for handling and collecting
 956 fees.--

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

958 (a) An original or renewal commercial driver's license is
 959 \$67 ~~\$50~~, which shall include the fee for driver education
 960 provided by s. 1003.48; however, if an applicant has completed
 961 training and is applying for employment or is currently employed
 962 in a public or nonpublic school system that requires the
 963 commercial license, the fee shall be the same as for a Class E
 964 driver's license. A delinquent fee of \$1 shall be added for a
 965 renewal made not more than 12 months after the license
 966 expiration date. Of the \$67 fee, \$50 shall be deposited into the
 967 General Revenue Fund. The remaining \$17 shall be deposited into
 968 the Highway Safety Operating Trust Fund for the general
 969 operations of the department.

970 (b) An original Class E driver's license is \$27 ~~\$20~~, which
 971 shall include the fee for driver's education provided by s.
 972 1003.48; however, if an applicant has completed training and is
 973 applying for employment or is currently employed in a public or
 974 nonpublic school system that requires a commercial driver
 975 license, the fee shall be the same as for a Class E license. Of
 976 the \$27 fee, \$20 shall be deposited into the General Revenue

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977 Fund. The remaining \$7 shall be deposited into the Highway
978 Safety Operating Trust Fund for the general operations of the
979 department.

980 (c) The renewal or extension of a Class E driver's license
981 or of a license restricted to motorcycle use only is \$20 ~~\$15~~,
982 except that a delinquent fee of \$1 shall be added for a renewal
983 or extension made not more than 12 months after the license
984 expiration date. The fee provided in this paragraph shall
985 include the fee for driver's education provided by s. 1003.48.
986 Of the \$20 fee, \$15 shall be deposited into the General Revenue
987 Fund. The remaining \$5 shall be deposited into the Highway
988 Safety Operating Trust Fund for the general operations of the
989 department.

990 (d) An original driver's license restricted to motorcycle
991 use only is \$27 ~~\$20~~, which shall include the fee for driver's
992 education provided by s. 1003.48. Of the \$27 fee, \$20 shall be
993 deposited into the General Revenue Fund. The remaining \$7 shall
994 be deposited into the Highway Safety Operating Trust Fund for
995 the general operations of the department.

996 (e) A replacement driver's license issued pursuant to s.
997 322.17 is \$10. Of the \$10 fee, \$3 shall be deposited into the
998 General Revenue Fund. The remaining \$7 shall be deposited into
999 the Highway Safety Operating Trust Fund for the general
1000 operations of the department.

1001 (f) An original or renewal identification card issued
1002 pursuant to s. 322.051 is \$10. Of the \$10 fee, \$4 shall be
1003 deposited into the General Revenue Fund. The remaining \$6 shall

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1004 be deposited in the Highway Safety Operating Trust Fund for the
 1005 general operations of the department.

1006 (g)(e) Each endorsement required by s. 322.57 is \$7 \$5. Of
 1007 the \$7 fee, \$5 shall be deposited into the General Revenue Fund.
 1008 The remaining \$2 shall be deposited into the Highway Safety
 1009 Operating Trust Fund for the general operations of the
 1010 department.

1011 (h)(f) A hazardous-materials endorsement, as required by
 1012 s. 322.57(1)(d), shall be set by the department by rule and
 1013 shall reflect the cost of the required criminal history check,
 1014 including the cost of the state and federal fingerprint check,
 1015 and the cost to the department of providing and issuing the
 1016 license. The fee shall not exceed \$100. This fee shall be
 1017 deposited in the Highway Safety Operating Trust Fund. The
 1018 department may adopt rules to administer this section.

1019 Section 25. Subsection (3) of section 322.2715, Florida
 1020 Statutes is amended to read:

1021 322.2715 Ignition interlock device.--

1022 (3) If the person is convicted of:

1023 (a) A first offense of driving under the influence under
 1024 s. 316.193 and has an unlawful blood-alcohol level or breath-
 1025 alcohol level as specified in s. 316.193(4), or if a person is
 1026 convicted of a violation of s. 316.193 and was at the time of
 1027 the offense accompanied in the vehicle by a person younger than
 1028 18 years of age, the person shall have the ignition interlock
 1029 device installed for 6 continuous months for the first offense
 1030 and for at least 2 continuous years for a second offense.

