

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Glorioso offered the following:

2 **Amendment (with title amendment)**

3 Remove everything after the enacting clause and insert:

4 Section 1. Section 316.0741, Florida Statutes, is amended
5 to read:

6 316.0741 High-occupancy-vehicle ~~High-occupancy vehicle~~
7 lanes.--

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

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

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

14 1. That draws propulsion energy from onboard sources of
15 stored energy which are both an internal combustion or heat

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16 engine using combustible fuel and a rechargeable energy-storage
17 system; and

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

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

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

33 (4) (a) Notwithstanding any other provision of this
34 section, an inherently low-emission vehicle (ILEV) that is
35 certified and labeled in accordance with federal regulations may
36 be driven in an HOV lane at any time, regardless of its
37 occupancy. In addition, upon the state's receipt of written
38 notice from the proper federal regulatory agency authorizing
39 such use, a vehicle defined as a hybrid vehicle under this
40 section may be driven in an HOV lane at any time, regardless of
41 its occupancy.

42 (b) All eligible hybrid and all eligible other low-
43 emission and energy-efficient vehicles driven in an HOV lane

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44 must comply with the minimum fuel economy standards in 23 U.S.C.
45 s. 166(f)(3)(B).

46 (c) Upon issuance of the applicable United States
47 Environmental Protection Agency final rule pursuant to 23 U.S.C.
48 s. 166(e), relating to the eligibility of hybrid and other low-
49 emission and energy-efficient vehicles for operation in an HOV
50 lane, regardless of occupancy, the Department of Transportation
51 shall review the rule and recommend to the Legislature any
52 statutory changes necessary for compliance with the federal
53 rule. The department shall provide its recommendations no later
54 than 30 days following issuance of the final rule.

55 (5) The department shall issue a decal and registration
56 certificate, to be renewed annually, reflecting the HOV lane
57 designation on ~~such~~ vehicles meeting the criteria in subsection
58 (4) authorizing driving in an HOV lane at any time ~~such use~~. The
59 department may charge a fee for a decal, not to exceed the costs
60 of designing, producing, and distributing each decal, or \$5,
61 whichever is less. The proceeds from sale of the decals shall be
62 deposited in the Highway Safety Operating Trust Fund. The
63 department may, for reasons of operation and management of HOV
64 facilities, limit or discontinue issuance of decals for the use
65 of HOV facilities by hybrid and low-emission and energy-
66 efficient vehicles, regardless of occupancy, if it has been
67 determined by the Department of Transportation that the
68 facilities are degraded as defined by 23 U.S.C. s. 166(d)(2).

69 (6) Vehicles having decals by virtue of compliance with
70 the minimum fuel economy standards under 23 U.S.C. s.
71 166(f)(3)(B), and which are registered for use in high-occupancy

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72 toll lanes or express lanes in accordance with Department of
73 Transportation rule, shall be allowed to use any HOV lanes
74 redesignated as high-occupancy toll lanes or express lanes
75 without payment of a toll.

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

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

80 ~~1. An internal combustion or heat engine using combustible~~
81 ~~fuel; and~~

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

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

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

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

89 ~~(7)(6)~~ The department may adopt rules necessary to
90 administer this section.

91 Section 2. Paragraph (b) of subsection (1) of section
92 316.1575, Florida Statutes, is amended to read:

93 316.1575 Obedience to traffic control devices at railroad-
94 highway grade crossings.--

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

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

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

104 Section 3. Effective July 1, 2008, subsection (6) of
105 section 316.1895, Florida Statutes, is amended to read:

106 316.1895 Establishment of school speed zones, enforcement;
107 designation.--

108 (6) Permanent signs designating school zones and school
109 zone speed limits shall be uniform in size and color, and shall
110 have the times during which the restrictive speed limit is
111 enforced clearly designated thereon. Flashing beacons activated
112 by a time clock, or other automatic device, or manually
113 activated may be used as an alternative to posting the times
114 during which the restrictive school speed limit is enforced.
115 Beginning July 1, 2008, for any newly established school zone or
116 any school zone in which the signing has been replaced, a sign
117 stating "Speeding Fines Doubled" shall be installed within the
118 school zone. The Department of Transportation shall establish
119 adequate standards for the signs and flashing beacons.

120 Section 4. Paragraph (d) is added to subsection (1) of
121 section 316.191, Florida Statutes, subsections (3), (4), and (5)
122 of that section are renumbered as subsections (4), (5), and (6),
123 respectively, and a new subsection (3) is added to that section,
124 to read:

125 316.191 Racing on highways.--

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

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127 (d) "Spectator" means any person who is knowingly present
128 at and views a drag race, when such presence is the result of an
129 affirmative choice to attend or participate in the race. For
130 purposes of determining whether or not an individual is a
131 spectator, finders of fact shall consider the relationship
132 between the racer and the individual, evidence of gambling or
133 betting on the outcome of the race, and any other factor that
134 would tend to show knowing attendance or participation.

135 (3) (a) A person may not be a spectator at any drag race
136 prohibited under subsection (2).

137 (b) A person who violates the provisions of paragraph (a)
138 commits a noncriminal traffic infraction, punishable as a moving
139 violation as provided in chapter 318.

140 Section 5. Subsection (4) of section 316.193, Florida
141 Statutes, is amended to read:

142 316.193 Driving under the influence; penalties.--

143 (4) Any person who is convicted of a violation of
144 subsection (1) and who has a blood-alcohol level or breath-
145 alcohol level of 0.15 ~~0.20~~ or higher, or any person who is
146 convicted of a violation of subsection (1) and who at the time
147 of the offense was accompanied in the vehicle by a person under
148 the age of 18 years, shall be punished:

149 (a) By a fine of:

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

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

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

156 (b) By imprisonment for:

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

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

159

160 For the purposes of this subsection, only the instant offense is
161 required to be a violation of subsection (1) by a person who has
162 a blood-alcohol level or breath-alcohol level of 0.15 ~~0.20~~ or
163 higher.

164 (c) In addition to the penalties in paragraphs (a) and
165 (b), the court shall order the mandatory placement, at the
166 convicted person's sole expense, of an ignition interlock device
167 approved by the department in accordance with s. 316.1938 upon
168 all vehicles that are individually or jointly leased or owned
169 and routinely operated by the convicted person for not less than
170 ~~up to~~ 6 continuous months for the first offense and for not less
171 ~~than at least~~ 2 continuous years for a second offense, when the
172 convicted person qualifies for a permanent or restricted
173 license. ~~The installation of such device may not occur before~~
174 ~~July 1, 2003.~~

175 Section 6. Subsection (1) of section 316.1937, Florida
176 Statutes, is amended to read:

177 316.1937 Ignition interlock devices, requiring; unlawful
178 acts.--

179 (1) In addition to any other authorized penalties, the
180 court may require that any person who is convicted of driving
181 under the influence in violation of s. 316.193 shall not operate

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182 a motor vehicle unless that vehicle is equipped with a
183 functioning ignition interlock device certified by the
184 department as provided in s. 316.1938, and installed in such a
185 manner that the vehicle will not start if the operator's blood
186 alcohol level is in excess of 0.05 percent or as otherwise
187 specified by the court. The court may require the use of an
188 approved ignition interlock device for a period of not less than
189 6 continuous months, if the person is permitted to operate a
190 motor vehicle, whether or not the privilege to operate a motor
191 vehicle is restricted, as determined by the court. The court,
192 however, shall order placement of an ignition interlock device
193 in those circumstances required by s. 316.193.

194 Section 7. Subsection (2) of section 316.251, Florida
195 Statutes, is amended to read:

196 316.251 Maximum bumper heights.--

197 (2) "New motor vehicles" as defined in s. 319.001(9)~~(8)~~,
198 "antique automobiles" as defined in s. 320.08, "horseless
199 carriages" as defined in s. 320.086, and "street rods" as
200 defined in s. 320.0863 shall be excluded from the requirements
201 of this section.

202 Section 8. Paragraph (b) of subsection (1) and subsections
203 (6) and (8) of section 316.302, Florida Statutes, are amended to
204 read:

205 316.302 Commercial motor vehicles; safety regulations;
206 transporters and shippers of hazardous materials; enforcement.--

207 (1)

208 (b) Except as otherwise provided in this section, all
209 owners or drivers of commercial motor vehicles that are engaged

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210 in intrastate commerce are subject to the rules and regulations
211 contained in 49 C.F.R. parts 382, 385, and 390-397, with the
212 exception of 49 C.F.R. s. 390.5 as it relates to the definition
213 of bus, as such rules and regulations existed on October 1, 2007
214 ~~2005~~.

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

221 (8) For the purpose of enforcing this section, any law
222 enforcement officer of the Department of Transportation or duly
223 appointed agent who holds a current safety inspector
224 certification from the Commercial Vehicle Safety Alliance may
225 require the driver of any commercial vehicle operated on the
226 highways of this state to stop and submit to an inspection of
227 the vehicle or the driver's records. If the vehicle or driver is
228 found to be operating in an unsafe condition, or if any required
229 part or equipment is not present or is not in proper repair or
230 adjustment, and the continued operation would present an unduly
231 hazardous operating condition, the officer may require the
232 vehicle or the driver to be removed from service pursuant to the
233 North American Standard ~~Uniform~~ Out-of-Service Criteria, until
234 corrected. However, if continuous operation would not present an
235 unduly hazardous operating condition, the officer may give
236 written notice requiring correction of the condition within 14
237 days.

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238 (a) Any member of the Florida Highway Patrol or any law
239 enforcement officer employed by a sheriff's office or municipal
240 police department authorized to enforce the traffic laws of this
241 state pursuant to s. 316.640 who has reason to believe that a
242 vehicle or driver is operating in an unsafe condition may, as
243 provided in subsection (10), enforce the provisions of this
244 section.

245 (b) Any person who fails to comply with an officer's
246 request to submit to an inspection under this subsection commits
247 a violation of s. 843.02 if the person resists the officer
248 without violence or a violation of s. 843.01 if the person
249 resists the officer with violence.

250 Section 9. Subsection (2) of section 316.613, Florida
251 Statutes, is amended to read:

252 316.613 Child restraint requirements.--

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

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

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

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

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

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

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266 Section 10. Paragraph (a) of subsection (3) of section
267 316.614, Florida Statutes, is amended to read:

268 316.614 Safety belt usage.--

269 (3) As used in this section:

270 (a) "Motor vehicle" means a motor vehicle as defined in s.
271 316.003 which ~~that~~ is operated on the roadways, streets, and
272 highways of this state. The term does not include:

273 1. A school bus.

274 2. A bus used for the transportation of persons for
275 compensation.

276 3. A farm tractor or implement of husbandry.

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

279 5. A motorcycle, moped, or bicycle.

280 Section 11. Section 316.645, Florida Statutes, is amended
281 to read:

282 316.645 Arrest authority of officer at scene of a traffic
283 crash.--A police officer who makes an investigation at the scene
284 of a traffic crash may arrest any driver of a vehicle involved
285 in the crash when, based upon personal investigation, the
286 officer has reasonable and probable grounds to believe that the
287 person has committed any offense under the provisions of this
288 chapter, chapter 320, or chapter 322 in connection with the
289 crash.

290 Section 12. Subsections (1), (3), (4), (5), (6), and (7)
291 of section 316.650, Florida Statutes, are amended to read:

292 316.650 Traffic citations.--

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293 (1) (a) The department shall prepare, and supply to every
294 traffic enforcement agency in this state, an appropriate form
295 traffic citation that contains ~~containing~~ a notice to appear, is
296 ~~(which shall be issued in prenumbered books, meets with~~
297 ~~citations in quintuplicate) and meeting~~ the requirements of this
298 chapter or any laws of this state regulating traffic, and is
299 ~~which form shall be~~ consistent with the state traffic court
300 rules and the procedures established by the department. The form
301 shall include a box that ~~which~~ is to be checked by the law
302 enforcement officer when the officer believes that the traffic
303 violation or crash was due to aggressive careless driving as
304 defined in s. 316.1923. The form shall also include a box that
305 ~~which~~ is to be checked by the law enforcement officer when the
306 officer writes a uniform traffic citation for a violation of s.
307 316.074(1) or s. 316.075(1)(c)1. as a result of the driver
308 failing to stop at a traffic signal.

309 (b) The department shall prepare, and supply to every
310 traffic enforcement agency in the state, an appropriate
311 affidavit-of-compliance form that ~~which~~ shall be issued along
312 with the form traffic citation for any violation of s. 316.610
313 and that indicates ~~which shall indicate~~ the specific defect
314 needing ~~which needs~~ to be corrected. However, such affidavit of
315 compliance shall not be issued in the case of a violation of s.
316 316.610 by a commercial motor vehicle as defined in s.
317 316.003(66). Such affidavit-of-compliance form shall be
318 distributed in the same manner and to the same parties as is the
319 form traffic citation.

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320 (c) Notwithstanding paragraphs (a) and (b), a traffic
321 enforcement agency may produce uniform traffic citations by
322 electronic means. Such citations must be consistent with the
323 state traffic court rules and the procedures established by the
324 department and, must be appropriately numbered and inventoried,
325 ~~and may have fewer copies than the quintuplicate form.~~
326 Affidavit-of-compliance forms may also be produced by electronic
327 means.

