

1 A bill to be entitled
2 An act relating to the Department of Highway Safety and
3 Motor Vehicles; amending s. 316.0741, F.S.; redefining the
4 term "hybrid vehicle"; authorizing the driving of a
5 hybrid, low-emission, or energy-efficient vehicle in a
6 high-occupancy-vehicle lane regardless of occupancy;
7 authorizing the department to limit or discontinue such
8 driving under certain circumstances; directing the
9 Department of Transportation to review a specified federal
10 rule and make a report to the Legislature; exempting
11 certain vehicles from the payment of certain tolls;
12 amending s. 316.1575, F.S.; requiring a person walking or
13 driving a vehicle to stop at a railroad crossing upon the
14 signal of a law enforcement officer; amending s. 316.193,
15 F.S.; lowering the blood-alcohol or breath-alcohol level
16 for which enhanced penalties are imposed against a person
17 convicted of driving under the influence; amending s.
18 316.1937, F.S.; revising the conditions under which the
19 court may require the use of an ignition interlock device;
20 amending s. 316.251, F.S.; conforming a cross-reference;
21 amending s. 316.302, F.S.; revising references to rules,
22 regulations, and criteria governing commercial motor
23 vehicles engaged in intrastate commerce; providing that
24 the Department of Transportation performs duties assigned
25 to the Field Administrator of the Federal Motor Carrier
26 Safety Administration under the federal rules and may
27 enforce those rules; amending ss. 316.613 and 316.614,
28 F.S.; revising the definition of "motor vehicle" for

29 | purposes of child restraint and safety belt usage
30 | requirements; amending s. 316.645, F.S.; authorizing a
31 | police officer to make an arrest upon probable cause of a
32 | violation of laws governing motor vehicle licenses;
33 | amending s. 316.650, F.S.; revising requirements for
34 | traffic citation forms; providing for the electronic
35 | transmission of citation data; amending s. 316.656, F.S.;
36 | lowering the percentage of blood or breath alcohol content
37 | relating to the prohibition against pleading guilty to a
38 | lesser offense of driving under the influence than the
39 | offense charged; amending s. 319.001, F.S.; defining the
40 | term "certificate of title" to include information stored
41 | electronically in the department's database; amending s.
42 | 320.01, F.S.; revising the definition of the term
43 | "motorcycle" to exclude a vehicle in which the operator is
44 | enclosed by a cabin; amending s. 320.02, F.S.; deleting
45 | the requirement for a motorcycle endorsement at the time
46 | of original registration of a motorcycle, motor-driven
47 | cycle, or moped; repealing s. 320.02(13), F.S., relating
48 | to a motor vehicle registration voluntary contribution for
49 | the Election Campaign Financing Trust Fund; amending s.
50 | 320.0706, F.S.; providing that a violation of requirements
51 | for displaying a truck license plate is a moving
52 | violation; amending s. 320.0715, F.S.; requiring the
53 | department to withhold issuing or to suspend a
54 | registration and license plate for a commercial motor
55 | vehicle if the federal identifying number is not provided
56 | or if the motor carrier or vehicle owner has been

57 prohibited from operating; amending s. 320.08053, F.S.;

58 removing a requirement that the department create certain

59 specifications by rule for specialty license plates;

60 amending s. 320.0894, F.S.; providing for issuance of Gold

61 Star license plates to certain family members; amending s.

62 320.131, F.S.; requiring motor vehicle temporary tags to

63 be affixed on the exterior of the vehicle; revising the

64 requirement that the department specify media for motor

65 vehicle temporary tags; revising the requirement that the

66 department implement a print-on-demand electronic system

67 for temporary tag issuance; repealing s. 320.96, F.S.,

68 relating to a print-on-demand electronic temporary license

69 plate system; amending s. 320.27, F.S.; conforming a

70 cross-reference; amending s. 322.01, F.S.; defining the

71 term "convenience service" for purposes of transactions

72 with the department; revising the definition of the term

73 "conviction" to provide for application to offenses

74 committed by a person holding a commercial driver's

75 license; revising the definition of the terms "hazardous

76 materials" and "out-of-service order"; amending s. 322.03,

77 F.S.; removing provisions for issuance of a license valid

78 in Florida only; prohibiting a person from holding more

79 than one driver's license; authorizing use of such

80 licenses until next renewal; amending s. 322.051, F.S.;

81 revising requirements for application for issuance or

82 renewal of an identification card; revising provisions

83 providing for the expiration of an identification card

84 issued by the department; amending s. 322.08, F.S.;

85 | revising requirements for application for a driver's
86 | license; removing a provision requiring the application
87 | form to include language permitting a voluntary
88 | contribution for the Election Campaign Financing Trust
89 | Fund; amending s. 322.14, F.S.; revising provisions for
90 | content of a driver's license; requiring the license to
91 | contain the licensee's residence address; removing a
92 | requirement that the license contain the licensee's
93 | mailing address; amending s. 322.15, F.S.; authorizing a
94 | law enforcement officer or authorized representative of
95 | the department to collect a person's fingerprints
96 | electronically; amending s. 322.17, F.S.; revising
97 | provisions for replacement of an instruction permit or
98 | driver license; removing fee amounts; requiring payment of
99 | specified fee amounts; removing a provision for a change
100 | of address sticker; conforming cross-references; amending
101 | s. 322.18, F.S.; revising provisions providing for the
102 | expiration and renewal of driver's licenses; providing for
103 | the renewal of certain licenses every 8 years; conforming
104 | cross-references; providing for the renewal of licenses
105 | using a convenience service; requiring the department to
106 | issue new licenses rather than extension stickers;
107 | repealing s. 322.181(4), F.S., relating to the Florida At-
108 | Risk Driver Council; amending s. 322.19, F.S.; revising
109 | provisions for a licensee changing address; removing a
110 | provision for the licensee to request a change-of-address
111 | sticker; conforming cross-references; amending s. 322.21,
112 | F.S.; revising fees for issuance of original, renewal, and

113 replacement driver's licenses and identification cards;
114 revising fees for specified endorsements; providing for
115 distribution of revised fees; amending s. 322.2715, F.S.;
116 providing that the required installation period of an
117 ignition interlock device for certain DUI offenses be
118 continuous; amending s. 322.291, F.S.; providing
119 additional requirements for a third or subsequent
120 violation of requirements for installation of an ignition
121 interlock device; requiring treatment and extension of the
122 duration of the ignition interlock requirement; amending
123 s. 322.36, F.S.; requiring the suspension for a specified
124 period of the driver's license of a person who loans a
125 vehicle to a person whose driver's license is suspended if
126 that vehicle is involved in an accident resulting in
127 bodily injury or death; repealing s. 322.60, F.S.,
128 relating to the prohibition on commercial motor vehicle
129 drivers possessing more than one license; amending s.
130 322.61, F.S.; clarifying provisions disqualifying a person
131 from operating a commercial motor vehicle following
132 certain traffic violations; providing for permanent
133 disqualification following conviction of a felony
134 involving the manufacture, distribution, or dispensing of
135 a controlled substance; amending s. 322.64, F.S.;
136 providing that a person's privilege to drive a commercial
137 motor vehicle is disqualified if the person was driving or
138 in actual physical control of a commercial motor vehicle,
139 or any motor vehicle if the person holds a commercial
140 driver's license, with an unlawful blood-alcohol level or

141 breath-alcohol level or refuses to submit to a breath,
 142 urine, or blood test; providing for the period of
 143 disqualification; providing procedures; providing for
 144 issuance of a notice of disqualification; revising the
 145 requirements for a formal review hearing following a
 146 person's disqualification from operating a commercial
 147 motor vehicle; amending s. 324.021, F.S.; clarifying that
 148 a judgment becomes final by expiration of the time for
 149 appeal; amending s. 501.976, F.S.; conforming a cross-
 150 reference; prohibiting the Department of Highway Safety
 151 and Motor Vehicles from issuing any new specialty license
 152 plates for a specified period; designating the Joseph P.
 153 Bertrand Building in Lee County; providing effective
 154 dates.

155
 156 Be It Enacted by the Legislature of the State of Florida:

157
 158 Section 1. Section 316.0741, Florida Statutes, is amended
 159 to read:

160 316.0741 High-occupancy-vehicle ~~High-occupancy vehicle~~
 161 lanes.--

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

163 (a) "High-occupancy-vehicle ~~High-occupancy vehicle~~ lane"
 164 or "HOV lane" means a lane of a public roadway designated for
 165 use by vehicles in which there is more than one occupant unless
 166 otherwise authorized by federal law.

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

168 1. That draws propulsion energy from onboard sources of

169 stored energy which are both an internal combustion or heat
170 engine using combustible fuel and a rechargeable energy-storage
171 system; and

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

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

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

187 (4) (a) Notwithstanding any other provision of this
188 section, an inherently low-emission vehicle (ILEV) that is
189 certified and labeled in accordance with federal regulations may
190 be driven in an HOV lane at any time, regardless of its
191 occupancy. In addition, upon the state's receipt of written
192 notice from the proper federal regulatory agency authorizing
193 such use, a vehicle defined as a hybrid vehicle under this
194 section may be driven in an HOV lane at any time, regardless of
195 its occupancy.

196 (b) All eligible hybrid and all eligible other low-

197 emission and energy-efficient vehicles driven in an HOV lane
 198 must comply with the minimum fuel economy standards in 23 U.S.C.
 199 s. 166(f)(3)(B).

200 (c) Upon issuance of the applicable United States
 201 Environmental Protection Agency final rule pursuant to 23 U.S.C.
 202 s. 166(e), relating to the eligibility of hybrid and other low-
 203 emission and energy-efficient vehicles for operation in an HOV
 204 lane, regardless of occupancy, the Department of Transportation
 205 shall review the rule and recommend to the Legislature any
 206 statutory changes necessary for compliance with the federal
 207 rule. The department shall provide its recommendations no later
 208 than 30 days following issuance of the final rule.

209 (5) The department shall issue a decal and registration
 210 certificate, to be renewed annually, reflecting the HOV lane
 211 designation on ~~such~~ vehicles meeting the criteria in subsection
 212 (4) authorizing driving in an HOV lane at any time ~~such use~~. The
 213 department may charge a fee for a decal, not to exceed the costs
 214 of designing, producing, and distributing each decal, or \$5,
 215 whichever is less. The proceeds from sale of the decals shall be
 216 deposited in the Highway Safety Operating Trust Fund. The
 217 department may, for reasons of operation and management of HOV
 218 facilities, limit or discontinue issuance of decals for the use
 219 of HOV facilities by hybrid and low-emission and energy-
 220 efficient vehicles, regardless of occupancy, if it has been
 221 determined by the Department of Transportation that the
 222 facilities are degraded as defined by 23 U.S.C. s. 166(d)(2).

223 (6) Vehicles having decals by virtue of compliance with
 224 the minimum fuel economy standards under 23 U.S.C. s.

225 166(f)(3)(B), and which are registered for use in high-occupancy
 226 toll lanes or express lanes in accordance with Department of
 227 Transportation rule, shall be allowed to use any HOV lanes
 228 redesignated as high-occupancy toll lanes or express lanes
 229 without payment of a toll.

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

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

234 ~~1. An internal combustion or heat engine using combustible~~
 235 ~~fuel; and~~

236 ~~2. A rechargeable energy storage system; and~~

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

239 ~~1. Has received a certificate of conformity under the~~
 240 ~~Clean Air Act, 42 U.S.C. ss. 7401 et seq.; and~~

241 ~~2. Meets or exceeds the equivalent qualifying California~~
 242 ~~standards for a low emission vehicle.~~

243 (7)~~(6)~~ The department may adopt rules necessary to
 244 administer this section.

245 Section 2. Paragraph (b) of subsection (1) of section
 246 316.1575, Florida Statutes, is amended to read:

247 316.1575 Obedience to traffic control devices at railroad-
 248 highway grade crossings.--

249 (1) Any person walking or driving a vehicle and
 250 approaching a railroad-highway grade crossing under any of the
 251 circumstances stated in this section shall stop within 50 feet
 252 but not less than 15 feet from the nearest rail of such railroad

253 and shall not proceed until he or she can do so safely. The
 254 foregoing requirements apply when:

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

258 Section 3. Subsection (4) of section 316.193, Florida
 259 Statutes, is amended to read:

260 316.193 Driving under the influence; penalties.--

261 (4) Any person who is convicted of a violation of
 262 subsection (1) and who has a blood-alcohol level or breath-
 263 alcohol level of 0.15 ~~0.20~~ or higher, or any person who is
 264 convicted of a violation of subsection (1) and who at the time
 265 of the offense was accompanied in the vehicle by a person under
 266 the age of 18 years, shall be punished:

267 (a) By a fine of:

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

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

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

274 (b) By imprisonment for:

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

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

277
 278 For the purposes of this subsection, only the instant offense is
 279 required to be a violation of subsection (1) by a person who has
 280 a blood-alcohol level or breath-alcohol level of 0.15 ~~0.20~~ or

281 higher.

