

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. Subsection (4) of section 316.193, Florida
121 Statutes, is amended to read:

122 316.193 Driving under the influence; penalties.--

123 (4) Any person who is convicted of a violation of
124 subsection (1) and who has a blood-alcohol level or breath-
125 alcohol level of 0.15 ~~0.20~~ or higher, or any person who is
126 convicted of a violation of subsection (1) and who at the time

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127 of the offense was accompanied in the vehicle by a person under
128 the age of 18 years, shall be punished:

129 (a) By a fine of:

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

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

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

136 (b) By imprisonment for:

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

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

139
140 For the purposes of this subsection, only the instant offense is
141 required to be a violation of subsection (1) by a person who has
142 a blood-alcohol level or breath-alcohol level of 0.15 ~~0.20~~ or
143 higher.

144 (c) In addition to the penalties in paragraphs (a) and
145 (b), the court shall order the mandatory placement, at the
146 convicted person's sole expense, of an ignition interlock device
147 approved by the department in accordance with s. 316.1938 upon
148 all vehicles that are individually or jointly leased or owned
149 and routinely operated by the convicted person for not less than
150 ~~up to~~ 6 continuous months for the first offense and for not less
151 ~~than at least~~ 2 continuous years for a second offense, when the
152 convicted person qualifies for a permanent or restricted
153 license. ~~The installation of such device may not occur before~~
154 ~~July 1, 2003.~~

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155 Section 5. Subsection (1) of section 316.1937, Florida
156 Statutes, is amended to read:

157 316.1937 Ignition interlock devices, requiring; unlawful
158 acts.--

159 (1) In addition to any other authorized penalties, the
160 court may require that any person who is convicted of driving
161 under the influence in violation of s. 316.193 shall not operate
162 a motor vehicle unless that vehicle is equipped with a
163 functioning ignition interlock device certified by the
164 department as provided in s. 316.1938, and installed in such a
165 manner that the vehicle will not start if the operator's blood
166 alcohol level is in excess of 0.05 percent or as otherwise
167 specified by the court. The court may require the use of an
168 approved ignition interlock device for a period of not less than
169 6 continuous months, if the person is permitted to operate a
170 motor vehicle, whether or not the privilege to operate a motor
171 vehicle is restricted, as determined by the court. The court,
172 however, shall order placement of an ignition interlock device
173 in those circumstances required by s. 316.193.

174 Section 6. Subsections (1) and (2) of section 316.2397,
175 Florida Statutes, are amended to read:

176 316.2397 Certain lights prohibited; exceptions.--

177 (1) A ~~No~~ person may not ~~shall~~ drive or move or cause to be
178 moved any vehicle or equipment upon any highway within this
179 state with any lamp or device thereon showing or displaying a
180 red or blue light visible from directly in front thereof except
181 for certain vehicles hereinafter provided.

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182 (2) It is expressly prohibited for any vehicle or
183 equipment, except police vehicles, to show or display blue
184 lights. However, vehicles owned, operated, or leased by the
185 Department of Corrections or any county correctional agency may
186 show or display blue lights when responding to emergencies.

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

189 316.251 Maximum bumper heights.--

190 (2) "New motor vehicles" as defined in s. 319.001(9)~~(8)~~,
191 "antique automobiles" as defined in s. 320.08, "horseless
192 carriages" as defined in s. 320.086, and "street rods" as
193 defined in s. 320.0863 shall be excluded from the requirements
194 of this section.

195 Section 8. Paragraph (b) of subsection (1) and subsections
196 (6) and (8) of section 316.302, Florida Statutes, are amended to
197 read:

198 316.302 Commercial motor vehicles; safety regulations;
199 transporters and shippers of hazardous materials; enforcement.--

200 (1)

201 (b) Except as otherwise provided in this section, all
202 owners or drivers of commercial motor vehicles that are engaged
203 in intrastate commerce are subject to the rules and regulations
204 contained in 49 C.F.R. parts 382, 385, and 390-397, with the
205 exception of 49 C.F.R. s. 390.5 as it relates to the definition
206 of bus, as such rules and regulations existed on October 1, 2007
207 ~~2005~~.

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

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

231 (a) Any member of the Florida Highway Patrol or any law
232 enforcement officer employed by a sheriff's office or municipal
233 police department authorized to enforce the traffic laws of this
234 state pursuant to s. 316.640 who has reason to believe that a
235 vehicle or driver is operating in an unsafe condition may, as
236 provided in subsection (10), enforce the provisions of this
237 section.

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238 (b) Any person who fails to comply with an officer's
239 request to submit to an inspection under this subsection commits
240 a violation of s. 843.02 if the person resists the officer
241 without violence or a violation of s. 843.01 if the person
242 resists the officer with violence.

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

245 316.613 Child restraint requirements.--

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

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

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

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

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

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

259 Section 10. Paragraph (a) of subsection (3) of section
260 316.614, Florida Statutes, is amended to read:

261 316.614 Safety belt usage.--

262 (3) As used in this section:

263 (a) "Motor vehicle" means a motor vehicle as defined in s.
264 316.003 which ~~that~~ is operated on the roadways, streets, and
265 highways of this state. The term does not include:

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266 1. A school bus.

267 2. A bus used for the transportation of persons for
268 compensation.

269 3. A farm tractor or implement of husbandry.

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

272 5. A motorcycle, moped, or bicycle.

273 Section 11. Section 316.645, Florida Statutes, is amended
274 to read:

275 316.645 Arrest authority of officer at scene of a traffic
276 crash.--A police officer who makes an investigation at the scene
277 of a traffic crash may arrest any driver of a vehicle involved
278 in the crash when, based upon personal investigation, the
279 officer has reasonable and probable grounds to believe that the
280 person has committed any offense under the provisions of this
281 chapter, chapter 320, or chapter 322 in connection with the
282 crash.

