

1 A bill to be entitled
2 An act relating to the Department of Highway Safety and
3 Motor Vehicles; creating the "Highway Safety Act";
4 providing legislative intent relating to road rage and
5 aggressive careless driving; amending s. 316.003, F.S.;
6 defining the term "road rage"; amending s. 316.083, F.S.;
7 requiring an operator of a motor vehicle to yield the left
8 lane when being overtaken on a multilane highway;
9 providing exceptions; amending s. 316.1923, F.S.; revising
10 the number of specified acts necessary to qualify as an
11 aggressive careless driver; providing specified
12 punishments for aggressive careless driving; specifying
13 the allocation of moneys received from the increased fine
14 imposed for aggressive careless driving; amending s.
15 318.19, F.S.; providing that a second or subsequent
16 infraction as an aggressive careless driver requires
17 attendance at a mandatory hearing; requiring the
18 Department of Highway Safety and Motor Vehicles to provide
19 an educational awareness campaign; amending s. 316.0741,
20 F.S.; redefining the term "hybrid vehicle"; authorizing
21 the driving of a hybrid, low-emission, or energy-efficient
22 vehicle in a high-occupancy-vehicle lane regardless of
23 occupancy; authorizing the department to limit or
24 discontinue such driving under certain circumstances;
25 directing the Department of Transportation to review a
26 specified federal rule and make a report to the
27 Legislature; exempting certain vehicles from the payment
28 of certain tolls; amending s. 316.1575, F.S.; requiring a

29 person walking or driving a vehicle to stop at a railroad
30 crossing upon the signal of a law enforcement officer;
31 amending s. 316.1895, F.S.; requiring the placement of
32 signs in certain school zones stating that speeding fines
33 are doubled within the zone; amending s. 316.193, F.S.;
34 lowering the blood-alcohol or breath-alcohol level for
35 which enhanced penalties are imposed against a person
36 convicted of driving under the influence; amending s.
37 316.1937, F.S.; revising the conditions under which the
38 court may require the use of an ignition interlock device;
39 amending s. 316.251, F.S.; conforming a cross-reference;
40 amending s. 316.29545, F.S.; providing an additional
41 exemption from window sunscreening requirements for
42 certain investigative vehicles; amending s. 316.302, F.S.;
43 revising references to rules, regulations, and criteria
44 governing commercial motor vehicles engaged in intrastate
45 commerce; providing that the Department of Transportation
46 performs duties assigned to the Field Administrator of the
47 Federal Motor Carrier Safety Administration under the
48 federal rules and may enforce those rules; amending s.
49 316.3045, F.S.; providing enhanced penalties upon multiple
50 convictions for violating prohibitions against the use of
51 excessively loud soundmaking equipment in a motor vehicle;
52 amending s. 316.515, F.S.; revising restrictions on use of
53 certain agriculture-related vehicles; providing for
54 exemptions from width and height limitations for certain
55 farming or agricultural equipment; providing conditions
56 for use of such equipment; authorizing certain movements

57 | without a Department of Transportation overwidth permit;
58 | providing lighting requirements for certain overwidth
59 | equipment; amending s. 316.613, F.S.; redefining the term
60 | "motor vehicle" to exclude certain trucks from the
61 | requirement to use a child restraint or safety belt;
62 | amending s. 316.645, F.S.; authorizing a police officer to
63 | make an arrest upon probable cause of a violation of laws
64 | governing motor vehicle licenses; amending s. 316.650,
65 | F.S.; revising requirements for traffic citation forms;
66 | providing for the electronic transmission of citation
67 | data; amending s. 316.656, F.S.; lowering the percentage
68 | of blood or breath alcohol content relating to the
69 | prohibition against pleading guilty to a lesser offense of
70 | driving under the influence than the offense charged;
71 | amending s. 319.001, F.S.; defining the term "certificate
72 | of title" to include information stored electronically in
73 | the department's database; amending s. 320.01, F.S.;
74 | revising the definition of the term "motorcycle" to
75 | exclude a vehicle in which the operator is enclosed by a
76 | cabin; amending s. 320.02, F.S.; deleting the requirement
77 | for a motorcycle endorsement at the time of original
78 | registration of a motorcycle, motor-driven cycle, or
79 | moped; repealing s. 320.02(13), F.S., relating to a motor
80 | vehicle registration voluntary contribution for the
81 | Election Campaign Financing Trust Fund; amending s.
82 | 320.0706, F.S.; providing that a violation of requirements
83 | for displaying a truck license plate is a moving
84 | violation; amending s. 320.0715, F.S.; requiring the

85 | department to withhold issuing or to suspend a
86 | registration and license plate for a commercial motor
87 | vehicle if the federal identifying number is not provided
88 | or if the motor carrier or vehicle owner has been
89 | prohibited from operating; amending s. 320.08053, F.S.;
90 | removing a requirement that the department create certain
91 | specifications by rule for specialty license plates;
92 | amending s. 320.0894, F.S.; providing for issuance of Gold
93 | Star license plates to certain family members; amending s.
94 | 320.27, F.S.; revising types of liability insurance
95 | required of certain motor vehicle dealers; conforming a
96 | cross-reference; amending s. 320.69, F.S.; authorizing the
97 | department to adopt rules; amending s. 322.01, F.S.;
98 | defining the term "convenience service" for purposes of
99 | transactions with the department; revising the definition
100 | of the term "conviction" to provide for application to
101 | offenses committed by a person holding a commercial
102 | driver's license; revising the definition of the terms
103 | "hazardous materials" and "out-of-service order"; amending
104 | s. 322.03, F.S.; removing provisions for issuance of a
105 | license valid in Florida only; prohibiting a person from
106 | holding more than one driver's license; authorizing use of
107 | such licenses until next renewal; amending s. 322.051,
108 | F.S.; revising requirements for application for issuance
109 | or renewal of an identification card; revising provisions
110 | providing for the expiration of an identification card
111 | issued by the department; amending s. 322.08, F.S.;
112 | revising requirements for application for a driver's

113 license; removing a provision requiring the application
114 form to include language permitting a voluntary
115 contribution for the Election Campaign Financing Trust
116 Fund; amending s. 322.14, F.S.; revising provisions for
117 content of a driver's license; requiring the license to
118 contain the licensee's residence address; removing a
119 requirement that the license contain the licensee's
120 mailing address; amending s. 322.15, F.S.; authorizing a
121 law enforcement officer or authorized representative of
122 the department to collect a person's fingerprints
123 electronically; amending s. 322.17, F.S.; revising
124 provisions for replacement of an instruction permit or
125 driver license; removing fee amounts; requiring payment of
126 specified fee amounts; removing a provision for a change
127 of address sticker; conforming cross-references; amending
128 s. 322.18, F.S.; revising provisions providing for the
129 expiration and renewal of driver's licenses; providing for
130 the renewal of certain licenses every 8 years; conforming
131 cross-references; providing for the renewal of licenses
132 using a convenience service; requiring the department to
133 issue new licenses rather than extension stickers;
134 amending s. 322.19, F.S.; revising provisions for a
135 licensee changing address; removing a provision for the
136 licensee to request a change-of-address sticker;
137 conforming cross-references; amending s. 322.21, F.S.;
138 revising fees for issuance of original, renewal, and
139 replacement driver's licenses and identification cards;
140 revising fees for specified endorsements; providing for

141 distribution of revised fees; amending s. 322.2715, F.S.;

142 providing that the required installation period of an

143 ignition interlock device for certain DUI offenses be

144 continuous; amending s. 322.291, F.S.; providing

145 additional requirements for a third or subsequent

146 violation of requirements for installation of an ignition

147 interlock device; requiring treatment and extension of the

148 duration of the ignition interlock requirement; amending

149 s. 322.36, F.S.; requiring the suspension for a specified

150 period of the driver's license of a person who loans a

151 vehicle to a person whose driver's license is suspended if

152 that vehicle is involved in an accident resulting in

153 bodily injury or death; repealing s. 322.60, F.S.,

154 relating to the prohibition on commercial motor vehicle

155 drivers possessing more than one license; amending s.

156 322.61, F.S.; clarifying provisions disqualifying a person

157 from operating a commercial motor vehicle following

158 certain traffic violations; providing for permanent

159 disqualification following conviction of a felony

160 involving the manufacture, distribution, or dispensing of

161 a controlled substance; amending s. 322.64, F.S.;

162 providing that refusal to submit to a breath, urine, or

163 blood test disqualifies a person from operating a

164 commercial motor vehicle; providing a period of

165 disqualification if a person has an unlawful blood-alcohol

166 or breath-alcohol level; providing for issuance of a

167 notice of disqualification; revising the requirements for

168 a formal review hearing following a person's

169 | disqualification from operating a commercial motor
 170 | vehicle; amending s. 324.021, F.S.; clarifying that a
 171 | judgment becomes final by expiration of the time for
 172 | appeal; amending s. 501.976, F.S.; conforming a cross-
 173 | reference; prohibiting the Department of Highway Safety
 174 | and Motor Vehicles from issuing any new specialty license
 175 | plates for a specified period; designating the Joseph P.
 176 | Bertrand Building in Lee County; providing effective
 177 | dates.

178 |

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

180 |

181 | Section 1. Sections 1-7 of this act may be cited as the
 182 | "Highway Safety Act."

183 | Section 2. The Legislature finds that road rage and
 184 | aggressive careless driving are a growing threat to the health,
 185 | safety, and welfare of the public. The intent of the Legislature
 186 | is to reduce road rage and aggressive careless driving, reduce
 187 | the incidence of drivers interfering with the movement of
 188 | traffic, minimize crashes, and promote the orderly, free flow of
 189 | traffic on the roads and highways of the state.

190 | Section 3. Subsection (86) is added to section 316.003,
 191 | Florida Statutes, to read:

192 | 316.003 Definitions.--The following words and phrases,
 193 | when used in this chapter, shall have the meanings respectively
 194 | ascribed to them in this section, except where the context
 195 | otherwise requires:

196 | (86) ROAD RAGE.--The act of a driver or passenger to

197 intentionally injure or kill another driver, passenger, or
 198 pedestrian, or to attempt or threaten to injure or kill another
 199 driver, passenger, or pedestrian.

200 Section 4. Present subsection (3) of section 316.083,
 201 Florida Statutes, is redesignated as subsection (4), and a new
 202 subsection (3) is added to that section, to read:

203 316.083 Overtaking and passing a vehicle.--The following
 204 rules shall govern the overtaking and passing of vehicles
 205 proceeding in the same direction, subject to those limitations,
 206 exceptions, and special rules hereinafter stated:

207 (3) (a) On roads, streets, or highways having two or more
 208 lanes that allow movement in the same direction, a driver may
 209 not continue to operate a motor vehicle in the furthestmost left-
 210 hand lane if the driver knows, or reasonably should know, that
 211 he or she is being overtaken in that lane from the rear by a
 212 motor vehicle traveling at a higher rate of speed.

213 (b) Paragraph (a) does not apply to a driver operating a
 214 motor vehicle in the furthestmost left-hand lane if:

215 1. The driver is driving the legal speed limit and is not
 216 impeding the flow of traffic in the furthestmost left-hand lane;

217 2. The driver is in the process of overtaking a slower
 218 motor vehicle in the adjacent right-hand lane for the purpose of
 219 passing the slower moving vehicle so that the driver may move to
 220 the adjacent right-hand lane;

221 3. Conditions make the flow of traffic substantially the
 222 same in all lanes or preclude the driver from moving to the
 223 adjacent right-hand lane;

224 4. The driver's movement to the adjacent right-hand lane

225 could endanger the driver or other drivers;

226 5. The driver is directed by a law enforcement officer,
 227 road sign, or road crew to remain in the furthestmost left-hand
 228 lane; or

229 6. The driver is preparing to make a left turn.

230 Section 5. Section 316.1923, Florida Statutes, is amended
 231 to read:

232 316.1923 Aggressive careless driving.--

233 (1) "Aggressive careless driving" means committing three
 234 ~~two~~ or more of the following acts simultaneously or in
 235 succession:

236 (a)~~(1)~~ Exceeding the posted speed as defined in s.
 237 322.27(3)(d)5.b.

238 (b)~~(2)~~ Unsafely or improperly changing lanes as defined in
 239 s. 316.085.

240 (c)~~(3)~~ Following another vehicle too closely as defined in
 241 s. 316.0895(1).

242 (d)~~(4)~~ Failing to yield the right-of-way as defined in s.
 243 316.079, s. 316.0815, or s. 316.123.

244 (e)~~(5)~~ Improperly passing or failing to yield to
 245 overtaking vehicles as defined in s. 316.083, s. 316.084, or s.
 246 316.085.

247 (f)~~(6)~~ Violating traffic control and signal devices as
 248 defined in ss. 316.074 and 316.075.

249 (2) Any person convicted of aggressive careless driving
 250 shall be cited for a moving violation and punished as provided
 251 in chapter 318, and by the accumulation of points as provided in
 252 s. 322.27, for each act of aggressive careless driving.

253 (3) In addition to any fine or points administered under
 254 subsection (2), a person convicted of aggressive careless
 255 driving shall also pay:

256 (a) Upon a first conviction, a fine of \$100.

257 (b) Upon a second or subsequent conviction, a fine of not
 258 less than \$250 but not more than \$500 and be subject to a
 259 mandatory hearing under s. 318.19.

260 (4) Moneys received from the increased fine imposed by
 261 subsection (3) shall be remitted to the Department of Revenue
 262 and deposited into the Department of Health Administrative Trust
 263 Fund to provide financial support to verified trauma centers to
 264 ensure the availability and accessibility of trauma services
 265 throughout the state. Funds deposited into the Administrative
 266 Trust Fund under this section shall be allocated as follows:

267 (a) Twenty-five percent shall be allocated equally among
 268 all Level I, Level II, and pediatric trauma centers in
 269 recognition of readiness costs for maintaining trauma services.

270 (b) Twenty-five percent shall be allocated among Level I,
 271 Level II, and pediatric trauma centers based on each center's
 272 relative volume of trauma cases as reported in the Department of
 273 Health Trauma Registry.

274 (c) Twenty-five percent shall be allocated for emergency
 275 medical services.

276 (d) Twenty-five percent shall be allocated for rural
 277 emergency medical services.