1031 (b) A second offense of driving under the influence, the

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1032 ignition interlock device shall be installed for a period of not
 1033 less than 1 continuous year.

1034 (c) A third offense of driving under the influence which
 1035 occurs within 10 years after a prior conviction for a violation
 1036 of s.316.193, the ignition interlock device shall be installed
 1037 for a period of not less than 2 continuous years.

1038 (d) A third offense of driving under the influence which
 1039 occurs more than 10 years after the date of a prior conviction,
 1040 the ignition interlock device shall be installed for a period of
 1041 not less than 2 continuous years.

1042 Section 26. Section 322.291, Florida Statutes is amended
 1043 to read:

1044 322.291 Driver improvement schools or DUI programs;
 1045 required in certain suspension and revocation cases.--Except as
 1046 provided in s. 322.03(2), any person:

1047 (1) Whose driving privilege has been revoked:

1048 (a) Upon conviction for:

1049 1. Driving, or being in actual physical control of, any
 1050 vehicle while under the influence of alcoholic beverages, any
 1051 chemical substance set forth in s. 877.111, or any substance
 1052 controlled under chapter 893, in violation of s. 316.193;

1053 2. Driving with an unlawful blood- or breath-alcohol
 1054 level;

1055 3. Manslaughter resulting from the operation of a motor
 1056 vehicle;

1057 4. Failure to stop and render aid as required under the
 1058 laws of this state in the event of a motor vehicle crash
 1059 resulting in the death or personal injury of another;

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1060 5. Reckless driving; or
 1061 (b) As a ~~an~~ habitual offender;
 1062 (c) Upon direction of the court, if the court feels that
 1063 the seriousness of the offense and the circumstances surrounding
 1064 the conviction warrant the revocation of the licensee's driving
 1065 privilege; or
 1066 (2) Whose license was suspended under the point system,
 1067 was suspended for driving with an unlawful blood-alcohol level
 1068 of 0.10 percent or higher before January 1, 1994, was suspended
 1069 for driving with an unlawful blood-alcohol level of 0.08 percent
 1070 or higher after December 31, 1993, was suspended for a violation
 1071 of s. 316.193(1), or was suspended for refusing to submit to a
 1072 lawful breath, blood, or urine test as provided in s. 322.2615
 1073
 1074 shall, before the driving privilege may be reinstated, present
 1075 to the department proof of enrollment in a department-approved
 1076 advanced driver improvement course operating pursuant to s.
 1077 318.1451 or a substance abuse education course conducted by a
 1078 DUI program licensed pursuant to s. 322.292, which shall include
 1079 a psychosocial evaluation and treatment, if referred.
 1080 Additionally, for a third or subsequent violation of
 1081 requirements for installation of an ignition interlock device, a
 1082 person must complete treatment as determined by a licensed
 1083 treatment agency following a referral by a DUI program and have
 1084 the duration of the ignition interlock device requirement
 1085 extended by at least 1 month up to the time period required to
 1086 complete treatment. If the person fails to complete such course
 1087 or evaluation within 90 days after reinstatement, or

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1088 subsequently fails to complete treatment, if referred, the DUI
 1089 program shall notify the department of the failure. Upon receipt
 1090 of the notice, the department shall cancel the offender's
 1091 driving privilege, notwithstanding the expiration of the
 1092 suspension or revocation of the driving privilege. The
 1093 department may temporarily reinstate the driving privilege upon
 1094 verification from the DUI program that the offender has
 1095 completed the education course and evaluation requirement and
 1096 has reentered and is currently participating in treatment. If
 1097 the DUI program notifies the department of the second failure to
 1098 complete treatment, the department shall reinstate the driving
 1099 privilege only after notice of completion of treatment from the
 1100 DUI program.