282 (c) In addition to the penalties in paragraphs (a) and
283 (b), the court shall order the mandatory placement, at the
284 convicted person's sole expense, of an ignition interlock device
285 approved by the department in accordance with s. 316.1938 upon
286 all vehicles that are individually or jointly leased or owned
287 and routinely operated by the convicted person for up to 6
288 months for the first offense and for at least 2 years for a
289 second offense, when the convicted person qualifies for a
290 permanent or restricted license. The installation of such device
291 may not occur before July 1, 2003.

292 Section 4. Subsection (1) of section 316.1937, Florida
293 Statutes, is amended to read:

294 316.1937 Ignition interlock devices, requiring; unlawful
295 acts.--

296 (1) In addition to any other authorized penalties, the
297 court may require that any person who is convicted of driving
298 under the influence in violation of s. 316.193 shall not operate
299 a motor vehicle unless that vehicle is equipped with a
300 functioning ignition interlock device certified by the
301 department as provided in s. 316.1938, and installed in such a
302 manner that the vehicle will not start if the operator's blood
303 alcohol level is in excess of 0.05 percent or as otherwise
304 specified by the court. The court may require the use of an
305 approved ignition interlock device for a period of not less than
306 6 continuous months, if the person is permitted to operate a
307 motor vehicle, whether or not the privilege to operate a motor
308 vehicle is restricted, as determined by the court. The court,

309 however, shall order placement of an ignition interlock device
 310 in those circumstances required by s. 316.193.

311 Section 5. Subsection (2) of section 316.251, Florida
 312 Statutes, is amended to read:

313 316.251 Maximum bumper heights.--

314 (2) "New motor vehicles" as defined in s. 319.001(9)~~(8)~~,
 315 "antique automobiles" as defined in s. 320.08, "horseless
 316 carriages" as defined in s. 320.086, and "street rods" as
 317 defined in s. 320.0863 shall be excluded from the requirements
 318 of this section.

319 Section 6. Paragraph (b) of subsection (1) and subsections
 320 (6) and (8) of section 316.302, Florida Statutes, are amended to
 321 read:

322 316.302 Commercial motor vehicles; safety regulations;
 323 transporters and shippers of hazardous materials; enforcement.--

324 (1)

325 (b) Except as otherwise provided in this section, all
 326 owners or drivers of commercial motor vehicles that are engaged
 327 in intrastate commerce are subject to the rules and regulations
 328 contained in 49 C.F.R. parts 382, 385, and 390-397, with the
 329 exception of 49 C.F.R. s. 390.5 as it relates to the definition
 330 of bus, as such rules and regulations existed on October 1, 2007
 331 ~~2005~~.

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

337 rules.

338 (8) For the purpose of enforcing this section, any law
339 enforcement officer of the Department of Transportation or duly
340 appointed agent who holds a current safety inspector
341 certification from the Commercial Vehicle Safety Alliance may
342 require the driver of any commercial vehicle operated on the
343 highways of this state to stop and submit to an inspection of
344 the vehicle or the driver's records. If the vehicle or driver is
345 found to be operating in an unsafe condition, or if any required
346 part or equipment is not present or is not in proper repair or
347 adjustment, and the continued operation would present an unduly
348 hazardous operating condition, the officer may require the
349 vehicle or the driver to be removed from service pursuant to the
350 North American Standard ~~Uniform~~ Out-of-Service Criteria, until
351 corrected. However, if continuous operation would not present an
352 unduly hazardous operating condition, the officer may give
353 written notice requiring correction of the condition within 14
354 days.

355 (a) Any member of the Florida Highway Patrol or any law
356 enforcement officer employed by a sheriff's office or municipal
357 police department authorized to enforce the traffic laws of this
358 state pursuant to s. 316.640 who has reason to believe that a
359 vehicle or driver is operating in an unsafe condition may, as
360 provided in subsection (10), enforce the provisions of this
361 section.

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

365 without violence or a violation of s. 843.01 if the person
 366 resists the officer with violence.

367 Section 7. Subsection (2) of section 316.613, Florida
 368 Statutes, is amended to read:

369 316.613 Child restraint requirements.--

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

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

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

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

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

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

383 Section 8. Paragraph (a) of subsection (3) of section
 384 316.614, Florida Statutes, is amended to read:

385 316.614 Safety belt usage.--

386 (3) As used in this section:

387 (a) "Motor vehicle" means a motor vehicle as defined in s.
 388 316.003 which ~~that~~ is operated on the roadways, streets, and
 389 highways of this state. The term does not include:

390 1. A school bus.

391 2. A bus used for the transportation of persons for
 392 compensation.

393 3. A farm tractor or implement of husbandry.

394 4. A truck having a gross vehicle weight rating of more
 395 than 26,000 ~~of a net weight of more than 5,000~~ pounds.

396 5. A motorcycle, moped, or bicycle.

397 Section 9. Section 316.645, Florida Statutes, is amended
 398 to read:

399 316.645 Arrest authority of officer at scene of a traffic
 400 crash.--A police officer who makes an investigation at the scene
 401 of a traffic crash may arrest any driver of a vehicle involved
 402 in the crash when, based upon personal investigation, the
 403 officer has reasonable and probable grounds to believe that the
 404 person has committed any offense under the provisions of this
 405 chapter, chapter 320, or chapter 322 in connection with the
 406 crash.

407 Section 10. Subsections (1), (3), (4), (5), (6), and (7)
 408 of section 316.650, Florida Statutes, are amended to read:

409 316.650 Traffic citations.--

410 (1)(a) The department shall prepare~~7~~ and supply to every
 411 traffic enforcement agency in this state~~7~~ an appropriate form
 412 traffic citation that contains ~~containing~~ a notice to appear, is
 413 ~~(which shall be issued in prenumbered books,~~ meets with
 414 ~~Citations in quintuplicate)~~ and ~~meeting~~ the requirements of this
 415 chapter or any laws of this state regulating traffic, and is
 416 ~~which form shall be~~ consistent with the state traffic court
 417 rules and the procedures established by the department. The form
 418 shall include a box that ~~which~~ is to be checked by the law
 419 enforcement officer when the officer believes that the traffic
 420 violation or crash was due to aggressive careless driving as

421 defined in s. 316.1923. The form shall also include a box that
 422 ~~which~~ is to be checked by the law enforcement officer when the
 423 officer writes a uniform traffic citation for a violation of s.
 424 316.074(1) or s. 316.075(1)(c)1. as a result of the driver
 425 failing to stop at a traffic signal.

426 (b) The department shall prepare, and supply to every
 427 traffic enforcement agency in the state, an appropriate
 428 affidavit-of-compliance form that ~~which~~ shall be issued along
 429 with the form traffic citation for any violation of s. 316.610
 430 and that indicates ~~which shall indicate~~ the specific defect
 431 needing ~~which needs~~ to be corrected. However, such affidavit of
 432 compliance shall not be issued in the case of a violation of s.
 433 316.610 by a commercial motor vehicle as defined in s.
 434 316.003(66). Such affidavit-of-compliance form shall be
 435 distributed in the same manner and to the same parties as is the
 436 form traffic citation.

437 (c) Notwithstanding paragraphs (a) and (b), a traffic
 438 enforcement agency may produce uniform traffic citations by
 439 electronic means. Such citations must be consistent with the
 440 state traffic court rules and the procedures established by the
 441 department and, ~~must be appropriately numbered and inventoried,~~
 442 ~~and may have fewer copies than the quintuplicate form.~~
 443 Affidavit-of-compliance forms may also be produced by electronic
 444 means.

445 (d) The department must distribute to every traffic
 446 enforcement agency and to any others who request it, a traffic
 447 infraction reference guide describing the class of the traffic
 448 infraction, the penalty for the infraction, the points to be

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

451 (3) (a) Except for a traffic citation issued pursuant to s.
452 316.1001, each traffic enforcement officer, upon issuing a
453 traffic citation to an alleged violator of any provision of the
454 motor vehicle laws of this state or of any traffic ordinance of
455 any municipality ~~city~~ or town, shall deposit the original ~~and~~
456 ~~one copy of such~~ traffic citation or, in the case of a traffic
457 enforcement agency ~~that~~ which has an automated citation issuance
458 system, the chief administrative officer shall provide by an
459 electronic transmission a replica of the citation data to
460 ~~facsimile with~~ a court having jurisdiction over the alleged
461 offense or with its traffic violations bureau within 5 days
462 after issuance to the violator.

463 (b) If a traffic citation is issued pursuant to s.
464 316.1001, a traffic enforcement officer may deposit the original
465 ~~and one copy of such~~ traffic citation or, in the case of a
466 traffic enforcement agency that has an automated citation
467 system, may provide by an electronic transmission a replica of
468 the citation data to ~~facsimile with~~ a court having jurisdiction
469 over the alleged offense or with its traffic violations bureau
470 within 45 days after the date of issuance of the citation to the
471 violator. If the person cited for the violation of s. 316.1001
472 makes the election provided by s. 318.14(12) and pays the \$25
473 fine, or such other amount as imposed by the governmental entity
474 owning the applicable toll facility, plus the amount of the
475 unpaid toll that is shown on the traffic citation directly to
476 the governmental entity that issued the citation, or on whose

477 | behalf the citation was issued, in accordance with s.
 478 | 318.14(12), the traffic citation will not be submitted to the
 479 | court, the disposition will be reported to the department by the
 480 | governmental entity that issued the citation, or on whose behalf
 481 | the citation was issued, and no points will be assessed against
 482 | the person's driver's license.

483 | (4) The chief administrative officer of every traffic
 484 | enforcement agency shall require the return to him or her ~~of~~ the
 485 | officer-agency department record copy of every traffic citation
 486 | issued by an officer under the chief administrative officer's
 487 | supervision to an alleged violator of any traffic law or
 488 | ordinance and ~~of~~ all copies of every traffic citation that ~~which~~
 489 | has been spoiled or upon which any entry has been made and not
 490 | issued to an alleged violator. In the case of a traffic
 491 | enforcement agency that ~~which~~ has an automated citation issuance
 492 | system, the chief administrative officer shall require the
 493 | return of all electronic traffic citation records.

494 | (5) Upon the deposit of the original ~~and one copy of such~~
 495 | traffic citation or upon ~~deposit of~~ an electronic transmission
 496 | of a replica of citation data ~~facsimile~~ of the traffic citation
 497 | with respect to traffic enforcement agencies that ~~which~~ have an
 498 | automated citation issuance system with a court having
 499 | jurisdiction over the alleged offense or with its traffic
 500 | violations bureau ~~as aforesaid~~, the original citation, the
 501 | electronic citation containing a replica of citation data
 502 | ~~facsimile~~, or a copy of such traffic citation may be disposed of
 503 | only by trial in the court or other official action by a judge
 504 | of the court, including forfeiture of the bail, or by the

505 deposit of sufficient bail with, or payment of a fine to, the
 506 traffic violations bureau by the person to whom such traffic
 507 citation has been issued by the traffic enforcement officer.

508 (6) The chief administrative officer shall transmit, on a
 509 form approved by the department, ~~the department record copy of~~
 510 ~~the uniform traffic citation to the department~~ within 5 days
 511 after submission of the original, groups of issued citations and
 512 ~~one copy to the court, or citation~~ and transmittal data to the
 513 court. Batches of electronic citations containing a replica of
 514 citation data may be transmitted to the court ~~department~~ in an
 515 electronic ~~automated~~ fashion, in a format ~~form~~ prescribed by the
 516 department within 5 days after issuance to the violator. ~~A copy~~
 517 ~~of such transmittal shall also be provided to the court having~~
 518 ~~jurisdiction for accountability purposes.~~

519 (7) The chief administrative officer shall also maintain
 520 or cause to be maintained in connection with every traffic
 521 citation issued by an officer under his or her supervision a
 522 record of the disposition of the charge by the court or its
 523 traffic violations bureau in which the original or copy of the
 524 traffic citation or electronic citation was deposited.