278 Section 6. Section 318.19, Florida Statutes, is amended to
 279 read:

280 318.19 Infractions requiring a mandatory hearing.--Any

281 person cited for the infractions listed in this section shall
 282 not have the provisions of s. 318.14(2), (4), and (9) available
 283 to him or her but must appear before the designated official at
 284 the time and location of the scheduled hearing:

- 285 (1) Any infraction which results in a crash that causes
- 286 the death of another;
- 287 (2) Any infraction which results in a crash that causes
- 288 "serious bodily injury" of another as defined in s. 316.1933(1);
- 289 (3) Any infraction of s. 316.172(1)(b);
- 290 (4) Any infraction of s. 316.520(1) or (2); ~~or~~
- 291 (5) Any infraction of s. 316.183(2), s. 316.187, or s.
- 292 316.189 of exceeding the speed limit by 30 m.p.h. or more; or-
- 293 (6) A second or subsequent infraction of s. 316.1923(1).

294 Section 7. The Department of Highway Safety and Motor
 295 Vehicles shall provide an educational awareness campaign
 296 informing the motoring public about the Highway Safety Act. The
 297 department shall provide information about the act in all newly
 298 printed driver's license educational materials after October 1,
 299 2008, and in public service announcements produced in
 300 cooperation with the Florida Highway Patrol.

301 Section 8. Section 316.0741, Florida Statutes, is amended
 302 to read:

303 316.0741 High-occupancy-vehicle ~~High-occupancy-vehicle~~
 304 lanes.--

305 (1) As used in this section, the term:

306 (a) "High-occupancy-vehicle ~~High-occupancy-vehicle~~ lane"
 307 or "HOV lane" means a lane of a public roadway designated for
 308 use by vehicles in which there is more than one occupant unless

309 otherwise authorized by federal law.

310 (b) "Hybrid vehicle" means a motor vehicle:

311 1. That draws propulsion energy from onboard sources of
312 stored energy which are both an internal combustion or heat
313 engine using combustible fuel and a rechargeable energy-storage
314 system; and

315 2. That, in the case of a passenger automobile or light
316 truck, has received a certificate of conformity under the Clean
317 Air Act, 42 U.S.C. ss. 7401 et seq., and meets or exceeds the
318 equivalent qualifying California standards for a low-emission
319 vehicle.

320 (2) The number of persons that must be in a vehicle to
321 qualify for legal use of the HOV lane and the hours during which
322 the lane will serve as an HOV lane, if it is not designated as
323 such on a full-time basis, must also be indicated on a traffic
324 control device.

325 (3) Except as provided in subsection (4), a vehicle may
326 not be driven in an HOV lane if the vehicle is occupied by fewer
327 than the number of occupants indicated by a traffic control
328 device. A driver who violates this section shall be cited for a
329 moving violation, punishable as provided in chapter 318.

330 (4) (a) Notwithstanding any other provision of this
331 section, an inherently low-emission vehicle (ILEV) that is
332 certified and labeled in accordance with federal regulations may
333 be driven in an HOV lane at any time, regardless of its
334 occupancy. In addition, upon the state's receipt of written
335 notice from the proper federal regulatory agency authorizing
336 such use, a vehicle defined as a hybrid vehicle under this

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337 section may be driven in an HOV lane at any time, regardless of
338 its occupancy.

339 (b) All eligible hybrid and all eligible other low-
340 emission and energy-efficient vehicles driven in an HOV lane
341 must comply with the minimum fuel economy standards in 23 U.S.C.
342 s. 166(f)(3)(B).

343 (c) Upon issuance of the applicable United States
344 Environmental Protection Agency final rule pursuant to 23 U.S.C.
345 s. 166(e), relating to the eligibility of hybrid and other low-
346 emission and energy-efficient vehicles for operation in an HOV
347 lane, regardless of occupancy, the Department of Transportation
348 shall review the rule and recommend to the Legislature any
349 statutory changes necessary for compliance with the federal
350 rule. The department shall provide its recommendations no later
351 than 30 days following issuance of the final rule.

352 (5) The department shall issue a decal and registration
353 certificate, to be renewed annually, reflecting the HOV lane
354 designation on ~~such~~ vehicles meeting the criteria in subsection
355 (4) authorizing driving in an HOV lane at any time ~~such use~~. The
356 department may charge a fee for a decal, not to exceed the costs
357 of designing, producing, and distributing each decal, or \$5,
358 whichever is less. The proceeds from sale of the decals shall be
359 deposited in the Highway Safety Operating Trust Fund. The
360 department may, for reasons of operation and management of HOV
361 facilities, limit or discontinue issuance of decals for the use
362 of HOV facilities by hybrid and low-emission and energy-
363 efficient vehicles, regardless of occupancy, if it has been
364 determined by the Department of Transportation that the

365 facilities are degraded as defined by 23 U.S.C. s. 166(d) (2).

366 (6) Vehicles having decals by virtue of compliance with
 367 the minimum fuel economy standards under 23 U.S.C. s.
 368 166(f) (3) (B), and which are registered for use in high-occupancy
 369 toll lanes or express lanes in accordance with Department of
 370 Transportation rule, shall be allowed to use any HOV lanes
 371 redesignated as high-occupancy toll lanes or express lanes
 372 without payment of a toll.

373 ~~(5) As used in this section, the term "hybrid vehicle"~~
 374 ~~means a motor vehicle:~~

375 ~~(a) That draws propulsion energy from onboard sources of~~
 376 ~~stored energy which are both:~~

- 377 ~~1. An internal combustion or heat engine using combustible~~
- 378 ~~fuel; and~~
- 379 ~~2. A rechargeable energy storage system; and~~

380 ~~(b) That, in the case of a passenger automobile or light~~
 381 ~~truck:~~

- 382 ~~1. Has received a certificate of conformity under the~~
- 383 ~~Clean Air Act, 42 U.S.C. ss. 7401 et seq.; and~~
- 384 ~~2. Meets or exceeds the equivalent qualifying California~~
- 385 ~~standards for a low emission vehicle.~~

386 (7)~~(6)~~ The department may adopt rules necessary to
 387 administer this section.

388 Section 9. Paragraph (b) of subsection (1) of section
 389 316.1575, Florida Statutes, is amended to read:

390 316.1575 Obedience to traffic control devices at railroad-
 391 highway grade crossings.--

392 (1) Any person walking or driving a vehicle and

393 approaching a railroad-highway grade crossing under any of the
 394 circumstances stated in this section shall stop within 50 feet
 395 but not less than 15 feet from the nearest rail of such railroad
 396 and shall not proceed until he or she can do so safely. The
 397 foregoing requirements apply when:

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

401 Section 10. Effective July 1, 2008, subsection (6) of
 402 section 316.1895, Florida Statutes, is amended to read:

403 316.1895 Establishment of school speed zones, enforcement;
 404 designation.--

405 (6) Permanent signs designating school zones and school
 406 zone speed limits shall be uniform in size and color, and shall
 407 have the times during which the restrictive speed limit is
 408 enforced clearly designated thereon. Flashing beacons activated
 409 by a time clock, or other automatic device, or manually
 410 activated may be used as an alternative to posting the times
 411 during which the restrictive school speed limit is enforced.
 412 Beginning July 1, 2008, for any newly established school zone or
 413 any school zone in which the signing has been replaced, a sign
 414 stating "Speeding Fines Doubled" shall be installed within the
 415 school zone. The Department of Transportation shall establish
 416 adequate standards for the signs and flashing beacons.

417 Section 11. Subsection (4) of section 316.193, Florida
 418 Statutes, is amended to read:

419 316.193 Driving under the influence; penalties.--

420 (4) Any person who is convicted of a violation of

421 subsection (1) and who has a blood-alcohol level or breath-
 422 alcohol level of 0.15 ~~0.20~~ or higher, or any person who is
 423 convicted of a violation of subsection (1) and who at the time
 424 of the offense was accompanied in the vehicle by a person under
 425 the age of 18 years, shall be punished:

426 (a) By a fine of:

427 1. Not less than \$500 or more than \$1,000 for a first
 428 conviction.

429 2. Not less than \$1,000 or more than \$2,000 for a second
 430 conviction.

431 3. Not less than \$2,000 for a third or subsequent
 432 conviction.

433 (b) By imprisonment for:

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

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

436
 437 For the purposes of this subsection, only the instant offense is
 438 required to be a violation of subsection (1) by a person who has
 439 a blood-alcohol level or breath-alcohol level of 0.15 ~~0.20~~ or
 440 higher.

441 (c) In addition to the penalties in paragraphs (a) and
 442 (b), the court shall order the mandatory placement, at the
 443 convicted person's sole expense, of an ignition interlock device
 444 approved by the department in accordance with s. 316.1938 upon
 445 all vehicles that are individually or jointly leased or owned
 446 and routinely operated by the convicted person for up to 6
 447 months for the first offense and for at least 2 years for a
 448 second offense, when the convicted person qualifies for a

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449 permanent or restricted license. The installation of such device
 450 may not occur before July 1, 2003.

451 Section 12. Subsection (1) of section 316.1937, Florida
 452 Statutes, is amended to read:

453 316.1937 Ignition interlock devices, requiring; unlawful
 454 acts.--

455 (1) In addition to any other authorized penalties, the
 456 court may require that any person who is convicted of driving
 457 under the influence in violation of s. 316.193 shall not operate
 458 a motor vehicle unless that vehicle is equipped with a
 459 functioning ignition interlock device certified by the
 460 department as provided in s. 316.1938, and installed in such a
 461 manner that the vehicle will not start if the operator's blood
 462 alcohol level is in excess of 0.05 percent or as otherwise
 463 specified by the court. The court may require the use of an
 464 approved ignition interlock device for a period of not less than
 465 6 continuous months, if the person is permitted to operate a
 466 motor vehicle, whether or not the privilege to operate a motor
 467 vehicle is restricted, as determined by the court. The court,
 468 however, shall order placement of an ignition interlock device
 469 in those circumstances required by s. 316.193.

470 Section 13. Subsection (2) of section 316.251, Florida
 471 Statutes, is amended to read:

472 316.251 Maximum bumper heights.--

473 (2) "New motor vehicles" as defined in s. 319.001(9)~~(8)~~,
 474 "antique automobiles" as defined in s. 320.08, "horseless
 475 carriages" as defined in s. 320.086, and "street rods" as
 476 defined in s. 320.0863 shall be excluded from the requirements

477 of this section.

478 Section 14. Section 316.29545, Florida Statutes, is
 479 amended to read:

480 316.29545 Window sunscreening exclusions; medical
 481 exemption; certain law enforcement vehicles exempt; certain
 482 investigative vehicles exempt.--

483 (1) The department shall issue medical exemption
 484 certificates to persons who are afflicted with Lupus or similar
 485 medical conditions which require a limited exposure to light,
 486 which certificates shall entitle the person to whom the
 487 certificate is issued to have sunscreening material on the
 488 windshield, side windows, and windows behind the driver which is
 489 in violation of the requirements of ss. 316.2951-316.2957. The
 490 department shall provide, by rule, for the form of the medical
 491 certificate authorized by this section. At a minimum, the
 492 medical exemption certificate shall include a vehicle
 493 description with the make, model, year, vehicle identification
 494 number, medical exemption decal number issued for the vehicle,
 495 and the name of the person or persons who are the registered
 496 owners of the vehicle. A medical exemption certificate shall be
 497 nontransferable and shall become null and void upon the sale or
 498 transfer of the vehicle identified on the certificate.

499 (2) (a) The department shall exempt all law enforcement
 500 vehicles used in undercover or canine operations from the window
 501 sunscreening requirements of ss. 316.2951-316.2957.

502 (b) The department shall exempt from the sunscreening
 503 requirements of ss. 316.2953-316.2954 and 316.2956 all vehicles
 504 owned or leased by investigative agencies licensed pursuant to

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505 chapter 493 and used in homeland security functions on behalf of
506 federal, state, or local authorities, executive protection
507 activities, undercover, covert, or surveillance operations in
508 cases involving child abductions, convicted sex offenders,
509 insurance fraud, missing persons or property, or in other
510 activities in which evidence is being obtained for civil or
511 criminal proceedings.

512 (3) The department may charge a fee in an amount
513 sufficient to defray the expenses of issuing a medical exemption
514 certificate as described in subsection (1).

515 Section 15. Paragraph (b) of subsection (1) and
516 subsections (6) and (8) of section 316.302, Florida Statutes,
517 are amended to read:

518 316.302 Commercial motor vehicles; safety regulations;
519 transporters and shippers of hazardous materials; enforcement.--

520 (1)

521 (b) Except as otherwise provided in this section, all
522 owners or drivers of commercial motor vehicles that are engaged
523 in intrastate commerce are subject to the rules and regulations
524 contained in 49 C.F.R. parts 382, 385, and 390-397, with the
525 exception of 49 C.F.R. s. 390.5 as it relates to the definition
526 of bus, as such rules and regulations existed on October 1, 2007
527 2005.

528 (6) The state Department of Transportation shall perform
529 the duties that are assigned to the Field Administrator, Federal
530 Motor Carrier Safety Administration ~~Regional Federal Highway~~
531 ~~Administrator~~ under the federal rules, and an agent of that
532 department, as described in s. 316.545(9), may enforce those

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533 rules.

534 (8) For the purpose of enforcing this section, any law
535 enforcement officer of the Department of Transportation or duly
536 appointed agent who holds a current safety inspector
537 certification from the Commercial Vehicle Safety Alliance may
538 require the driver of any commercial vehicle operated on the
539 highways of this state to stop and submit to an inspection of
540 the vehicle or the driver's records. If the vehicle or driver is
541 found to be operating in an unsafe condition, or if any required
542 part or equipment is not present or is not in proper repair or
543 adjustment, and the continued operation would present an unduly
544 hazardous operating condition, the officer may require the
545 vehicle or the driver to be removed from service pursuant to the
546 North American Standard ~~Uniform~~ Out-of-Service Criteria, until
547 corrected. However, if continuous operation would not present an
548 unduly hazardous operating condition, the officer may give
549 written notice requiring correction of the condition within 14
550 days.

551 (a) Any member of the Florida Highway Patrol or any law
552 enforcement officer employed by a sheriff's office or municipal
553 police department authorized to enforce the traffic laws of this
554 state pursuant to s. 316.640 who has reason to believe that a
555 vehicle or driver is operating in an unsafe condition may, as
556 provided in subsection (10), enforce the provisions of this
557 section.

558 (b) Any person who fails to comply with an officer's
559 request to submit to an inspection under this subsection commits
560 a violation of s. 843.02 if the person resists the officer

561 without violence or a violation of s. 843.01 if the person
 562 resists the officer with violence.

563 Section 16. Section 316.3045, Florida Statutes, is amended
 564 to read:

565 316.3045 Operation of radios or other mechanical
 566 soundmaking devices or instruments in vehicles; exemptions.--

567 (1) It is unlawful for any person operating or occupying a
 568 motor vehicle on a street or highway to operate or amplify the
 569 sound produced by a radio, tape player, or other mechanical
 570 soundmaking device or instrument from within the motor vehicle
 571 so that the sound is:

572 (a) Plainly audible at a distance of 25 feet or more from
 573 the motor vehicle; or

574 (b) Louder than necessary for the convenient hearing by
 575 persons inside the vehicle in areas adjoining churches, schools,
 576 or hospitals.