328 (d) The department must distribute to every traffic
329 enforcement agency and to any others who request it, a traffic
330 infraction reference guide describing the class of the traffic
331 infraction, the penalty for the infraction, the points to be
332 assessed on a driver's record license, and any other information
333 necessary to describe a violation and the penalties therefor.

334 (3) (a) Except for a traffic citation issued pursuant to s.
335 316.1001, each traffic enforcement officer, upon issuing a
336 traffic citation to an alleged violator of any provision of the
337 motor vehicle laws of this state or of any traffic ordinance of
338 any municipality ~~city~~ or town, shall deposit the original ~~and~~
339 ~~one copy of such~~ traffic citation or, in the case of a traffic
340 enforcement agency that ~~which~~ has an automated citation issuance
341 system, the chief administrative officer shall provide by an
342 electronic transmission a replica of the citation data to
343 ~~facsimile with~~ a court having jurisdiction over the alleged
344 offense or with its traffic violations bureau within 5 days
345 after issuance to the violator.

346 (b) If a traffic citation is issued pursuant to s.
347 316.1001, a traffic enforcement officer may deposit the original

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348 ~~and one copy of such~~ traffic citation or, in the case of a
349 traffic enforcement agency that has an automated citation
350 system, may provide by an electronic transmission a replica of
351 the citation data to ~~facsimile with~~ a court having jurisdiction
352 over the alleged offense or with its traffic violations bureau
353 within 45 days after the date of issuance of the citation to the
354 violator. If the person cited for the violation of s. 316.1001
355 makes the election provided by s. 318.14(12) and pays the \$25
356 fine, or such other amount as imposed by the governmental entity
357 owning the applicable toll facility, plus the amount of the
358 unpaid toll that is shown on the traffic citation directly to
359 the governmental entity that issued the citation, or on whose
360 behalf the citation was issued, in accordance with s.
361 318.14(12), the traffic citation will not be submitted to the
362 court, the disposition will be reported to the department by the
363 governmental entity that issued the citation, or on whose behalf
364 the citation was issued, and no points will be assessed against
365 the person's driver's license.

366 (4) The chief administrative officer of every traffic
367 enforcement agency shall require the return to him or her ~~of~~ the
368 officer-agency department record copy of every traffic citation
369 issued by an officer under the chief administrative officer's
370 supervision to an alleged violator of any traffic law or
371 ordinance and ~~of~~ all copies of every traffic citation that ~~which~~
372 has been spoiled or upon which any entry has been made and not
373 issued to an alleged violator. In the case of a traffic
374 enforcement agency that ~~which~~ has an automated citation issuance

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375 system, the chief administrative officer shall require the
376 return of all electronic traffic citation records.

377 (5) Upon the deposit of the original ~~and one copy of such~~
378 traffic citation or upon ~~deposit of~~ an electronic transmission
379 of a replica of citation data facsimile of the traffic citation
380 with respect to traffic enforcement agencies that ~~which~~ have an
381 automated citation issuance system with a court having
382 jurisdiction over the alleged offense or with its traffic
383 violations bureau ~~as aforesaid~~, the original citation, the
384 electronic citation containing a replica of citation data
385 ~~facsimile~~, or a copy of such traffic citation may be disposed of
386 only by trial in the court or other official action by a judge
387 of the court, including forfeiture of the bail, or by the
388 deposit of sufficient bail with, or payment of a fine to, the
389 traffic violations bureau by the person to whom such traffic
390 citation has been issued by the traffic enforcement officer.

391 (6) The chief administrative officer shall transmit, on a
392 form approved by the department, ~~the department record copy of~~
393 ~~the uniform traffic citation to the department~~ within 5 days
394 after submission of the original, groups of issued citations and
395 ~~one copy to the court, or citation and transmittal data to the~~
396 court. Batches of electronic citations containing a replica of
397 citation data may be transmitted to the court department in an
398 electronic automated fashion, in a format form prescribed by the
399 department within 5 days after issuance to the violator. A copy
400 ~~of such transmittal shall also be provided to the court having~~
401 ~~jurisdiction for accountability purposes.~~

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402 (7) The chief administrative officer shall also maintain
403 or cause to be maintained in connection with every traffic
404 citation issued by an officer under his or her supervision a
405 record of the disposition of the charge by the court or its
406 traffic violations bureau in which the original or copy of the
407 traffic citation or electronic citation was deposited.

408 Section 13. Paragraph (a) of subsection (2) of section
409 316.656, Florida Statutes, is amended to read:

410 316.656 Mandatory adjudication; prohibition against
411 accepting plea to lesser included offense.--

412 (2)(a) No trial judge may accept a plea of guilty to a
413 lesser offense from a person charged under the provisions of
414 this act who has been given a breath or blood test to determine
415 blood or breath alcohol content, the results of which show a
416 blood or breath alcohol content by weight of 0.15 ~~0.20~~ percent
417 or more.

418 Section 14. Subsection (9) of section 318.14, Florida
419 Statutes, is amended to read:

420 318.14 Noncriminal traffic infractions; exception;
421 procedures.--

422 (9) Any person who does not hold a commercial driver's
423 license and who is cited for an infraction under this section
424 other than a violation of s. 316.183(2), s. 316.187, or s.
425 316.189 when the driver exceeds the posted limit by 30 miles per
426 hour or more, s. 320.0605, s. 320.07(3)(a) or (b), s. 322.065,
427 s. 322.15(1), s. 322.61, or s. 322.62 may, in lieu of a court
428 appearance, elect to attend in the location of his or her choice
429 within this state a basic driver improvement course approved by

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430 the Department of Highway Safety and Motor Vehicles. In such a
431 case, adjudication must be withheld; points, as provided by s.
432 322.27, may not be assessed; and the civil penalty that is
433 imposed by s. 318.18(3) must be reduced by 18 percent; however,
434 a person may not make an election under this subsection if the
435 person has made an election under this subsection in the
436 preceding 12 months. A person may make no more than five
437 elections within 10 years under this subsection. The requirement
438 for community service under s. 318.18(8) is not waived by a plea
439 of nolo contendere or by the withholding of adjudication of
440 guilt by a court.

441 Section 15. Subsections (1) through (11) of section
442 319.001, Florida Statutes, are renumbered as subsections (2)
443 through (12), respectively, and a new subsection (1) is added to
444 that section to read:

445 319.001 Definitions.--As used in this chapter, the term:

446 (1) "Certificate of title" means the record that is
447 evidence of ownership of a vehicle, whether a paper certificate
448 authorized by the department or a certificate consisting of
449 information that is stored in an electronic form in the
450 department's database.

451 Section 16. Subsection (27) of section 320.01, Florida
452 Statutes, is amended to read:

453 320.01 Definitions, general.--As used in the Florida
454 Statutes, except as otherwise provided, the term:

455 (27) "Motorcycle" means any motor vehicle having a seat or
456 saddle for the use of the rider and designed to travel on not
457 more than three wheels in contact with the ground, but excluding

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458 a tractor, ~~or~~ a moped, or a vehicle in which the operator is
459 enclosed by a cabin.

460 Section 17. Effective July 1, 2008, subsection (1) of
461 section 320.02, Florida Statutes, as amended by section 28 of
462 chapter 2006-290, Laws of Florida, is amended to read:

463 320.02 Registration required; application for
464 registration; forms.--

465 (1) Except as otherwise provided in this chapter, every
466 owner or person in charge of a motor vehicle that is operated or
467 driven on the roads of this state shall register the vehicle in
468 this state. The owner or person in charge shall apply to the
469 department or to its authorized agent for registration of each
470 such vehicle on a form prescribed by the department. ~~Prior to~~
471 ~~the original registration of a motorcycle, motor driven cycle,~~
472 ~~or moped, the owner, if a natural person, must present proof~~
473 ~~that he or she has a valid motorcycle endorsement as required in~~
474 ~~chapter 322.~~ A registration is not required for any motor
475 vehicle that is not operated on the roads of this state during
476 the registration period.

477 Section 18. Subsection (13) of section 320.02, Florida
478 Statutes, is repealed.

479 Section 19. Section 320.0706, Florida Statutes, is amended
480 to read:

481 320.0706 Display of license plates on trucks.--The owner
482 of any commercial truck of gross vehicle weight of 26,001 pounds
483 or more shall display the registration license plate on both the
484 front and rear of the truck in conformance with all the
485 requirements of s. 316.605 that do not conflict with this

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486 section. The owner of a dump truck may place the rear license
487 plate on the gate no higher than 60 inches to allow for better
488 visibility. However, the owner of a truck tractor shall be
489 required to display the registration license plate only on the
490 front of such vehicle. A violation of this section is a
491 noncriminal traffic infraction, punishable as a moving violation
492 as provided in chapter 318.

493 Section 20. Subsection (4) of section 320.0715, Florida
494 Statutes, is amended to read:

495 320.0715 International Registration Plan; motor carrier
496 services; permits; retention of records.--

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

501 (a) The department shall withhold registrations and
502 license plates for commercial motor vehicles unless the
503 identifying number issued by the federal agency responsible for
504 motor carrier safety is provided for the motor carrier and the
505 entity responsible for motor carrier safety for each motor
506 vehicle as part of the application process.

507 (b) The department may not issue a commercial motor
508 vehicle registration or license plate to, and may not transfer
509 the commercial motor vehicle registration or license plate for,
510 a motor carrier or vehicle owner who has been prohibited from
511 operating by a federal or state agency responsible for motor
512 carrier safety.

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513 (c) The department, with notice, shall suspend any
514 commercial motor vehicle registration and license plate issued
515 to a motor carrier or vehicle owner who has been prohibited from
516 operating by a federal or state agency responsible for motor
517 carrier safety.

518 Section 21. Subsection (3) of section 320.08053, Florida
519 Statutes, is amended to read:

520 320.08053 Requirements for requests to establish specialty
521 license plates.--

522 ~~(3) The department shall adopt rules providing viewpoint-~~
523 ~~neutral specifications for the design of specialty license~~
524 ~~plates that promote or enhance the readability of all specialty~~
525 ~~license plates and that discourage counterfeiting. The rules~~
526 ~~shall provide uniform specifications requiring inclusion of the~~
527 ~~word "Florida" in the same location on each specialty license~~
528 ~~plate, in such a size and location that is clearly identifiable~~
529 ~~on the specialty license plate when mounted on a vehicle, and~~
530 ~~shall provide specifications for the size and location of any~~
531 ~~words or logos appearing on a specialty license plate.~~

532 Section 22. Paragraph (a) of subsection (4) of section
533 320.0894, Florida Statutes, is amended to read:

534 320.0894 Motor vehicle license plates to Gold Star family
535 members.--The department shall develop a special license plate
536 honoring the family members of servicemembers who have been
537 killed while serving in the Armed Forces of the United States.
538 The license plate shall be officially designated as the Gold
539 Star license plate and shall be developed and issued as provided
540 in this section.

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

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

549 2. To qualify for issuance of a Gold Star license plate,
550 the applicant must be directly related to a fallen servicemember
551 as spouse, legal mother or father, or stepparent who is
552 currently married to the mother or father of the fallen
553 servicemember.

554 3. A servicemember is deemed to have been killed while in
555 service as listed by the United States Department of Defense and
556 may be verified from documentation directly from the Department
557 of Defense or from its subordinate agencies, such as the Coast
558 Guard, Reserve, or National Guard.

559 Section 23. Effective upon this act becoming a law,
560 subsections (4) and (8) of section 320.131, Florida Statutes,
561 are amended, and subsection (9) is added to that section, to
562 read:

563 320.131 Temporary tags.--

564 (4) (a) Temporary tags shall be conspicuously displayed in
565 the rear license plate bracket or, ~~attached to the inside of the~~
566 ~~rear window in an upright position so as to be clearly visible~~
567 ~~from the rear of the vehicle.~~ on vehicles requiring front
568 display of license plates, ~~temporary tags shall be displayed on~~

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569 the front of the vehicle in the location where the metal license
570 plate would normally be displayed.

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

577 (8) The department shall ~~may~~ administer an electronic
578 system for licensed motor vehicle dealers to use for ~~in~~ issuing
579 temporary tags ~~license plates~~. ~~Upon issuing a temporary license~~
580 ~~plate, the dealer shall access the electronic system and enter~~
581 ~~the appropriate vehicle and owner information within the~~
582 ~~timeframe specified by department rule.~~ If a dealer fails to
583 comply with the department's requirements for issuing temporary
584 tags ~~license plates~~ using the electronic system, the department
585 may deny, suspend, or revoke a license under s. 320.27(9)(b)16.
586 upon proof that the licensee has failed to comply with the
587 department's requirements. The department may adopt rules to
588 administer this section.