525 Section 11. Paragraph (a) of subsection (2) of section
 526 316.656, Florida Statutes, is amended to read:

527 316.656 Mandatory adjudication; prohibition against
 528 accepting plea to lesser included offense.--

529 (2) (a) No trial judge may accept a plea of guilty to a
 530 lesser offense from a person charged under the provisions of
 531 this act who has been given a breath or blood test to determine
 532 blood or breath alcohol content, the results of which show a

533 blood or breath alcohol content by weight of 0.15 ~~0.20~~ percent
534 or more.

535 Section 12. Subsections (1) through (11) of section
536 319.001, Florida Statutes, are renumbered as subsections (2)
537 through (12), respectively, and a new subsection (1) is added to
538 that section to read:

539 319.001 Definitions.--As used in this chapter, the term:

540 (1) "Certificate of title" means the record that is
541 evidence of ownership of a vehicle, whether a paper certificate
542 authorized by the department or a certificate consisting of
543 information that is stored in an electronic form in the
544 department's database.

545 Section 13. Subsection (27) of section 320.01, Florida
546 Statutes, is amended to read:

547 320.01 Definitions, general.--As used in the Florida
548 Statutes, except as otherwise provided, the term:

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

554 Section 14. Effective July 1, 2008, subsection (1) of
555 section 320.02, Florida Statutes, as amended by section 28 of
556 chapter 2006-290, Laws of Florida, is amended to read:

557 320.02 Registration required; application for
558 registration; forms.--

559 (1) Except as otherwise provided in this chapter, every
560 owner or person in charge of a motor vehicle that is operated or

CS/CS/HB 1329

2008

561 | driven on the roads of this state shall register the vehicle in
 562 | this state. The owner or person in charge shall apply to the
 563 | department or to its authorized agent for registration of each
 564 | such vehicle on a form prescribed by the department. ~~Prior to~~
 565 | ~~the original registration of a motorcycle, motor-driven cycle,~~
 566 | ~~or moped, the owner, if a natural person, must present proof~~
 567 | ~~that he or she has a valid motorcycle endorsement as required in~~
 568 | ~~chapter 322.~~ A registration is not required for any motor
 569 | vehicle that is not operated on the roads of this state during
 570 | the registration period.

571 | Section 15. Subsection (13) of section 320.02, Florida
 572 | Statutes, is repealed.

573 | Section 16. Section 320.0706, Florida Statutes, is amended
 574 | to read:

575 | 320.0706 Display of license plates on trucks.--The owner
 576 | of any commercial truck of gross vehicle weight of 26,001 pounds
 577 | or more shall display the registration license plate on both the
 578 | front and rear of the truck in conformance with all the
 579 | requirements of s. 316.605 that do not conflict with this
 580 | section. The owner of a dump truck may place the rear license
 581 | plate on the gate no higher than 60 inches to allow for better
 582 | visibility. However, the owner of a truck tractor shall be
 583 | required to display the registration license plate only on the
 584 | front of such vehicle. A violation of this section is a
 585 | noncriminal traffic infraction, punishable as a moving violation
 586 | as provided in chapter 318.

587 | Section 17. Subsection (4) of section 320.0715, Florida
 588 | Statutes, is amended to read:

589 320.0715 International Registration Plan; motor carrier
 590 services; permits; retention of records.--

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

595 (a) The department shall withhold registrations and
 596 license plates for commercial motor vehicles unless the
 597 identifying number issued by the federal agency responsible for
 598 motor carrier safety is provided for the motor carrier and the
 599 entity responsible for motor carrier safety for each motor
 600 vehicle as part of the application process.

601 (b) The department may not issue a commercial motor
 602 vehicle registration or license plate to, and may not transfer
 603 the commercial motor vehicle registration or license plate for,
 604 a motor carrier or vehicle owner who has been prohibited from
 605 operating by a federal or state agency responsible for motor
 606 carrier safety.

607 (c) The department, with notice, shall suspend any
 608 commercial motor vehicle registration and license plate issued
 609 to a motor carrier or vehicle owner who has been prohibited from
 610 operating by a federal or state agency responsible for motor
 611 carrier safety.

612 Section 18. Subsection (3) of section 320.08053, Florida
 613 Statutes, is amended to read:

614 320.08053 Requirements for requests to establish specialty
 615 license plates.--

616 ~~(3) The department shall adopt rules providing viewpoint~~

617 ~~neutral specifications for the design of specialty license~~
618 ~~plates that promote or enhance the readability of all specialty~~
619 ~~license plates and that discourage counterfeiting. The rules~~
620 ~~shall provide uniform specifications requiring inclusion of the~~
621 ~~word "Florida" in the same location on each specialty license~~
622 ~~plate, in such a size and location that is clearly identifiable~~
623 ~~on the specialty license plate when mounted on a vehicle, and~~
624 ~~shall provide specifications for the size and location of any~~
625 ~~words or logos appearing on a specialty license plate.~~

626 Section 19. Paragraph (a) of subsection (4) of section
627 320.0894, Florida Statutes, is amended to read:

628 320.0894 Motor vehicle license plates to Gold Star family
629 members.--The department shall develop a special license plate
630 honoring the family members of servicemembers who have been
631 killed while serving in the Armed Forces of the United States.
632 The license plate shall be officially designated as the Gold
633 Star license plate and shall be developed and issued as provided
634 in this section.

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

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

643 2. To qualify for issuance of a Gold Star license plate,
644 the applicant must be directly related to a fallen servicemember

645 as spouse, legal mother or father, or stepparent who is
 646 currently married to the mother or father of the fallen
 647 servicemember.

648 3. A servicemember is deemed to have been killed while in
 649 service as listed by the United States Department of Defense and
 650 may be verified from documentation directly from the Department
 651 of Defense or from its subordinate agencies, such as the Coast
 652 Guard, Reserve, or National Guard.

653 Section 20. Effective upon this act becoming a law,
 654 subsections (4) and (8) of section 320.131, Florida Statutes,
 655 are amended, and subsection (9) is added to that section, to
 656 read:

657 320.131 Temporary tags.--

658 (4) (a) Temporary tags shall be conspicuously displayed in
 659 the rear license plate bracket or, ~~attached to the inside of the~~
 660 ~~rear window in an upright position so as to be clearly visible~~
 661 ~~from the rear of the vehicle.~~ on vehicles requiring front
 662 display of license plates, ~~temporary tags shall be displayed~~ on
 663 the front of the vehicle in the location where the metal license
 664 plate would normally be displayed.

665 (b) The department shall designate specifications for the
 666 media upon which the temporary tag is printed. Such media shall
 667 be either nonpermeable or subject to weatherproofing so that it
 668 maintains its structural integrity, including graphic and data
 669 adhesion, in all weather conditions after being placed on a
 670 vehicle.

671 (8) The department shall ~~may~~ administer an electronic
 672 system for licensed motor vehicle dealers to use for ~~in~~ issuing

673 temporary tags ~~license plates~~. Upon issuing a temporary tag
674 ~~license plate~~, the dealer shall access the electronic system and
675 enter the appropriate vehicle and owner information within the
676 timeframe specified by department rule. If a dealer fails to
677 comply with the department's requirements for issuing temporary
678 tags ~~license plates~~ using the electronic system, the department
679 may deny, suspend, or revoke a license under s. 320.27(9)(b)16.
680 upon proof that the licensee has failed to comply with the
681 department's requirements. The department may adopt rules to
682 administer this section.

683 (9) The department shall implement a secure print-on-
684 demand electronic temporary tag registration, record retention,
685 and issue system for use by every department-authorized issuer
686 of temporary tags by the end of the 2007-2008 fiscal year. This
687 system shall enable the department to issue, on demand, a
688 temporary tag number in response to a request from the issuer
689 via a secure electronic exchange of data and enable the issuer
690 to print the temporary tag with all of the required information.
691 The department may adopt rules as necessary to implement this
692 program. A motor vehicle dealer licensed under this chapter
693 shall be authorized to charge a fee to comply with this section.

694 Section 21. Section 320.96, Florida Statutes, is repealed.

695 Section 22. Paragraph (b) of subsection (9) of section
696 320.27, Florida Statutes, is amended to read:

697 320.27 Motor vehicle dealers.--

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

699 (b) The department may deny, suspend, or revoke any
700 license issued hereunder or under the provisions of s. 320.77 or

701 s. 320.771 upon proof that a licensee has committed, with
702 sufficient frequency so as to establish a pattern of wrongdoing
703 on the part of a licensee, violations of one or more of the
704 following activities:

705 1. Representation that a demonstrator is a new motor
706 vehicle, or the attempt to sell or the sale of a demonstrator as
707 a new motor vehicle without written notice to the purchaser that
708 the vehicle is a demonstrator. For the purposes of this section,
709 a "demonstrator," a "new motor vehicle," and a "used motor
710 vehicle" shall be defined as under s. 320.60.

711 2. Unjustifiable refusal to comply with a licensee's
712 responsibility under the terms of the new motor vehicle warranty
713 issued by its respective manufacturer, distributor, or importer.
714 However, if such refusal is at the direction of the
715 manufacturer, distributor, or importer, such refusal shall not
716 be a ground under this section.

717 3. Misrepresentation or false, deceptive, or misleading
718 statements with regard to the sale or financing of motor
719 vehicles which any motor vehicle dealer has, or causes to have,
720 advertised, printed, displayed, published, distributed,
721 broadcast, televised, or made in any manner with regard to the
722 sale or financing of motor vehicles.

723 4. Failure by any motor vehicle dealer to provide a
724 customer or purchaser with an odometer disclosure statement and
725 a copy of any bona fide written, executed sales contract or
726 agreement of purchase connected with the purchase of the motor
727 vehicle purchased by the customer or purchaser.

728 5. Failure of any motor vehicle dealer to comply with the

729 terms of any bona fide written, executed agreement, pursuant to
 730 the sale of a motor vehicle.

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

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

735 8. Failure to continually meet the requirements of the
 736 licensure law.

737 9. Representation to a customer or any advertisement to
 738 the public representing or suggesting that a motor vehicle is a
 739 new motor vehicle if such vehicle lawfully cannot be titled in
 740 the name of the customer or other member of the public by the
 741 seller using a manufacturer's statement of origin as permitted
 742 in s. 319.23(1).

743 10. Requirement by any motor vehicle dealer that a
 744 customer or purchaser accept equipment on his or her motor
 745 vehicle which was not ordered by the customer or purchaser.

746 11. Requirement by any motor vehicle dealer that any
 747 customer or purchaser finance a motor vehicle with a specific
 748 financial institution or company.

749 12. Requirement by any motor vehicle dealer that the
 750 purchaser of a motor vehicle contract with the dealer for
 751 physical damage insurance.

752 13. Perpetration of a fraud upon any person as a result of
 753 dealing in motor vehicles, including, without limitation, the
 754 misrepresentation to any person by the licensee of the
 755 licensee's relationship to any manufacturer, importer, or
 756 distributor.

757 14. Violation of any of the provisions of s. 319.35 by any
758 motor vehicle dealer.

759 15. Sale by a motor vehicle dealer of a vehicle offered in
760 trade by a customer prior to consummation of the sale, exchange,
761 or transfer of a newly acquired vehicle to the customer, unless
762 the customer provides written authorization for the sale of the
763 trade-in vehicle prior to delivery of the newly acquired
764 vehicle.

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

767 17. Violation of chapter 319, this chapter, or ss.
768 559.901-559.9221, which has to do with dealing in or repairing
769 motor vehicles or mobile homes. Additionally, in the case of
770 used motor vehicles, the willful violation of the federal law
771 and rule in 15 U.S.C. s. 2304, 16 C.F.R. part 455, pertaining to
772 the consumer sales window form.

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

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

778 Section 23. Subsections (10) through (44) of section
779 322.01, Florida Statutes, are renumbered as subsections (11)
780 through (45), respectively, present subsections (10), (23), and
781 (29) are amended, and a new subsection (10) is added to that
782 section, to read:

783 322.01 Definitions.--As used in this chapter:

784 (10) "Convenience service" means any means whereby an

785 individual conducts a transaction with the department other than
 786 in person.

787 (11)~~(10)~~(a) "Conviction" means a conviction of an offense
 788 relating to the operation of motor vehicles on highways which is
 789 a violation of this chapter or any other such law of this state
 790 or any other state, including an admission or determination of a
 791 noncriminal traffic infraction pursuant to s. 318.14, or a
 792 judicial disposition of an offense committed under any federal
 793 law substantially conforming to the aforesaid state statutory
 794 provisions.