577 (2) The provisions of this section do ~~shall~~ not apply to
 578 any law enforcement motor vehicle equipped with any
 579 communication device necessary in the performance of law
 580 enforcement duties or to any emergency vehicle equipped with any
 581 communication device necessary in the performance of any
 582 emergency procedures.

583 (3) The provisions of this section do not apply to motor
 584 vehicles used for business or political purposes, which in the
 585 normal course of conducting such business use soundmaking
 586 devices. The provisions of this subsection shall not be deemed
 587 to prevent local authorities, with respect to streets and
 588 highways under their jurisdiction and within the reasonable

589 exercise of the police power, from regulating the time and
 590 manner in which such business may be operated.

591 (4) The provisions of this section do not apply to the
 592 noise made by a horn or other warning device required or
 593 permitted by s. 316.271. The Department of Highway Safety and
 594 Motor Vehicles shall adopt ~~promulgate~~ rules defining "plainly
 595 audible" and establish standards regarding how sound should be
 596 measured by law enforcement personnel who enforce the provisions
 597 of this section.

598 (5) A violation of this section is a noncriminal traffic
 599 infraction, punishable as a nonmoving violation as provided in
 600 chapter 318.

601 (6) In addition to any fine administered under subsection
 602 (5), a person convicted of a violation of this section shall
 603 also pay, upon the 10th or subsequent conviction, a fine of not
 604 less than \$250 but not more than \$500.

605 Section 17. Subsection (5) of section 316.515, Florida
 606 Statutes, is amended to read:

607 316.515 Maximum width, height, length.--

608 (5) IMPLEMENTS OF HUSBANDRY AND FARM EQUIPMENT;
 609 AGRICULTURAL TRAILERS; FORESTRY EQUIPMENT; SAFETY
 610 REQUIREMENTS.--

611 (a) Notwithstanding any other provisions of law, straight
 612 trucks, agricultural tractors, and cotton module movers, not
 613 exceeding 50 feet in length, or any combination of up to and
 614 including three implements of husbandry, including the towing
 615 power unit, and any single agricultural trailer with a load
 616 thereon or any agricultural implements attached to a towing

617 power unit ~~not exceeding 130 inches in width~~, or a self-
 618 propelled agricultural implement or an agricultural tractor ~~not~~
 619 ~~exceeding 130 inches in width~~, is authorized for the purpose of
 620 transporting peanuts, grains, soybeans, cotton, hay, straw, or
 621 other perishable farm products from their point of production to
 622 the first point of change of custody or of long-term storage,
 623 and for the purpose of returning to such point of production, or
 624 for the purpose of moving such tractors, movers, and implements
 625 from one point of agricultural production to another, by a
 626 person engaged in the production of any such product or custom
 627 hauler, if such vehicle or combination of vehicles otherwise
 628 complies with this section. ~~The Department of Transportation may~~
 629 ~~issue overwidth permits for implements of husbandry greater than~~
 630 ~~130 inches, but not more than 170 inches, in width.~~ The
 631 Department of Transportation may issue overlength permits for
 632 cotton module movers greater than 50 feet but not more than 55
 633 feet in overall length. Such vehicles shall be operated in
 634 accordance with all safety requirements prescribed by law and
 635 rules of the Department of Transportation.

636 (b) Notwithstanding any other provision of law, equipment
 637 not exceeding 136 inches in width and not capable of speeds
 638 exceeding 20 miles per hour which is used exclusively for
 639 harvesting forestry products is authorized for the purpose of
 640 transporting equipment from one point of harvest to another
 641 point of harvest, not to exceed 10 miles, by a person engaged in
 642 the harvesting of forestry products. Such vehicles must be
 643 operated during daylight hours only, in accordance with all
 644 safety requirements prescribed by s. 316.2295(5) and (6).

645 (c) The width and height limitations of this section shall
 646 not apply to farming or agricultural equipment, whether self-
 647 propelled, pulled, or hauled, when temporarily operated during
 648 daylight hours upon a public road which is not a limited access
 649 facility as defined in s. 334.03(13), and the width and height
 650 limitations may be exceeded by such equipment without a permit.
 651 To be eligible for this exemption, the equipment shall be
 652 operated within a radius of 50 miles of the real property owned,
 653 rented, or leased by the equipment owner. However, equipment
 654 being delivered by a dealer to a purchaser shall not be subject
 655 to the 50-mile limitation. Farming or agricultural equipment
 656 greater than 174 inches in width is required to have one warning
 657 lamp mounted on each side of the equipment to denote the width
 658 and a slow moving vehicle sign. Warning lamps required by this
 659 paragraph are required to be visible from the front and rear of
 660 the vehicle and must be visible from a distance of 1,000 feet.

661 (d) The operator of equipment operated under this
 662 subsection is responsible for verifying that the route used has
 663 adequate clearance for the equipment.

664 Section 18. Subsection (2) of section 316.613, Florida
 665 Statutes, is amended to read:

666 316.613 Child restraint requirements.--

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

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

672 (b) A bus used for the transportation of persons for

673 compensation, other than a bus regularly used to transport
 674 children to or from school, as defined in s. 316.615(1) (b), or
 675 in conjunction with school activities.

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

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

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

680 Section 19. Section 316.645, Florida Statutes, is amended
 681 to read:

682 316.645 Arrest authority of officer at scene of a traffic
 683 crash.--A police officer who makes an investigation at the scene
 684 of a traffic crash may arrest any driver of a vehicle involved
 685 in the crash when, based upon personal investigation, the
 686 officer has reasonable and probable grounds to believe that the
 687 person has committed any offense under the provisions of this
 688 chapter, chapter 320, or chapter 322 in connection with the
 689 crash.

690 Section 20. Subsections (1), (3), (4), (5), (6), and (7)
 691 of section 316.650, Florida Statutes, are amended to read:

692 316.650 Traffic citations.--

693 (1)(a) The department shall prepare~~7~~ and supply to every
 694 traffic enforcement agency in this state~~7~~, an appropriate form
 695 traffic citation that contains ~~containing~~ a notice to appear, is
 696 ~~(which shall be issued in prenumbered books,~~ meets with
 697 ~~Citations in quintuplicate)~~ and meeting the requirements of this
 698 chapter or any laws of this state regulating traffic, and is
 699 ~~which form shall be~~ consistent with the state traffic court
 700 rules and the procedures established by the department. The form

701 shall include a box that ~~which~~ is to be checked by the law
 702 enforcement officer when the officer believes that the traffic
 703 violation or crash was due to aggressive careless driving as
 704 defined in s. 316.1923. The form shall also include a box that
 705 ~~which~~ is to be checked by the law enforcement officer when the
 706 officer writes a uniform traffic citation for a violation of s.
 707 316.074(1) or s. 316.075(1)(c)1. as a result of the driver
 708 failing to stop at a traffic signal.

709 (b) The department shall prepare, and supply to every
 710 traffic enforcement agency in the state, an appropriate
 711 affidavit-of-compliance form that ~~which~~ shall be issued along
 712 with the form traffic citation for any violation of s. 316.610
 713 and that indicates ~~which shall indicate~~ the specific defect
 714 needing ~~which needs~~ to be corrected. However, such affidavit of
 715 compliance shall not be issued in the case of a violation of s.
 716 316.610 by a commercial motor vehicle as defined in s.
 717 316.003(66). Such affidavit-of-compliance form shall be
 718 distributed in the same manner and to the same parties as is the
 719 form traffic citation.

720 (c) Notwithstanding paragraphs (a) and (b), a traffic
 721 enforcement agency may produce uniform traffic citations by
 722 electronic means. Such citations must be consistent with the
 723 state traffic court rules and the procedures established by the
 724 department and, must be appropriately numbered and inventoried,
 725 ~~and may have fewer copies than the quintuplicate form.~~
 726 Affidavit-of-compliance forms may also be produced by electronic
 727 means.

728 (d) The department must distribute to every traffic

729 enforcement agency and to any others who request it, a traffic
 730 infraction reference guide describing the class of the traffic
 731 infraction, the penalty for the infraction, the points to be
 732 assessed on a driver's record license, and any other information
 733 necessary to describe a violation and the penalties therefor.

734 (3) (a) Except for a traffic citation issued pursuant to s.
 735 316.1001, each traffic enforcement officer, upon issuing a
 736 traffic citation to an alleged violator of any provision of the
 737 motor vehicle laws of this state or of any traffic ordinance of
 738 any municipality ~~city~~ or town, shall deposit the original ~~and~~
 739 ~~one copy of such~~ traffic citation or, in the case of a traffic
 740 enforcement agency that ~~which~~ has an automated citation issuance
 741 system, the chief administrative officer shall provide by an
 742 electronic transmission a replica of the citation data to
 743 ~~facsimile with~~ a court having jurisdiction over the alleged
 744 offense or with its traffic violations bureau within 5 days
 745 after issuance to the violator.

746 (b) If a traffic citation is issued pursuant to s.
 747 316.1001, a traffic enforcement officer may deposit the original
 748 ~~and one copy of such~~ traffic citation or, in the case of a
 749 traffic enforcement agency that has an automated citation
 750 system, may provide by an electronic transmission a replica of
 751 the citation data to ~~facsimile with~~ a court having jurisdiction
 752 over the alleged offense or with its traffic violations bureau
 753 within 45 days after the date of issuance of the citation to the
 754 violator. If the person cited for the violation of s. 316.1001
 755 makes the election provided by s. 318.14(12) and pays the \$25
 756 fine, or such other amount as imposed by the governmental entity

757 owning the applicable toll facility, plus the amount of the
 758 unpaid toll that is shown on the traffic citation directly to
 759 the governmental entity that issued the citation, or on whose
 760 behalf the citation was issued, in accordance with s.
 761 318.14(12), the traffic citation will not be submitted to the
 762 court, the disposition will be reported to the department by the
 763 governmental entity that issued the citation, or on whose behalf
 764 the citation was issued, and no points will be assessed against
 765 the person's driver's license.

766 (4) The chief administrative officer of every traffic
 767 enforcement agency shall require the return to him or her ~~of~~ the
 768 officer-agency department record copy of every traffic citation
 769 issued by an officer under the chief administrative officer's
 770 supervision to an alleged violator of any traffic law or
 771 ordinance and ~~of~~ all copies of every traffic citation that ~~which~~
 772 has been spoiled or upon which any entry has been made and not
 773 issued to an alleged violator. In the case of a traffic
 774 enforcement agency that ~~which~~ has an automated citation issuance
 775 system, the chief administrative officer shall require the
 776 return of all electronic traffic citation records.

777 (5) Upon the deposit of the original ~~and one copy of such~~
 778 traffic citation or upon ~~deposit of~~ an electronic transmission
 779 of a replica of citation data ~~facsimile~~ of the traffic citation
 780 with respect to traffic enforcement agencies that ~~which~~ have an
 781 automated citation issuance system with a court having
 782 jurisdiction over the alleged offense or with its traffic
 783 violations bureau ~~as aforesaid~~, the original citation, the
 784 electronic citation containing a replica of citation data

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785 ~~facsimile~~, or a copy of such traffic citation may be disposed of
 786 only by trial in the court or other official action by a judge
 787 of the court, including forfeiture of the bail, or by the
 788 deposit of sufficient bail with, or payment of a fine to, the
 789 traffic violations bureau by the person to whom such traffic
 790 citation has been issued by the traffic enforcement officer.

791 (6) The chief administrative officer shall transmit, on a
 792 form approved by the department, ~~the department record copy of~~
 793 ~~the uniform traffic citation to the department~~ within 5 days
 794 after submission of the original, groups of issued citations and
 795 ~~one copy to the court, or citation~~ and transmittal data to the
 796 court. Batches of electronic citations containing a replica of
 797 citation data may be transmitted to the court ~~department~~ in an
 798 electronic ~~automated~~ fashion, in a format ~~form~~ prescribed by the
 799 department within 5 days after issuance to the violator. ~~A copy~~
 800 ~~of such transmittal shall also be provided to the court having~~
 801 ~~jurisdiction for accountability purposes.~~

802 (7) The chief administrative officer shall also maintain
 803 or cause to be maintained in connection with every traffic
 804 citation issued by an officer under his or her supervision a
 805 record of the disposition of the charge by the court or its
 806 traffic violations bureau in which the original or copy of the
 807 traffic citation or electronic citation was deposited.

808 Section 21. Paragraph (a) of subsection (2) of section
 809 316.656, Florida Statutes, is amended to read:

810 316.656 Mandatory adjudication; prohibition against
 811 accepting plea to lesser included offense.--

812 (2) (a) No trial judge may accept a plea of guilty to a

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813 lesser offense from a person charged under the provisions of
 814 this act who has been given a breath or blood test to determine
 815 blood or breath alcohol content, the results of which show a
 816 blood or breath alcohol content by weight of 0.15 ~~0.20~~ percent
 817 or more.

818 Section 22. Subsections (1) through (11) of section
 819 319.001, Florida Statutes, are renumbered as subsections (2)
 820 through (12), respectively, and a new subsection (1) is added to
 821 that section to read:

822 319.001 Definitions.--As used in this chapter, the term:

823 (1) "Certificate of title" means the record that is
 824 evidence of ownership of a vehicle, whether a paper certificate
 825 authorized by the department or a certificate consisting of
 826 information that is stored in an electronic form in the
 827 department's database.

828 Section 23. Subsection (27) of section 320.01, Florida
 829 Statutes, is amended to read:

830 320.01 Definitions, general.--As used in the Florida
 831 Statutes, except as otherwise provided, the term:

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

837 Section 24. Effective July 1, 2008, subsection (1) of
 838 section 320.02, Florida Statutes, as amended by section 28 of
 839 chapter 2006-290, Laws of Florida, is amended to read:

840 320.02 Registration required; application for

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841 registration; forms.--

842 (1) Except as otherwise provided in this chapter, every
843 owner or person in charge of a motor vehicle that is operated or
844 driven on the roads of this state shall register the vehicle in
845 this state. The owner or person in charge shall apply to the
846 department or to its authorized agent for registration of each
847 such vehicle on a form prescribed by the department. ~~Prior to~~
848 ~~the original registration of a motorcycle, motor-driven cycle,~~
849 ~~or moped, the owner, if a natural person, must present proof~~
850 ~~that he or she has a valid motorcycle endorsement as required in~~
851 ~~chapter 322.~~ A registration is not required for any motor
852 vehicle that is not operated on the roads of this state during
853 the registration period.