589 (9)(a) The department shall implement a secure print-on-
590 demand electronic temporary tag registration, record retention,
591 and issue system required for use by every department-authorized
592 issuer of temporary tags by the end of the 2007-2008 fiscal
593 year. Such system shall enable the department to issue, on
594 demand, a temporary tag number in response to a request from the
595 issuer by way of a secure electronic exchange of data and enable
596 the issuer to print the temporary tag that has all required

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597 information. A motor vehicle dealer licensed under this chapter
598 may charge a fee to comply with this subsection.

599 (b) To ensure the continuation of operations for issuers
600 if a system outage occurs, the department shall allow the
601 limited use of a backup manual issuance method during an outage
602 which requires recordkeeping of information as determined by the
603 department and requires the timely electronic reporting of this
604 information to the department.

605 (c) The department may adopt rules necessary to administer
606 this subsection. Such rules may include exemptions from the
607 requirements of this subsection as required to administer the
608 program, as well as exemptions for issuers who do not require a
609 dealer license under this chapter because of the type or size of
610 vehicle being sold.

611 Section 24. Subsection (3) and paragraph (b) of subsection
612 (9) of section 320.27, Florida Statutes, is amended to read:

613 320.27 Motor vehicle dealers.--

614 (3) APPLICATION AND FEE.--The application for the license
615 shall be in such form as may be prescribed by the department and
616 shall be subject to such rules with respect thereto as may be so
617 prescribed by it. Such application shall be verified by oath or
618 affirmation and shall contain a full statement of the name and
619 birth date of the person or persons applying therefor; the name
620 of the firm or copartnership, with the names and places of
621 residence of all members thereof, if such applicant is a firm or
622 copartnership; the names and places of residence of the
623 principal officers, if the applicant is a body corporate or
624 other artificial body; the name of the state under whose laws

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625 the corporation is organized; the present and former place or
626 places of residence of the applicant; and prior business in
627 which the applicant has been engaged and the location thereof.
628 Such application shall describe the exact location of the place
629 of business and shall state whether the place of business is
630 owned by the applicant and when acquired, or, if leased, a true
631 copy of the lease shall be attached to the application. The
632 applicant shall certify that the location provides an adequately
633 equipped office and is not a residence; that the location
634 affords sufficient unoccupied space upon and within which
635 adequately to store all motor vehicles offered and displayed for
636 sale; and that the location is a suitable place where the
637 applicant can in good faith carry on such business and keep and
638 maintain books, records, and files necessary to conduct such
639 business, which will be available at all reasonable hours to
640 inspection by the department or any of its inspectors or other
641 employees. The applicant shall certify that the business of a
642 motor vehicle dealer is the principal business which shall be
643 conducted at that location. Such application shall contain a
644 statement that the applicant is either franchised by a
645 manufacturer of motor vehicles, in which case the name of each
646 motor vehicle that the applicant is franchised to sell shall be
647 included, or an independent (nonfranchised) motor vehicle
648 dealer. Such application shall contain such other relevant
649 information as may be required by the department, including
650 evidence that the applicant is insured under a garage liability
651 insurance policy or a general liability insurance policy coupled
652 with a business automobile policy, which shall include, at a

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653 minimum, \$25,000 combined single-limit liability coverage
654 including bodily injury and property damage protection and
655 \$10,000 personal injury protection. Franchise dealers must
656 submit a garage liability insurance policy, and all other
657 dealers must submit a garage liability insurance policy or a
658 general liability insurance policy coupled with a business
659 automobile policy. Such policy shall be for the license period,
660 and evidence of a new or continued policy shall be delivered to
661 the department at the beginning of each license period. Upon
662 making ~~such~~ initial application, the applicant ~~person applying~~
663 ~~therefor~~ shall pay to the department a fee of \$300 in addition
664 to any other fees now required by law; upon making a subsequent
665 renewal application, the applicant ~~person applying therefor~~
666 shall pay to the department a fee of \$75 in addition to any
667 other fees now required by law. Upon making an application for a
668 change of location, the person shall pay a fee of \$50 in
669 addition to any other fees now required by law. The department
670 shall, in the case of every application for initial licensure,
671 verify whether certain facts set forth in the application are
672 true. Each applicant, general partner in the case of a
673 partnership, or corporate officer and director in the case of a
674 corporate applicant, must file a set of fingerprints with the
675 department for the purpose of determining any prior criminal
676 record or any outstanding warrants. The department shall submit
677 the fingerprints to the Department of Law Enforcement for state
678 processing and forwarding to the Federal Bureau of Investigation
679 for federal processing. The actual cost of ~~such~~ state and
680 federal processing shall be borne by the applicant and is ~~to be~~

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681 in addition to the fee for licensure. The department may issue a
682 license to an applicant pending the results of the fingerprint
683 investigation, which license is fully revocable if the
684 department subsequently determines that any facts set forth in
685 the application are not true or correctly represented.

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

687 (b) The department may deny, suspend, or revoke any
688 license issued hereunder or under the provisions of s. 320.77 or
689 s. 320.771 upon proof that a licensee has committed, with
690 sufficient frequency so as to establish a pattern of wrongdoing
691 on the part of a licensee, violations of one or more of the
692 following activities:

693 1. Representation that a demonstrator is a new motor
694 vehicle, or the attempt to sell or the sale of a demonstrator as
695 a new motor vehicle without written notice to the purchaser that
696 the vehicle is a demonstrator. For the purposes of this section,
697 a "demonstrator," a "new motor vehicle," and a "used motor
698 vehicle" shall be defined as under s. 320.60.

699 2. Unjustifiable refusal to comply with a licensee's
700 responsibility under the terms of the new motor vehicle warranty
701 issued by its respective manufacturer, distributor, or importer.
702 However, if such refusal is at the direction of the
703 manufacturer, distributor, or importer, such refusal shall not
704 be a ground under this section.

705 3. Misrepresentation or false, deceptive, or misleading
706 statements with regard to the sale or financing of motor
707 vehicles which any motor vehicle dealer has, or causes to have,
708 advertised, printed, displayed, published, distributed,

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709 broadcast, televised, or made in any manner with regard to the
710 sale or financing of motor vehicles.

711 4. Failure by any motor vehicle dealer to provide a
712 customer or purchaser with an odometer disclosure statement and
713 a copy of any bona fide written, executed sales contract or
714 agreement of purchase connected with the purchase of the motor
715 vehicle purchased by the customer or purchaser.

716 5. Failure of any motor vehicle dealer to comply with the
717 terms of any bona fide written, executed agreement, pursuant to
718 the sale of a motor vehicle.

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

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

723 8. Failure to continually meet the requirements of the
724 licensure law.

725 9. Representation to a customer or any advertisement to
726 the public representing or suggesting that a motor vehicle is a
727 new motor vehicle if such vehicle lawfully cannot be titled in
728 the name of the customer or other member of the public by the
729 seller using a manufacturer's statement of origin as permitted
730 in s. 319.23(1).

731 10. Requirement by any motor vehicle dealer that a
732 customer or purchaser accept equipment on his or her motor
733 vehicle which was not ordered by the customer or purchaser.

734 11. Requirement by any motor vehicle dealer that any
735 customer or purchaser finance a motor vehicle with a specific
736 financial institution or company.

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737 12. Requirement by any motor vehicle dealer that the
738 purchaser of a motor vehicle contract with the dealer for
739 physical damage insurance.

740 13. Perpetration of a fraud upon any person as a result of
741 dealing in motor vehicles, including, without limitation, the
742 misrepresentation to any person by the licensee of the
743 licensee's relationship to any manufacturer, importer, or
744 distributor.

745 14. Violation of any of the provisions of s. 319.35 by any
746 motor vehicle dealer.

747 15. Sale by a motor vehicle dealer of a vehicle offered in
748 trade by a customer prior to consummation of the sale, exchange,
749 or transfer of a newly acquired vehicle to the customer, unless
750 the customer provides written authorization for the sale of the
751 trade-in vehicle prior to delivery of the newly acquired
752 vehicle.

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

755 17. Violation of chapter 319, this chapter, or ss.
756 559.901-559.9221, which has to do with dealing in or repairing
757 motor vehicles or mobile homes. Additionally, in the case of
758 used motor vehicles, the willful violation of the federal law
759 and rule in 15 U.S.C. s. 2304, 16 C.F.R. part 455, pertaining to
760 the consumer sales window form.

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

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

766 Section 25. Section 320.96, Florida Statutes, is repealed.

767 Section 26. Subsections (10) through (44) of section
768 322.01, Florida Statutes, are renumbered as subsections (11)
769 through (45), respectively, present subsections (10), (23), and
770 (29) are amended, and a new subsection (10) is added to that
771 section, to read:

772 322.01 Definitions.--As used in this chapter:

773 (10) "Convenience service" means any means whereby an
774 individual conducts a transaction with the department other than
775 in person.

776 (11)-(10)(a) "Conviction" means a conviction of an offense
777 relating to the operation of motor vehicles on highways which is
778 a violation of this chapter or any other such law of this state
779 or any other state, including an admission or determination of a
780 noncriminal traffic infraction pursuant to s. 318.14, or a
781 judicial disposition of an offense committed under any federal
782 law substantially conforming to the aforesaid state statutory
783 provisions.

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

788 (24)-(23) "Hazardous materials" means any material that has
789 been designated as hazardous under 49 U.S.C. s. 5103 and is
790 required to be placarded under subpart F of 49 C.F.R. part 172
791 or any quantity of a material listed as a select agent or toxin

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792 ~~in 42 C.F.R. part 73 has the meaning such term has under s. 103~~
793 ~~of the Hazardous Materials Transportation Act.~~

794 ~~(30)-(29)~~ "Out-of-service order" means a prohibition issued
795 by an authorized local, state, or Federal Government official
796 which precludes a person from driving a commercial motor vehicle
797 ~~for a period of 72 hours or less.~~

798 Section 27. Subsections (1) and (2) of section 322.051,
799 Florida Statutes, are amended to read:

800 322.051 Identification cards.--

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

806 (a) Each such application shall include the following
807 information regarding the applicant:

808 1. Full name (first, middle or maiden, and last), gender,
809 proof of social security card number satisfactory to the
810 department, county of residence, and mailing address, proof of
811 residential address satisfactory to the department, country of
812 birth, and a brief description.

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

814 3. Proof of identity satisfactory to the department. Such
815 proof must include one of the following documents issued to the
816 applicant:

817 a. A driver's license record or identification card record
818 from another jurisdiction that required the applicant to submit
819 a document for identification which is substantially similar to

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820 a document required under sub-subparagraph b., sub-subparagraph
821 c., sub-subparagraph d., sub-subparagraph e., sub-subparagraph
822 f., ~~or~~ sub-subparagraph g., or sub-subparagraph h.;

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

824 c. A valid, unexpired United States passport;

825 d. A naturalization certificate issued by the United
826 States Department of Homeland Security;

827 e. A valid, unexpired ~~An~~ alien registration receipt card
828 (green card);

829 f. A Consular Report of Birth Abroad provided by the
830 United States Department of State;

831 ~~g.f.~~ An unexpired employment authorization card issued by
832 the United States Department of Homeland Security; or

833 ~~h.g.~~ Proof of nonimmigrant classification provided by the
834 United States Department of Homeland Security, for an original
835 identification card. In order to prove such nonimmigrant
836 classification, applicants may produce but are not limited to
837 the following documents:

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

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

842 (III) Notice of the approval of an application for
843 adjustment of status issued by the United States Bureau of
844 Citizenship and Immigration Services.

845 (IV) Any official documentation confirming the filing of a
846 petition for asylum or refugee status or any other relief issued

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847 by the United States Bureau of Citizenship and Immigration
848 Services.

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

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

855 (VII) Evidence that an application is pending for
856 adjustment of status to that of an alien lawfully admitted for
857 permanent residence in the United States or conditional
858 permanent resident status in the United States, if a visa number
859 is available having a current priority date for processing by
860 the United States Bureau of Citizenship and Immigration
861 Services.

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

866
867 Presentation of any of the documents described in sub-
868 subparagraph g. ~~f.~~ or sub-subparagraph h. ~~g.~~ entitles the
869 applicant to an identification card for a period not to exceed
870 the expiration date of the document presented or 1 year,
871 whichever first occurs.

872 (b) An application for an identification card must be
873 signed and verified by the applicant in a format designated by
874 the department before a person authorized to administer oaths

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875 ~~and payment of the applicable fee pursuant to s. 322.21. The fee~~
876 ~~for an identification card is \$3, including payment for the~~
877 ~~color photograph or digital image of the applicant.~~

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

880 (2) (a) Every identification card:

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

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

887
888 Renewal of an identification card shall be made for the
889 applicable term enumerated in this paragraph. However, if an
890 individual is 60 years of age or older, and has an
891 identification card issued under this section, the card shall
892 not expire unless done so by cancellation by the department or
893 by the death of the cardholder. Renewal of any identification
894 card shall be made for a term which shall expire on the fourth
895 birthday of the applicant following expiration of the
896 identification card renewed, unless surrendered earlier. Any
897 application for renewal received later than 90 days after
898 expiration of the identification card shall be considered the
899 same as an application for an original identification card. The
900 renewal fee for an identification card shall be \$10, of which \$4
901 shall be deposited into the General Revenue Fund and \$6 into the
902 Highway Safety Operating Trust Fund. The department shall, at

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903 ~~the end of 4 years and 6 months after the issuance or renewal of~~
904 ~~an identification card, destroy any record of the card if it has~~
905 ~~expired and has not been renewed, unless the cardholder is 60~~
906 ~~years of age or older.~~

907 (b) Notwithstanding any other provision of this chapter,
908 if an applicant establishes his or her identity for an
909 identification card using a document authorized under sub-
910 subparagraph (1)(a)3.e., the identification card shall expire on
911 the eighth ~~fourth~~ birthday of the applicant following the date
912 of original issue or upon first renewal or duplicate issued
913 after implementation of this section. After an initial showing
914 of such documentation, he or she is exempted from having to
915 renew or obtain a duplicate in person.