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

799 (24)~~(23)~~ "Hazardous materials" means any material that has
 800 been designated as hazardous under 49 U.S.C. s. 5103 and is
 801 required to be placarded under subpart F of 49 C.F.R. part 172
 802 or any quantity of a material listed as a select agent or toxin
 803 in 42 C.F.R. part 73 ~~has the meaning such term has under s. 103~~
 804 ~~of the Hazardous Materials Transportation Act.~~

805 (30)~~(29)~~ "Out-of-service order" means a prohibition issued
 806 by an authorized local, state, or Federal Government official
 807 which precludes a person from driving a commercial motor vehicle
 808 ~~for a period of 72 hours or less.~~

809 Section 24. Subsection (1) of section 322.03, Florida
 810 Statutes, is amended to read:

811 322.03 Drivers must be licensed; penalties.--

812 (1) Except as otherwise authorized in this chapter, a

813 person may not drive any motor vehicle upon a highway in this
814 state unless such person has a valid driver's license under the
815 provisions of this chapter.

816 (a) A person who drives a commercial motor vehicle shall
817 not receive a driver's license unless and until he or she
818 surrenders to the department all driver's licenses in his or her
819 possession issued to him or her by any other jurisdiction or
820 makes an affidavit that he or she does not possess a driver's
821 license. Any such person who fails to surrender such licenses or
822 who makes a false affidavit concerning such licenses is guilty
823 of a misdemeanor of the first degree, punishable as provided in
824 s. 775.082 or s. 775.083.

825 ~~(b) A person who does not drive a commercial motor vehicle~~
826 ~~is not required to surrender a license issued by another~~
827 ~~jurisdiction, upon a showing to the department that such license~~
828 ~~is necessary because of employment or part-time residence. Any~~
829 ~~person who retains a driver's license because of employment or~~
830 ~~part-time residence shall, upon qualifying for a license in this~~
831 ~~state, be issued a driver's license which shall be valid within~~
832 ~~this state only.~~ All surrendered licenses may be returned by the
833 department to the issuing jurisdiction together with information
834 that the licensee is now licensed in a new jurisdiction or may
835 be destroyed by the department, which shall notify the issuing
836 jurisdiction of such destruction. A person may not have more
837 than one valid Florida driver's license at any time.

838 (c) Part-time residents issued a license pursuant to
839 paragraph (b) may continue to hold such license until the next
840 regularly scheduled renewal. Licenses that are identified as

841 "Valid in Florida only" may not be issued or renewed effective
842 July 1, 2009. This paragraph expires June 30, 2017.

843 Section 25. Subsections (1) and (2) of section 322.051,
844 Florida Statutes, are amended to read:

845 322.051 Identification cards.--

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

851 (a) Each such application shall include the following
852 information regarding the applicant:

853 1. Full name (first, middle or maiden, and last), gender,
854 proof of social security card number satisfactory to the
855 department, county of residence, and mailing address, proof of
856 residential address satisfactory to the department, country of
857 birth, and a brief description.

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

859 3. Proof of identity satisfactory to the department. Such
860 proof must include one of the following documents issued to the
861 applicant:

862 a. A driver's license record or identification card record
863 from another jurisdiction that required the applicant to submit
864 a document for identification which is substantially similar to
865 a document required under sub-subparagraph b., sub-subparagraph
866 c., sub-subparagraph d., sub-subparagraph e., sub-subparagraph
867 f., ~~or~~ sub-subparagraph g., or sub-subparagraph h.;

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

- 869 c. A valid, unexpired United States passport;
- 870 d. A naturalization certificate issued by the United
- 871 States Department of Homeland Security;
- 872 e. A valid, unexpired ~~An~~ alien registration receipt card
- 873 (green card);
- 874 f. A Consular Report of Birth Abroad provided by the
- 875 United States Department of State;
- 876 ~~g.f.~~ An unexpired employment authorization card issued by
- 877 the United States Department of Homeland Security; or
- 878 ~~h.g.~~ Proof of nonimmigrant classification provided by the
- 879 United States Department of Homeland Security, for an original
- 880 identification card. In order to prove such nonimmigrant
- 881 classification, applicants may produce but are not limited to
- 882 the following documents:
- 883 (I) A notice of hearing from an immigration court
- 884 scheduling a hearing on any proceeding.
- 885 (II) A notice from the Board of Immigration Appeals
- 886 acknowledging pendency of an appeal.
- 887 (III) Notice of the approval of an application for
- 888 adjustment of status issued by the United States Bureau of
- 889 Citizenship and Immigration Services.
- 890 (IV) Any official documentation confirming the filing of a
- 891 petition for asylum or refugee status or any other relief issued
- 892 by the United States Bureau of Citizenship and Immigration
- 893 Services.
- 894 (V) Notice of action transferring any pending matter from
- 895 another jurisdiction to Florida, issued by the United States
- 896 Bureau of Citizenship and Immigration Services.

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

900 (VII) Evidence that an application is pending for
 901 adjustment of status to that of an alien lawfully admitted for
 902 permanent residence in the United States or conditional
 903 permanent resident status in the United States, if a visa number
 904 is available having a current priority date for processing by
 905 the United States Bureau of Citizenship and Immigration
 906 Services.

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

911
 912 Presentation of any of the documents described in sub-
 913 subparagraph g. ~~f.~~ or sub-subparagraph h. ~~g.~~ entitles the
 914 applicant to an identification card for a period not to exceed
 915 the expiration date of the document presented or 1 year,
 916 whichever first occurs.

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

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

925 (2) (a) Every identification card:
 926 1. Issued to a person 5 years of age to 14 years of age
 927 shall expire, unless canceled earlier, on the fourth birthday of
 928 the applicant following the date of original issue.

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

932
 933 Renewal of an identification card shall be made for the
 934 applicable term enumerated in this paragraph. However, if an
 935 ~~individual is 60 years of age or older, and has an~~
 936 ~~identification card issued under this section, the card shall~~
 937 ~~not expire unless done so by cancellation by the department or~~
 938 ~~by the death of the cardholder. Renewal of any identification~~
 939 ~~card shall be made for a term which shall expire on the fourth~~
 940 ~~birthday of the applicant following expiration of the~~
 941 ~~identification card renewed, unless surrendered earlier. Any~~
 942 application for renewal received later than 90 days after
 943 expiration of the identification card shall be considered the
 944 same as an application for an original identification card. The
 945 ~~renewal fee for an identification card shall be \$10, of which \$4~~
 946 ~~shall be deposited into the General Revenue Fund and \$6 into the~~
 947 ~~Highway Safety Operating Trust Fund. The department shall, at~~
 948 ~~the end of 4 years and 6 months after the issuance or renewal of~~
 949 ~~an identification card, destroy any record of the card if it has~~
 950 ~~expired and has not been renewed, unless the cardholder is 60~~
 951 ~~years of age or older.~~

952 (b) Notwithstanding any other provision of this chapter,

953 | if an applicant establishes his or her identity for an
 954 | identification card using a document authorized under sub-
 955 | subparagraph (1)(a)3.e., the identification card shall expire on
 956 | the eighth ~~fourth~~ birthday of the applicant following the date
 957 | of original issue or upon first renewal or duplicate issued
 958 | after implementation of this section. After an initial showing
 959 | of such documentation, he or she is exempted from having to
 960 | renew or obtain a duplicate in person.

961 | (c) Notwithstanding any other provisions of this chapter,
 962 | if an applicant establishes his or her identity for an
 963 | identification card using an identification document authorized
 964 | under sub-subparagraph (1)(a)3.g. ~~(1)(a)3.f.~~ or sub-subparagraph
 965 | (1)(a)3.h. ~~(1)(a)3.g.~~, the identification card shall expire 1
 966 | year ~~2 years~~ after the date of issuance or upon the expiration
 967 | date cited on the United States Department of Homeland Security
 968 | documents, whichever date first occurs, and may not be renewed
 969 | or obtain a duplicate except in person.

970 | Section 26. Subsections (1), (2), and (6) of section
 971 | 322.08, Florida Statutes, are amended to read:

972 | 322.08 Application for license.--

973 | (1) Each application for a driver's license shall be made
 974 | in a format designated by the department and sworn to or
 975 | affirmed by the applicant as to the truth of the statements made
 976 | in the application.

977 | (2) Each such application shall include the following
 978 | information regarding the applicant:

979 | (a) Full name (first, middle or maiden, and last), gender,
 980 | proof of social security card number satisfactory to the

981 department, county of residence, and mailing address, proof of
 982 residential address satisfactory to the department, country of
 983 birth, and a brief description.

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

985 (c) Proof of identity satisfactory to the department. Such
 986 proof must include one of the following documents issued to the
 987 applicant:

988 1. A driver's license record or identification card record
 989 from another jurisdiction that required the applicant to submit
 990 a document for identification which is substantially similar to
 991 a document required under subparagraph 2., subparagraph 3.,
 992 subparagraph 4., subparagraph 5., subparagraph 6., ~~or~~
 993 subparagraph 7., or subparagraph 8.;

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

995 3. A valid, unexpired United States passport;

996 4. A naturalization certificate issued by the United
 997 States Department of Homeland Security;

998 5. A valid, unexpired ~~An~~ alien registration receipt card
 999 (green card);

1000 6. A Consular Report of Birth Abroad provided by the
 1001 United States Department of State;

1002 ~~7.6-~~ An unexpired employment authorization card issued by
 1003 the United States Department of Homeland Security; or

1004 ~~8.7-~~ Proof of nonimmigrant classification provided by the
 1005 United States Department of Homeland Security, for an original
 1006 driver's license. In order to prove nonimmigrant classification,
 1007 an applicant may produce the following documents, including, but
 1008 not limited to:

- 1009 | a. A notice of hearing from an immigration court
- 1010 | scheduling a hearing on any proceeding.
- 1011 | b. A notice from the Board of Immigration Appeals
- 1012 | acknowledging pendency of an appeal.
- 1013 | c. A notice of the approval of an application for
- 1014 | adjustment of status issued by the United States Bureau of
- 1015 | Citizenship and Immigration Services.
- 1016 | d. Any official documentation confirming the filing of a
- 1017 | petition for asylum or refugee status or any other relief issued
- 1018 | by the United States Bureau of Citizenship and Immigration
- 1019 | Services.
- 1020 | e. A notice of action transferring any pending matter from
- 1021 | another jurisdiction to this state issued by the United States
- 1022 | Bureau of Citizenship and Immigration Services.
- 1023 | f. An order of an immigration judge or immigration officer
- 1024 | granting any relief that authorizes the alien to live and work
- 1025 | in the United States, including, but not limited to, asylum.
- 1026 | g. Evidence that an application is pending for adjustment
- 1027 | of status to that of an alien lawfully admitted for permanent
- 1028 | residence in the United States or conditional permanent resident
- 1029 | status in the United States, if a visa number is available
- 1030 | having a current priority date for processing by the United
- 1031 | States Bureau of Citizenship and Immigration Services.
- 1032 | h. On or after January 1, 2010, an unexpired foreign
- 1033 | passport with an unexpired United States Visa affixed,
- 1034 | accompanied by an approved I-94, documenting the most recent
- 1035 | admittance into the United States.
- 1036 |

1037 Presentation of any of the documents in subparagraph 7. ~~6.~~ or
 1038 subparagraph 8. ~~7.~~ entitles the applicant to a driver's license
 1039 or temporary permit for a period not to exceed the expiration
 1040 date of the document presented or 1 year, whichever occurs
 1041 first.

1042 (d) Whether the applicant has previously been licensed to
 1043 drive, and, if so, when and by what state, and whether any such
 1044 license or driving privilege has ever been disqualified,
 1045 revoked, or suspended, or whether an application has ever been
 1046 refused, and, if so, the date of and reason for such
 1047 disqualification, suspension, revocation, or refusal.

1048 (e) Each such application may include fingerprints and
 1049 other unique biometric means of identity.

1050 (6) The application form for a driver's license or
 1051 duplicate thereof shall include language permitting the
 1052 following:

1053 ~~(a) A voluntary contribution of \$5 per applicant, which~~
 1054 ~~contribution shall be transferred into the Election Campaign~~
 1055 ~~Financing Trust Fund.~~

1056 (a) ~~(b)~~ A voluntary contribution of \$1 per applicant, which
 1057 contribution shall be deposited into the Florida Organ and
 1058 Tissue Donor Education and Procurement Trust Fund for organ and
 1059 tissue donor education and for maintaining the organ and tissue
 1060 donor registry.