854 Section 25. Subsection (13) of section 320.02, Florida
855 Statutes, is repealed.

856 Section 26. Section 320.0706, Florida Statutes, is amended
857 to read:

858 320.0706 Display of license plates on trucks.--The owner
859 of any commercial truck of gross vehicle weight of 26,001 pounds
860 or more shall display the registration license plate on both the
861 front and rear of the truck in conformance with all the
862 requirements of s. 316.605 that do not conflict with this
863 section. The owner of a dump truck may place the rear license
864 plate on the gate no higher than 60 inches to allow for better
865 visibility. However, the owner of a truck tractor shall be
866 required to display the registration license plate only on the
867 front of such vehicle. A violation of this section is a
868 noncriminal traffic infraction, punishable as a moving violation

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869 as provided in chapter 318.

870 Section 27. Subsection (4) of section 320.0715, Florida
871 Statutes, is amended to read:

872 320.0715 International Registration Plan; motor carrier
873 services; permits; retention of records.--

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

878 (a) The department shall withhold registrations and
879 license plates for commercial motor vehicles unless the
880 identifying number issued by the federal agency responsible for
881 motor carrier safety is provided for the motor carrier and the
882 entity responsible for motor carrier safety for each motor
883 vehicle as part of the application process.

884 (b) The department may not issue a commercial motor
885 vehicle registration or license plate to, and may not transfer
886 the commercial motor vehicle registration or license plate for,
887 a motor carrier or vehicle owner who has been prohibited from
888 operating by a federal or state agency responsible for motor
889 carrier safety.

890 (c) The department, with notice, shall suspend any
891 commercial motor vehicle registration and license plate issued
892 to a motor carrier or vehicle owner who has been prohibited from
893 operating by a federal or state agency responsible for motor
894 carrier safety.

895 Section 28. Subsection (3) of section 320.08053, Florida
896 Statutes, is amended to read:

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897 320.08053 Requirements for requests to establish specialty
898 license plates.--

899 ~~(3) The department shall adopt rules providing viewpoint-~~
900 ~~neutral specifications for the design of specialty license~~
901 ~~plates that promote or enhance the readability of all specialty~~
902 ~~license plates and that discourage counterfeiting. The rules~~
903 ~~shall provide uniform specifications requiring inclusion of the~~
904 ~~word "Florida" in the same location on each specialty license~~
905 ~~plate, in such a size and location that is clearly identifiable~~
906 ~~on the specialty license plate when mounted on a vehicle, and~~
907 ~~shall provide specifications for the size and location of any~~
908 ~~words or logos appearing on a specialty license plate.~~

909 Section 29. Paragraph (a) of subsection (4) of section
910 320.0894, Florida Statutes, is amended to read:

911 320.0894 Motor vehicle license plates to Gold Star family
912 members.--The department shall develop a special license plate
913 honoring the family members of servicemembers who have been
914 killed while serving in the Armed Forces of the United States.
915 The license plate shall be officially designated as the Gold
916 Star license plate and shall be developed and issued as provided
917 in this section.

918 (4)(a)1.a. The Gold Star license plate shall be issued
919 only to family members of a servicemember who resided in Florida
920 at the time of the death of the servicemember.

921 b. Any family member, as defined in subparagraph 2., of a
922 servicemember killed while serving may be issued a Gold Star
923 license plate upon payment of the license tax and appropriate
924 fees as provided in paragraph (3)(a) without regard to the state

925 of residence of the servicemember.

926 2. To qualify for issuance of a Gold Star license plate,
 927 the applicant must be directly related to a fallen servicemember
 928 as spouse, legal mother or father, or stepparent who is
 929 currently married to the mother or father of the fallen
 930 servicemember.

931 3. A servicemember is deemed to have been killed while in
 932 service as listed by the United States Department of Defense and
 933 may be verified from documentation directly from the Department
 934 of Defense or from its subordinate agencies, such as the Coast
 935 Guard, Reserve, or National Guard.

936 Section 30. Subsection (3) and paragraph (b) of subsection
 937 (9) of section 320.27, Florida Statutes, are amended to read:

938 320.27 Motor vehicle dealers.--

939 (3) APPLICATION AND FEE.--The application for the license
 940 shall be in such form as may be prescribed by the department and
 941 shall be subject to such rules with respect thereto as may be so
 942 prescribed by it. Such application shall be verified by oath or
 943 affirmation and shall contain a full statement of the name and
 944 birth date of the person or persons applying therefor; the name
 945 of the firm or copartnership, with the names and places of
 946 residence of all members thereof, if such applicant is a firm or
 947 copartnership; the names and places of residence of the
 948 principal officers, if the applicant is a body corporate or
 949 other artificial body; the name of the state under whose laws
 950 the corporation is organized; the present and former place or
 951 places of residence of the applicant; and prior business in
 952 which the applicant has been engaged and the location thereof.

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953 Such application shall describe the exact location of the place
954 of business and shall state whether the place of business is
955 owned by the applicant and when acquired, or, if leased, a true
956 copy of the lease shall be attached to the application. The
957 applicant shall certify that the location provides an adequately
958 equipped office and is not a residence; that the location
959 affords sufficient unoccupied space upon and within which
960 adequately to store all motor vehicles offered and displayed for
961 sale; and that the location is a suitable place where the
962 applicant can in good faith carry on such business and keep and
963 maintain books, records, and files necessary to conduct such
964 business, which will be available at all reasonable hours to
965 inspection by the department or any of its inspectors or other
966 employees. The applicant shall certify that the business of a
967 motor vehicle dealer is the principal business which shall be
968 conducted at that location. Such application shall contain a
969 statement that the applicant is either franchised by a
970 manufacturer of motor vehicles, in which case the name of each
971 motor vehicle that the applicant is franchised to sell shall be
972 included, or an independent (nonfranchised) motor vehicle
973 dealer. Such application shall contain such other relevant
974 information as may be required by the department, including
975 evidence that the applicant is insured under a garage liability
976 insurance policy, or a general liability insurance policy
977 coupled with a business automobile policy, which shall include,
978 at a minimum, \$25,000 combined single-limit liability coverage
979 including bodily injury and property damage protection and
980 \$10,000 personal injury protection. Franchise dealers must

981 submit a garage liability insurance policy, and all other
982 dealers must submit either a garage liability insurance policy
983 or a general liability insurance policy coupled with a business
984 automobile policy. Such policy shall be for the license period,
985 and evidence of a new or continued policy shall be delivered to
986 the department at the beginning of each license period. Upon
987 making such initial application, the person applying therefor
988 shall pay to the department a fee of \$300 in addition to any
989 other fees now required by law; upon making a subsequent renewal
990 application, the person applying therefor shall pay to the
991 department a fee of \$75 in addition to any other fees now
992 required by law. Upon making an application for a change of
993 location, the person shall pay a fee of \$50 in addition to any
994 other fees now required by law. The department shall, in the
995 case of every application for initial licensure, verify whether
996 certain facts set forth in the application are true. Each
997 applicant, general partner in the case of a partnership, or
998 corporate officer and director in the case of a corporate
999 applicant, must file a set of fingerprints with the department
1000 for the purpose of determining any prior criminal record or any
1001 outstanding warrants. The department shall submit the
1002 fingerprints to the Department of Law Enforcement for state
1003 processing and forwarding to the Federal Bureau of Investigation
1004 for federal processing. The actual cost of such state and
1005 federal processing shall be borne by the applicant and is to be
1006 in addition to the fee for licensure. The department may issue a
1007 license to an applicant pending the results of the fingerprint
1008 investigation, which license is fully revocable if the

1009 department subsequently determines that any facts set forth in
 1010 the application are not true or correctly represented.

1011 (9) DENIAL, SUSPENSION, OR REVOCATION.--

1012 (b) The department may deny, suspend, or revoke any
 1013 license issued hereunder or under the provisions of s. 320.77 or
 1014 s. 320.771 upon proof that a licensee has committed, with
 1015 sufficient frequency so as to establish a pattern of wrongdoing
 1016 on the part of a licensee, violations of one or more of the
 1017 following activities:

1018 1. Representation that a demonstrator is a new motor
 1019 vehicle, or the attempt to sell or the sale of a demonstrator as
 1020 a new motor vehicle without written notice to the purchaser that
 1021 the vehicle is a demonstrator. For the purposes of this section,
 1022 a "demonstrator," a "new motor vehicle," and a "used motor
 1023 vehicle" shall be defined as under s. 320.60.

1024 2. Unjustifiable refusal to comply with a licensee's
 1025 responsibility under the terms of the new motor vehicle warranty
 1026 issued by its respective manufacturer, distributor, or importer.
 1027 However, if such refusal is at the direction of the
 1028 manufacturer, distributor, or importer, such refusal shall not
 1029 be a ground under this section.

1030 3. Misrepresentation or false, deceptive, or misleading
 1031 statements with regard to the sale or financing of motor
 1032 vehicles which any motor vehicle dealer has, or causes to have,
 1033 advertised, printed, displayed, published, distributed,
 1034 broadcast, televised, or made in any manner with regard to the
 1035 sale or financing of motor vehicles.

1036 4. Failure by any motor vehicle dealer to provide a

1037 customer or purchaser with an odometer disclosure statement and
 1038 a copy of any bona fide written, executed sales contract or
 1039 agreement of purchase connected with the purchase of the motor
 1040 vehicle purchased by the customer or purchaser.

1041 5. Failure of any motor vehicle dealer to comply with the
 1042 terms of any bona fide written, executed agreement, pursuant to
 1043 the sale of a motor vehicle.

1044 6. Failure to apply for transfer of a title as prescribed
 1045 in s. 319.23(6).

1046 7. Use of the dealer license identification number by any
 1047 person other than the licensed dealer or his or her designee.

1048 8. Failure to continually meet the requirements of the
 1049 licensure law.

1050 9. Representation to a customer or any advertisement to
 1051 the public representing or suggesting that a motor vehicle is a
 1052 new motor vehicle if such vehicle lawfully cannot be titled in
 1053 the name of the customer or other member of the public by the
 1054 seller using a manufacturer's statement of origin as permitted
 1055 in s. 319.23(1).

1056 10. Requirement by any motor vehicle dealer that a
 1057 customer or purchaser accept equipment on his or her motor
 1058 vehicle which was not ordered by the customer or purchaser.

1059 11. Requirement by any motor vehicle dealer that any
 1060 customer or purchaser finance a motor vehicle with a specific
 1061 financial institution or company.

1062 12. Requirement by any motor vehicle dealer that the
 1063 purchaser of a motor vehicle contract with the dealer for
 1064 physical damage insurance.

1065 13. Perpetration of a fraud upon any person as a result of
 1066 dealing in motor vehicles, including, without limitation, the
 1067 misrepresentation to any person by the licensee of the
 1068 licensee's relationship to any manufacturer, importer, or
 1069 distributor.

1070 14. Violation of any of the provisions of s. 319.35 by any
 1071 motor vehicle dealer.

1072 15. Sale by a motor vehicle dealer of a vehicle offered in
 1073 trade by a customer prior to consummation of the sale, exchange,
 1074 or transfer of a newly acquired vehicle to the customer, unless
 1075 the customer provides written authorization for the sale of the
 1076 trade-in vehicle prior to delivery of the newly acquired
 1077 vehicle.

1078 16. Willful failure to comply with any administrative rule
 1079 adopted by the department or the provisions of s. 320.131(8).

1080 17. Violation of chapter 319, this chapter, or ss.
 1081 559.901-559.9221, which has to do with dealing in or repairing
 1082 motor vehicles or mobile homes. Additionally, in the case of
 1083 used motor vehicles, the willful violation of the federal law
 1084 and rule in 15 U.S.C. s. 2304, 16 C.F.R. part 455, pertaining to
 1085 the consumer sales window form.

1086 18. Failure to maintain evidence of notification to the
 1087 owner or coowner of a vehicle regarding registration or titling
 1088 fees owed as required in s. 320.02 (16) ~~(17)~~.

1089 19. Failure to register a mobile home salesperson with the
 1090 department as required by this section.

1091 Section 31. Section 320.69, Florida Statutes, is amended
 1092 to read:

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1093 320.69 Rules.--The department has authority to adopt rules
 1094 pursuant to ss. 120.536(1) and 120.54 to implement, administer,
 1095 and enforce ss. 320.60-320.70 with respect to each section
 1096 therein, including the authority to adopt definitions as
 1097 necessary ~~the provisions of this law.~~

1098 Section 32. Subsections (10) through (44) of section
 1099 322.01, Florida Statutes, are renumbered as subsections (11)
 1100 through (45), respectively, present subsections (10), (23), and
 1101 (29) are amended, and a new subsection (10) is added to that
 1102 section, to read:

1103 322.01 Definitions.--As used in this chapter:

1104 (10) "Convenience service" means any means whereby an
 1105 individual conducts a transaction with the department other than
 1106 in person.

1107 (11)~~(10)~~(a) "Conviction" means a conviction of an offense
 1108 relating to the operation of motor vehicles on highways which is
 1109 a violation of this chapter or any other such law of this state
 1110 or any other state, including an admission or determination of a
 1111 noncriminal traffic infraction pursuant to s. 318.14, or a
 1112 judicial disposition of an offense committed under any federal
 1113 law substantially conforming to the aforesaid state statutory
 1114 provisions.

1115 (b) Notwithstanding any other provisions of this chapter,
 1116 the definition of "conviction" provided in 49 C.F.R. part 383.5
 1117 applies to offenses committed in a commercial motor vehicle or
 1118 by a person holding a commercial driver's license.

1119 (24)~~(23)~~ "Hazardous materials" means any material that has
 1120 been designated as hazardous under 49 U.S.C. s. 5103 and is

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1121 required to be placarded under subpart F of 49 C.F.R. part 172
 1122 or any quantity of a material listed as a select agent or toxin
 1123 in 42 C.F.R. part 73 ~~has the meaning such term has under s. 103~~
 1124 ~~of the Hazardous Materials Transportation Act.~~

1125 (30)~~(29)~~ "Out-of-service order" means a prohibition issued
 1126 by an authorized local, state, or Federal Government official
 1127 which precludes a person from driving a commercial motor vehicle
 1128 ~~for a period of 72 hours or less.~~

1129 Section 33. Subsection (1) of section 322.03, Florida
 1130 Statutes, is amended to read:

1131 322.03 Drivers must be licensed; penalties.--

1132 (1) Except as otherwise authorized in this chapter, a
 1133 person may not drive any motor vehicle upon a highway in this
 1134 state unless such person has a valid driver's license under the
 1135 provisions of this chapter.