1101 Section 27. Section 322.60, Florida Statutes, is repealed.

1102 Section 28. Subsections (1) through (6) of section 322.61,
 1103 Florida Statutes, is amended to read:

1104 322.61 Disqualification from operating a commercial motor
 1105 vehicle.--

1106 (1) A person who, for offenses occurring within a 3-year
 1107 period, is convicted of two of the following serious traffic
 1108 violations or any combination thereof, arising in separate
 1109 incidents committed in a commercial motor vehicle shall, in
 1110 addition to any other applicable penalties, be disqualified from
 1111 operating a commercial motor vehicle for a period of 60 days. A
 1112 holder of a commercial driver's license ~~person~~ who, for offenses
 1113 occurring within a 3-year period, is convicted of two of the
 1114 following serious traffic violations, or any combination
 1115 thereof, arising in separate incidents committed in a

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1116 noncommercial motor vehicle shall, in addition to any other
 1117 applicable penalties, be disqualified from operating a
 1118 commercial motor vehicle for a period of 60 days if such
 1119 convictions result in the suspension, revocation, or
 1120 cancellation of the license holder's driving privilege:

1121 (a) A violation of any state or local law relating to
 1122 motor vehicle traffic control, other than a parking violation, a
 1123 weight violation, or a vehicle equipment violation, arising in
 1124 connection with a crash resulting in death or personal injury to
 1125 any person;

1126 (b) Reckless driving, as defined in s. 316.192;

1127 (c) Careless driving, as defined in s. 316.1925;

1128 (d) Fleeing or attempting to elude a law enforcement
 1129 officer, as defined in s. 316.1935;

1130 (e) Unlawful speed of 15 miles per hour or more above the
 1131 posted speed limit;

1132 (f) Driving a commercial motor vehicle, owned by such
 1133 person, which is not properly insured;

1134 (g) Improper lane change, as defined in s. 316.085;

1135 (h) Following too closely, as defined in s. 316.0895;

1136 (i) Driving a commercial vehicle without obtaining a
 1137 commercial driver's license;

1138 (j) Driving a commercial vehicle without the proper class
 1139 of commercial driver's license or without the proper
 1140 endorsement; or

1141 (k) Driving a commercial vehicle without a commercial
 1142 driver's license in possession, as required by s. 322.03. Any
 1143 individual who provides proof to the clerk of the court or

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1144 designated official in the jurisdiction where the citation was
 1145 issued, by the date the individual must appear in court or pay
 1146 any fine for such a violation, that the individual held a valid
 1147 commercial driver's license on the date the citation was issued
 1148 is not guilty of this offense.

1149 (2) (a) Any person who, for offenses occurring within a 3-
 1150 year period, is convicted of three serious traffic violations
 1151 specified in subsection (1) or any combination thereof, arising
 1152 in separate incidents committed in a commercial motor vehicle
 1153 shall, in addition to any other applicable penalties, including
 1154 but not limited to the penalty provided in subsection (1), be
 1155 disqualified from operating a commercial motor vehicle for a
 1156 period of 120 days.

1157 (b) A holder of a commercial driver's license ~~person~~ who,
 1158 for offenses occurring within a 3-year period, is convicted of
 1159 three serious traffic violations specified in subsection (1) or
 1160 any combination thereof arising in separate incidents committed
 1161 in a noncommercial motor vehicle shall, in addition to any other
 1162 applicable penalties, including, but not limited to, the penalty
 1163 provided in subsection (1), be disqualified from operating a
 1164 commercial motor vehicle for a period of 120 days if such
 1165 convictions result in the suspension, revocation, or
 1166 cancellation of the license holder's driving privilege.

1167 (3) Except as provided in subsection (4), any person who
 1168 is convicted of one of the following offenses while operating a
 1169 commercial motor vehicle or any holder of a commercial driver's
 1170 license who is convicted of one of the following offenses while
 1171 operating a noncommercial motor vehicle shall, in addition to

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1172 any other applicable penalties, be disqualified from operating a
 1173 commercial motor vehicle for a period of 1 year:

1174 (a) Driving a ~~commercial~~ motor vehicle while he or she is
 1175 under the influence of alcohol or a controlled substance;

1176 (b) Driving a commercial motor vehicle while the alcohol
 1177 concentration of his or her blood, breath, or urine is .04
 1178 percent or higher;

1179 (c) Leaving the scene of a crash involving a ~~commercial~~
 1180 motor vehicle driven by such person;

1181 (d) Using a ~~commercial~~ motor vehicle in the commission of
 1182 a felony;

1183 (e) Driving a commercial motor vehicle while in possession
 1184 of a controlled substance;

1185 (f) Refusing to submit to a test to determine his or her
 1186 alcohol concentration while driving a ~~commercial~~ motor vehicle;

1187 (g) Driving a commercial vehicle while the licenseholder's
 1188 commercial driver's license is suspended, revoked, or canceled
 1189 or while the licenseholder is disqualified from driving a
 1190 commercial vehicle; or

1191 (h) Causing a fatality through the negligent operation of
 1192 a commercial motor vehicle.