1061 (b) ~~(e)~~ A voluntary contribution of \$1 per applicant, which
 1062 contribution shall be distributed to the Florida Council of the
 1063 Blind.

1064 (c) ~~(d)~~ A voluntary contribution of \$2 per applicant, which

1065 shall be distributed to the Hearing Research Institute,
 1066 Incorporated.

1067 ~~(d)~~(e) A voluntary contribution of \$1 per applicant, which
 1068 shall be distributed to the Juvenile Diabetes Foundation
 1069 International.

1070 ~~(e)~~(f) A voluntary contribution of \$1 per applicant, which
 1071 shall be distributed to the Children's Hearing Help Fund.

1072
 1073 A statement providing an explanation of the purpose of the trust
 1074 funds shall also be included. For the purpose of applying the
 1075 service charge provided in s. 215.20, contributions received
 1076 under paragraphs (b), (c), (d), and (e) ~~(e), (d), (e), and (f)~~
 1077 and under s. 322.18(9)(a) are not income of a revenue nature.

1078 Section 27. Paragraph (a) of subsection (1) of section
 1079 322.14, Florida Statutes, is amended to read:

1080 322.14 Licenses issued to drivers.--

1081 (1)(a) The department shall, upon successful completion of
 1082 all required examinations and payment of the required fee, issue
 1083 to every applicant qualifying therefor, a driver's license as
 1084 applied for, which license shall bear thereon a color photograph
 1085 or digital image of the licensee; the name of the state; a
 1086 distinguishing number assigned to the licensee; and the
 1087 licensee's full name, date of birth, and residence ~~mailing~~
 1088 address; a brief description of the licensee, including, but not
 1089 limited to, the licensee's gender and height; and the dates of
 1090 issuance and expiration of the license. A space shall be
 1091 provided upon which the licensee shall affix his or her usual
 1092 signature. No license shall be valid until it has been so signed

1093 by the licensee except that the signature of said licensee shall
 1094 not be required if it appears thereon in facsimile or if the
 1095 licensee is not present within the state at the time of
 1096 issuance. Applicants qualifying to receive a Class A, Class B,
 1097 or Class C driver's license must appear in person within the
 1098 state for issuance of a color photographic or digital imaged
 1099 driver's license pursuant to s. 322.142.

1100 Section 28. Section 322.15, Florida Statutes, is amended
 1101 to read:

1102 322.15 License to be carried and exhibited on demand;
 1103 fingerprint to be imprinted upon a citation.--

1104 (1) Every licensee shall have his or her driver's license,
 1105 which must be fully legible with no portion of such license
 1106 faded, altered, mutilated, or defaced, in his or her immediate
 1107 possession at all times when operating a motor vehicle and shall
 1108 display the same upon the demand of a law enforcement officer or
 1109 an authorized representative of the department.

1110 (2) Upon the failure of any person to display a driver's
 1111 license as required by subsection (1), the law enforcement
 1112 officer or authorized representative of the department stopping
 1113 the person shall require the person to imprint his or her
 1114 fingerprints ~~fingerprint~~ upon any citation issued by the officer
 1115 or authorized representative, or the officer or authorized
 1116 representative shall collect the fingerprints electronically.

1117 (3) In relation to violations of subsection (1) or s.
 1118 322.03(5), persons who cannot supply proof of a valid driver's
 1119 license for the reason that the license was suspended for
 1120 failure to comply with that citation shall be issued a

CS/CS/HB 1329

2008

1121 suspension clearance by the clerk of the court for that citation
 1122 upon payment of the applicable penalty and fee for that
 1123 citation. If proof of a valid driver's license is not provided
 1124 to the clerk of the court within 30 days, the person's driver's
 1125 license shall again be suspended for failure to comply.

1126 (4) A violation of subsection (1) is a noncriminal traffic
 1127 infraction, punishable as a nonmoving violation as provided in
 1128 chapter 318.

1129 Section 29. Section 322.17, Florida Statutes, is amended
 1130 to read:

1131 322.17 Duplicate and replacement certificates.--

1132 (1)(a) In the event that an instruction permit or driver's
 1133 license issued under the provisions of this chapter is lost or
 1134 destroyed, the person to whom the same was issued may, upon
 1135 payment of the appropriate fee pursuant to s. 322.21 ~~\$10~~, obtain
 1136 a replacement duplicate, ~~or substitute thereof~~, upon furnishing
 1137 proof satisfactory to the department that such permit or license
 1138 has been lost or destroyed, and further furnishing the full
 1139 name, date of birth, sex, residence and mailing address, proof
 1140 of birth satisfactory to the department, and proof of identity
 1141 satisfactory to the department. ~~Five dollars of the fee levied~~
 1142 ~~in this paragraph shall go to the Highway Safety Operating Trust~~
 1143 ~~Fund of the department.~~

1144 (b) In the event that an instruction permit or driver's
 1145 license issued under the provisions of this chapter is stolen,
 1146 the person to whom the same was issued may, at no charge, obtain
 1147 a replacement duplicate, ~~or substitute thereof~~, upon furnishing
 1148 proof satisfactory to the department that such permit or license

1149 was stolen and further furnishing the full name, date of birth,
 1150 sex, residence and mailing address, proof of birth satisfactory
 1151 to the department, and proof of identity satisfactory to the
 1152 department.

1153 (2) Upon the surrender of the original license and the
 1154 payment of the appropriate fees pursuant to s. 322.21 a ~~\$10~~
 1155 ~~replacement fee~~, the department shall issue a replacement
 1156 license to make a change in name, address, or restrictions. ~~Upon~~
 1157 ~~written request by the licensee and notification of a change in~~
 1158 ~~address, and the payment of a \$10 fee, the department shall~~
 1159 ~~issue an address sticker which shall be affixed to the back of~~
 1160 ~~the license by the licensee. Nine dollars of the fee levied in~~
 1161 ~~this subsection shall go to the Highway Safety Operating Trust~~
 1162 ~~Fund of the department.~~

1163 (3) Notwithstanding any other provisions of this chapter,
 1164 if a licensee establishes his or her identity for a driver's
 1165 license using an identification document authorized under s.
 1166 322.08(2)(c) 7.6. or 8.7., the licensee may not obtain a
 1167 duplicate or replacement instruction permit or driver's license
 1168 except in person and upon submission of an identification
 1169 document authorized under s. 322.08(2)(c) 7.6. or 8.7.

1170 Section 30. Subsections (2), (4), (5), (8), and (9) of
 1171 section 322.18, Florida Statutes, are amended to read:

1172 322.18 Original applications, licenses, and renewals;
 1173 expiration of licenses; delinquent licenses.--

1174 (2) Each applicant who is entitled to the issuance of a
 1175 driver's license, as provided in this section, shall be issued a
 1176 driver's license, as follows:

1177 (a) An applicant who has not attained 80 years of age
 1178 applying for an original issuance shall be issued a driver's
 1179 license that ~~which~~ expires at midnight on the licensee's
 1180 birthday which next occurs on or after the eighth ~~sixth~~
 1181 anniversary of the date of issue. An applicant who is at least
 1182 80 years of age applying for an original issuance shall be
 1183 issued a driver's license that expires at midnight on the
 1184 licensee's birthday that next occurs on or after the sixth
 1185 anniversary of the date of issue.

1186 (b) An applicant who has not attained 80 years of age
 1187 applying for a renewal issuance ~~or renewal extension~~ shall be
 1188 issued a driver's license that ~~or renewal extension sticker~~
 1189 ~~which~~ expires at midnight on the licensee's birthday that ~~which~~
 1190 next occurs 8 ~~4~~ years after the month of expiration of the
 1191 license being renewed. An applicant who is at least 80 years of
 1192 age applying for a renewal issuance shall be issued a driver's
 1193 license that, ~~except that a driver whose driving record reflects~~
 1194 ~~no convictions for the preceding 3 years shall be issued a~~
 1195 ~~driver's license or renewal extension sticker which~~ expires at
 1196 midnight on the licensee's birthday that ~~which~~ next occurs 6
 1197 years after the month of expiration of the license being
 1198 renewed.

1199 (c) Notwithstanding any other provision of this chapter,
 1200 if an applicant establishes his or her identity for a driver's
 1201 license using a document authorized under s. 322.08(2)(c)5., the
 1202 driver's license shall expire in accordance with paragraph (b).
 1203 After an initial showing of such documentation, he or she is
 1204 exempted from having to renew or obtain a duplicate in person.

1205 (d) Notwithstanding any other provision of this chapter,
 1206 if an applicant establishes his or her identity for a driver's
 1207 license using a document authorized in s. 322.08(2)(c)7.6 or
 1208 8.7, the driver's license shall expire 1 year ~~2 years~~ after the
 1209 date of issuance or upon the expiration date cited on the United
 1210 States Department of Homeland Security documents, whichever date
 1211 first occurs.

1212 (e) Notwithstanding any other provision of this chapter,
 1213 an applicant applying for an original or renewal issuance of a
 1214 commercial driver's license as defined in s. 322.01(7), with a
 1215 hazardous-materials endorsement, pursuant to s. 322.57(1)(e),
 1216 shall be issued a driver's license that expires at midnight on
 1217 the licensee's birthday that next occurs 4 years after the month
 1218 of expiration of the license being issued or renewed.

1219 (4)(a) Except as otherwise provided in this chapter, all
 1220 licenses shall be renewable every 8 4 years ~~or 6 years,~~
 1221 ~~depending upon the terms of issuance~~ and shall be issued or
 1222 renewed ~~extended~~ upon application, payment of the fees required
 1223 by s. 322.21, and successful passage of any required
 1224 examination, unless the department has reason to believe that
 1225 the licensee is no longer qualified to receive a license.

1226 (b) Notwithstanding any other provision of this chapter,
 1227 if an applicant establishes his or her identity for a driver's
 1228 license using a document authorized under s. 322.08(2)(c)5., the
 1229 license, upon an initial showing of such documentation, is
 1230 exempted from having to renew or obtain a duplicate in person,
 1231 unless the renewal or duplication coincides with the periodic
 1232 reexamination of a driver as required pursuant to s. 322.121.

1233 (c) Notwithstanding any other provision of this chapter,
 1234 if a licensee establishes his or her identity for a driver's
 1235 license using an identification document authorized under s.
 1236 322.08(2)(c) 7.6 or 8.7, the licensee may not renew the
 1237 driver's license except in person and upon submission of an
 1238 identification document authorized under s. 322.08(2)(c) 7.6 or
 1239 8.7. A driver's license renewed under this paragraph expires 1
 1240 year ~~4 years~~ after the date of issuance or upon the expiration
 1241 date cited on the United States Department of Homeland Security
 1242 documents, whichever date first occurs.

1243 (5) All renewal driver's licenses may be issued after the
 1244 applicant licensee has been determined to be eligible by the
 1245 department.

1246 (a) A licensee who is otherwise eligible for renewal and
 1247 who is at least 80 ~~over 79~~ years of age:

1248 1. Must submit to and pass a vision test administered at
 1249 any driver's license office; or

1250 2. If the licensee applies for a renewal using a
 1251 convenience service ~~an extension by mail~~ as provided in
 1252 subsection (8), he or she must submit to a vision test
 1253 administered by a physician licensed under chapter 458 or
 1254 chapter 459, or an optometrist licensed under chapter 463, must
 1255 send the results of that test to the department on a form
 1256 obtained from the department and signed by such health care
 1257 practitioner, and must meet vision standards that are equivalent
 1258 to the standards for passing the departmental vision test. The
 1259 physician or optometrist may submit the results of a vision test
 1260 by a department-approved electronic means.

1261 (b) A licensee who is at least 80 ~~ever 79~~ years of age may
 1262 not submit an application for renewal ~~extension~~ under subsection
 1263 (8) by a convenience service ~~electronic or telephonic means,~~
 1264 unless the results of a vision test have been electronically
 1265 submitted in advance by the physician or optometrist.

1266 (8) The department shall issue 8-year renewals using a
 1267 convenience service ~~4 year and 6 year license extensions by~~
 1268 ~~mail, electronic, or telephonic means~~ without reexamination to
 1269 drivers who have not attained 80 years of age. The department
 1270 shall issue 6-year renewals using a convenience service when the
 1271 applicant has satisfied the requirements of subsection (5).