1136 (a) A person who drives a commercial motor vehicle shall
 1137 not receive a driver's license unless and until he or she
 1138 surrenders to the department all driver's licenses in his or her
 1139 possession issued to him or her by any other jurisdiction or
 1140 makes an affidavit that he or she does not possess a driver's
 1141 license. Any such person who fails to surrender such licenses or
 1142 who makes a false affidavit concerning such licenses is guilty
 1143 of a misdemeanor of the first degree, punishable as provided in
 1144 s. 775.082 or s. 775.083.

1145 ~~(b) A person who does not drive a commercial motor vehicle~~
 1146 ~~is not required to surrender a license issued by another~~
 1147 ~~jurisdiction, upon a showing to the department that such license~~
 1148 ~~is necessary because of employment or part-time residence. Any~~

1149 ~~person who retains a driver's license because of employment or~~
 1150 ~~part-time residence shall, upon qualifying for a license in this~~
 1151 ~~state, be issued a driver's license which shall be valid within~~
 1152 ~~this state only.~~ All surrendered licenses may be returned by the
 1153 department to the issuing jurisdiction together with information
 1154 that the licensee is now licensed in a new jurisdiction or may
 1155 be destroyed by the department, which shall notify the issuing
 1156 jurisdiction of such destruction. A person may not have more
 1157 than one valid Florida driver's license at any time.

1158 (c) Part-time residents issued a license pursuant to
 1159 paragraph (b) may continue to hold such license until the next
 1160 regularly scheduled renewal. Licenses that are identified as
 1161 "Valid in Florida only" may not be issued or renewed effective
 1162 July 1, 2009. This paragraph expires June 30, 2017.

1163 Section 34. Subsections (1) and (2) of section 322.051,
 1164 Florida Statutes, are amended to read:

1165 322.051 Identification cards.--

1166 (1) Any person who is 5 years of age or older, or any
 1167 person who has a disability, regardless of age, who applies for
 1168 a disabled parking permit under s. 320.0848, may be issued an
 1169 identification card by the department upon completion of an
 1170 application and payment of an application fee.

1171 (a) Each such application shall include the following
 1172 information regarding the applicant:

1173 1. Full name (first, middle or maiden, and last), gender,
 1174 proof of social security card number satisfactory to the
 1175 department, county of residence, and mailing address, proof of
 1176 residential address satisfactory to the department, country of

1177 birth, and a brief description.

1178 2. Proof of birth date satisfactory to the department.

1179 3. Proof of identity satisfactory to the department. Such

1180 proof must include one of the following documents issued to the

1181 applicant:

1182 a. A driver's license record or identification card record

1183 from another jurisdiction that required the applicant to submit

1184 a document for identification which is substantially similar to

1185 a document required under sub-subparagraph b., sub-subparagraph

1186 c., sub-subparagraph d., sub-subparagraph e., sub-subparagraph

1187 f., ~~or~~ sub-subparagraph g., or sub-subparagraph h.;

1188 b. A certified copy of a United States birth certificate;

1189 c. A valid, unexpired United States passport;

1190 d. A naturalization certificate issued by the United

1191 States Department of Homeland Security;

1192 e. A valid, unexpired ~~An~~ alien registration receipt card

1193 (green card);

1194 f. A Consular Report of Birth Abroad provided by the

1195 United States Department of State;

1196 ~~g.f.~~ An unexpired employment authorization card issued by

1197 the United States Department of Homeland Security; or

1198 ~~h.g.~~ Proof of nonimmigrant classification provided by the

1199 United States Department of Homeland Security, for an original

1200 identification card. In order to prove such nonimmigrant

1201 classification, applicants may produce but are not limited to

1202 the following documents:

1203 (I) A notice of hearing from an immigration court

1204 scheduling a hearing on any proceeding.

1205 (II) A notice from the Board of Immigration Appeals
 1206 acknowledging pendency of an appeal.

1207 (III) Notice of the approval of an application for
 1208 adjustment of status issued by the United States Bureau of
 1209 Citizenship and Immigration Services.

1210 (IV) Any official documentation confirming the filing of a
 1211 petition for asylum or refugee status or any other relief issued
 1212 by the United States Bureau of Citizenship and Immigration
 1213 Services.

1214 (V) Notice of action transferring any pending matter from
 1215 another jurisdiction to Florida, issued by the United States
 1216 Bureau of Citizenship and Immigration Services.

1217 (VI) Order of an immigration judge or immigration officer
 1218 granting any relief that authorizes the alien to live and work
 1219 in the United States including, but not limited to asylum.

1220 (VII) Evidence that an application is pending for
 1221 adjustment of status to that of an alien lawfully admitted for
 1222 permanent residence in the United States or conditional
 1223 permanent resident status in the United States, if a visa number
 1224 is available having a current priority date for processing by
 1225 the United States Bureau of Citizenship and Immigration
 1226 Services.

1227 (VIII) On or after January 1, 2010, an unexpired foreign
 1228 passport with an unexpired United States Visa affixed,
 1229 accompanied by an approved I-94, documenting the most recent
 1230 admittance into the United States.

1231
 1232 Presentation of any of the documents described in sub-

1233 subparagraph g. ~~f.~~ or sub-subparagraph h. ~~g.~~ entitles the
 1234 applicant to an identification card for a period not to exceed
 1235 the expiration date of the document presented or 1 year,
 1236 whichever first occurs.

1237 (b) An application for an identification card must be
 1238 signed and verified by the applicant in a format designated by
 1239 the department before a person authorized to administer oaths
 1240 and payment of the applicable fee pursuant to s. 322.21. ~~The fee~~
 1241 ~~for an identification card is \$3, including payment for the~~
 1242 ~~color photograph or digital image of the applicant.~~

1243 (c) Each such applicant may include fingerprints and any
 1244 other unique biometric means of identity.

1245 (2)(a) Every identification card:

1246 1. Issued to a person 5 years of age to 14 years of age
 1247 shall expire, unless canceled earlier, on the fourth birthday of
 1248 the applicant following the date of original issue.

1249 2. Issued to a person 15 years of age and older shall
 1250 expire, unless canceled earlier, on the eighth birthday of the
 1251 applicant following the date of original issue.

1252
 1253 Renewal of an identification card shall be made for the
 1254 applicable term enumerated in this paragraph. ~~However, if an~~
 1255 ~~individual is 60 years of age or older, and has an~~
 1256 ~~identification card issued under this section, the card shall~~
 1257 ~~not expire unless done so by cancellation by the department or~~
 1258 ~~by the death of the cardholder. Renewal of any identification~~
 1259 ~~card shall be made for a term which shall expire on the fourth~~
 1260 ~~birthday of the applicant following expiration of the~~

1261 ~~identification card renewed, unless surrendered earlier.~~ Any
 1262 application for renewal received later than 90 days after
 1263 expiration of the identification card shall be considered the
 1264 same as an application for an original identification card. The
 1265 ~~renewal fee for an identification card shall be \$10, of which \$4~~
 1266 ~~shall be deposited into the General Revenue Fund and \$6 into the~~
 1267 ~~Highway Safety Operating Trust Fund. The department shall, at~~
 1268 ~~the end of 4 years and 6 months after the issuance or renewal of~~
 1269 ~~an identification card, destroy any record of the card if it has~~
 1270 ~~expired and has not been renewed, unless the cardholder is 60~~
 1271 ~~years of age or older.~~

1272 (b) Notwithstanding any other provision of this chapter,
 1273 if an applicant establishes his or her identity for an
 1274 identification card using a document authorized under sub-
 1275 subparagraph (1)(a)3.e., the identification card shall expire on
 1276 the eighth ~~fourth~~ birthday of the applicant following the date
 1277 of original issue or upon first renewal or duplicate issued
 1278 after implementation of this section. After an initial showing
 1279 of such documentation, he or she is exempted from having to
 1280 renew or obtain a duplicate in person.

1281 (c) Notwithstanding any other provisions of this chapter,
 1282 if an applicant establishes his or her identity for an
 1283 identification card using an identification document authorized
 1284 under sub-subparagraph (1)(a)3.g. ~~(1)(a)3.f.~~ or sub-subparagraph
 1285 (1)(a)3.h. ~~(1)(a)3.g.~~, the identification card shall expire 1
 1286 year ~~2 years~~ after the date of issuance or upon the expiration
 1287 date cited on the United States Department of Homeland Security
 1288 documents, whichever date first occurs, and may not be renewed

1289 or obtain a duplicate except in person.

1290 Section 35. Subsections (1), (2), and (6) of section
 1291 322.08, Florida Statutes, are amended to read:

1292 322.08 Application for license.--

1293 (1) Each application for a driver's license shall be made
 1294 in a format designated by the department and sworn to or
 1295 affirmed by the applicant as to the truth of the statements made
 1296 in the application.

1297 (2) Each such application shall include the following
 1298 information regarding the applicant:

1299 (a) Full name (first, middle or maiden, and last), gender,
 1300 proof of social security card number satisfactory to the
 1301 department, county of residence, and mailing address, proof of
 1302 residential address satisfactory to the department, country of
 1303 birth, and a brief description.

1304 (b) Proof of birth date satisfactory to the department.

1305 (c) Proof of identity satisfactory to the department. Such
 1306 proof must include one of the following documents issued to the
 1307 applicant:

1308 1. A driver's license record or identification card record
 1309 from another jurisdiction that required the applicant to submit
 1310 a document for identification which is substantially similar to
 1311 a document required under subparagraph 2., subparagraph 3.,
 1312 subparagraph 4., subparagraph 5., subparagraph 6., ~~or~~
 1313 subparagraph 7., or subparagraph 8.;

1314 2. A certified copy of a United States birth certificate;

1315 3. A valid, unexpired United States passport;

1316 4. A naturalization certificate issued by the United

1317 States Department of Homeland Security;

1318 5. A valid, unexpired ~~An~~ alien registration receipt card

1319 (green card);

1320 6. A Consular Report of Birth Abroad provided by the

1321 United States Department of State;

1322 ~~7.6.~~ An unexpired employment authorization card issued by

1323 the United States Department of Homeland Security; or

1324 ~~8.7.~~ Proof of nonimmigrant classification provided by the

1325 United States Department of Homeland Security, for an original

1326 driver's license. In order to prove nonimmigrant classification,

1327 an applicant may produce the following documents, including, but

1328 not limited to:

1329 a. A notice of hearing from an immigration court

1330 scheduling a hearing on any proceeding.

1331 b. A notice from the Board of Immigration Appeals

1332 acknowledging pendency of an appeal.

1333 c. A notice of the approval of an application for

1334 adjustment of status issued by the United States Bureau of

1335 Citizenship and Immigration Services.

1336 d. Any official documentation confirming the filing of a

1337 petition for asylum or refugee status or any other relief issued

1338 by the United States Bureau of Citizenship and Immigration

1339 Services.

1340 e. A notice of action transferring any pending matter from

1341 another jurisdiction to this state issued by the United States

1342 Bureau of Citizenship and Immigration Services.

1343 f. An order of an immigration judge or immigration officer

1344 granting any relief that authorizes the alien to live and work

1345 in the United States, including, but not limited to, asylum.

1346 g. Evidence that an application is pending for adjustment
 1347 of status to that of an alien lawfully admitted for permanent
 1348 residence in the United States or conditional permanent resident
 1349 status in the United States, if a visa number is available
 1350 having a current priority date for processing by the United
 1351 States Bureau of Citizenship and Immigration Services.

1352 h. On or after January 1, 2010, an unexpired foreign
 1353 passport with an unexpired United States Visa affixed,
 1354 accompanied by an approved I-94, documenting the most recent
 1355 admittance into the United States.

1356
 1357 Presentation of any of the documents in subparagraph 7. ~~6.~~ or
 1358 subparagraph 8. ~~7.~~ entitles the applicant to a driver's license
 1359 or temporary permit for a period not to exceed the expiration
 1360 date of the document presented or 1 year, whichever occurs
 1361 first.

1362 (d) Whether the applicant has previously been licensed to
 1363 drive, and, if so, when and by what state, and whether any such
 1364 license or driving privilege has ever been disqualified,
 1365 revoked, or suspended, or whether an application has ever been
 1366 refused, and, if so, the date of and reason for such
 1367 disqualification, suspension, revocation, or refusal.

1368 (e) Each such application may include fingerprints and
 1369 other unique biometric means of identity.

1370 (6) The application form for a driver's license or
 1371 duplicate thereof shall include language permitting the
 1372 following:

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1373 ~~(a)~~ A voluntary contribution of \$5 per applicant, which
 1374 contribution shall be transferred into the Election Campaign
 1375 Financing Trust Fund.

1376 (a)~~(b)~~ A voluntary contribution of \$1 per applicant, which
 1377 contribution shall be deposited into the Florida Organ and
 1378 Tissue Donor Education and Procurement Trust Fund for organ and
 1379 tissue donor education and for maintaining the organ and tissue
 1380 donor registry.

1381 (b)~~(e)~~ A voluntary contribution of \$1 per applicant, which
 1382 contribution shall be distributed to the Florida Council of the
 1383 Blind.

1384 (c)~~(d)~~ A voluntary contribution of \$2 per applicant, which
 1385 shall be distributed to the Hearing Research Institute,
 1386 Incorporated.

1387 (d)~~(e)~~ A voluntary contribution of \$1 per applicant, which
 1388 shall be distributed to the Juvenile Diabetes Foundation
 1389 International.

1390 (e)~~(f)~~ A voluntary contribution of \$1 per applicant, which
 1391 shall be distributed to the Children's Hearing Help Fund.

1392
 1393 A statement providing an explanation of the purpose of the trust
 1394 funds shall also be included. For the purpose of applying the
 1395 service charge provided in s. 215.20, contributions received
 1396 under paragraphs (b), (c), (d), and (e) ~~(e), (d), (e), and (f)~~
 1397 and under s. 322.18(9)(a) are not income of a revenue nature.

1398 Section 36. Paragraph (a) of subsection (1) of section
 1399 322.14, Florida Statutes, is amended to read:

1400 322.14 Licenses issued to drivers.--

1401 (1) (a) The department shall, upon successful completion of
 1402 all required examinations and payment of the required fee, issue
 1403 to every applicant qualifying therefor, a driver's license as
 1404 applied for, which license shall bear thereon a color photograph
 1405 or digital image of the licensee; the name of the state; a
 1406 distinguishing number assigned to the licensee; and the
 1407 licensee's full name, date of birth, and residence ~~mailing~~
 1408 address; a brief description of the licensee, including, but not
 1409 limited to, the licensee's gender and height; and the dates of
 1410 issuance and expiration of the license. A space shall be
 1411 provided upon which the licensee shall affix his or her usual
 1412 signature. No license shall be valid until it has been so signed
 1413 by the licensee except that the signature of said licensee shall
 1414 not be required if it appears thereon in facsimile or if the
 1415 licensee is not present within the state at the time of
 1416 issuance. Applicants qualifying to receive a Class A, Class B,
 1417 or Class C driver's license must appear in person within the
 1418 state for issuance of a color photographic or digital imaged
 1419 driver's license pursuant to s. 322.142.