916 (c) Notwithstanding any other provisions of this chapter,
917 if an applicant establishes his or her identity for an
918 identification card using an identification document authorized
919 under sub-subparagraph (1)(a)3.g. ~~(1)(a)3.f.~~ or sub-subparagraph
920 (1)(a)3.h. ~~(1)(a)3.g.~~, the identification card shall expire 1
921 year ~~2 years~~ after the date of issuance or upon the expiration
922 date cited on the United States Department of Homeland Security
923 documents, whichever date first occurs, and may not be renewed
924 or obtain a duplicate except in person.

925 Section 28. Subsections (1), (2), and (6) of section
926 322.08, Florida Statutes, are amended to read:

927 322.08 Application for license.--

928 (1) Each application for a driver's license shall be made
929 in a format designated by the department and sworn to or

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930 affirmed by the applicant as to the truth of the statements made
931 in the application.

932 (2) Each such application shall include the following
933 information regarding the applicant:

934 (a) Full name (first, middle or maiden, and last), gender,
935 proof of social security card number satisfactory to the
936 department, county of residence, and mailing address, proof of
937 residential address satisfactory to the department, country of
938 birth, and a brief description.

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

940 (c) Proof of identity satisfactory to the department. Such
941 proof must include one of the following documents issued to the
942 applicant:

943 1. A driver's license record or identification card record
944 from another jurisdiction that required the applicant to submit
945 a document for identification which is substantially similar to
946 a document required under subparagraph 2., subparagraph 3.,
947 subparagraph 4., subparagraph 5., subparagraph 6., ~~or~~
948 subparagraph 7., or subparagraph 8.;

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

950 3. A valid, unexpired United States passport;

951 4. A naturalization certificate issued by the United
952 States Department of Homeland Security;

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

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

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957 ~~7.6-~~ An unexpired employment authorization card issued by
958 the United States Department of Homeland Security; or

959 ~~8.7-~~ Proof of nonimmigrant classification provided by the
960 United States Department of Homeland Security, for an original
961 driver's license. In order to prove nonimmigrant classification,
962 an applicant may produce the following documents, including, but
963 not limited to:

964 a. A notice of hearing from an immigration court
965 scheduling a hearing on any proceeding.

966 b. A notice from the Board of Immigration Appeals
967 acknowledging pendency of an appeal.

968 c. A notice of the approval of an application for
969 adjustment of status issued by the United States Bureau of
970 Citizenship and Immigration Services.

971 d. Any official documentation confirming the filing of a
972 petition for asylum or refugee status or any other relief issued
973 by the United States Bureau of Citizenship and Immigration
974 Services.

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

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

981 g. Evidence that an application is pending for adjustment
982 of status to that of an alien lawfully admitted for permanent
983 residence in the United States or conditional permanent resident
984 status in the United States, if a visa number is available

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985 having a current priority date for processing by the United
986 States Bureau of Citizenship and Immigration Services.

987 h. On or after January 1, 2010, an unexpired foreign
988 passport with an unexpired United States Visa affixed,
989 accompanied by an approved I-94, documenting the most recent
990 admittance into the United States.

991
992 Presentation of any of the documents in subparagraph 7. ~~6.~~ or
993 subparagraph 8. ~~7.~~ entitles the applicant to a driver's license
994 or temporary permit for a period not to exceed the expiration
995 date of the document presented or 1 year, whichever occurs
996 first.

997 (d) Whether the applicant has previously been licensed to
998 drive, and, if so, when and by what state, and whether any such
999 license or driving privilege has ever been disqualified,
1000 revoked, or suspended, or whether an application has ever been
1001 refused, and, if so, the date of and reason for such
1002 disqualification, suspension, revocation, or refusal.

1003 (e) Each such application may include fingerprints and
1004 other unique biometric means of identity.

1005 (6) The application form for a driver's license or
1006 duplicate thereof shall include language permitting the
1007 following:

1008 ~~(a) A voluntary contribution of \$5 per applicant, which~~
1009 ~~contribution shall be transferred into the Election Campaign~~
1010 ~~Financing Trust Fund.~~

1011 (a)(b) A voluntary contribution of \$1 per applicant, which
1012 contribution shall be deposited into the Florida Organ and

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1013 Tissue Donor Education and Procurement Trust Fund for organ and
1014 tissue donor education and for maintaining the organ and tissue
1015 donor registry.

1016 (b)~~(e)~~ A voluntary contribution of \$1 per applicant, which
1017 contribution shall be distributed to the Florida Council of the
1018 Blind.

1019 (c)~~(d)~~ A voluntary contribution of \$2 per applicant, which
1020 shall be distributed to the Hearing Research Institute,
1021 Incorporated.

1022 (d)~~(e)~~ A voluntary contribution of \$1 per applicant, which
1023 shall be distributed to the Juvenile Diabetes Foundation
1024 International.

1025 (e)~~(f)~~ A voluntary contribution of \$1 per applicant, which
1026 shall be distributed to the Children's Hearing Help Fund.

1027
1028 A statement providing an explanation of the purpose of the trust
1029 funds shall also be included. For the purpose of applying the
1030 service charge provided in s. 215.20, contributions received
1031 under paragraphs (b), (c), (d), and (e) ~~(e), (d), (e), and (f)~~
1032 and under s. 322.18(9)(a) are not income of a revenue nature.

1033 Section 29. Paragraph (a) of subsection (1) of section
1034 322.14, Florida Statutes, is amended to read:

1035 322.14 Licenses issued to drivers.--

1036 (1)(a) The department shall, upon successful completion of
1037 all required examinations and payment of the required fee, issue
1038 to every applicant qualifying therefor, a driver's license as
1039 applied for, which license shall bear thereon a color photograph
1040 or digital image of the licensee; the name of the state; a

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1041 distinguishing number assigned to the licensee; and the
1042 licensee's full name, date of birth, and residence ~~mailing~~
1043 address; a brief description of the licensee, including, but not
1044 limited to, the licensee's gender and height; and the dates of
1045 issuance and expiration of the license. A space shall be
1046 provided upon which the licensee shall affix his or her usual
1047 signature. No license shall be valid until it has been so signed
1048 by the licensee except that the signature of said licensee shall
1049 not be required if it appears thereon in facsimile or if the
1050 licensee is not present within the state at the time of
1051 issuance. Applicants qualifying to receive a Class A, Class B,
1052 or Class C driver's license must appear in person within the
1053 state for issuance of a color photographic or digital imaged
1054 driver's license pursuant to s. 322.142.

1055 Section 30. Section 322.15, Florida Statutes, is amended
1056 to read:

1057 322.15 License to be carried and exhibited on demand;
1058 fingerprint to be imprinted upon a citation.--

1059 (1) Every licensee shall have his or her driver's license,
1060 which must be fully legible with no portion of such license
1061 faded, altered, mutilated, or defaced, in his or her immediate
1062 possession at all times when operating a motor vehicle and shall
1063 display the same upon the demand of a law enforcement officer or
1064 an authorized representative of the department.

1065 (2) Upon the failure of any person to display a driver's
1066 license as required by subsection (1), the law enforcement
1067 officer or authorized representative of the department stopping
1068 the person shall require the person to imprint his or her

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1069 fingerprints fingerprint upon any citation issued by the officer
1070 or authorized representative, or the officer or authorized
1071 representative shall collect the fingerprints electronically.

1072 (3) In relation to violations of subsection (1) or s.
1073 322.03(5), persons who cannot supply proof of a valid driver's
1074 license for the reason that the license was suspended for
1075 failure to comply with that citation shall be issued a
1076 suspension clearance by the clerk of the court for that citation
1077 upon payment of the applicable penalty and fee for that
1078 citation. If proof of a valid driver's license is not provided
1079 to the clerk of the court within 30 days, the person's driver's
1080 license shall again be suspended for failure to comply.

1081 (4) A violation of subsection (1) is a noncriminal traffic
1082 infraction, punishable as a nonmoving violation as provided in
1083 chapter 318.

1084 Section 31. Section 322.17, Florida Statutes, is amended
1085 to read:

1086 322.17 Replacement licenses and permits ~~Duplicate and~~
1087 ~~replacement certificates.--~~

1088 (1) (a) In the event that an instruction permit or driver's
1089 license issued under the provisions of this chapter is lost or
1090 destroyed, the person to whom the same was issued may, upon
1091 payment of the appropriate fee pursuant to s. 322.21 \$10, obtain
1092 a replacement ~~duplicate, or substitute thereof~~, upon furnishing
1093 proof satisfactory to the department that such permit or license
1094 has been lost or destroyed, and further furnishing the full
1095 name, date of birth, sex, residence and mailing address, proof
1096 of birth satisfactory to the department, and proof of identity

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1097 satisfactory to the department. ~~Five dollars of the fee levied~~
1098 ~~in this paragraph shall go to the Highway Safety Operating Trust~~
1099 ~~Fund of the department.~~

1100 (b) In the event that an instruction permit or driver's
1101 license issued under the provisions of this chapter is stolen,
1102 the person to whom the same was issued may, at no charge, obtain
1103 a replacement ~~duplicate, or substitute thereof,~~ upon furnishing
1104 proof satisfactory to the department that such permit or license
1105 was stolen and further furnishing the full name, date of birth,
1106 sex, residence and mailing address, proof of birth satisfactory
1107 to the department, and proof of identity satisfactory to the
1108 department.

1109 (2) Upon the surrender of the original license and the
1110 payment of the appropriate fees pursuant to s. 322.21 ~~a \$10~~
1111 ~~replacement fee,~~ the department shall issue a replacement
1112 license to make a change in name, address, or restrictions. ~~Upon~~
1113 ~~written request by the licensee and notification of a change in~~
1114 ~~address, and the payment of a \$10 fee, the department shall~~
1115 ~~issue an address sticker which shall be affixed to the back of~~
1116 ~~the license by the licensee. Nine dollars of the fee levied in~~
1117 ~~this subsection shall go to the Highway Safety Operating Trust~~
1118 ~~Fund of the department.~~

1119 (3) Notwithstanding any other provisions of this chapter,
1120 if a licensee establishes his or her identity for a driver's
1121 license using an identification document authorized under s.
1122 322.08(2)(c) ~~7.6.~~ or ~~8.7.~~, the licensee may not obtain a
1123 duplicate or replacement instruction permit or driver's license

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1124 except in person and upon submission of an identification
1125 document authorized under s. 322.08(2)(c) ~~7.6-~~ or ~~8.7-~~

1126 Section 32. Subsections (2), (4), (5), (8), and (9) of
1127 section 322.18, Florida Statutes, are amended to read:

1128 322.18 Original applications, licenses, and renewals;
1129 expiration of licenses; delinquent licenses.--

1130 (2) Each applicant who is entitled to the issuance of a
1131 driver's license, as provided in this section, shall be issued a
1132 driver's license, as follows:

1133 (a) An applicant who has not attained 80 years of age
1134 applying for an original issuance shall be issued a driver's
1135 license that ~~which~~ expires at midnight on the licensee's
1136 birthday which next occurs on or after the eighth ~~sixth~~
1137 anniversary of the date of issue. An applicant who is at least
1138 80 years of age applying for an original issuance shall be
1139 issued a driver's license that expires at midnight on the
1140 licensee's birthday that next occurs on or after the sixth
1141 anniversary of the date of issue.

1142 (b) An applicant who has not attained 80 years of age
1143 applying for a renewal issuance ~~or renewal extension~~ shall be
1144 issued a driver's license that ~~or renewal extension sticker~~
1145 ~~which~~ expires at midnight on the licensee's birthday that ~~which~~
1146 next occurs 8 ~~4~~ years after the month of expiration of the
1147 license being renewed. An applicant who is at least 80 years of
1148 age applying for a renewal issuance shall be issued a driver's
1149 license that, ~~except that a driver whose driving record reflects~~
1150 ~~no convictions for the preceding 3 years shall be issued a~~
1151 ~~driver's license or renewal extension sticker which expires at~~

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1152 midnight on the licensee's birthday that ~~which~~ next occurs 6
1153 years after the month of expiration of the license being
1154 renewed.

1155 (c) Notwithstanding any other provision of this chapter,
1156 if an applicant establishes his or her identity for a driver's
1157 license using a document authorized under s. 322.08(2)(c)5., the
1158 driver's license shall expire in accordance with paragraph (b).
1159 After an initial showing of such documentation, he or she is
1160 exempted from having to renew or obtain a duplicate in person.