1272 (a) If the department determines from its records that the
 1273 holder of a license about to expire is eligible for renewal, the
 1274 department shall mail a renewal notice to the licensee at his or
 1275 her last known address, not less than 30 days prior to the
 1276 licensee's birthday. The renewal notice shall direct the
 1277 licensee to appear at a driver license office for in-person
 1278 renewal or to transmit the completed renewal notice and the fees
 1279 required by s. 322.21 to the department using a convenience
 1280 service ~~by mail, electronically, or telephonically within the 30~~
 1281 ~~days preceding the licensee's birthday for a license extension.~~
 1282 ~~License extensions shall not be available to drivers directed to~~
 1283 ~~appear for in person renewal.~~

1284 (b) Upon receipt of a properly completed renewal notice,
 1285 payment of the required fees, and upon determining that the
 1286 licensee is still eligible for renewal, the department shall
 1287 send a new ~~license extension sticker~~ to the licensee ~~to affix to~~
 1288 ~~the expiring license~~ as evidence that the license term has been

1289 extended.

1290 (c) The department shall issue one renewal using a
 1291 convenience service license extensions for two consecutive
 1292 license expirations only. ~~Upon expiration of two consecutive~~
 1293 ~~license extension periods, in person renewal with reexamination~~
 1294 ~~as provided in s. 322.121 shall be required.~~ A person who is out
 1295 of this state when his or her license expires may be issued a
 1296 90-day temporary driving permit without reexamination. At the
 1297 end of the 90-day period, the person must either return to this
 1298 state or apply for a license where the person is located, except
 1299 for a member of the Armed Forces as provided in s. 322.121(6).

1300 ~~(d) In person renewal at a driver license office shall not~~
 1301 ~~be available to drivers whose records indicate they were~~
 1302 ~~directed to apply for a license extension.~~

1303 (d)(e) Any person who knowingly possesses any forged,
 1304 stolen, fictitious, counterfeit, or unlawfully issued license
 1305 extension sticker, unless possession by such person has been
 1306 duly authorized by the department, commits a misdemeanor of the
 1307 second degree, punishable as provided in s. 775.082 or s.
 1308 775.083.

1309 (e)(f) The department shall develop a plan for the
 1310 equitable distribution of license ~~extensions and renewals and~~
 1311 the orderly implementation of this section.

1312 (9)(a) The application form for a renewal issuance ~~or~~
 1313 ~~renewal extension~~ shall include language permitting a voluntary
 1314 contribution of \$1 per applicant, to be quarterly distributed by
 1315 the department to Prevent Blindness Florida, a not-for-profit
 1316 organization, to prevent blindness and preserve the sight of the

1317 residents of this state. A statement providing an explanation of
 1318 the purpose of the funds shall be included with the application
 1319 form.

1320 (b) Prior to the department distributing the funds
 1321 collected pursuant to paragraph (a), Prevent Blindness Florida
 1322 must submit a report to the department that identifies how such
 1323 funds were used during the preceding year.

1324 Section 31. Subsection (4) of section 322.181, Florida
 1325 Statutes, is repealed.

1326 Section 32. Subsections (2) and (4) of section 322.19,
 1327 Florida Statutes, are amended to read:

1328 322.19 Change of address or name.--

1329 (2) Whenever any person, after applying for or receiving a
 1330 driver's license, changes the residence or mailing address in
 1331 the application or license, the person must, within 10 calendar
 1332 days, ~~either~~ obtain a replacement license that reflects the
 1333 change ~~or request in writing a change of address sticker.~~ A The
 1334 written request to the department must include the old and new
 1335 addresses and the driver's license number.

1336 (4) Notwithstanding any other provision of this chapter,
 1337 if a licensee established his or her identity for a driver's
 1338 license using an identification document authorized under s.
 1339 322.08(2)(c) ~~7.6.~~ or ~~8.7.~~, the licensee may not change his or her
 1340 name or address except in person and upon submission of an
 1341 identification document authorized under s. 322.08(2)(c) ~~7.6.~~ or
 1342 ~~8.7.~~

1343 Section 33. Subsection (1) of section 322.21, Florida
 1344 Statutes, is amended to read:

1345 322.21 License fees; procedure for handling and collecting
1346 fees.--

1347 (1) Except as otherwise provided herein, the fee for:

1348 (a) An original or renewal commercial driver's license is
1349 \$67 ~~\$50~~, which shall include the fee for driver education
1350 provided by s. 1003.48; however, if an applicant has completed
1351 training and is applying for employment or is currently employed
1352 in a public or nonpublic school system that requires the
1353 commercial license, the fee shall be the same as for a Class E
1354 driver's license. A delinquent fee of \$1 shall be added for a
1355 renewal made not more than 12 months after the license
1356 expiration date.

1357 (b) An original Class E driver's license is \$27 ~~\$20~~, which
1358 shall include the fee for driver's education provided by s.
1359 1003.48; however, if an applicant has completed training and is
1360 applying for employment or is currently employed in a public or
1361 nonpublic school system that requires a commercial driver
1362 license, the fee shall be the same as for a Class E license.

1363 (c) The renewal or extension of a Class E driver's license
1364 or of a license restricted to motorcycle use only is \$20 ~~\$15~~,
1365 except that a delinquent fee of \$1 shall be added for a renewal
1366 or extension made not more than 12 months after the license
1367 expiration date. The fee provided in this paragraph shall
1368 include the fee for driver's education provided by s. 1003.48.

1369 (d) An original driver's license restricted to motorcycle
1370 use only is \$27 ~~\$20~~, which shall include the fee for driver's
1371 education provided by s. 1003.48.

1372 (e) A replacement driver's license issued pursuant to s.

1373 322.17 is \$10. Of this amount \$7 shall be deposited into the
 1374 Highway Safety Operating Trust Fund and \$3 shall be deposited
 1375 into the General Revenue Fund.

1376 (f) An original, renewal, or replacement identification
 1377 card issued pursuant to s. 322.051 is \$10. Funds collected from
 1378 these fees shall be distributed as follows:

1379 1. For an original identification card issued pursuant to
 1380 s. 322.051 the fee shall be \$10. This amount shall be deposited
 1381 into the General Revenue Fund.

1382 2. For a renewal identification card issued pursuant to s.
 1383 322.051 the fee shall be \$10. Of this amount, \$6 shall be
 1384 deposited into the Highway Safety Operating Trust Fund and \$4
 1385 shall be deposited into the General Revenue Fund.

1386 3. For a replacement identification card issued pursuant
 1387 to s. 322.051 the fee shall be \$10. Of this amount, \$9 shall be
 1388 deposited into the Highway Safety Operating Trust Fund and \$1
 1389 shall be deposited into the General Revenue Fund.

1390 (g)-(e) Each endorsement required by s. 322.57 is ~~\$7~~ \$5.

1391 (h)-(f) A hazardous-materials endorsement, as required by
 1392 s. 322.57(1)(d), shall be set by the department by rule and
 1393 shall reflect the cost of the required criminal history check,
 1394 including the cost of the state and federal fingerprint check,
 1395 and the cost to the department of providing and issuing the
 1396 license. The fee shall not exceed \$100. This fee shall be
 1397 deposited in the Highway Safety Operating Trust Fund. The
 1398 department may adopt rules to administer this section.

1399 Section 34. Subsection (3) of section 322.2715, Florida
 1400 Statutes is amended to read:

1401 322.2715 Ignition interlock device.--

1402 (3) If the person is convicted of:

1403 (a) A first offense of driving under the influence under
 1404 s. 316.193 and has an unlawful blood-alcohol level or breath-
 1405 alcohol level as specified in s. 316.193(4), or if a person is
 1406 convicted of a violation of s. 316.193 and was at the time of
 1407 the offense accompanied in the vehicle by a person younger than
 1408 18 years of age, the person shall have the ignition interlock
 1409 device installed for 6 continuous months for the first offense
 1410 and for at least 2 continuous years for a second offense.

1411 (b) A second offense of driving under the influence, the
 1412 ignition interlock device shall be installed for a period of not
 1413 less than 1 continuous year.

1414 (c) A third offense of driving under the influence which
 1415 occurs within 10 years after a prior conviction for a violation
 1416 of s.316.193, the ignition interlock device shall be installed
 1417 for a period of not less than 2 continuous years.

1418 (d) A third offense of driving under the influence which
 1419 occurs more than 10 years after the date of a prior conviction,
 1420 the ignition interlock device shall be installed for a period of
 1421 not less than 2 continuous years.

1422 Section 35. Section 322.291, Florida Statutes is amended
 1423 to read:

1424 322.291 Driver improvement schools or DUI programs;
 1425 required in certain suspension and revocation cases.--Except as
 1426 provided in s. 322.03(2), any person:

1427 (1) Whose driving privilege has been revoked:

1428 (a) Upon conviction for:

1429 1. Driving, or being in actual physical control of, any
 1430 vehicle while under the influence of alcoholic beverages, any
 1431 chemical substance set forth in s. 877.111, or any substance
 1432 controlled under chapter 893, in violation of s. 316.193;
 1433 2. Driving with an unlawful blood- or breath-alcohol
 1434 level;
 1435 3. Manslaughter resulting from the operation of a motor
 1436 vehicle;
 1437 4. Failure to stop and render aid as required under the
 1438 laws of this state in the event of a motor vehicle crash
 1439 resulting in the death or personal injury of another;
 1440 5. Reckless driving; or
 1441 (b) As a ~~an~~ habitual offender;
 1442 (c) Upon direction of the court, if the court feels that
 1443 the seriousness of the offense and the circumstances surrounding
 1444 the conviction warrant the revocation of the licensee's driving
 1445 privilege; or
 1446 (2) Whose license was suspended under the point system,
 1447 was suspended for driving with an unlawful blood-alcohol level
 1448 of 0.10 percent or higher before January 1, 1994, was suspended
 1449 for driving with an unlawful blood-alcohol level of 0.08 percent
 1450 or higher after December 31, 1993, was suspended for a violation
 1451 of s. 316.193(1), or was suspended for refusing to submit to a
 1452 lawful breath, blood, or urine test as provided in s. 322.2615
 1453
 1454 shall, before the driving privilege may be reinstated, present
 1455 to the department proof of enrollment in a department-approved
 1456 advanced driver improvement course operating pursuant to s.

1457 318.1451 or a substance abuse education course conducted by a
 1458 DUI program licensed pursuant to s. 322.292, which shall include
 1459 a psychosocial evaluation and treatment, if referred.
 1460 Additionally, for a third or subsequent violation of
 1461 requirements for installation of an ignition interlock device, a
 1462 person must complete treatment as determined by a licensed
 1463 treatment agency following a referral by a DUI program and have
 1464 the duration of the ignition interlock device requirement
 1465 extended by at least 1 month up to the time period required to
 1466 complete treatment. If the person fails to complete such course
 1467 or evaluation within 90 days after reinstatement, or
 1468 subsequently fails to complete treatment, if referred, the DUI
 1469 program shall notify the department of the failure. Upon receipt
 1470 of the notice, the department shall cancel the offender's
 1471 driving privilege, notwithstanding the expiration of the
 1472 suspension or revocation of the driving privilege. The
 1473 department may temporarily reinstate the driving privilege upon
 1474 verification from the DUI program that the offender has
 1475 completed the education course and evaluation requirement and
 1476 has reentered and is currently participating in treatment. If
 1477 the DUI program notifies the department of the second failure to
 1478 complete treatment, the department shall reinstate the driving
 1479 privilege only after notice of completion of treatment from the
 1480 DUI program.

1481 Section 36. Section 322.36, Florida Statutes, is amended
 1482 to read:

1483 322.36 Permitting unauthorized operator to drive.--~~A No~~
 1484 person may not ~~shall~~ authorize or knowingly permit a motor

1485 vehicle owned by him or her or under his or her dominion or
 1486 control to be operated upon any highway or public street except
 1487 by a person who is ~~persons~~ duly authorized to operate a motor
 1488 vehicle ~~vehicles~~ under ~~the provisions of~~ this chapter. Any
 1489 person who violates ~~violating~~ this section commits ~~provision is~~
 1490 ~~guilty of~~ a misdemeanor of the second degree, punishable as
 1491 provided in s. 775.082 or s. 775.083. If a person violates this
 1492 section by knowingly loaning a vehicle to a person whose
 1493 driver's license is suspended and if that vehicle is involved in
 1494 an accident resulting in bodily injury or death, the driver's
 1495 license of the person violating this section shall be suspended
 1496 for 1 year.