1420 Section 37. Section 322.15, Florida Statutes, is amended
 1421 to read:

1422 322.15 License to be carried and exhibited on demand;
 1423 fingerprint to be imprinted upon a citation.--

1424 (1) Every licensee shall have his or her driver's license,
 1425 which must be fully legible with no portion of such license
 1426 faded, altered, mutilated, or defaced, in his or her immediate
 1427 possession at all times when operating a motor vehicle and shall
 1428 display the same upon the demand of a law enforcement officer or

1429 an authorized representative of the department.

1430 (2) Upon the failure of any person to display a driver's
 1431 license as required by subsection (1), the law enforcement
 1432 officer or authorized representative of the department stopping
 1433 the person shall require the person to imprint his or her
 1434 fingerprints ~~fingerprint~~ upon any citation issued by the officer
 1435 or authorized representative, or the officer or authorized
 1436 representative shall collect the fingerprints electronically.

1437 (3) In relation to violations of subsection (1) or s.
 1438 322.03(5), persons who cannot supply proof of a valid driver's
 1439 license for the reason that the license was suspended for
 1440 failure to comply with that citation shall be issued a
 1441 suspension clearance by the clerk of the court for that citation
 1442 upon payment of the applicable penalty and fee for that
 1443 citation. If proof of a valid driver's license is not provided
 1444 to the clerk of the court within 30 days, the person's driver's
 1445 license shall again be suspended for failure to comply.

1446 (4) A violation of subsection (1) is a noncriminal traffic
 1447 infraction, punishable as a nonmoving violation as provided in
 1448 chapter 318.

1449 Section 38. Section 322.17, Florida Statutes, is amended
 1450 to read:

1451 322.17 Duplicate and replacement certificates.--

1452 (1)(a) In the event that an instruction permit or driver's
 1453 license issued under the provisions of this chapter is lost or
 1454 destroyed, the person to whom the same was issued may, upon
 1455 payment of the appropriate fee pursuant to s. 322.21 ~~\$10~~, obtain
 1456 a replacement ~~duplicate, or substitute thereof~~, upon furnishing

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1457 proof satisfactory to the department that such permit or license
 1458 has been lost or destroyed, and further furnishing the full
 1459 name, date of birth, sex, residence and mailing address, proof
 1460 of birth satisfactory to the department, and proof of identity
 1461 satisfactory to the department. ~~Five dollars of the fee levied~~
 1462 ~~in this paragraph shall go to the Highway Safety Operating Trust~~
 1463 ~~Fund of the department.~~

1464 (b) In the event that an instruction permit or driver's
 1465 license issued under the provisions of this chapter is stolen,
 1466 the person to whom the same was issued may, at no charge, obtain
 1467 a replacement ~~duplicate, or substitute thereof,~~ upon furnishing
 1468 proof satisfactory to the department that such permit or license
 1469 was stolen and further furnishing the full name, date of birth,
 1470 sex, residence and mailing address, proof of birth satisfactory
 1471 to the department, and proof of identity satisfactory to the
 1472 department.

1473 (2) Upon the surrender of the original license and the
 1474 payment of the appropriate fees pursuant to s. 322.21 ~~a \$10~~
 1475 ~~replacement fee,~~ the department shall issue a replacement
 1476 license to make a change in name, address, or restrictions. ~~Upon~~
 1477 ~~written request by the licensee and notification of a change in~~
 1478 ~~address, and the payment of a \$10 fee, the department shall~~
 1479 ~~issue an address sticker which shall be affixed to the back of~~
 1480 ~~the license by the licensee. Nine dollars of the fee levied in~~
 1481 ~~this subsection shall go to the Highway Safety Operating Trust~~
 1482 ~~Fund of the department.~~

1483 (3) Notwithstanding any other provisions of this chapter,
 1484 if a licensee establishes his or her identity for a driver's

1485 license using an identification document authorized under s.
 1486 322.08(2)(c) ~~7.6-~~ or ~~8.7-~~, the licensee may not obtain a
 1487 duplicate or replacement instruction permit or driver's license
 1488 except in person and upon submission of an identification
 1489 document authorized under s. 322.08(2)(c) ~~7.6-~~ or ~~8.7-~~

1490 Section 39. Subsections (2), (4), (5), (8), and (9) of
 1491 section 322.18, Florida Statutes, are amended to read:

1492 322.18 Original applications, licenses, and renewals;
 1493 expiration of licenses; delinquent licenses.--

1494 (2) Each applicant who is entitled to the issuance of a
 1495 driver's license, as provided in this section, shall be issued a
 1496 driver's license, as follows:

1497 (a) An applicant who has not attained 80 years of age
 1498 applying for an original issuance shall be issued a driver's
 1499 license that ~~which~~ expires at midnight on the licensee's
 1500 birthday which next occurs on or after the eighth ~~sixth~~
 1501 anniversary of the date of issue. An applicant who is at least
 1502 80 years of age applying for an original issuance shall be
 1503 issued a driver's license that expires at midnight on the
 1504 licensee's birthday that next occurs on or after the sixth
 1505 anniversary of the date of issue.

1506 (b) An applicant who has not attained 80 years of age
 1507 applying for a renewal issuance ~~or renewal extension~~ shall be
 1508 issued a driver's license that ~~or renewal extension sticker~~
 1509 ~~which~~ expires at midnight on the licensee's birthday that ~~which~~
 1510 next occurs 8 ~~4~~ years after the month of expiration of the
 1511 license being renewed. An applicant who is at least 80 years of
 1512 age applying for a renewal issuance shall be issued a driver's

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1513 license that, ~~except that a driver whose driving record reflects~~
1514 ~~no convictions for the preceding 3 years shall be issued a~~
1515 ~~driver's license or renewal extension sticker which~~ expires at
1516 midnight on the licensee's birthday that ~~which~~ next occurs 6
1517 years after the month of expiration of the license being
1518 renewed.

1519 (c) Notwithstanding any other provision of this chapter,
1520 if an applicant establishes his or her identity for a driver's
1521 license using a document authorized under s. 322.08(2)(c)5., the
1522 driver's license shall expire in accordance with paragraph (b).
1523 After an initial showing of such documentation, he or she is
1524 exempted from having to renew or obtain a duplicate in person.

1525 (d) Notwithstanding any other provision of this chapter,
1526 if an applicant establishes his or her identity for a driver's
1527 license using a document authorized in s. 322.08(2)(c) 7.6 ~~or~~
1528 8.7, the driver's license shall expire 1 year ~~2 years~~ after the
1529 date of issuance or upon the expiration date cited on the United
1530 States Department of Homeland Security documents, whichever date
1531 first occurs.

1532 (e) Notwithstanding any other provision of this chapter,
1533 an applicant applying for an original or renewal issuance of a
1534 commercial driver's license as defined in s. 322.01(7), with a
1535 hazardous-materials endorsement, pursuant to s. 322.57(1)(e),
1536 shall be issued a driver's license that expires at midnight on
1537 the licensee's birthday that next occurs 4 years after the month
1538 of expiration of the license being issued or renewed.

1539 (4)(a) Except as otherwise provided in this chapter, all
1540 licenses shall be renewable every 8 ~~4~~ years ~~or 6 years~~,

1541 ~~depending upon the terms of issuance~~ and shall be issued or
 1542 renewed ~~extended~~ upon application, payment of the fees required
 1543 by s. 322.21, and successful passage of any required
 1544 examination, unless the department has reason to believe that
 1545 the licensee is no longer qualified to receive a license.

1546 (b) Notwithstanding any other provision of this chapter,
 1547 if an applicant establishes his or her identity for a driver's
 1548 license using a document authorized under s. 322.08(2)(c)5., the
 1549 license, upon an initial showing of such documentation, is
 1550 exempted from having to renew or obtain a duplicate in person,
 1551 unless the renewal or duplication coincides with the periodic
 1552 reexamination of a driver as required pursuant to s. 322.121.

1553 (c) Notwithstanding any other provision of this chapter,
 1554 if a licensee establishes his or her identity for a driver's
 1555 license using an identification document authorized under s.
 1556 322.08(2)(c)~~7.6.~~ or ~~8.7.~~, the licensee may not renew the
 1557 driver's license except in person and upon submission of an
 1558 identification document authorized under s. 322.08(2)(c)~~7.6.~~ or
 1559 ~~8.7.~~ A driver's license renewed under this paragraph expires 1
 1560 year ~~4 years~~ after the date of issuance or upon the expiration
 1561 date cited on the United States Department of Homeland Security
 1562 documents, whichever date first occurs.

1563 (5) All renewal driver's licenses may be issued after the
 1564 applicant licensee has been determined to be eligible by the
 1565 department.

1566 (a) A licensee who is otherwise eligible for renewal and
 1567 who is at least 80 ~~over 79~~ years of age:

1568 1. Must submit to and pass a vision test administered at

1569 any driver's license office; or

1570 2. If the licensee applies for a renewal using a
 1571 convenience service ~~an extension by mail~~ as provided in
 1572 subsection (8), he or she must submit to a vision test
 1573 administered by a physician licensed under chapter 458 or
 1574 chapter 459, or an optometrist licensed under chapter 463, must
 1575 send the results of that test to the department on a form
 1576 obtained from the department and signed by such health care
 1577 practitioner, and must meet vision standards that are equivalent
 1578 to the standards for passing the departmental vision test. The
 1579 physician or optometrist may submit the results of a vision test
 1580 by a department-approved electronic means.

1581 (b) A licensee who is at least 80 ~~over 79~~ years of age may
 1582 not submit an application for renewal ~~extension~~ under subsection
 1583 (8) by a convenience service ~~electronic or telephonic means,~~
 1584 unless the results of a vision test have been electronically
 1585 submitted in advance by the physician or optometrist.

1586 (8) The department shall issue 8-year renewals using a
 1587 convenience service ~~4-year and 6-year license extensions by~~
 1588 ~~mail, electronic, or telephonic means~~ without reexamination to
 1589 drivers who have not attained 80 years of age. The department
 1590 shall issue 6-year renewals using a convenience service when the
 1591 applicant has satisfied the requirements of subsection (5).

1592 (a) If the department determines from its records that the
 1593 holder of a license about to expire is eligible for renewal, the
 1594 department shall mail a renewal notice to the licensee at his or
 1595 her last known address, not less than 30 days prior to the
 1596 licensee's birthday. The renewal notice shall direct the

1597 licensee to appear at a driver license office for in-person
 1598 renewal or to transmit the completed renewal notice and the fees
 1599 required by s. 322.21 to the department using a convenience
 1600 service ~~by mail, electronically, or telephonically within the 30~~
 1601 ~~days preceding the licensee's birthday for a license extension.~~
 1602 ~~License extensions shall not be available to drivers directed to~~
 1603 ~~appear for in person renewal.~~

1604 (b) Upon receipt of a properly completed renewal notice,
 1605 payment of the required fees, and upon determining that the
 1606 licensee is still eligible for renewal, the department shall
 1607 send a new license ~~extension sticker~~ to the licensee ~~to affix to~~
 1608 ~~the expiring license~~ as evidence that the license term has been
 1609 extended.

1610 (c) The department shall issue one renewal using a
 1611 convenience service ~~license extensions for two consecutive~~
 1612 ~~license expirations only. Upon expiration of two consecutive~~
 1613 ~~license extension periods, in person renewal with reexamination~~
 1614 ~~as provided in s. 322.121 shall be required.~~ A person who is out
 1615 of this state when his or her license expires may be issued a
 1616 90-day temporary driving permit without reexamination. At the
 1617 end of the 90-day period, the person must either return to this
 1618 state or apply for a license where the person is located, except
 1619 for a member of the Armed Forces as provided in s. 322.121(6).

1620 ~~(d) In person renewal at a driver license office shall not~~
 1621 ~~be available to drivers whose records indicate they were~~
 1622 ~~directed to apply for a license extension.~~

1623 (d)-(e) Any person who knowingly possesses any forged,
 1624 stolen, fictitious, counterfeit, or unlawfully issued license

1625 extension sticker, unless possession by such person has been
 1626 duly authorized by the department, commits a misdemeanor of the
 1627 second degree, punishable as provided in s. 775.082 or s.
 1628 775.083.

1629 (e)~~(f)~~ The department shall develop a plan for the
 1630 equitable distribution of license ~~extensions and renewals~~ and
 1631 the orderly implementation of this section.

1632 (9)(a) The application form for a renewal issuance ~~or~~
 1633 ~~renewal extension~~ shall include language permitting a voluntary
 1634 contribution of \$1 per applicant, to be quarterly distributed by
 1635 the department to Prevent Blindness Florida, a not-for-profit
 1636 organization, to prevent blindness and preserve the sight of the
 1637 residents of this state. A statement providing an explanation of
 1638 the purpose of the funds shall be included with the application
 1639 form.

1640 (b) Prior to the department distributing the funds
 1641 collected pursuant to paragraph (a), Prevent Blindness Florida
 1642 must submit a report to the department that identifies how such
 1643 funds were used during the preceding year.

1644 Section 40. Subsections (2) and (4) of section 322.19,
 1645 Florida Statutes, are amended to read:

1646 322.19 Change of address or name.--

1647 (2) Whenever any person, after applying for or receiving a
 1648 driver's license, changes the residence or mailing address in
 1649 the application or license, the person must, within 10 calendar
 1650 days, ~~either~~ obtain a replacement license that reflects the
 1651 change ~~or request in writing a change of address sticker.~~ A The
 1652 written request to the department must include the old and new

1653 addresses and the driver's license number.

1654 (4) Notwithstanding any other provision of this chapter,
 1655 if a licensee established his or her identity for a driver's
 1656 license using an identification document authorized under s.
 1657 322.08(2)(c) 7.6 or 8.7, the licensee may not change his or her
 1658 name or address except in person and upon submission of an
 1659 identification document authorized under s. 322.08(2)(c) 7.6 or
 1660 8.7.

1661 Section 41. Subsection (1) of section 322.21, Florida
 1662 Statutes, is amended to read:

1663 322.21 License fees; procedure for handling and collecting
 1664 fees.--

1665 (1) Except as otherwise provided herein, the fee for:

1666 (a) An original or renewal commercial driver's license is
 1667 \$67 ~~\$50~~, which shall include the fee for driver education
 1668 provided by s. 1003.48; however, if an applicant has completed
 1669 training and is applying for employment or is currently employed
 1670 in a public or nonpublic school system that requires the
 1671 commercial license, the fee shall be the same as for a Class E
 1672 driver's license. A delinquent fee of \$1 shall be added for a
 1673 renewal made not more than 12 months after the license
 1674 expiration date.