1193 (4) Any person who is transporting hazardous materials as
 1194 defined in s. 322.01(24) ~~in a vehicle that is required to be~~
 1195 ~~placarded in accordance with Title 49 C.F.R. part 172, subpart F~~
 1196 shall, upon conviction of an offense specified in subsection
 1197 (3), be disqualified from operating a commercial motor vehicle
 1198 for a period of 3 years. The penalty provided in this subsection
 1199 shall be in addition to any other applicable penalty.

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1200 (5) Any person who is convicted of two violations
 1201 specified in subsection (3) which were committed while operating
 1202 a commercial motor vehicle, or any combination thereof, arising
 1203 in separate incidents shall be permanently disqualified from
 1204 operating a commercial motor vehicle. Any holder of a commercial
 1205 driver's license who is convicted of two violations specified in
 1206 subsection (3) which were committed while operating a
 1207 noncommercial motor vehicle, or any combination thereof, arising
 1208 in separate incidents shall be permanently disqualified from
 1209 operating a commercial motor vehicle. The penalty provided in
 1210 this subsection is ~~shall be~~ in addition to any other applicable
 1211 penalty.

1212 (6) Notwithstanding subsections (3), (4), and (5), any
 1213 person who uses a commercial motor vehicle in the commission of
 1214 any felony involving the manufacture, distribution, or
 1215 dispensing of a controlled substance, including possession with
 1216 intent to manufacture, distribute, or dispense a controlled
 1217 substance, shall, upon conviction of such felony, be permanently
 1218 disqualified from operating a commercial motor vehicle.
 1219 Notwithstanding subsections (3), (4), and (5), any holder of a
 1220 commercial driver's license who uses a noncommercial motor
 1221 vehicle in the commission of any felony involving the
 1222 manufacture, distribution, or dispensing of a controlled
 1223 substance, including possession with intent to manufacture,
 1224 distribute, or dispense a controlled substance, shall, upon
 1225 conviction of such felony, be permanently disqualified from
 1226 operating a commercial motor vehicle. The penalty provided in
 1227 this subsection is ~~shall be~~ in addition to any other applicable

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1228 penalty.

1229 Section 29. Subsections (1), (2), (4), (6), (7), (8), (9),
 1230 and (10) of section 322.64, Florida Statutes, are amended to
 1231 read:

1232 322.64 Holder of commercial driver's license; persons
 1233 operating a commercial motor vehicle; driving with unlawful
 1234 blood-alcohol level; refusal to submit to breath, urine, or
 1235 blood test.--

1236 (1)(a) A law enforcement officer or correctional officer
 1237 shall, on behalf of the department, disqualify from operating
 1238 any commercial motor vehicle a person who while operating or in
 1239 actual physical control of a commercial motor vehicle is
 1240 arrested for a violation of s. 316.193 , relating to unlawful
 1241 blood-alcohol level or breath-alcohol level, or a person who has
 1242 refused to submit to a breath, urine, or blood test authorized
 1243 by s. 322.63 arising out of the operation or actual physical
 1244 control of a commercial motor vehicle. A law enforcement officer
 1245 or correctional officer shall, on behalf of the department,
 1246 disqualify the holder of a commercial driver's license from
 1247 operating any commercial motor vehicle if the licenseholder,
 1248 while operating or in actual physical control of a motor
 1249 vehicle, is arrested for a violation of s. 316.193, relating to
 1250 unlawful blood-alcohol level or breath-alcohol level, or refused
 1251 to submit to a breath, urine, or blood test authorized by s.
 1252 322.63. Upon disqualification of the person, the officer shall
 1253 take the person's driver's license and issue the person a 10-day
 1254 temporary permit for the operation of noncommercial vehicles
 1255 only if the person is otherwise eligible for the driving

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1256 | privilege and shall issue the person a notice of
 1257 | disqualification. If the person has been given a blood, breath,
 1258 | or urine test, the results of which are not available to the
 1259 | officer at the time of the arrest, the agency employing the
 1260 | officer shall transmit such results to the department within 5
 1261 | days after receipt of the results. If the department then
 1262 | determines that the person ~~was arrested for a violation of s.~~
 1263 | ~~316.193 and that the person~~ had a blood-alcohol level or breath-
 1264 | alcohol level of 0.08 or higher, the department shall disqualify
 1265 | the person from operating a commercial motor vehicle pursuant to
 1266 | subsection (3).