1497 Section 37. Section 322.60, Florida Statutes, is repealed.

1498 Section 38. Subsections (1) through (6) of section 322.61,
 1499 Florida Statutes, are amended to read:

1500 322.61 Disqualification from operating a commercial motor
 1501 vehicle.--

1502 (1) A person who, for offenses occurring within a 3-year
 1503 period, is convicted of two of the following serious traffic
 1504 violations or any combination thereof, arising in separate
 1505 incidents committed in a commercial motor vehicle shall, in
 1506 addition to any other applicable penalties, be disqualified from
 1507 operating a commercial motor vehicle for a period of 60 days. A
 1508 holder of a commercial driver's license ~~person~~ who, for offenses
 1509 occurring within a 3-year period, is convicted of two of the
 1510 following serious traffic violations, or any combination
 1511 thereof, arising in separate incidents committed in a
 1512 noncommercial motor vehicle shall, in addition to any other

1513 applicable penalties, be disqualified from operating a
 1514 commercial motor vehicle for a period of 60 days if such
 1515 convictions result in the suspension, revocation, or
 1516 cancellation of the licenseholder's driving privilege:

1517 (a) A violation of any state or local law relating to
 1518 motor vehicle traffic control, other than a parking violation, a
 1519 weight violation, or a vehicle equipment violation, arising in
 1520 connection with a crash resulting in death or personal injury to
 1521 any person;

1522 (b) Reckless driving, as defined in s. 316.192;

1523 (c) Careless driving, as defined in s. 316.1925;

1524 (d) Fleeing or attempting to elude a law enforcement
 1525 officer, as defined in s. 316.1935;

1526 (e) Unlawful speed of 15 miles per hour or more above the
 1527 posted speed limit;

1528 (f) Driving a commercial motor vehicle, owned by such
 1529 person, which is not properly insured;

1530 (g) Improper lane change, as defined in s. 316.085;

1531 (h) Following too closely, as defined in s. 316.0895;

1532 (i) Driving a commercial vehicle without obtaining a
 1533 commercial driver's license;

1534 (j) Driving a commercial vehicle without the proper class
 1535 of commercial driver's license or without the proper
 1536 endorsement; or

1537 (k) Driving a commercial vehicle without a commercial
 1538 driver's license in possession, as required by s. 322.03. Any
 1539 individual who provides proof to the clerk of the court or
 1540 designated official in the jurisdiction where the citation was

1541 issued, by the date the individual must appear in court or pay
 1542 any fine for such a violation, that the individual held a valid
 1543 commercial driver's license on the date the citation was issued
 1544 is not guilty of this offense.

1545 (2)(a) Any person who, for offenses occurring within a 3-
 1546 year period, is convicted of three serious traffic violations
 1547 specified in subsection (1) or any combination thereof, arising
 1548 in separate incidents committed in a commercial motor vehicle
 1549 shall, in addition to any other applicable penalties, including
 1550 but not limited to the penalty provided in subsection (1), be
 1551 disqualified from operating a commercial motor vehicle for a
 1552 period of 120 days.

1553 (b) A holder of a commercial driver's license ~~person~~ who,
 1554 for offenses occurring within a 3-year period, is convicted of
 1555 three serious traffic violations specified in subsection (1) or
 1556 any combination thereof arising in separate incidents committed
 1557 in a noncommercial motor vehicle shall, in addition to any other
 1558 applicable penalties, including, but not limited to, the penalty
 1559 provided in subsection (1), be disqualified from operating a
 1560 commercial motor vehicle for a period of 120 days if such
 1561 convictions result in the suspension, revocation, or
 1562 cancellation of the licenseholder's driving privilege.

1563 (3)(a) Except as provided in subsection (4), any person
 1564 who is convicted of one of the ~~following~~ offenses listed in
 1565 paragraph (b) while operating a commercial motor vehicle shall,
 1566 in addition to any other applicable penalties, be disqualified
 1567 from operating a commercial motor vehicle for a period of 1
 1568 year:

1569 (b) Except as provided in subsection (4), any holder of a
 1570 commercial driver's license who is convicted of one of the
 1571 offenses listed in this paragraph while operating a
 1572 noncommercial motor vehicle shall, in addition to any other
 1573 applicable penalties, be disqualified from operating a
 1574 commercial motor vehicle for a period of 1 year:

1575 1.(a) Driving a ~~commercial~~ motor vehicle while he or she
 1576 is under the influence of alcohol or a controlled substance;

1577 2.(b) Driving a commercial motor vehicle while the alcohol
 1578 concentration of his or her blood, breath, or urine is .04
 1579 percent or higher;

1580 3.(e) Leaving the scene of a crash involving a ~~commercial~~
 1581 motor vehicle driven by such person;

1582 4.(d) Using a ~~commercial~~ motor vehicle in the commission
 1583 of a felony;

1584 5.(e) Driving a commercial motor vehicle while in
 1585 possession of a controlled substance;

1586 6.(f) Refusing to submit to a test to determine his or her
 1587 alcohol concentration while driving a ~~commercial~~ motor vehicle;

1588 7.(g) Driving a commercial vehicle while the
 1589 licenseholder's commercial driver's license is suspended,
 1590 revoked, or canceled or while the licenseholder is disqualified
 1591 from driving a commercial vehicle; or

1592 8.(h) Causing a fatality through the negligent operation
 1593 of a commercial motor vehicle.

1594 (4) Any person who is transporting hazardous materials as
 1595 defined in s. 322.01(24) in a vehicle that is required to be
 1596 placarded in accordance with Title 49 C.F.R. part 172, subpart F

1597 shall, upon conviction of an offense specified in subsection
 1598 (3), be disqualified from operating a commercial motor vehicle
 1599 for a period of 3 years. The penalty provided in this subsection
 1600 shall be in addition to any other applicable penalty.

1601 (5) Any person who is convicted of two violations
 1602 specified in subsection (3) which were committed while operating
 1603 a commercial motor vehicle, or any combination thereof, arising
 1604 in separate incidents shall be permanently disqualified from
 1605 operating a commercial motor vehicle. Any holder of a commercial
 1606 driver's license who is convicted of two violations specified in
 1607 subsection (3) which were committed while operating a
 1608 noncommercial motor vehicle, or any combination thereof, arising
 1609 in separate incidents shall be permanently disqualified from
 1610 operating a commercial motor vehicle. The penalty provided in
 1611 this subsection is ~~shall be~~ in addition to any other applicable
 1612 penalty.

1613 (6) Notwithstanding subsections (3), (4), and (5), any
 1614 person who uses a commercial motor vehicle in the commission of
 1615 any felony involving the manufacture, distribution, or
 1616 dispensing of a controlled substance, including possession with
 1617 intent to manufacture, distribute, or dispense a controlled
 1618 substance, shall, upon conviction of such felony, be permanently
 1619 disqualified from operating a commercial motor vehicle.
 1620 Notwithstanding subsections (3), (4), and (5), any holder of a
 1621 commercial driver's license who uses a noncommercial motor
 1622 vehicle in the commission of any felony involving the
 1623 manufacture, distribution, or dispensing of a controlled
 1624 substance, including possession with intent to manufacture,

CS/CS/HB 1329

2008

1625 distribute, or dispense a controlled substance, shall, upon
 1626 conviction of such felony, be permanently disqualified from
 1627 operating a commercial motor vehicle. The penalty provided in
 1628 this subsection is ~~shall be~~ in addition to any other applicable
 1629 penalty.

1630 Section 39. Section 322.64, Florida Statutes, is amended
 1631 to read:

1632 322.64 Holder of commercial driver's license; persons
 1633 operating a commercial motor vehicle; driving with unlawful
 1634 blood-alcohol level; refusal to submit to breath, urine, or
 1635 blood test.--

1636 (1)(a) A law enforcement officer or correctional officer
 1637 shall, on behalf of the department, disqualify from operating
 1638 any commercial motor vehicle a person who while operating or in
 1639 actual physical control of a commercial motor vehicle is
 1640 arrested for a violation of s. 316.193, relating to unlawful
 1641 blood-alcohol level or breath-alcohol level, or a person who has
 1642 refused to submit to a breath, urine, or blood test authorized
 1643 by s. 322.63 arising out of the operation or actual physical
 1644 control of a commercial motor vehicle. A law enforcement officer
 1645 or correctional officer shall, on behalf of the department,
 1646 disqualify the holder of a commercial driver's license from
 1647 operating any commercial motor vehicle if the licenseholder,
 1648 while operating or in actual physical control of a motor
 1649 vehicle, is arrested for a violation of s. 316.193, relating to
 1650 unlawful blood-alcohol level or breath-alcohol level, or refused
 1651 to submit to a breath, urine, or blood test authorized by s.
 1652 322.63. Upon disqualification of the person, the officer shall

CS/CS/HB 1329

2008

1653 take the person's driver's license and issue the person a 10-day
 1654 temporary permit for the operation of noncommercial vehicles
 1655 only if the person is otherwise eligible for the driving
 1656 privilege and shall issue the person a notice of
 1657 disqualification. If the person has been given a blood, breath,
 1658 or urine test, the results of which are not available to the
 1659 officer at the time of the arrest, the agency employing the
 1660 officer shall transmit such results to the department within 5
 1661 days after receipt of the results. If the department then
 1662 determines that the person ~~was arrested for a violation of s.~~
 1663 ~~316.193 and that the person~~ had a blood-alcohol level or breath-
 1664 alcohol level of 0.08 or higher, the department shall disqualify
 1665 the person from operating a commercial motor vehicle pursuant to
 1666 subsection (3).

1667 (b) The disqualification under paragraph (a) shall be
 1668 pursuant to, and the notice of disqualification shall inform the
 1669 driver of, the following:

1670 1.a. The driver refused to submit to a lawful breath,
 1671 blood, or urine test and he or she is disqualified from
 1672 operating a commercial motor vehicle for a period of 1 year, for
 1673 a first refusal, or permanently, if he or she has previously
 1674 been disqualified as a result of a refusal to submit to such a
 1675 test; or

1676 b. The driver was driving or in actual physical control of
 1677 a commercial motor vehicle, or any motor vehicle if the driver
 1678 holds a commercial driver's license, had an unlawful blood-
 1679 alcohol level or breath-alcohol level of 0.08 or higher, and his
 1680 or her driving privilege shall be disqualified for a period of 1

1681 year for a first offense or permanently disqualified if his or
 1682 her driving privilege has been previously disqualified under
 1683 this section. ~~violated s. 316.193 by driving with an unlawful~~
 1684 ~~blood alcohol level and he or she is disqualified from operating~~
 1685 ~~a commercial motor vehicle for a period of 6 months for a first~~
 1686 ~~offense or for a period of 1 year if he or she has previously~~
 1687 ~~been disqualified, or his or her driving privilege has been~~
 1688 ~~previously suspended, for a violation of s. 316.193.~~

1689 2. The disqualification period for operating commercial
 1690 vehicles shall commence on the date of ~~arrest or~~ issuance of the
 1691 notice of disqualification, ~~whichever is later.~~

1692 3. The driver may request a formal or informal review of
 1693 the disqualification by the department within 10 days after the
 1694 date of ~~arrest or~~ issuance of the notice of disqualification,
 1695 ~~whichever is later.~~

1696 4. The temporary permit issued at the time of ~~arrest or~~
 1697 disqualification expires ~~will expire~~ at midnight of the 10th day
 1698 following the date of disqualification.

1699 5. The driver may submit to the department any materials
 1700 relevant to the disqualification ~~arrest.~~

1701 (2) Except as provided in paragraph (1) (a), the law
 1702 enforcement officer shall forward to the department, within 5
 1703 days after the date of the ~~arrest or the~~ issuance of the notice
 1704 of disqualification, ~~whichever is later,~~ a copy of the notice of
 1705 disqualification, the driver's license of the person
 1706 disqualified ~~arrested,~~ and a ~~report of the arrest, including, if~~
 1707 ~~applicable,~~ an affidavit stating the officer's grounds for
 1708 belief that the person disqualified ~~arrested~~ was operating or in

CS/CS/HB 1329

2008

1709 actual physical control of a commercial motor vehicle, or holds
1710 a commercial driver's license, and had an unlawful blood-alcohol
1711 or breath-alcohol level in violation of s. 316.193; the results
1712 of any breath or blood or urine test or an affidavit stating
1713 that a breath, blood, or urine test was requested by a law
1714 enforcement officer or correctional officer and that the person
1715 arrested refused to submit; a copy of the notice of
1716 disqualification ~~citation~~ issued to the person ~~arrested~~; and the
1717 officer's description of the person's field sobriety test, if
1718 any. The failure of the officer to submit materials within the
1719 5-day period specified in this subsection or subsection (1) does
1720 ~~shall~~ not affect the department's ability to consider any
1721 evidence submitted at or prior to the hearing. The officer may
1722 also submit a copy of a videotape of the field sobriety test or
1723 the attempt to administer such test and a copy of the crash
1724 report, if any.