1675 (b) An original Class E driver's license is \$27 ~~\$20~~, which
 1676 shall include the fee for driver's education provided by s.
 1677 1003.48; however, if an applicant has completed training and is
 1678 applying for employment or is currently employed in a public or
 1679 nonpublic school system that requires a commercial driver
 1680 license, the fee shall be the same as for a Class E license.

1681 (c) The renewal or extension of a Class E driver's license
 1682 or of a license restricted to motorcycle use only is \$20 ~~\$15~~,
 1683 except that a delinquent fee of \$1 shall be added for a renewal
 1684 or extension made not more than 12 months after the license
 1685 expiration date. The fee provided in this paragraph shall
 1686 include the fee for driver's education provided by s. 1003.48.

1687 (d) An original driver's license restricted to motorcycle
 1688 use only is \$27 ~~\$20~~, which shall include the fee for driver's
 1689 education provided by s. 1003.48.

1690 (e) A replacement driver's license issued pursuant to s.
 1691 322.17 is \$10 and shall be deposited into the General Revenue
 1692 Fund.

1693 (f) An original or renewal identification card issued
 1694 pursuant to s. 322.051 is \$10 and shall be deposited into the
 1695 General Revenue Fund.

1696 (g) ~~(e)~~ Each endorsement required by s. 322.57 is \$7 ~~\$5~~.

1697 (h) ~~(f)~~ A hazardous-materials endorsement, as required by
 1698 s. 322.57(1)(d), shall be set by the department by rule and
 1699 shall reflect the cost of the required criminal history check,
 1700 including the cost of the state and federal fingerprint check,
 1701 and the cost to the department of providing and issuing the
 1702 license. The fee shall not exceed \$100. This fee shall be
 1703 deposited in the Highway Safety Operating Trust Fund. The
 1704 department may adopt rules to administer this section.

1705 Section 42. Subsection (3) of section 322.2715, Florida
 1706 Statutes is amended to read:

1707 322.2715 Ignition interlock device.--

1708 (3) If the person is convicted of:

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1709 (a) A first offense of driving under the influence under
 1710 s. 316.193 and has an unlawful blood-alcohol level or breath-
 1711 alcohol level as specified in s. 316.193(4), or if a person is
 1712 convicted of a violation of s. 316.193 and was at the time of
 1713 the offense accompanied in the vehicle by a person younger than
 1714 18 years of age, the person shall have the ignition interlock
 1715 device installed for 6 continuous months for the first offense
 1716 and for at least 2 continuous years for a second offense.

1717 (b) A second offense of driving under the influence, the
 1718 ignition interlock device shall be installed for a period of not
 1719 less than 1 continuous year.

1720 (c) A third offense of driving under the influence which
 1721 occurs within 10 years after a prior conviction for a violation
 1722 of s.316.193, the ignition interlock device shall be installed
 1723 for a period of not less than 2 continuous years.

1724 (d) A third offense of driving under the influence which
 1725 occurs more than 10 years after the date of a prior conviction,
 1726 the ignition interlock device shall be installed for a period of
 1727 not less than 2 continuous years.

1728 Section 43. Section 322.291, Florida Statutes is amended
 1729 to read:

1730 322.291 Driver improvement schools or DUI programs;
 1731 required in certain suspension and revocation cases.--Except as
 1732 provided in s. 322.03(2), any person:

1733 (1) Whose driving privilege has been revoked:

1734 (a) Upon conviction for:

1735 1. Driving, or being in actual physical control of, any
 1736 vehicle while under the influence of alcoholic beverages, any

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1737 chemical substance set forth in s. 877.111, or any substance
 1738 controlled under chapter 893, in violation of s. 316.193;
 1739 2. Driving with an unlawful blood- or breath-alcohol
 1740 level;
 1741 3. Manslaughter resulting from the operation of a motor
 1742 vehicle;
 1743 4. Failure to stop and render aid as required under the
 1744 laws of this state in the event of a motor vehicle crash
 1745 resulting in the death or personal injury of another;
 1746 5. Reckless driving; or
 1747 (b) As a ~~an~~ habitual offender;
 1748 (c) Upon direction of the court, if the court feels that
 1749 the seriousness of the offense and the circumstances surrounding
 1750 the conviction warrant the revocation of the licensee's driving
 1751 privilege; or
 1752 (2) Whose license was suspended under the point system,
 1753 was suspended for driving with an unlawful blood-alcohol level
 1754 of 0.10 percent or higher before January 1, 1994, was suspended
 1755 for driving with an unlawful blood-alcohol level of 0.08 percent
 1756 or higher after December 31, 1993, was suspended for a violation
 1757 of s. 316.193(1), or was suspended for refusing to submit to a
 1758 lawful breath, blood, or urine test as provided in s. 322.2615
 1759
 1760 shall, before the driving privilege may be reinstated, present
 1761 to the department proof of enrollment in a department-approved
 1762 advanced driver improvement course operating pursuant to s.
 1763 318.1451 or a substance abuse education course conducted by a
 1764 DUI program licensed pursuant to s. 322.292, which shall include

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1765 a psychosocial evaluation and treatment, if referred.
 1766 Additionally, for a third or subsequent violation of
 1767 requirements for installation of an ignition interlock device, a
 1768 person must complete treatment as determined by a licensed
 1769 treatment agency following a referral by a DUI program and have
 1770 the duration of the ignition interlock device requirement
 1771 extended by at least 1 month up to the time period required to
 1772 complete treatment. If the person fails to complete such course
 1773 or evaluation within 90 days after reinstatement, or
 1774 subsequently fails to complete treatment, if referred, the DUI
 1775 program shall notify the department of the failure. Upon receipt
 1776 of the notice, the department shall cancel the offender's
 1777 driving privilege, notwithstanding the expiration of the
 1778 suspension or revocation of the driving privilege. The
 1779 department may temporarily reinstate the driving privilege upon
 1780 verification from the DUI program that the offender has
 1781 completed the education course and evaluation requirement and
 1782 has reentered and is currently participating in treatment. If
 1783 the DUI program notifies the department of the second failure to
 1784 complete treatment, the department shall reinstate the driving
 1785 privilege only after notice of completion of treatment from the
 1786 DUI program.

1787 Section 44. Section 322.36, Florida Statutes, is amended
 1788 to read:

1789 322.36 Permitting unauthorized operator to drive.--A ~~No~~
 1790 person may not shall authorize or knowingly permit a motor
 1791 vehicle owned by him or her or under his or her dominion or
 1792 control to be operated upon any highway or public street except

1793 by a person who is ~~persons~~ duly authorized to operate a motor
 1794 vehicle ~~vehicles~~ under ~~the provisions of~~ this chapter. Any
 1795 person who violates ~~violating~~ this section commits ~~provision is~~
 1796 ~~guilty of~~ a misdemeanor of the second degree, punishable as
 1797 provided in s. 775.082 or s. 775.083. If a person violates this
 1798 section by knowingly loaning a vehicle to a person whose
 1799 driver's license is suspended and if that vehicle is involved in
 1800 an accident resulting in bodily injury or death, the driver's
 1801 license of the person violating this section shall be suspended
 1802 for 1 year.

1803 Section 45. Section 322.60, Florida Statutes, is repealed.

1804 Section 46. Subsections (1) through (6) of section 322.61,
 1805 Florida Statutes, are amended to read:

1806 322.61 Disqualification from operating a commercial motor
 1807 vehicle.--

1808 (1) A person who, for offenses occurring within a 3-year
 1809 period, is convicted of two of the following serious traffic
 1810 violations or any combination thereof, arising in separate
 1811 incidents committed in a commercial motor vehicle shall, in
 1812 addition to any other applicable penalties, be disqualified from
 1813 operating a commercial motor vehicle for a period of 60 days. A
 1814 holder of a commercial driver's license ~~person~~ who, for offenses
 1815 occurring within a 3-year period, is convicted of two of the
 1816 following serious traffic violations, or any combination
 1817 thereof, arising in separate incidents committed in a
 1818 noncommercial motor vehicle shall, in addition to any other
 1819 applicable penalties, be disqualified from operating a
 1820 commercial motor vehicle for a period of 60 days if such

1821 | convictions result in the suspension, revocation, or
 1822 | cancellation of the licenseholder's driving privilege:
 1823 | (a) A violation of any state or local law relating to
 1824 | motor vehicle traffic control, other than a parking violation, a
 1825 | weight violation, or a vehicle equipment violation, arising in
 1826 | connection with a crash resulting in death or personal injury to
 1827 | any person;
 1828 | (b) Reckless driving, as defined in s. 316.192;
 1829 | (c) Careless driving, as defined in s. 316.1925;
 1830 | (d) Fleeing or attempting to elude a law enforcement
 1831 | officer, as defined in s. 316.1935;
 1832 | (e) Unlawful speed of 15 miles per hour or more above the
 1833 | posted speed limit;
 1834 | (f) Driving a commercial motor vehicle, owned by such
 1835 | person, which is not properly insured;
 1836 | (g) Improper lane change, as defined in s. 316.085;
 1837 | (h) Following too closely, as defined in s. 316.0895;
 1838 | (i) Driving a commercial vehicle without obtaining a
 1839 | commercial driver's license;
 1840 | (j) Driving a commercial vehicle without the proper class
 1841 | of commercial driver's license or without the proper
 1842 | endorsement; or
 1843 | (k) Driving a commercial vehicle without a commercial
 1844 | driver's license in possession, as required by s. 322.03. Any
 1845 | individual who provides proof to the clerk of the court or
 1846 | designated official in the jurisdiction where the citation was
 1847 | issued, by the date the individual must appear in court or pay
 1848 | any fine for such a violation, that the individual held a valid

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1849 commercial driver's license on the date the citation was issued
 1850 is not guilty of this offense.

1851 (2) (a) Any person who, for offenses occurring within a 3-
 1852 year period, is convicted of three serious traffic violations
 1853 specified in subsection (1) or any combination thereof, arising
 1854 in separate incidents committed in a commercial motor vehicle
 1855 shall, in addition to any other applicable penalties, including
 1856 but not limited to the penalty provided in subsection (1), be
 1857 disqualified from operating a commercial motor vehicle for a
 1858 period of 120 days.

1859 (b) A holder of a commercial driver's license ~~person~~ who,
 1860 for offenses occurring within a 3-year period, is convicted of
 1861 three serious traffic violations specified in subsection (1) or
 1862 any combination thereof arising in separate incidents committed
 1863 in a noncommercial motor vehicle shall, in addition to any other
 1864 applicable penalties, including, but not limited to, the penalty
 1865 provided in subsection (1), be disqualified from operating a
 1866 commercial motor vehicle for a period of 120 days if such
 1867 convictions result in the suspension, revocation, or
 1868 cancellation of the licenseholder's driving privilege.

1869 (3) (a) Except as provided in subsection (4), any person
 1870 who is convicted of one of the ~~following~~ offenses listed in
 1871 paragraph (b) while operating a commercial motor vehicle shall,
 1872 in addition to any other applicable penalties, be disqualified
 1873 from operating a commercial motor vehicle for a period of 1
 1874 year:

1875 (b) Except as provided in subsection (4), any holder of a
 1876 commercial driver's license who is convicted of one of the

1877 offenses listed in this paragraph while operating a
 1878 noncommercial motor vehicle shall, in addition to any other
 1879 applicable penalties, be disqualified from operating a
 1880 commercial motor vehicle for a period of 1 year:

1881 1.(a) Driving a ~~commercial~~ motor vehicle while he or she
 1882 is under the influence of alcohol or a controlled substance;

1883 2.(b) Driving a commercial motor vehicle while the alcohol
 1884 concentration of his or her blood, breath, or urine is .04
 1885 percent or higher;

1886 3.(e) Leaving the scene of a crash involving a ~~commercial~~
 1887 motor vehicle driven by such person;

1888 4.(d) Using a ~~commercial~~ motor vehicle in the commission
 1889 of a felony;

1890 5.(e) Driving a commercial motor vehicle while in
 1891 possession of a controlled substance;

1892 6.(f) Refusing to submit to a test to determine his or her
 1893 alcohol concentration while driving a ~~commercial~~ motor vehicle;

1894 7.(g) Driving a commercial vehicle while the
 1895 licenseholder's commercial driver's license is suspended,
 1896 revoked, or canceled or while the licenseholder is disqualified
 1897 from driving a commercial vehicle; or

1898 8.(h) Causing a fatality through the negligent operation
 1899 of a commercial motor vehicle.

1900 (4) Any person who is transporting hazardous materials as
 1901 defined in s. 322.01(24) ~~in a vehicle that is required to be~~
 1902 ~~placarded in accordance with Title 49 C.F.R. part 172, subpart F~~
 1903 shall, upon conviction of an offense specified in subsection
 1904 (3), be disqualified from operating a commercial motor vehicle

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1905 for a period of 3 years. The penalty provided in this subsection
 1906 shall be in addition to any other applicable penalty.

1907 (5) Any person who is convicted of two violations
 1908 specified in subsection (3) which were committed while operating
 1909 a commercial motor vehicle, or any combination thereof, arising
 1910 in separate incidents shall be permanently disqualified from
 1911 operating a commercial motor vehicle. Any holder of a commercial
 1912 driver's license who is convicted of two violations specified in
 1913 subsection (3) which were committed while operating a
 1914 noncommercial motor vehicle, or any combination thereof, arising
 1915 in separate incidents shall be permanently disqualified from
 1916 operating a commercial motor vehicle. The penalty provided in
 1917 this subsection is ~~shall be~~ in addition to any other applicable
 1918 penalty.

1919 (6) Notwithstanding subsections (3), (4), and (5), any
 1920 person who uses a commercial motor vehicle in the commission of
 1921 any felony involving the manufacture, distribution, or
 1922 dispensing of a controlled substance, including possession with
 1923 intent to manufacture, distribute, or dispense a controlled
 1924 substance, shall, upon conviction of such felony, be permanently
 1925 disqualified from operating a commercial motor vehicle.
 1926 Notwithstanding subsections (3), (4), and (5), any holder of a
 1927 commercial driver's license who uses a noncommercial motor
 1928 vehicle in the commission of any felony involving the
 1929 manufacture, distribution, or dispensing of a controlled
 1930 substance, including possession with intent to manufacture,
 1931 distribute, or dispense a controlled substance, shall, upon
 1932 conviction of such felony, be permanently disqualified from

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1933 operating a commercial motor vehicle. The penalty provided in
 1934 this subsection is ~~shall be~~ in addition to any other applicable
 1935 penalty.