1161 (d) Notwithstanding any other provision of this chapter,
1162 if an applicant establishes his or her identity for a driver's
1163 license using a document authorized in s. 322.08(2)(c) ~~7.6-~~ or
1164 ~~8.7-~~, the driver's license shall expire 1 year ~~2 years~~ after the
1165 date of issuance or upon the expiration date cited on the United
1166 States Department of Homeland Security documents, whichever date
1167 first occurs.

1168 (e) Notwithstanding any other provision of this chapter,
1169 an applicant applying for an original or renewal issuance of a
1170 commercial driver's license as defined in s. 322.01(7), with a
1171 hazardous-materials endorsement, pursuant to s. 322.57(1)(e),
1172 shall be issued a driver's license that expires at midnight on
1173 the licensee's birthday that next occurs 4 years after the month
1174 of expiration of the license being issued or renewed.

1175 (4)(a) Except as otherwise provided in this chapter, all
1176 licenses shall be renewable every 8 ~~4~~ years ~~or 6 years,~~
1177 ~~depending upon the terms of issuance~~ and shall be issued or
1178 renewed ~~extended~~ upon application, payment of the fees required
1179 by s. 322.21, and successful passage of any required

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1180 examination, unless the department has reason to believe that
1181 the licensee is no longer qualified to receive a license.

1182 (b) Notwithstanding any other provision of this chapter,
1183 if an applicant establishes his or her identity for a driver's
1184 license using a document authorized under s. 322.08(2)(c)5., the
1185 license, upon an initial showing of such documentation, is
1186 exempted from having to renew or obtain a duplicate in person,
1187 unless the renewal or duplication coincides with the periodic
1188 reexamination of a driver as required pursuant to s. 322.121.

1189 (c) Notwithstanding any other provision of this chapter,
1190 if a licensee establishes his or her identity for a driver's
1191 license using an identification document authorized under s.
1192 322.08(2)(c)~~7.6.~~ or ~~8.7.~~, the licensee may not renew the
1193 driver's license except in person and upon submission of an
1194 identification document authorized under s. 322.08(2)(c)~~7.6.~~ or
1195 ~~8.7.~~ A driver's license renewed under this paragraph expires 1
1196 year ~~4 years~~ after the date of issuance or upon the expiration
1197 date cited on the United States Department of Homeland Security
1198 documents, whichever date first occurs.

1199 (5) All renewal driver's licenses may be issued after the
1200 applicant licensee has been determined to be eligible by the
1201 department.

1202 (a) A licensee who is otherwise eligible for renewal and
1203 who is at least 80 ~~over 79~~ years of age:

1204 1. Must submit to and pass a vision test administered at
1205 any driver's license office; or

1206 2. If the licensee applies for a renewal using a
1207 convenience service ~~an extension by mail~~ as provided in

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1208 subsection (8), he or she must submit to a vision test
1209 administered by a physician licensed under chapter 458 or
1210 chapter 459, or an optometrist licensed under chapter 463, must
1211 send the results of that test to the department on a form
1212 obtained from the department and signed by such health care
1213 practitioner, and must meet vision standards that are equivalent
1214 to the standards for passing the departmental vision test. The
1215 physician or optometrist may submit the results of a vision test
1216 by a department-approved electronic means.

1217 (b) A licensee who is at least 80 ~~over 79~~ years of age may
1218 not submit an application for renewal ~~extension~~ under subsection
1219 (8) by a convenience service ~~electronic or telephonic means~~,
1220 unless the results of a vision test have been electronically
1221 submitted in advance by the physician or optometrist.

1222 (8) The department shall issue 8-year renewals using a
1223 convenience service ~~4-year and 6-year license extensions by~~
1224 ~~mail, electronic, or telephonic means~~ without reexamination to
1225 drivers who have not attained 80 years of age. The department
1226 shall issue 6-year renewals using a convenience service when the
1227 applicant has satisfied the requirements of subsection (5).

1228 (a) If the department determines from its records that the
1229 holder of a license about to expire is eligible for renewal, the
1230 department shall mail a renewal notice to the licensee at his or
1231 her last known address, not less than 30 days prior to the
1232 licensee's birthday. The renewal notice shall direct the
1233 licensee to appear at a driver license office for in-person
1234 renewal or to transmit the completed renewal notice and the fees
1235 required by s. 322.21 to the department using a convenience

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1236 ~~service by mail, electronically, or telephonically within the 30~~
1237 ~~days preceding the licensee's birthday for a license extension.~~
1238 ~~License extensions shall not be available to drivers directed to~~
1239 ~~appear for in person renewal.~~

1240 (b) Upon receipt of a properly completed renewal notice,
1241 payment of the required fees, and upon determining that the
1242 licensee is still eligible for renewal, the department shall
1243 send a new license extension sticker to the licensee ~~to affix to~~
1244 ~~the expiring license~~ as evidence that the license term has been
1245 extended.

1246 (c) The department shall issue one renewal using a
1247 convenience service license extensions for two consecutive
1248 license expirations only. ~~Upon expiration of two consecutive~~
1249 ~~license extension periods, in person renewal with reexamination~~
1250 ~~as provided in s. 322.121 shall be required.~~ A person who is out
1251 of this state when his or her license expires may be issued a
1252 90-day temporary driving permit without reexamination. At the
1253 end of the 90-day period, the person must either return to this
1254 state or apply for a license where the person is located, except
1255 for a member of the Armed Forces as provided in s. 322.121(6).

1256 ~~(d) In person renewal at a driver license office shall not~~
1257 ~~be available to drivers whose records indicate they were~~
1258 ~~directed to apply for a license extension.~~

1259 (d)(e) Any person who knowingly possesses any forged,
1260 stolen, fictitious, counterfeit, or unlawfully issued license
1261 extension sticker, unless possession by such person has been
1262 duly authorized by the department, commits a misdemeanor of the

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1263 second degree, punishable as provided in s. 775.082 or s.
1264 775.083.

1265 ~~(e)-(f)~~ The department shall develop a plan for the
1266 equitable distribution of license ~~extensions and~~ renewals and
1267 the orderly implementation of this section.

1268 (9)(a) The application form for a renewal issuance ~~or~~
1269 ~~renewal extension~~ shall include language permitting a voluntary
1270 contribution of \$1 per applicant, to be quarterly distributed by
1271 the department to Prevent Blindness Florida, a not-for-profit
1272 organization, to prevent blindness and preserve the sight of the
1273 residents of this state. A statement providing an explanation of
1274 the purpose of the funds shall be included with the application
1275 form.

1276 (b) Prior to the department distributing the funds
1277 collected pursuant to paragraph (a), Prevent Blindness Florida
1278 must submit a report to the department that identifies how such
1279 funds were used during the preceding year.

1280 Section 33. Subsection (4) of section 322.181, Florida
1281 Statutes, is repealed.

1282 Section 34. Subsections (2) and (4) of section 322.19,
1283 Florida Statutes, are amended to read:

1284 322.19 Change of address or name.--

1285 (2) Whenever any person, after applying for or receiving a
1286 driver's license, changes the residence or mailing address in
1287 the application or license, the person must, within 10 calendar
1288 days, ~~either~~ obtain a replacement license that reflects the
1289 change ~~or request in writing a change of address sticker.~~ A The

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1290 written request to the department must include the old and new
1291 addresses and the driver's license number.

1292 (4) Notwithstanding any other provision of this chapter,
1293 if a licensee established his or her identity for a driver's
1294 license using an identification document authorized under s.
1295 322.08(2)(c) ~~7.6~~ or ~~8.7~~, the licensee may not change his or her
1296 name or address except in person and upon submission of an
1297 identification document authorized under s. 322.08(2)(c) ~~7.6~~ or
1298 ~~8.7~~.

1299 Section 35. Subsection (1) of section 322.21, Florida
1300 Statutes, is amended to read:

1301 322.21 License fees; procedure for handling and collecting
1302 fees.--

1303 (1) Except as otherwise provided herein, the fee for:

1304 (a) An original or renewal commercial driver's license is
1305 ~~\$67~~ ~~\$50~~, which shall include the fee for driver education
1306 provided by s. 1003.48; however, if an applicant has completed
1307 training and is applying for employment or is currently employed
1308 in a public or nonpublic school system that requires the
1309 commercial license, the fee shall be the same as for a Class E
1310 driver's license. A delinquent fee of \$1 shall be added for a
1311 renewal made not more than 12 months after the license
1312 expiration date.

1313 (b) An original Class E driver's license is ~~\$27~~ ~~\$20~~, which
1314 shall include the fee for driver's education provided by s.
1315 1003.48; however, if an applicant has completed training and is
1316 applying for employment or is currently employed in a public or

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1317 nonpublic school system that requires a commercial driver
1318 license, the fee shall be the same as for a Class E license.

1319 (c) The renewal or extension of a Class E driver's license
1320 or of a license restricted to motorcycle use only is \$20 ~~\$15~~,
1321 except that a delinquent fee of \$1 shall be added for a renewal
1322 or extension made not more than 12 months after the license
1323 expiration date. The fee provided in this paragraph shall
1324 include the fee for driver's education provided by s. 1003.48.

1325 (d) An original driver's license restricted to motorcycle
1326 use only is \$27 ~~\$20~~, which shall include the fee for driver's
1327 education provided by s. 1003.48.

1328 (e) A replacement driver's license issued pursuant to s.
1329 322.17 is \$10. Of this amount \$7 shall be deposited into the
1330 Highway Safety Operating Trust Fund and \$3 shall be deposited
1331 into the General Revenue Fund.

1332 (f) An original, renewal, or replacement identification
1333 card issued pursuant to s. 322.051 is \$10. Funds collected from
1334 these fees shall be distributed as follows:

1335 1. For an original identification card issued pursuant to
1336 s. 322.051 the fee shall be \$10. This amount shall be deposited
1337 into the General Revenue Fund.

1338 2. For a renewal identification card issued pursuant to s.
1339 322.051 the fee shall be \$10. Of this amount, \$6 shall be
1340 deposited into the Highway Safety Operating Trust Fund and \$4
1341 shall be deposited into the General Revenue Fund.

1342 3. For a replacement identification card issued pursuant
1343 to s. 322.051 the fee shall be \$10. Of this amount, \$9 shall be

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1344 deposited into the Highway Safety Operating Trust Fund and \$1
1345 shall be deposited into the General Revenue Fund.

1346 (g)-(e) Each endorsement required by s. 322.57 is \$7 ~~\$5~~.

1347 (h)-(f) A hazardous-materials endorsement, as required by
1348 s. 322.57(1)(d), shall be set by the department by rule and
1349 shall reflect the cost of the required criminal history check,
1350 including the cost of the state and federal fingerprint check,
1351 and the cost to the department of providing and issuing the
1352 license. The fee shall not exceed \$100. This fee shall be
1353 deposited in the Highway Safety Operating Trust Fund. The
1354 department may adopt rules to administer this section.

1355 Section 36. Subsection (3) of section 322.2715, Florida
1356 Statutes is amended to read:

1357 322.2715 Ignition interlock device.--

1358 (3) If the person is convicted of:

1359 (a) A first offense of driving under the influence under
1360 s. 316.193 and has an unlawful blood-alcohol level or breath-
1361 alcohol level as specified in s. 316.193(4), or if a person is
1362 convicted of a violation of s. 316.193 and was at the time of
1363 the offense accompanied in the vehicle by a person younger than
1364 18 years of age, the person shall have the ignition interlock
1365 device installed for not less than 6 continuous months for the
1366 first offense and for not less than ~~at least 2~~ continuous years
1367 for a second offense.

1368 (b) A second offense of driving under the influence, the
1369 ignition interlock device shall be installed for a period of not
1370 less than 1 continuous year.

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1371 (c) A third offense of driving under the influence which
1372 occurs within 10 years after a prior conviction for a violation
1373 of s.316.193, the ignition interlock device shall be installed
1374 for a period of not less than 2 continuous years.

1375 (d) A third offense of driving under the influence which
1376 occurs more than 10 years after the date of a prior conviction,
1377 the ignition interlock device shall be installed for a period of
1378 not less than 2 continuous years.