1725 (3) If the department determines that the person arrested
1726 should be disqualified from operating a commercial motor vehicle
1727 pursuant to this section and if the notice of disqualification
1728 has not already been served upon the person by a law enforcement
1729 officer or correctional officer as provided in subsection (1),
1730 the department shall issue a notice of disqualification and,
1731 unless the notice is mailed pursuant to s. 322.251, a temporary
1732 permit which expires 10 days after the date of issuance if the
1733 driver is otherwise eligible.

1734 (4) If the person disqualified ~~arrested~~ requests an
1735 informal review pursuant to subparagraph (1)(b)3., the
1736 department shall conduct the informal review by a hearing

1737 officer employed by the department. Such informal review hearing
1738 shall consist solely of an examination by the department of the
1739 materials submitted by a law enforcement officer or correctional
1740 officer and by the person disqualified ~~arrested~~, and the
1741 presence of an officer or witness is not required.

1742 (5) After completion of the informal review, notice of the
1743 department's decision sustaining, amending, or invalidating the
1744 disqualification must be provided to the person. Such notice
1745 must be mailed to the person at the last known address shown on
1746 the department's records, and to the address provided in the law
1747 enforcement officer's report if such address differs from the
1748 address of record, within 21 days after the expiration of the
1749 temporary permit issued pursuant to subsection (1) or subsection
1750 (3).

1751 (6) (a) If the person disqualified ~~arrested~~ requests a
1752 formal review, the department must schedule a hearing to be held
1753 within 30 days after such request is received by the department
1754 and must notify the person of the date, time, and place of the
1755 hearing.

1756 (b) Such formal review hearing shall be held before a
1757 hearing officer employed by the department, and the hearing
1758 officer shall be authorized to administer oaths, examine
1759 witnesses and take testimony, receive relevant evidence, issue
1760 subpoenas for the officers and witnesses identified in documents
1761 as provided in subsection (2), regulate the course and conduct
1762 of the hearing, and make a ruling on the disqualification. The
1763 department and the person disqualified ~~arrested~~ may subpoena
1764 witnesses, and the party requesting the presence of a witness

1765 shall be responsible for the payment of any witness fees. If the
 1766 person who requests a formal review hearing fails to appear and
 1767 the hearing officer finds such failure to be without just cause,
 1768 the right to a formal hearing is waived ~~and the department shall~~
 1769 ~~conduct an informal review of the disqualification under~~
 1770 ~~subsection (4).~~

1771 (c) A party may seek enforcement of a subpoena under
 1772 paragraph (b) by filing a petition for enforcement in the
 1773 circuit court of the judicial circuit in which the person
 1774 failing to comply with the subpoena resides. A failure to comply
 1775 with an order of the court shall result in a finding of contempt
 1776 of court. However, a person shall not be in contempt while a
 1777 subpoena is being challenged.

1778 (d) The department must, within 7 days after a formal
 1779 review hearing, send notice to the person of the hearing
 1780 officer's decision as to whether sufficient cause exists to
 1781 sustain, amend, or invalidate the disqualification.

1782 (7) In a formal review hearing under subsection (6) or an
 1783 informal review hearing under subsection (4), the hearing
 1784 officer shall determine by a preponderance of the evidence
 1785 whether sufficient cause exists to sustain, amend, or invalidate
 1786 the disqualification. The scope of the review shall be limited
 1787 to the following issues:

1788 (a) If the person was disqualified from operating a
 1789 commercial motor vehicle for driving with an unlawful blood-
 1790 alcohol level ~~in violation of s. 316.193:~~

1791 1. Whether the arresting law enforcement officer had
 1792 probable cause to believe that the person was driving or in

1793 actual physical control of a commercial motor vehicle, or any
 1794 motor vehicle if the driver holds a commercial driver's license,
 1795 in this state while he or she had any alcohol, chemical
 1796 substances, or controlled substances in his or her body.

1797 ~~2. Whether the person was placed under lawful arrest for a~~
 1798 ~~violation of s. 316.193.~~

1799 ~~2.3.~~ Whether the person had an unlawful blood-alcohol
 1800 level or breath-alcohol level of 0.08 or higher ~~as provided in~~
 1801 ~~s. 316.193.~~

1802 (b) If the person was disqualified from operating a
 1803 commercial motor vehicle for refusal to submit to a breath,
 1804 blood, or urine test:

1805 1. Whether the law enforcement officer had probable cause
 1806 to believe that the person was driving or in actual physical
 1807 control of a commercial motor vehicle, or any motor vehicle if
 1808 the driver holds a commercial driver's license, in this state
 1809 while he or she had any alcohol, chemical substances, or
 1810 controlled substances in his or her body.

1811 2. Whether the person refused to submit to the test after
 1812 being requested to do so by a law enforcement officer or
 1813 correctional officer.

1814 3. Whether the person was told that if he or she refused
 1815 to submit to such test he or she would be disqualified from
 1816 operating a commercial motor vehicle for a period of 1 year or,
 1817 in the case of a second refusal, permanently.

1818 (8) Based on the determination of the hearing officer
 1819 pursuant to subsection (7) for both informal hearings under
 1820 subsection (4) and formal hearings under subsection (6), the

1821 department shall:

1822 (a) Sustain the disqualification for a period of 1 year
 1823 for a first refusal, or permanently if such person has been
 1824 previously disqualified from operating a commercial motor
 1825 vehicle as a result of a refusal to submit to such tests. The
 1826 disqualification period commences on the date of the arrest or
 1827 issuance of the notice of disqualification, whichever is later.

1828 (b) Sustain the disqualification:

1829 1. For a period of 1 year if the person was driving or in
 1830 actual physical control of a commercial motor vehicle, or any
 1831 motor vehicle if the driver holds a commercial driver's license,
 1832 and had an unlawful blood-alcohol level or breath-alcohol level
 1833 of 0.08 or higher; or ~~6 months for a violation of s. 316.193 or~~
 1834 ~~for a period of 1 year~~

1835 2. Permanently if the person has been previously
 1836 disqualified from operating a commercial motor vehicle or his or
 1837 her driving privilege has been previously suspended for driving
 1838 or being in actual physical control of a commercial motor
 1839 vehicle, or any motor vehicle if the driver holds a commercial
 1840 driver's license, and had an unlawful blood-alcohol level or
 1841 breath-alcohol level of 0.08 or higher ~~as a result of a~~
 1842 ~~violation of s. 316.193.~~

1843
 1844 The disqualification period commences on the date of the arrest
 1845 or issuance of the notice of disqualification, ~~whichever is~~
 1846 ~~later.~~

1847 (9) A request for a formal review hearing or an informal
 1848 review hearing shall not stay the disqualification. If the

1849 department fails to schedule the formal review hearing to be
 1850 held within 30 days after receipt of the request therefor, the
 1851 department shall invalidate the disqualification. If the
 1852 scheduled hearing is continued at the department's initiative,
 1853 the department shall issue a temporary driving permit limited to
 1854 noncommercial vehicles which is ~~shall be~~ valid until the hearing
 1855 is conducted if the person is otherwise eligible for the driving
 1856 privilege. Such permit shall not be issued to a person who
 1857 sought and obtained a continuance of the hearing. The permit
 1858 issued under this subsection shall authorize driving for
 1859 business purposes ~~or employment use~~ only.

1860 (10) A person who is disqualified from operating a
 1861 commercial motor vehicle under subsection (1) or subsection (3)
 1862 is eligible for issuance of a license for business or employment
 1863 purposes only under s. 322.271 if the person is otherwise
 1864 eligible for the driving privilege. However, such business or
 1865 employment purposes license shall not authorize the driver to
 1866 operate a commercial motor vehicle.

1867 (11) The formal review hearing may be conducted upon a
 1868 review of the reports of a law enforcement officer or a
 1869 correctional officer, including documents relating to the
 1870 administration of a breath test or blood test or the refusal to
 1871 take either test. However, as provided in subsection (6), the
 1872 driver may subpoena the officer or any person who administered
 1873 or analyzed a breath or blood test.

1874 (12) The formal review hearing and the informal review
 1875 hearing are exempt from the provisions of chapter 120. The
 1876 department is authorized to adopt rules for the conduct of

1877 reviews under this section.

1878 (13) A person may appeal any decision of the department
 1879 sustaining the disqualification from operating a commercial
 1880 motor vehicle by a petition for writ of certiorari to the
 1881 circuit court in the county wherein such person resides or
 1882 wherein a formal or informal review was conducted pursuant to s.
 1883 322.31. However, an appeal shall not stay the disqualification.
 1884 This subsection shall not be construed to provide for a de novo
 1885 appeal.

1886 (14) The decision of the department under this section
 1887 shall not be considered in any trial for a violation of s.
 1888 316.193, s. 322.61, or s. 322.62, nor shall any written
 1889 statement submitted by a person in his or her request for
 1890 departmental review under this section be admissible into
 1891 evidence against him or her in any such trial. The disposition
 1892 of any related criminal proceedings shall not affect a
 1893 disqualification imposed pursuant to this section.

1894 (15) This section does not preclude the suspension of the
 1895 driving privilege pursuant to s. 322.2615. The driving privilege
 1896 of a person who has been disqualified from operating a
 1897 commercial motor vehicle also may be suspended for a violation
 1898 of s. 316.193.

1899 Section 40. Subsection (10) of section 324.021, Florida
 1900 Statutes, is amended to read:

1901 324.021 Definitions; minimum insurance required.--The
 1902 following words and phrases when used in this chapter shall, for
 1903 the purpose of this chapter, have the meanings respectively
 1904 ascribed to them in this section, except in those instances

1905 | where the context clearly indicates a different meaning:
 1906 | (10) JUDGMENT.--Any judgment becoming ~~which shall have~~
 1907 | ~~become~~ final by expiration without appeal of the time within
 1908 | which an appeal might have been perfected, or by final
 1909 | affirmation on appeal, rendered by a court of competent
 1910 | jurisdiction of any state or of the United States upon a cause
 1911 | of action arising out of the ownership, maintenance, or use of
 1912 | any motor vehicle for damages, including damages for care and
 1913 | loss of services because of bodily injury to or death of any
 1914 | person, or for damages because of injury to or destruction of
 1915 | property, including the loss of use thereof, or upon a cause of
 1916 | action on an agreement of settlement for such damage.

1917 | Section 41. Subsection (19) of section 501.976, Florida
 1918 | Statutes, is amended to read:

1919 | 501.976 Actionable, unfair, or deceptive acts or
 1920 | practices.--It is an unfair or deceptive act or practice,
 1921 | actionable under the Florida Deceptive and Unfair Trade
 1922 | Practices Act, for a dealer to:

1923 | (19) Fail to disclose damage to a new motor vehicle, as
 1924 | defined in s. 319.001(9)~~(8)~~, of which the dealer had actual
 1925 | knowledge, if the dealer's actual cost of repairs exceeds the
 1926 | threshold amount, excluding replacement items.

1927 |
 1928 | In any civil litigation resulting from a violation of this
 1929 | section, when evaluating the reasonableness of an award of
 1930 | attorney's fees to a private person, the trial court shall
 1931 | consider the amount of actual damages in relation to the time
 1932 | spent.

1933 Section 42. Effective July 1, 2008, except for specialty
 1934 license plates approved before or during the 2008 Legislative
 1935 session, the Department of Highway Safety and Motor Vehicles may
 1936 not issue any new specialty license plates pursuant to ss.
 1937 320.08056 and 320.08058, Florida Statutes, between July 1, 2008,
 1938 and July 1, 2011.

1939 Section 43. Joseph P. Bertrand Building designated;
 1940 Department of Highway Safety and Motor Vehicles to erect
 1941 suitable markers.--

1942 (1) The Regional Transportation Management Center in the
 1943 City of Fort Myers in Lee County is designated the "Joseph P.
 1944 Bertrand Building."

1945 (2) The Department of Highway Safety and Motor Vehicles is
 1946 directed to erect suitable markers designating the "Joseph P.
 1947 Bertrand Building" as described in subsection (1).

1948 Section 44. Except as otherwise expressly provided in this
 1949 act and except for this section, which shall take effect upon
 1950 this act becoming a law, this act shall take effect October 1,
 1951 2008.