1936 Section 47. Subsections (1), (2), (4), (6), (7), (8), and
 1937 (9) of section 322.64, Florida Statutes, are amended to read:

1938 322.64 Holder of commercial driver's license; persons
 1939 operating a commercial motor vehicle; driving with unlawful
 1940 blood-alcohol level; refusal to submit to breath, urine, or
 1941 blood test.--

1942 (1) (a) A law enforcement officer or correctional officer
 1943 shall, on behalf of the department, disqualify from operating
 1944 any commercial motor vehicle a person who while operating or in
 1945 actual physical control of a commercial motor vehicle is
 1946 arrested for a violation of s. 316.193 , relating to unlawful
 1947 blood-alcohol level or breath-alcohol level, or a person who has
 1948 refused to submit to a breath, urine, or blood test authorized
 1949 by s. 322.63 arising out of the operation or actual physical
 1950 control of a commercial motor vehicle. A law enforcement officer
 1951 or correctional officer shall, on behalf of the department,
 1952 disqualify the holder of a commercial driver's license from
 1953 operating any commercial motor vehicle if the licenseholder,
 1954 while operating or in actual physical control of a motor
 1955 vehicle, is arrested for a violation of s. 316.193, relating to
 1956 unlawful blood-alcohol level or breath-alcohol level, or refused
 1957 to submit to a breath, urine, or blood test authorized by s.
 1958 322.63. Upon disqualification of the person, the officer shall
 1959 take the person's driver's license and issue the person a 10-day
 1960 temporary permit for the operation of noncommercial vehicles

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1961 only if the person is otherwise eligible for the driving
 1962 privilege and shall issue the person a notice of
 1963 disqualification. If the person has been given a blood, breath,
 1964 or urine test, the results of which are not available to the
 1965 officer at the time of the arrest, the agency employing the
 1966 officer shall transmit such results to the department within 5
 1967 days after receipt of the results. If the department then
 1968 determines that the person ~~was arrested for a violation of s.~~
 1969 ~~316.193 and that the person~~ had a blood-alcohol level or breath-
 1970 alcohol level of 0.08 or higher, the department shall disqualify
 1971 the person from operating a commercial motor vehicle pursuant to
 1972 subsection (3).

1973 (b) The disqualification under paragraph (a) shall be
 1974 pursuant to, and the notice of disqualification shall inform the
 1975 driver of, the following:

1976 1.a. The driver refused to submit to a lawful breath,
 1977 blood, or urine test and he or she is disqualified from
 1978 operating a commercial motor vehicle for a period of 1 year, for
 1979 a first refusal, or permanently, if he or she has previously
 1980 been disqualified as a result of a refusal to submit to such a
 1981 test; or

1982 b. The driver was driving or in actual physical control of
 1983 a commercial motor vehicle, or any motor vehicle if the driver
 1984 holds a commercial driver's license, had an unlawful blood-
 1985 alcohol level or breath-alcohol level of 0.08 or higher, and his
 1986 or her driving privilege shall be disqualified for a period of 6
 1987 months for a first offense or for a period of 1 year if his or
 1988 her driving privilege has been previously disqualified under

1989 ~~this section violated s. 316.193 by driving with an unlawful~~
 1990 ~~blood-alcohol level and he or she is disqualified from operating~~
 1991 ~~a commercial motor vehicle for a period of 6 months for a first~~
 1992 ~~offense or for a period of 1 year if he or she has previously~~
 1993 ~~been disqualified, or his or her driving privilege has been~~
 1994 ~~previously suspended, for a violation of s. 316.193.~~

1995 2. The disqualification period for operating commercial
 1996 vehicles shall commence on the date of ~~arrest or~~ issuance of the
 1997 notice of disqualification, ~~whichever is later.~~

1998 3. The driver may request a formal or informal review of
 1999 the disqualification by the department within 10 days after the
 2000 date of ~~arrest or~~ issuance of the notice of disqualification,
 2001 ~~whichever is later.~~

2002 4. The temporary permit issued at the time of ~~arrest or~~
 2003 disqualification expires ~~will expire~~ at midnight of the 10th day
 2004 following the date of disqualification.

2005 5. The driver may submit to the department any materials
 2006 relevant to the disqualification ~~arrest.~~

2007 (2) Except as provided in paragraph (1)(a), the law
 2008 enforcement officer shall forward to the department, within 5
 2009 days after the date of the ~~arrest or the~~ issuance of the notice
 2010 of disqualification, ~~whichever is later,~~ a copy of the notice of
 2011 disqualification, the driver's license of the person
 2012 disqualified ~~arrested,~~ and ~~a report of the arrest, including, if~~
 2013 ~~applicable,~~ an affidavit stating the officer's grounds for
 2014 belief that the person disqualified ~~arrested~~ was operating or in
 2015 actual physical control of a commercial motor vehicle, or holds
 2016 a commercial driver's license, and had an unlawful blood-alcohol

2017 or breath-alcohol level ~~in violation of s.316.193~~; the results
 2018 of any breath or blood or urine test or an affidavit stating
 2019 that a breath, blood, or urine test was requested by a law
 2020 enforcement officer or correctional officer and that the person
 2021 arrested refused to submit; a copy of the notice of
 2022 disqualification ~~citation~~ issued to the person ~~arrested~~; and the
 2023 officer's description of the person's field sobriety test, if
 2024 any. The failure of the officer to submit materials within the
 2025 5-day period specified in this subsection or subsection (1) does
 2026 ~~shall~~ not affect the department's ability to consider any
 2027 evidence submitted at or prior to the hearing. The officer may
 2028 also submit a copy of a videotape of the field sobriety test or
 2029 the attempt to administer such test and a copy of the crash
 2030 report, if any.

2031 (4) If the person disqualified ~~arrested~~ requests an
 2032 informal review pursuant to subparagraph (1)(b)3., the
 2033 department shall conduct the informal review by a hearing
 2034 officer employed by the department. Such informal review hearing
 2035 shall consist solely of an examination by the department of the
 2036 materials submitted by a law enforcement officer or correctional
 2037 officer and by the person disqualified ~~arrested~~, and the
 2038 presence of an officer or witness is not required.

2039 (6)(a) If the person disqualified ~~arrested~~ requests a
 2040 formal review, the department must schedule a hearing to be held
 2041 within 30 days after such request is received by the department
 2042 and must notify the person of the date, time, and place of the
 2043 hearing.

2044 (b) Such formal review hearing shall be held before a

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2045 hearing officer employed by the department, and the hearing
2046 officer shall be authorized to administer oaths, examine
2047 witnesses and take testimony, receive relevant evidence, issue
2048 subpoenas for the officers and witnesses identified in documents
2049 as provided in subsection (2), regulate the course and conduct
2050 of the hearing, and make a ruling on the disqualification. The
2051 department and the person disqualified ~~arrested~~ may subpoena
2052 witnesses, and the party requesting the presence of a witness
2053 shall be responsible for the payment of any witness fees. If the
2054 person who requests a formal review hearing fails to appear and
2055 the hearing officer finds such failure to be without just cause,
2056 the right to a formal hearing is waived ~~and the department shall~~
2057 ~~conduct an informal review of the disqualification under~~
2058 ~~subsection (4)~~.

2059 (c) A party may seek enforcement of a subpoena under
2060 paragraph (b) by filing a petition for enforcement in the
2061 circuit court of the judicial circuit in which the person
2062 failing to comply with the subpoena resides. A failure to comply
2063 with an order of the court shall result in a finding of contempt
2064 of court. However, a person shall not be in contempt while a
2065 subpoena is being challenged.

2066 (d) The department must, within 7 days after a formal
2067 review hearing, send notice to the person of the hearing
2068 officer's decision as to whether sufficient cause exists to
2069 sustain, amend, or invalidate the disqualification.

2070 (7) In a formal review hearing under subsection (6) or an
2071 informal review hearing under subsection (4), the hearing
2072 officer shall determine by a preponderance of the evidence

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2073 whether sufficient cause exists to sustain, amend, or invalidate
 2074 the disqualification. The scope of the review shall be limited
 2075 to the following issues:

2076 (a) If the person was disqualified from operating a
 2077 commercial motor vehicle for driving with an unlawful blood-
 2078 alcohol level ~~in violation of s. 316.193:~~

2079 1. Whether the arresting law enforcement officer had
 2080 probable cause to believe that the person was driving or in
 2081 actual physical control of a commercial motor vehicle, or any
 2082 motor vehicle if the driver holds a commercial driver's license,
 2083 in this state while he or she had any alcohol, chemical
 2084 substances, or controlled substances in his or her body.

2085 ~~2. Whether the person was placed under lawful arrest for a~~
 2086 ~~violation of s. 316.193.~~

2087 ~~2.3.~~ Whether the person had an unlawful blood-alcohol
 2088 level or breath-alcohol level of 0.08 or higher as provided in
 2089 ~~s. 316.193.~~

2090 (b) If the person was disqualified from operating a
 2091 commercial motor vehicle for refusal to submit to a breath,
 2092 blood, or urine test:

2093 1. Whether the law enforcement officer had probable cause
 2094 to believe that the person was driving or in actual physical
 2095 control of a commercial motor vehicle, or any motor vehicle if
 2096 the driver holds a commercial driver's license, in this state
 2097 while he or she had any alcohol, chemical substances, or
 2098 controlled substances in his or her body.

2099 2. Whether the person refused to submit to the test after
 2100 being requested to do so by a law enforcement officer or

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2101 correctional officer.

2102 3. Whether the person was told that if he or she refused
 2103 to submit to such test he or she would be disqualified from
 2104 operating a commercial motor vehicle for a period of 1 year or,
 2105 in the case of a second refusal, permanently.

2106 (8) Based on the determination of the hearing officer
 2107 pursuant to subsection (7) for both informal hearings under
 2108 subsection (4) and formal hearings under subsection (6), the
 2109 department shall:

2110 (a) Sustain the disqualification for a period of 1 year
 2111 for a first refusal, or permanently if such person has been
 2112 previously disqualified from operating a commercial motor
 2113 vehicle as a result of a refusal to submit to such tests. The
 2114 disqualification period commences on the date of the arrest or
 2115 issuance of the notice of disqualification, whichever is later.

2116 (b) Sustain the disqualification:

2117 1. For a period of 6 months if the person was driving or
 2118 in actual physical control of a commercial motor vehicle, or any
 2119 motor vehicle if the driver holds a commercial driver's license,
 2120 and had an unlawful blood-alcohol level or breath-alcohol level
 2121 of 0.08 or higher; ~~for a violation of s. 316.193~~ or

2122 2. For a period of 1 year if the person has been
 2123 previously disqualified from operating a commercial motor
 2124 vehicle or his or her driving privilege has been previously
 2125 suspended for driving or being in actual physical control of a
 2126 commercial motor vehicle, or any motor vehicle if the driver
 2127 holds a commercial driver's license, and had an unlawful blood-
 2128 alcohol level or breath-alcohol level of 0.08 or higher as a

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2129 ~~result of a violation of s. 316.193.~~

2130
 2131 The disqualification period commences on the date of the arrest
 2132 or issuance of the notice of disqualification, ~~whichever is~~
 2133 later.

2134 (9) A request for a formal review hearing or an informal
 2135 review hearing shall not stay the disqualification. If the
 2136 department fails to schedule the formal review hearing to be
 2137 held within 30 days after receipt of the request therefor, the
 2138 department shall invalidate the disqualification. If the
 2139 scheduled hearing is continued at the department's initiative,
 2140 the department shall issue a temporary driving permit limited to
 2141 noncommercial vehicles which shall be valid until the hearing is
 2142 conducted if the person is otherwise eligible for the driving
 2143 privilege. Such permit shall not be issued to a person who
 2144 sought and obtained a continuance of the hearing. The permit
 2145 issued under this subsection shall authorize driving for
 2146 business purposes ~~or employment use~~ only.

2147 Section 48. Subsection (10) of section 324.021, Florida
 2148 Statutes, is amended to read:

2149 324.021 Definitions; minimum insurance required.--The
 2150 following words and phrases when used in this chapter shall, for
 2151 the purpose of this chapter, have the meanings respectively
 2152 ascribed to them in this section, except in those instances
 2153 where the context clearly indicates a different meaning:

2154 (10) JUDGMENT.--Any judgment becoming ~~which shall have~~
 2155 ~~become~~ final by expiration without appeal of the time within
 2156 which an appeal might have been perfected, or by final

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2157 affirmation on appeal, rendered by a court of competent
 2158 jurisdiction of any state or of the United States upon a cause
 2159 of action arising out of the ownership, maintenance, or use of
 2160 any motor vehicle for damages, including damages for care and
 2161 loss of services because of bodily injury to or death of any
 2162 person, or for damages because of injury to or destruction of
 2163 property, including the loss of use thereof, or upon a cause of
 2164 action on an agreement of settlement for such damage.

2165 Section 49. Subsection (19) of section 501.976, Florida
 2166 Statutes, is amended to read:

2167 501.976 Actionable, unfair, or deceptive acts or
 2168 practices.--It is an unfair or deceptive act or practice,
 2169 actionable under the Florida Deceptive and Unfair Trade
 2170 Practices Act, for a dealer to:

2171 (19) Fail to disclose damage to a new motor vehicle, as
 2172 defined in s. 319.001~~(9)~~~~(8)~~, of which the dealer had actual
 2173 knowledge, if the dealer's actual cost of repairs exceeds the
 2174 threshold amount, excluding replacement items.

2175
 2176 In any civil litigation resulting from a violation of this
 2177 section, when evaluating the reasonableness of an award of
 2178 attorney's fees to a private person, the trial court shall
 2179 consider the amount of actual damages in relation to the time
 2180 spent.

2181 Section 50. Effective July 1, 2008, except for specialty
 2182 license plates approved before or during the 2008 Legislative
 2183 session, the Department of Highway Safety and Motor Vehicles may
 2184 not issue any new specialty license plates pursuant to ss.

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2185 320.08056 and 320.08058, Florida Statutes, between July 1, 2008,
2186 and July 1, 2011.

2187 Section 51. Joseph P. Bertrand Building designated;
2188 Department of Highway Safety and Motor Vehicles to erect
2189 suitable markers.--

2190 (1) The Regional Transportation Management Center in the
2191 City of Fort Myers in Lee County is designated the "Joseph P.
2192 Bertrand Building."

2193 (2) The Department of Highway Safety and Motor Vehicles is
2194 directed to erect suitable markers designating the "Joseph P.
2195 Bertrand Building" as described in subsection (1).

2196 Section 52. Except as otherwise expressly provided in this
2197 act and except for this section, which shall take effect July 1,
2198 2008, this act shall take effect October 1, 2008.