1379 Section 37. Section 322.291, Florida Statutes is amended
1380 to read:

1381 322.291 Driver improvement schools or DUI programs;
1382 required in certain suspension and revocation cases.--Except as
1383 provided in s. 322.03(2), any person:

1384 (1) Whose driving privilege has been revoked:

1385 (a) Upon conviction for:

1386 1. Driving, or being in actual physical control of, any
1387 vehicle while under the influence of alcoholic beverages, any
1388 chemical substance set forth in s. 877.111, or any substance
1389 controlled under chapter 893, in violation of s. 316.193;

1390 2. Driving with an unlawful blood- or breath-alcohol
1391 level;

1392 3. Manslaughter resulting from the operation of a motor
1393 vehicle;

1394 4. Failure to stop and render aid as required under the
1395 laws of this state in the event of a motor vehicle crash
1396 resulting in the death or personal injury of another;

1397 5. Reckless driving; or

1398 (b) As a a ~~an~~ habitual offender;

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1399 (c) Upon direction of the court, if the court feels that
1400 the seriousness of the offense and the circumstances surrounding
1401 the conviction warrant the revocation of the licensee's driving
1402 privilege; or

1403 (2) Whose license was suspended under the point system,
1404 was suspended for driving with an unlawful blood-alcohol level
1405 of 0.10 percent or higher before January 1, 1994, was suspended
1406 for driving with an unlawful blood-alcohol level of 0.08 percent
1407 or higher after December 31, 1993, was suspended for a violation
1408 of s. 316.193(1), or was suspended for refusing to submit to a
1409 lawful breath, blood, or urine test as provided in s. 322.2615

1410
1411 shall, before the driving privilege may be reinstated, present
1412 to the department proof of enrollment in a department-approved
1413 advanced driver improvement course operating pursuant to s.
1414 318.1451 or a substance abuse education course conducted by a
1415 DUI program licensed pursuant to s. 322.292, which shall include
1416 a psychosocial evaluation and treatment, if referred.

1417 Additionally, for a third or subsequent violation of
1418 requirements for installation of an ignition interlock device, a
1419 person must complete treatment as determined by a licensed
1420 treatment agency following a referral by a DUI program and have
1421 the duration of the ignition interlock device requirement
1422 extended by at least 1 month up to the time period required to
1423 complete treatment. If the person fails to complete such course
1424 or evaluation within 90 days after reinstatement, or
1425 subsequently fails to complete treatment, if referred, the DUI
1426 program shall notify the department of the failure. Upon receipt

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1427 of the notice, the department shall cancel the offender's
1428 driving privilege, notwithstanding the expiration of the
1429 suspension or revocation of the driving privilege. The
1430 department may temporarily reinstate the driving privilege upon
1431 verification from the DUI program that the offender has
1432 completed the education course and evaluation requirement and
1433 has reentered and is currently participating in treatment. If
1434 the DUI program notifies the department of the second failure to
1435 complete treatment, the department shall reinstate the driving
1436 privilege only after notice of completion of treatment from the
1437 DUI program.

1438 Section 38. Section 322.36, Florida Statutes, is amended
1439 to read:

1440 322.36 Permitting unauthorized operator to drive.--A No
1441 person may not shall authorize or knowingly permit a motor
1442 vehicle owned by him or her or under his or her dominion or
1443 control to be operated upon any highway or public street except
1444 by a person who is persons duly authorized to operate a motor
1445 vehicle vehicles under the provisions of this chapter. Any
1446 person who violates violating this section commits provision is
1447 guilty of a misdemeanor of the second degree, punishable as
1448 provided in s. 775.082 or s. 775.083. If a person violates this
1449 section by knowingly loaning a vehicle to a person whose
1450 driver's license is suspended and if that vehicle is involved in
1451 an accident resulting in bodily injury or death, the driver's
1452 license of the person violating this section shall be suspended
1453 for 1 year.

1454 Section 39. Section 322.60, Florida Statutes, is repealed.

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1455 Section 40. Subsections (1) through (6) of section 322.61,
1456 Florida Statutes, are amended to read:

1457 322.61 Disqualification from operating a commercial motor
1458 vehicle.--

1459 (1) A person who, for offenses occurring within a 3-year
1460 period, is convicted of two of the following serious traffic
1461 violations or any combination thereof, arising in separate
1462 incidents committed in a commercial motor vehicle shall, in
1463 addition to any other applicable penalties, be disqualified from
1464 operating a commercial motor vehicle for a period of 60 days. A
1465 holder of a commercial driver's license ~~person~~ who, for offenses
1466 occurring within a 3-year period, is convicted of two of the
1467 following serious traffic violations, or any combination
1468 thereof, arising in separate incidents committed in a
1469 noncommercial motor vehicle shall, in addition to any other
1470 applicable penalties, be disqualified from operating a
1471 commercial motor vehicle for a period of 60 days if such
1472 convictions result in the suspension, revocation, or
1473 cancellation of the licenseholder's driving privilege:

1474 (a) A violation of any state or local law relating to
1475 motor vehicle traffic control, other than a parking violation, a
1476 weight violation, or a vehicle equipment violation, arising in
1477 connection with a crash resulting in death or personal injury to
1478 any person;

1479 (b) Reckless driving, as defined in s. 316.192;

1480 (c) Careless driving, as defined in s. 316.1925;

1481 (d) Fleeing or attempting to elude a law enforcement
1482 officer, as defined in s. 316.1935;

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1483 (e) Unlawful speed of 15 miles per hour or more above the
1484 posted speed limit;

1485 (f) Driving a commercial motor vehicle, owned by such
1486 person, which is not properly insured;

1487 (g) Improper lane change, as defined in s. 316.085;

1488 (h) Following too closely, as defined in s. 316.0895;

1489 (i) Driving a commercial vehicle without obtaining a
1490 commercial driver's license;

1491 (j) Driving a commercial vehicle without the proper class
1492 of commercial driver's license or without the proper
1493 endorsement; or

1494 (k) Driving a commercial vehicle without a commercial
1495 driver's license in possession, as required by s. 322.03. Any
1496 individual who provides proof to the clerk of the court or
1497 designated official in the jurisdiction where the citation was
1498 issued, by the date the individual must appear in court or pay
1499 any fine for such a violation, that the individual held a valid
1500 commercial driver's license on the date the citation was issued
1501 is not guilty of this offense.

1502 (2) (a) Any person who, for offenses occurring within a 3-
1503 year period, is convicted of three serious traffic violations
1504 specified in subsection (1) or any combination thereof, arising
1505 in separate incidents committed in a commercial motor vehicle
1506 shall, in addition to any other applicable penalties, including
1507 but not limited to the penalty provided in subsection (1), be
1508 disqualified from operating a commercial motor vehicle for a
1509 period of 120 days.

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1510 (b) A holder of a commercial driver's license ~~person~~ who,
1511 for offenses occurring within a 3-year period, is convicted of
1512 three serious traffic violations specified in subsection (1) or
1513 any combination thereof arising in separate incidents committed
1514 in a noncommercial motor vehicle shall, in addition to any other
1515 applicable penalties, including, but not limited to, the penalty
1516 provided in subsection (1), be disqualified from operating a
1517 commercial motor vehicle for a period of 120 days if such
1518 convictions result in the suspension, revocation, or
1519 cancellation of the licenseholder's driving privilege.

1520 (3) (a) Except as provided in subsection (4), any person
1521 who is convicted of one of the ~~following~~ offenses listed in
1522 paragraph (b) while operating a commercial motor vehicle shall,
1523 in addition to any other applicable penalties, be disqualified
1524 from operating a commercial motor vehicle for a period of 1
1525 year:

1526 (b) Except as provided in subsection (4), any holder of a
1527 commercial driver's license who is convicted of one of the
1528 offenses listed in this paragraph while operating a
1529 noncommercial motor vehicle shall, in addition to any other
1530 applicable penalties, be disqualified from operating a
1531 commercial motor vehicle for a period of 1 year:

1532 1.(a) Driving a ~~commercial~~ motor vehicle while he or she
1533 is under the influence of alcohol or a controlled substance;

1534 2.(b) Driving a commercial motor vehicle while the alcohol
1535 concentration of his or her blood, breath, or urine is .04
1536 percent or higher;

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1537 ~~3.(e)~~ Leaving the scene of a crash involving a ~~commercial~~
1538 motor vehicle driven by such person;

1539 ~~4.(d)~~ Using a ~~commercial~~ motor vehicle in the commission
1540 of a felony;

1541 ~~5.(e)~~ Driving a commercial motor vehicle while in
1542 possession of a controlled substance;

1543 ~~6.(f)~~ Refusing to submit to a test to determine his or her
1544 alcohol concentration while driving a ~~commercial~~ motor vehicle;

1545 ~~7.(g)~~ Driving a commercial vehicle while the
1546 licenseholder's commercial driver's license is suspended,
1547 revoked, or canceled or while the licenseholder is disqualified
1548 from driving a commercial vehicle; or

1549 ~~8.(h)~~ Causing a fatality through the negligent operation
1550 of a commercial motor vehicle.

1551 (4) Any person who is transporting hazardous materials as
1552 defined in s. 322.01(24) ~~in a vehicle that is required to be~~
1553 ~~placarded in accordance with Title 49 C.F.R. part 172, subpart F~~
1554 shall, upon conviction of an offense specified in subsection
1555 (3), be disqualified from operating a commercial motor vehicle
1556 for a period of 3 years. The penalty provided in this subsection
1557 shall be in addition to any other applicable penalty.

1558 (5) Any person who is convicted of two violations
1559 specified in subsection (3) which were committed while operating
1560 a commercial motor vehicle, or any combination thereof, arising
1561 in separate incidents shall be permanently disqualified from
1562 operating a commercial motor vehicle. Any holder of a commercial
1563 driver's license who is convicted of two violations specified in
1564 subsection (3) which were committed while operating a

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1565 noncommercial motor vehicle, or any combination thereof, arising
1566 in separate incidents shall be permanently disqualified from
1567 operating a commercial motor vehicle. The penalty provided in
1568 this subsection is ~~shall be~~ in addition to any other applicable
1569 penalty.

1570 (6) Notwithstanding subsections (3), (4), and (5), any
1571 person who uses a commercial motor vehicle in the commission of
1572 any felony involving the manufacture, distribution, or
1573 dispensing of a controlled substance, including possession with
1574 intent to manufacture, distribute, or dispense a controlled
1575 substance, shall, upon conviction of such felony, be permanently
1576 disqualified from operating a commercial motor vehicle.

1577 Notwithstanding subsections (3), (4), and (5), any holder of a
1578 commercial driver's license who uses a noncommercial motor
1579 vehicle in the commission of any felony involving the
1580 manufacture, distribution, or dispensing of a controlled
1581 substance, including possession with intent to manufacture,
1582 distribute, or dispense a controlled substance, shall, upon
1583 conviction of such felony, be permanently disqualified from
1584 operating a commercial motor vehicle. The penalty provided in
1585 this subsection is ~~shall be~~ in addition to any other applicable
1586 penalty.

1587 Section 41. Section 322.64, Florida Statutes, is amended
1588 to read:

1589 322.64 Holder of commercial driver's license; persons
1590 operating a commercial motor vehicle; driving with unlawful
1591 blood-alcohol level; refusal to submit to breath, urine, or
1592 blood test.--

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1593 (1) (a) A law enforcement officer or correctional officer
1594 shall, on behalf of the department, disqualify from operating
1595 any commercial motor vehicle a person who while operating or in
1596 actual physical control of a commercial motor vehicle is
1597 arrested for a violation of s. 316.193, relating to unlawful
1598 blood-alcohol level or breath-alcohol level, or a person who has
1599 refused to submit to a breath, urine, or blood test authorized
1600 by s. 322.63 arising out of the operation or actual physical
1601 control of a commercial motor vehicle. A law enforcement officer
1602 or correctional officer shall, on behalf of the department,
1603 disqualify the holder of a commercial driver's license from
1604 operating any commercial motor vehicle if the licenseholder,
1605 while operating or in actual physical control of a motor
1606 vehicle, is arrested for a violation of s. 316.193, relating to
1607 unlawful blood-alcohol level or breath-alcohol level, or refused
1608 to submit to a breath, urine, or blood test authorized by s.
1609 322.63. Upon disqualification of the person, the officer shall
1610 take the person's driver's license and issue the person a 10-day
1611 temporary permit for the operation of noncommercial vehicles
1612 only if the person is otherwise eligible for the driving
1613 privilege and shall issue the person a notice of
1614 disqualification. If the person has been given a blood, breath,
1615 or urine test, the results of which are not available to the
1616 officer at the time of the arrest, the agency employing the
1617 officer shall transmit such results to the department within 5
1618 days after receipt of the results. If the department then
1619 determines that the person ~~was arrested for a violation of s.~~
1620 ~~316.193 and that the person~~ had a blood-alcohol level or breath-

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1621 alcohol level of 0.08 or higher, the department shall disqualify
1622 the person from operating a commercial motor vehicle pursuant to
1623 subsection (3).

1624 (b) The disqualification under paragraph (a) shall be
1625 pursuant to, and the notice of disqualification shall inform the
1626 driver of, the following:

1627 1.a. The driver refused to submit to a lawful breath,
1628 blood, or urine test and he or she is disqualified from
1629 operating a commercial motor vehicle for a period of 1 year, for
1630 a first refusal, or permanently, if he or she has previously
1631 been disqualified as a result of a refusal to submit to such a
1632 test; or

1633 b. The driver was driving or in actual physical control of
1634 a commercial motor vehicle, or any motor vehicle if the driver
1635 holds a commercial driver's license, had an unlawful blood-
1636 alcohol level or breath-alcohol level of 0.08 or higher, and his
1637 or her driving privilege shall be disqualified for a period of 1
1638 year for a first offense or permanently disqualified if his or
1639 her driving privilege has been previously disqualified under
1640 this section. violated s. 316.193 by driving with an unlawful
1641 blood alcohol level and he or she is disqualified from operating
1642 a commercial motor vehicle for a period of 6 months for a first
1643 offense or for a period of 1 year if he or she has previously
1644 been disqualified, or his or her driving privilege has been
1645 previously suspended, for a violation of s. 316.193.