1267 | (b) The disqualification under paragraph (a) shall be
 1268 | pursuant to, and the notice of disqualification shall inform the
 1269 | driver of, the following:

1270 | 1.a. The driver refused to submit to a lawful breath,
 1271 | blood, or urine test and he or she is disqualified from
 1272 | operating a commercial motor vehicle for a period of 1 year, for
 1273 | a first refusal, or permanently, if he or she has previously
 1274 | been disqualified as a result of a refusal to submit to such a
 1275 | test; or

1276 | b. The driver was driving or in actual physical control of
 1277 | a commercial motor vehicle, or any motor vehicle if the driver
 1278 | holds a commercial driver's license, had an unlawful blood-
 1279 | alcohol level or breath-alcohol level of 0.08 or higher, and his
 1280 | or her driving privilege shall be disqualified for a period of 6
 1281 | months for a first offense or for a period of 1 year if his or
 1282 | her driving privilege has been previously disqualified under
 1283 | this section ~~violated s. 316.193 by driving with an unlawful~~

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1284 ~~blood alcohol level and he or she is disqualified from operating~~
 1285 ~~a commercial motor vehicle for a period of 6 months for a first~~
 1286 ~~offense or for a period of 1 year if he or she has previously~~
 1287 ~~been disqualified, or his or her driving privilege has been~~
 1288 ~~previously suspended, for a violation of s. 316.193.~~

1289 2. The disqualification period for operating commercial
 1290 vehicles shall commence on the date of ~~arrest or~~ issuance of the
 1291 notice of disqualification, ~~whichever is later.~~

1292 3. The driver may request a formal or informal review of
 1293 the disqualification by the department within 10 days after the
 1294 date of ~~arrest or~~ issuance of the notice of disqualification,
 1295 ~~whichever is later.~~

1296 4. The temporary permit issued at the time of ~~arrest or~~
 1297 disqualification expires ~~will expire~~ at midnight of the 10th day
 1298 following the date of disqualification.

1299 5. The driver may submit to the department any materials
 1300 relevant to the disqualification ~~arrest.~~

1301 (2) Except as provided in paragraph (1)(a), the law
 1302 enforcement officer shall forward to the department, within 5
 1303 days after the date of the ~~arrest or the~~ issuance of the notice
 1304 of disqualification, ~~whichever is later,~~ a copy of the notice of
 1305 disqualification, the driver's license of the person
 1306 disqualified arrested, and ~~a report of the arrest, including, if~~
 1307 ~~applicable,~~ an affidavit stating the officer's grounds for
 1308 belief that the person disqualified arrested was operating or in
 1309 actual physical control of a commercial motor vehicle, or holds
 1310 a commercial driver's license, and had an unlawful blood-alcohol
 1311 or breath-alcohol level in violation of s.316.193; the results

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1312 of any breath or blood or urine test or an affidavit stating
1313 that a breath, blood, or urine test was requested by a law
1314 enforcement officer or correctional officer and that the person
1315 arrested refused to submit; a copy of the notice of
1316 disqualification ~~citation~~ issued to the person arrested; and the
1317 officer's description of the person's field sobriety test, if
1318 any. The failure of the officer to submit materials within the
1319 5-day period specified in this subsection or subsection (1) does
1320 ~~shall~~ not affect the department's ability to consider any
1321 evidence submitted at or prior to the hearing. The officer may
1322 also submit a copy of a videotape of the field sobriety test or
1323 the attempt to administer such test and a copy of the crash
1324 report, if any.

1325 (4) If the person disqualified ~~arrested~~ requests an
1326 informal review pursuant to subparagraph (1)(b)3., the
1327 department shall conduct the informal review by a hearing
1328 officer employed by the department. Such informal review hearing
1329 shall consist solely of an examination by the department of the
1330 materials submitted by a law enforcement officer or correctional
1331 officer and by the person disqualified ~~arrested~~, and the
1332 presence of an officer or witness is not required.