1646 2. The disqualification period for operating commercial
1647 vehicles shall commence on the date of ~~arrest or~~ issuance of the
1648 notice of disqualification, ~~whichever is later.~~

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1649 3. The driver may request a formal or informal review of
1650 the disqualification by the department within 10 days after the
1651 date of ~~arrest or~~ issuance of the notice of disqualification,
1652 ~~whichever is later.~~

1653 4. The temporary permit issued at the time of ~~arrest or~~
1654 disqualification expires ~~will expire~~ at midnight of the 10th day
1655 following the date of disqualification.

1656 5. The driver may submit to the department any materials
1657 relevant to the disqualification ~~arrest~~.

1658 (2) Except as provided in paragraph (1)(a), the law
1659 enforcement officer shall forward to the department, within 5
1660 days after the date of the ~~arrest or the~~ issuance of the notice
1661 of disqualification, ~~whichever is later,~~ a copy of the notice of
1662 disqualification, the driver's license of the person
1663 disqualified ~~arrested~~, and ~~a report of the arrest, including, if~~
1664 ~~applicable,~~ an affidavit stating the officer's grounds for
1665 belief that the person disqualified ~~arrested~~ was operating or in
1666 actual physical control of a commercial motor vehicle, or holds
1667 a commercial driver's license, and had an unlawful blood-alcohol
1668 or breath-alcohol level in violation of s. 316.193; the results
1669 of any breath or blood or urine test or an affidavit stating
1670 that a breath, blood, or urine test was requested by a law
1671 enforcement officer or correctional officer and that the person
1672 arrested refused to submit; a copy of the notice of
1673 disqualification ~~citation~~ issued to the person ~~arrested~~; and the
1674 officer's description of the person's field sobriety test, if
1675 any. The failure of the officer to submit materials within the
1676 5-day period specified in this subsection or subsection (1) does

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1677 ~~shall~~ not affect the department's ability to consider any
1678 evidence submitted at or prior to the hearing. The officer may
1679 also submit a copy of a videotape of the field sobriety test or
1680 the attempt to administer such test and a copy of the crash
1681 report, if any.

1682 (3) If the department determines that the person arrested
1683 should be disqualified from operating a commercial motor vehicle
1684 pursuant to this section and if the notice of disqualification
1685 has not already been served upon the person by a law enforcement
1686 officer or correctional officer as provided in subsection (1),
1687 the department shall issue a notice of disqualification and,
1688 unless the notice is mailed pursuant to s. 322.251, a temporary
1689 permit which expires 10 days after the date of issuance if the
1690 driver is otherwise eligible.

1691 (4) If the person disqualified ~~arrested~~ requests an
1692 informal review pursuant to subparagraph (1)(b)3., the
1693 department shall conduct the informal review by a hearing
1694 officer employed by the department. Such informal review hearing
1695 shall consist solely of an examination by the department of the
1696 materials submitted by a law enforcement officer or correctional
1697 officer and by the person disqualified ~~arrested~~, and the
1698 presence of an officer or witness is not required.

1699 (5) After completion of the informal review, notice of the
1700 department's decision sustaining, amending, or invalidating the
1701 disqualification must be provided to the person. Such notice
1702 must be mailed to the person at the last known address shown on
1703 the department's records, and to the address provided in the law
1704 enforcement officer's report if such address differs from the

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1705 address of record, within 21 days after the expiration of the
1706 temporary permit issued pursuant to subsection (1) or subsection
1707 (3).

1708 (6) (a) If the person disqualified ~~arrested~~ requests a
1709 formal review, the department must schedule a hearing to be held
1710 within 30 days after such request is received by the department
1711 and must notify the person of the date, time, and place of the
1712 hearing.

1713 (b) Such formal review hearing shall be held before a
1714 hearing officer employed by the department, and the hearing
1715 officer shall be authorized to administer oaths, examine
1716 witnesses and take testimony, receive relevant evidence, issue
1717 subpoenas for the officers and witnesses identified in documents
1718 as provided in subsection (2), regulate the course and conduct
1719 of the hearing, and make a ruling on the disqualification. The
1720 department and the person disqualified ~~arrested~~ may subpoena
1721 witnesses, and the party requesting the presence of a witness
1722 shall be responsible for the payment of any witness fees. If the
1723 person who requests a formal review hearing fails to appear and
1724 the hearing officer finds such failure to be without just cause,
1725 the right to a formal hearing is waived ~~and the department shall~~
1726 ~~conduct an informal review of the disqualification under~~
1727 ~~subsection (4)~~.

1728 (c) A party may seek enforcement of a subpoena under
1729 paragraph (b) by filing a petition for enforcement in the
1730 circuit court of the judicial circuit in which the person
1731 failing to comply with the subpoena resides. A failure to comply
1732 with an order of the court shall result in a finding of contempt

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1733 of court. However, a person shall not be in contempt while a
1734 subpoena is being challenged.

1735 (d) The department must, within 7 days after a formal
1736 review hearing, send notice to the person of the hearing
1737 officer's decision as to whether sufficient cause exists to
1738 sustain, amend, or invalidate the disqualification.

1739 (7) In a formal review hearing under subsection (6) or an
1740 informal review hearing under subsection (4), the hearing
1741 officer shall determine by a preponderance of the evidence
1742 whether sufficient cause exists to sustain, amend, or invalidate
1743 the disqualification. The scope of the review shall be limited
1744 to the following issues:

1745 (a) If the person was disqualified from operating a
1746 commercial motor vehicle for driving with an unlawful blood-
1747 alcohol level ~~in violation of s. 316.193~~:

1748 1. Whether the arresting law enforcement officer had
1749 probable cause to believe that the person was driving or in
1750 actual physical control of a commercial motor vehicle, or any
1751 motor vehicle if the driver holds a commercial driver's license,
1752 in this state while he or she had any alcohol, chemical
1753 substances, or controlled substances in his or her body.

1754 ~~2. Whether the person was placed under lawful arrest for a~~
1755 ~~violation of s. 316.193.~~

1756 ~~2.3.~~ Whether the person had an unlawful blood-alcohol
1757 level or breath-alcohol level of 0.08 or higher ~~as provided in~~
1758 ~~s. 316.193.~~

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1759 (b) If the person was disqualified from operating a
1760 commercial motor vehicle for refusal to submit to a breath,
1761 blood, or urine test:

1762 1. Whether the law enforcement officer had probable cause
1763 to believe that the person was driving or in actual physical
1764 control of a commercial motor vehicle, or any motor vehicle if
1765 the driver holds a commercial driver's license, in this state
1766 while he or she had any alcohol, chemical substances, or
1767 controlled substances in his or her body.

1768 2. Whether the person refused to submit to the test after
1769 being requested to do so by a law enforcement officer or
1770 correctional officer.

1771 3. Whether the person was told that if he or she refused
1772 to submit to such test he or she would be disqualified from
1773 operating a commercial motor vehicle for a period of 1 year or,
1774 in the case of a second refusal, permanently.

1775 (8) Based on the determination of the hearing officer
1776 pursuant to subsection (7) for both informal hearings under
1777 subsection (4) and formal hearings under subsection (6), the
1778 department shall:

1779 (a) Sustain the disqualification for a period of 1 year
1780 for a first refusal, or permanently if such person has been
1781 previously disqualified from operating a commercial motor
1782 vehicle as a result of a refusal to submit to such tests. The
1783 disqualification period commences on the date of the arrest or
1784 issuance of the notice of disqualification, whichever is later.

1785 (b) Sustain the disqualification:

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1786 1. For a period of 1 year if the person was driving or in
1787 actual physical control of a commercial motor vehicle, or any
1788 motor vehicle if the driver holds a commercial driver's license,
1789 and had an unlawful blood-alcohol level or breath-alcohol level
1790 of 0.08 or higher; or ~~6 months for a violation of s. 316.193 or~~
1791 for a period of 1 year

1792 2. Permanently if the person has been previously
1793 disqualified from operating a commercial motor vehicle or his or
1794 her driving privilege has been previously suspended for driving
1795 or being in actual physical control of a commercial motor
1796 vehicle, or any motor vehicle if the driver holds a commercial
1797 driver's license, and had an unlawful blood-alcohol level or
1798 breath-alcohol level of 0.08 or higher as a result of a
1799 violation of s. 316.193.

1800
1801 The disqualification period commences on the date of the arrest
1802 or issuance of the notice of disqualification, ~~whichever is~~
1803 ~~later.~~

1804 (9) A request for a formal review hearing or an informal
1805 review hearing shall not stay the disqualification. If the
1806 department fails to schedule the formal review hearing to be
1807 held within 30 days after receipt of the request therefor, the
1808 department shall invalidate the disqualification. If the
1809 scheduled hearing is continued at the department's initiative,
1810 the department shall issue a temporary driving permit limited to
1811 noncommercial vehicles which is ~~shall be~~ valid until the hearing
1812 is conducted if the person is otherwise eligible for the driving
1813 privilege. Such permit shall not be issued to a person who

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1814 sought and obtained a continuance of the hearing. The permit
1815 issued under this subsection shall authorize driving for
1816 business purposes ~~or employment~~ use only.

1817 (10) A person who is disqualified from operating a
1818 commercial motor vehicle under subsection (1) or subsection (3)
1819 is eligible for issuance of a license for business or employment
1820 purposes only under s. 322.271 if the person is otherwise
1821 eligible for the driving privilege. However, such business or
1822 employment purposes license shall not authorize the driver to
1823 operate a commercial motor vehicle.

1824 (11) The formal review hearing may be conducted upon a
1825 review of the reports of a law enforcement officer or a
1826 correctional officer, including documents relating to the
1827 administration of a breath test or blood test or the refusal to
1828 take either test. However, as provided in subsection (6), the
1829 driver may subpoena the officer or any person who administered
1830 or analyzed a breath or blood test.

1831 (12) The formal review hearing and the informal review
1832 hearing are exempt from the provisions of chapter 120. The
1833 department is authorized to adopt rules for the conduct of
1834 reviews under this section.

1835 (13) A person may appeal any decision of the department
1836 sustaining the disqualification from operating a commercial
1837 motor vehicle by a petition for writ of certiorari to the
1838 circuit court in the county wherein such person resides or
1839 wherein a formal or informal review was conducted pursuant to s.
1840 322.31. However, an appeal shall not stay the disqualification.

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1841 This subsection shall not be construed to provide for a de novo
1842 appeal.

1843 (14) The decision of the department under this section
1844 shall not be considered in any trial for a violation of s.
1845 316.193, s. 322.61, or s. 322.62, nor shall any written
1846 statement submitted by a person in his or her request for
1847 departmental review under this section be admissible into
1848 evidence against him or her in any such trial. The disposition
1849 of any related criminal proceedings shall not affect a
1850 disqualification imposed pursuant to this section.

1851 (15) This section does not preclude the suspension of the
1852 driving privilege pursuant to s. 322.2615. The driving privilege
1853 of a person who has been disqualified from operating a
1854 commercial motor vehicle also may be suspended for a violation
1855 of s. 316.193.

1856 Section 42. Subsection (10) of section 324.021, Florida
1857 Statutes, is amended to read:

1858 324.021 Definitions; minimum insurance required.--The
1859 following words and phrases when used in this chapter shall, for
1860 the purpose of this chapter, have the meanings respectively
1861 ascribed to them in this section, except in those instances
1862 where the context clearly indicates a different meaning:

1863 (10) JUDGMENT.--Any judgment becoming ~~which shall have~~
1864 ~~become~~ final by expiration without appeal of the time within
1865 which an appeal might have been perfected, or by final
1866 affirmation on appeal, rendered by a court of competent
1867 jurisdiction of any state or of the United States upon a cause
1868 of action arising out of the ownership, maintenance, or use of

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1869 any motor vehicle for damages, including damages for care and
1870 loss of services because of bodily injury to or death of any
1871 person, or for damages because of injury to or destruction of
1872 property, including the loss of use thereof, or upon a cause of
1873 action on an agreement of settlement for such damage.

1874 Section 43. Subsection (19) of section 501.976, Florida
1875 Statutes, is amended to read:

1876 501.976 Actionable, unfair, or deceptive acts or
1877 practices.--It is an unfair or deceptive act or practice,
1878 actionable under the Florida Deceptive and Unfair Trade
1879 Practices Act, for a dealer to:

1880 (19) Fail to disclose damage to a new motor vehicle, as
1881 defined in s. 319.001(9)(8), of which the dealer had actual
1882 knowledge, if the dealer's actual cost of repairs exceeds the
1883 threshold amount, excluding replacement items.

1884
1885 In any civil litigation resulting from a violation of this
1886 section, when evaluating the reasonableness of an award of
1887 attorney's fees to a private person, the trial court shall
1888 consider the amount of actual damages in relation to the time
1889 spent.

1890 Section 44. (1) The Automobile Lenders Industry Task
1891 Force is created within the Department of Highway Safety and
1892 Motor Vehicles. The task force shall make recommendations on
1893 proposed legislation and proposed department rules, shall
1894 present issues concerning the motor vehicle lending industry to
1895 the department for its consideration, shall consider any matters
1896 relating to the motor vehicle lending industry which are

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1897 presented to it by the department, and shall submit a final
1898 report, including legislative proposals to the Governor, the
1899 President of the Senate, the Speaker of the House of
1900 Representatives, and appropriate committees within the
1901 Legislature by June 30, 2009, when the task force shall cease to
1902 exist.

1903 (2) The task force shall be composed of 12 members
1904 appointed by each of the following organizations: one
1905 representative of the Department of Highway Safety and Motor
1906 Vehicles; one representative of the independent motor vehicle
1907 industry, appointed by the Florida Independent Automobile
1908 Dealers Association; one representative of the franchise motor
1909 vehicle industry, appointed by the Florida Automobile Dealers
1910 Association; one representative of credit unions, appointed by
1911 the Florida Credit Union League; one representative of the
1912 banking industry, appointed by the Florida Bankers Association;
1913 one representative of the insurance industry, appointed by the
1914 Florida Insurance Council; one state attorney, appointed by the
1915 Florida State Attorneys Association; one representative of the
1916 Office of Financial Regulation of the Department of Financial
1917 Services; one representative of a law enforcement agency,
1918 appointed by the Florida Auto Theft Intelligence Unit; one
1919 representative of the auto repair industry, appointed by the
1920 Florida Automotive Services Association; one representative of
1921 the towing industry, appointed by the Professional Wrecker
1922 Operators of Florida; and one representative of independent
1923 motor vehicle finance companies, appointed by the Florida
1924 Financial Services Association.

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1925 (3) (a) The task force shall elect a chair and vice chair
1926 at its initial meeting, which shall be held by October 1, 2008.

1927 (b) The task force shall meet at least four times in
1928 different areas of the state, including one meeting in
1929 Tallahassee. Meetings may be called by the chair or by a simple
1930 majority of the members. The task force shall conduct all
1931 meetings pursuant to general law and shall keep minutes of its
1932 meetings. Meetings may be held in locations around the state in
1933 department facilities or in other appropriate locations. The
1934 department shall provide administrative support to the task
1935 force.

1936 (4) Members from the private sector are not entitled to
1937 per diem or reimbursement for travel expenses. However, members
1938 from the public sector are entitled to reimbursement, if any,
1939 from their respective agency. The task force may request
1940 assistance from the Department of Highway Safety and Motor
1941 Vehicles as necessary.

1942 Section 45. Except for a specialty license plate proposal
1943 which has submitted a letter of intent to the Department of
1944 Highway Safety and Motor Vehicles prior to May 2, 2008, and
1945 which has submitted a valid survey, marketing strategy, and
1946 application fee as required by s. 320.08053, Florida Statutes,
1947 prior to the effective date of this act, or which was included
1948 in a bill filed during the 2008 Legislative Session, the
1949 Department of Highway Safety and Motor Vehicles may not issue
1950 any new specialty license plates pursuant to ss. 320.08056 and
1951 320.08058, Florida Statutes, between July 1, 2008, and July 1,
1952 2011.

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1953 Section 46. Joseph P. Bertrand Building designated;
1954 Department of Highway Safety and Motor Vehicles to erect
1955 suitable markers.--

1956 (1) The Regional Transportation Management Center in the
1957 City of Fort Myers in Lee County is designated the "Joseph P.
1958 Bertrand Building."

1959 (2) The Department of Highway Safety and Motor Vehicles is
1960 directed to erect suitable markers designating the "Joseph P.
1961 Bertrand Building" as described in subsection (1).

1962 Section 47. Except as otherwise expressly provided in this
1963 act and except for this section, which shall take effect upon
1964 this act becoming a law, this act shall take effect October 1,
1965 2008.

1966
1967

T I T L E A M E N D M E N T

1969 Remove the entire title and insert:

1971 A bill to be entitled

1972 An act relating to the Department of Highway Safety and
1973 Motor Vehicles; amending s. 316.0741, F.S.; redefining the
1974 term "hybrid vehicle"; authorizing the driving of a
1975 hybrid, low-emission, or energy-efficient vehicle in a
1976 high-occupancy-vehicle lane regardless of occupancy;
1977 authorizing the department to limit or discontinue such
1978 driving under certain circumstances; directing the
1979 Department of Transportation to review a specified federal
1980 rule and make a report to the Legislature; exempting

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1981 certain vehicles from the payment of certain tolls;
1982 amending s. 316.1575, F.S.; requiring a person walking or
1983 driving a vehicle to stop at a railroad crossing upon the
1984 signal of a law enforcement officer; amending s. 316.1895,
1985 F.S.; requiring the placement of signs in certain school
1986 zones stating that speeding fines are doubled within the
1987 zone; amending s. 316.191, F.S.; providing a definition of
1988 the term "spectator"; prohibiting a person from being a
1989 spectator at an illegal drag race; providing noncriminal
1990 penalties; amending s. 316.193, F.S.; lowering the blood-
1991 alcohol or breath-alcohol level for which enhanced
1992 penalties are imposed against a person convicted of
1993 driving under the influence; clarifying that an ignition
1994 interlock device is installed for a continuous period;
1995 amending s. 316.1937, F.S.; revising the conditions under
1996 which the court may require the use of an ignition
1997 interlock device; amending s. 316.251, F.S.; conforming a
1998 cross-reference; amending s. 316.302, F.S.; revising
1999 references to rules, regulations, and criteria governing
2000 commercial motor vehicles engaged in intrastate commerce;
2001 providing that the Department of Transportation performs
2002 duties assigned to the Field Administrator of the Federal
2003 Motor Carrier Safety Administration under the federal
2004 rules and may enforce those rules; amending ss. 316.613
2005 and 316.614, F.S.; revising the definition of "motor
2006 vehicle" for purposes of child restraint and safety belt
2007 usage requirements; amending s. 316.645, F.S.; authorizing
2008 a police officer to make an arrest upon probable cause of

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2009 a violation of laws governing motor vehicle licenses;
2010 amending s. 316.650, F.S.; revising requirements for
2011 traffic citation forms; providing for the electronic
2012 transmission of citation data; amending s. 316.656, F.S.;
2013 lowering the percentage of blood or breath alcohol content
2014 relating to the prohibition against pleading guilty to a
2015 lesser offense of driving under the influence than the
2016 offense charged; amending s. 318.14, F.S.; prohibiting a
2017 person from electing more than five times within 10 years
2018 to attend a basic driver improvement course approved by
2019 the Department of Highway Safety and Motor Vehicles in
2020 lieu of making a court appearance; amending s. 319.001,
2021 F.S.; defining the term "certificate of title" to include
2022 information stored electronically in the department's
2023 database; amending s. 320.01, F.S.; revising the
2024 definition of the term "motorcycle" to exclude a vehicle
2025 in which the operator is enclosed by a cabin; amending s.
2026 320.02, F.S.; deleting the requirement for a motorcycle
2027 endorsement at the time of original registration of a
2028 motorcycle, motor-driven cycle, or moped; repealing s.
2029 320.02(13), F.S., relating to a motor vehicle registration
2030 voluntary contribution for the Election Campaign Financing
2031 Trust Fund; amending s. 320.0706, F.S.; providing that a
2032 violation of requirements for displaying a truck license
2033 plate is a moving violation; amending s. 320.0715, F.S.;
2034 requiring the department to withhold issuing or to suspend
2035 a registration and license plate for a commercial motor
2036 vehicle if the federal identifying number is not provided

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2037 or if the motor carrier or vehicle owner has been
2038 prohibited from operating; amending s. 320.08053, F.S.;
2039 removing a requirement that the department create certain
2040 specifications by rule for specialty license plates;
2041 amending s. 320.0894, F.S.; providing for issuance of Gold
2042 Star license plates to certain family members; amending s.
2043 320.131, F.S.; requiring motor vehicle temporary tags to
2044 be affixed on the exterior of the vehicle; revising the
2045 requirement that the department specify media for motor
2046 vehicle temporary tags; revising the requirement that the
2047 department implement a print-on-demand electronic system
2048 for temporary tag issuance; providing for limited use of a
2049 backup manual issuance method during an outage; providing
2050 for rulemaking and certain exemptions; amending s. 320.27,
2051 F.S.; revising the insurance requirements for persons
2052 applying for a motor vehicle dealer license; conforming a
2053 cross-reference; repealing s. 320.96, F.S., relating to a
2054 print-on-demand electronic temporary license plate system;
2055 amending s. 322.01, F.S.; defining the term "convenience
2056 service" for purposes of transactions with the department;
2057 revising the definition of the term "conviction" to
2058 provide for application to offenses committed by a person
2059 holding a commercial driver's license; revising the
2060 definition of the terms "hazardous materials" and "out-of-
2061 service order"; amending s. 322.051, F.S.; revising
2062 requirements for application for issuance or renewal of an
2063 identification card; revising provisions providing for the
2064 expiration of an identification card issued by the

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2065 department; amending s. 322.08, F.S.; revising
2066 requirements for application for a driver's license;
2067 removing a provision requiring the application form to
2068 include language permitting a voluntary contribution for
2069 the Election Campaign Financing Trust Fund; amending s.
2070 322.14, F.S.; revising provisions for content of a
2071 driver's license; requiring the license to contain the
2072 licensee's residence address; removing a requirement that
2073 the license contain the licensee's mailing address;
2074 amending s. 322.15, F.S.; authorizing a law enforcement
2075 officer or authorized representative of the department to
2076 collect a person's fingerprints electronically; amending
2077 s. 322.17, F.S.; revising provisions for replacement of an
2078 instruction permit or driver license; removing fee
2079 amounts; requiring payment of specified fee amounts;
2080 removing a provision for a change of address sticker;
2081 conforming cross-references; amending s. 322.18, F.S.;
2082 revising provisions providing for the expiration and
2083 renewal of driver's licenses; providing for the renewal of
2084 certain licenses every 8 years; conforming cross-
2085 references; providing for the renewal of licenses using a
2086 convenience service; requiring the department to issue new
2087 licenses rather than extension stickers; repealing s.
2088 322.181(4), F.S., relating to the Florida At-Risk Driver
2089 Council; amending s. 322.19, F.S.; revising provisions for
2090 a licensee changing address; removing a provision for the
2091 licensee to request a change-of-address sticker;
2092 conforming cross-references; amending s. 322.21, F.S.;

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2093 revising fees for issuance of original, renewal, and
2094 replacement driver's licenses and identification cards;
2095 revising fees for specified endorsements; providing for
2096 distribution of revised fees; amending s. 322.2715, F.S.;
2097 providing that the required installation period of an
2098 ignition interlock device for certain DUI offenses be
2099 continuous; amending s. 322.291, F.S.; providing
2100 additional requirements for a third or subsequent
2101 violation of requirements for installation of an ignition
2102 interlock device; requiring treatment and extension of the
2103 duration of the ignition interlock requirement; amending
2104 s. 322.36, F.S.; requiring the suspension for a specified
2105 period of the driver's license of a person who loans a
2106 vehicle to a person whose driver's license is suspended if
2107 that vehicle is involved in an accident resulting in
2108 bodily injury or death; repealing s. 322.60, F.S.,
2109 relating to the prohibition on commercial motor vehicle
2110 drivers possessing more than one license; amending s.
2111 322.61, F.S.; clarifying provisions disqualifying a person
2112 from operating a commercial motor vehicle following
2113 certain traffic violations; providing for permanent
2114 disqualification following conviction of a felony
2115 involving the manufacture, distribution, or dispensing of
2116 a controlled substance; amending s. 322.64, F.S.;
2117 providing that a person's privilege to drive a commercial
2118 motor vehicle is disqualified if the person was driving or
2119 in actual physical control of a commercial motor vehicle,
2120 or any motor vehicle if the person holds a commercial

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2121 driver's license, with an unlawful blood-alcohol level or
2122 breath-alcohol level or refuses to submit to a breath,
2123 urine, or blood test; providing for the period of
2124 disqualification; providing procedures; providing for
2125 issuance of a notice of disqualification; revising the
2126 requirements for a formal review hearing following a
2127 person's disqualification from operating a commercial
2128 motor vehicle; amending s. 324.021, F.S.; clarifying that
2129 a judgment becomes final by expiration of the time for
2130 appeal; amending s. 501.976, F.S.; conforming a cross-
2131 reference; creating the Automobile Lenders Industry Task
2132 Force within the Department of Highway Safety and Motor
2133 Vehicles; providing duties of the task force; providing
2134 for membership and the election of officers; providing for
2135 meetings; providing for reimbursement for travel and per
2136 diem expenses for public-sector members; requiring the
2137 department to provide administrative support and
2138 assistance to the task force; prohibiting the Department
2139 of Highway Safety and Motor Vehicles from issuing any new
2140 specialty license plates for a specified period;
2141 designating the Joseph P. Bertrand Building in Lee County;
2142 providing effective dates.

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