1333 (6)(a) If the person disqualified ~~arrested~~ requests a
1334 formal review, the department must schedule a hearing to be held
1335 within 30 days after such request is received by the department
1336 and must notify the person of the date, time, and place of the
1337 hearing.

1338 (b) Such formal review hearing shall be held before a
1339 hearing officer employed by the department, and the hearing

1340 officer shall be authorized to administer oaths, examine
 1341 witnesses and take testimony, receive relevant evidence, issue
 1342 subpoenas for the officers and witnesses identified in documents
 1343 as provided in subsection (2), regulate the course and conduct
 1344 of the hearing, and make a ruling on the disqualification. The
 1345 department and the person disqualified ~~arrested~~ may subpoena
 1346 witnesses, and the party requesting the presence of a witness
 1347 shall be responsible for the payment of any witness fees. If the
 1348 person who requests a formal review hearing fails to appear and
 1349 the hearing officer finds such failure to be without just cause,
 1350 the right to a formal hearing is waived ~~and the department shall~~
 1351 ~~conduct an informal review of the disqualification under~~
 1352 ~~subsection (4)~~.

1353 (c) A party may seek enforcement of a subpoena under
 1354 paragraph (b) by filing a petition for enforcement in the
 1355 circuit court of the judicial circuit in which the person
 1356 failing to comply with the subpoena resides. A failure to comply
 1357 with an order of the court shall result in a finding of contempt
 1358 of court. However, a person shall not be in contempt while a
 1359 subpoena is being challenged.

1360 (d) The department must, within 7 days after a formal
 1361 review hearing, send notice to the person of the hearing
 1362 officer's decision as to whether sufficient cause exists to
 1363 sustain, amend, or invalidate the disqualification.

1364 (7) In a formal review hearing under subsection (6) or an
 1365 informal review hearing under subsection (4), the hearing
 1366 officer shall determine by a preponderance of the evidence
 1367 whether sufficient cause exists to sustain, amend, or invalidate

1368 the disqualification. The scope of the review shall be limited
 1369 to the following issues:

1370 (a) If the person was disqualified from operating a
 1371 commercial motor vehicle for driving with an unlawful blood-
 1372 alcohol level ~~in violation of s. 316.193~~:

1373 1. Whether the arresting law enforcement officer had
 1374 probable cause to believe that the person was driving or in
 1375 actual physical control of a commercial motor vehicle, or any
 1376 motor vehicle if the driver holds a commercial driver's license,
 1377 in this state while he or she had any alcohol, chemical
 1378 substances, or controlled substances in his or her body.

1379 ~~2. Whether the person was placed under lawful arrest for a~~
 1380 ~~violation of s. 316.193.~~

1381 ~~2.3.~~ Whether the person had an unlawful blood-alcohol
 1382 level or breath-alcohol level of 0.08 or higher ~~as provided in~~
 1383 ~~s. 316.193.~~

1384 (b) If the person was disqualified from operating a
 1385 commercial motor vehicle for refusal to submit to a breath,
 1386 blood, or urine test:

1387 1. Whether the law enforcement officer had probable cause
 1388 to believe that the person was driving or in actual physical
 1389 control of a commercial motor vehicle, or any motor vehicle if
 1390 the driver holds a commercial driver's license, in this state
 1391 while he or she had any alcohol, chemical substances, or
 1392 controlled substances in his or her body.

1393 2. Whether the person refused to submit to the test after
 1394 being requested to do so by a law enforcement officer or
 1395 correctional officer.

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1396 3. Whether the person was told that if he or she refused
 1397 to submit to such test he or she would be disqualified from
 1398 operating a commercial motor vehicle for a period of 1 year or,
 1399 in the case of a second refusal, permanently.

1400 (8) Based on the determination of the hearing officer
 1401 pursuant to subsection (7) for both informal hearings under
 1402 subsection (4) and formal hearings under subsection (6), the
 1403 department shall:

1404 (a) Sustain the disqualification for a period of 1 year
 1405 for a first refusal, or permanently if such person has been
 1406 previously disqualified from operating a commercial motor
 1407 vehicle as a result of a refusal to submit to such tests. The
 1408 disqualification period commences on the date of the arrest or
 1409 issuance of the notice of disqualification, whichever is later.

1410 (b) Sustain the disqualification:

1411 1. For a period of 6 months if the person was driving or
 1412 in actual physical control of a commercial motor vehicle, or any
 1413 motor vehicle if the driver holds a commercial driver's license,
 1414 and had an unlawful blood-alcohol level or breath-alcohol level
 1415 of 0.08 or higher; ~~for a violation of s. 316.193~~ or

1416 2. For a period of 1 year if the person has been
 1417 previously disqualified from operating a commercial motor
 1418 vehicle or his or her driving privilege has been previously
 1419 suspended for driving or being in actual physical control of a
 1420 commercial motor vehicle, or any motor vehicle if the driver
 1421 holds a commercial driver's license, and had an unlawful blood-
 1422 alcohol level or breath-alcohol level of 0.08 or higher ~~as a~~
 1423 result of a violation of s. 316.193.

1424
 1425 The disqualification period commences on the date of the arrest
 1426 or issuance of the notice of disqualification, ~~whichever is~~
 1427 ~~later.~~

1428 (9) A request for a formal review hearing or an informal
 1429 review hearing shall not stay the disqualification. If the
 1430 department fails to schedule the formal review hearing to be
 1431 held within 30 days after receipt of the request therefor, the
 1432 department shall invalidate the disqualification. If the
 1433 scheduled hearing is continued at the department's initiative,
 1434 the department shall issue a temporary driving permit limited to
 1435 noncommercial vehicles which shall be valid until the hearing is
 1436 conducted if the person is otherwise eligible for the driving
 1437 privilege. Such permit shall not be issued to a person who
 1438 sought and obtained a continuance of the hearing. The permit
 1439 issued under this subsection shall authorize driving for
 1440 business purposes ~~or employment use~~ only.

1441 (10) A person who is disqualified from operating a
 1442 commercial motor vehicle under subsection (1) or subsection (3)
 1443 is eligible for issuance of a license for business or employment
 1444 purposes only under s. 322.271 if the person is otherwise
 1445 eligible for the driving privilege. ~~However, such business or~~
 1446 ~~employment purposes license shall not authorize the driver to~~
 1447 ~~operate a commercial motor vehicle.~~

1448 Section 30. Subsection (10) of section 324.021, Florida
 1449 Statutes, is amended to read:

1450 324.021 Definitions; minimum insurance required.--The
 1451 following words and phrases when used in this chapter shall, for

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1452 the purpose of this chapter, have the meanings respectively
 1453 ascribed to them in this section, except in those instances
 1454 where the context clearly indicates a different meaning:

1455 (10) JUDGMENT.--Any judgment becomes ~~which shall have~~
 1456 ~~become~~ final by expiration without appeal of the time within
 1457 which an appeal might have been perfected, or by final
 1458 affirmation on appeal, rendered by a court of competent
 1459 jurisdiction of any state or of the United States upon a cause
 1460 of action arising out of the ownership, maintenance, or use of
 1461 any motor vehicle for damages, including damages for care and
 1462 loss of services because of bodily injury to or death of any
 1463 person, or for damages because of injury to or destruction of
 1464 property, including the loss of use thereof, or upon a cause of
 1465 action on an agreement of settlement for such damage.

1466 Section 31. Subsection (19) of section 501.976, Florida
 1467 Statutes, is amended to read:

1468 501.976 Actionable, unfair, or deceptive acts or
 1469 practices.--It is an unfair or deceptive act or practice,
 1470 actionable under the Florida Deceptive and Unfair Trade
 1471 Practices Act, for a dealer to:

1472 (19) Fail to disclose damage to a new motor vehicle, as
 1473 defined in s. 319.001(9)~~(8)~~, of which the dealer had actual
 1474 knowledge, if the dealer's actual cost of repairs exceeds the
 1475 threshold amount, excluding replacement items.

1476
 1477 In any civil litigation resulting from a violation of this
 1478 section, when evaluating the reasonableness of an award of
 1479 attorney's fees to a private person, the trial court shall

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1480 | consider the amount of actual damages in relation to the time
1481 | spent.

1482 | Section 32. This act shall take effect July 1, 2008.