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

285 316.650 Traffic citations.--

286 (1)(a) The department shall prepare, and supply to every
287 traffic enforcement agency in this state, an appropriate form
288 traffic citation that contains ~~containing~~ a notice to appear, is
289 ~~(which shall be issued in prenumbered books,~~ meets with
290 ~~Citations in quintuplicate)~~ and meeting the requirements of this
291 chapter or any laws of this state regulating traffic, and is
292 ~~which form shall be~~ consistent with the state traffic court
293 rules and the procedures established by the department. The form

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294 shall include a box that ~~which~~ is to be checked by the law
295 enforcement officer when the officer believes that the traffic
296 violation or crash was due to aggressive careless driving as
297 defined in s. 316.1923. The form shall also include a box that
298 ~~which~~ is to be checked by the law enforcement officer when the
299 officer writes a uniform traffic citation for a violation of s.
300 316.074(1) or s. 316.075(1)(c)1. as a result of the driver
301 failing to stop at a traffic signal.

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

313 (c) Notwithstanding paragraphs (a) and (b), a traffic
314 enforcement agency may produce uniform traffic citations by
315 electronic means. Such citations must be consistent with the
316 state traffic court rules and the procedures established by the
317 department and, must be appropriately numbered and inventoried,
318 ~~and may have fewer copies than the quintuplicate form.~~
319 Affidavit-of-compliance forms may also be produced by electronic
320 means.

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321 (d) The department must distribute to every traffic
322 enforcement agency and to any others who request it, a traffic
323 infraction reference guide describing the class of the traffic
324 infraction, the penalty for the infraction, the points to be
325 assessed on a driver's record license, and any other information
326 necessary to describe a violation and the penalties therefor.

327 (3) (a) Except for a traffic citation issued pursuant to s.
328 316.1001, each traffic enforcement officer, upon issuing a
329 traffic citation to an alleged violator of any provision of the
330 motor vehicle laws of this state or of any traffic ordinance of
331 any municipality ~~city~~ or town, shall deposit the original ~~and~~
332 ~~one copy of such~~ traffic citation or, in the case of a traffic
333 enforcement agency that ~~which~~ has an automated citation issuance
334 system, the chief administrative officer shall provide by an
335 electronic transmission a replica of the citation data to
336 ~~facsimile with~~ a court having jurisdiction over the alleged
337 offense or with its traffic violations bureau within 5 days
338 after issuance to the violator.

339 (b) If a traffic citation is issued pursuant to s.
340 316.1001, a traffic enforcement officer may deposit the original
341 ~~and one copy of such~~ traffic citation or, in the case of a
342 traffic enforcement agency that has an automated citation
343 system, may provide by an electronic transmission a replica of
344 the citation data to ~~facsimile with~~ a court having jurisdiction
345 over the alleged offense or with its traffic violations bureau
346 within 45 days after the date of issuance of the citation to the
347 violator. If the person cited for the violation of s. 316.1001
348 makes the election provided by s. 318.14(12) and pays the \$25
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349 fine, or such other amount as imposed by the governmental entity
350 owning the applicable toll facility, plus the amount of the
351 unpaid toll that is shown on the traffic citation directly to
352 the governmental entity that issued the citation, or on whose
353 behalf the citation was issued, in accordance with s.

354 318.14(12), the traffic citation will not be submitted to the
355 court, the disposition will be reported to the department by the
356 governmental entity that issued the citation, or on whose behalf
357 the citation was issued, and no points will be assessed against
358 the person's driver's license.

359 (4) The chief administrative officer of every traffic
360 enforcement agency shall require the return to him or her ~~of~~ the
361 officer-agency department record copy of every traffic citation
362 issued by an officer under the chief administrative officer's
363 supervision to an alleged violator of any traffic law or
364 ordinance and ~~of~~ all copies of every traffic citation that ~~which~~
365 has been spoiled or upon which any entry has been made and not
366 issued to an alleged violator. In the case of a traffic
367 enforcement agency that ~~which~~ has an automated citation issuance
368 system, the chief administrative officer shall require the
369 return of all electronic traffic citation records.

370 (5) Upon the deposit of the original and ~~one copy of such~~
371 traffic citation or upon ~~deposit of~~ an electronic transmission
372 of a replica of citation data ~~facsimile~~ of the traffic citation
373 with respect to traffic enforcement agencies that ~~which~~ have an
374 automated citation issuance system with a court having
375 jurisdiction over the alleged offense or with its traffic
376 violations bureau ~~as aforesaid~~, the original citation, the

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377 electronic citation containing a replica of citation data
378 ~~facsimile~~, or a copy of such traffic citation may be disposed of
379 only by trial in the court or other official action by a judge
380 of the court, including forfeiture of the bail, or by the
381 deposit of sufficient bail with, or payment of a fine to, the
382 traffic violations bureau by the person to whom such traffic
383 citation has been issued by the traffic enforcement officer.

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

395 (7) The chief administrative officer shall also maintain
396 or cause to be maintained in connection with every traffic
397 citation issued by an officer under his or her supervision a
398 record of the disposition of the charge by the court or its
399 traffic violations bureau in which the original or copy of the
400 traffic citation or electronic citation was deposited.

401 Section 13. Paragraph (a) of subsection (2) of section
402 316.656, Florida Statutes, is amended to read:

403 316.656 Mandatory adjudication; prohibition against
404 accepting plea to lesser included offense.--

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405 (2) (a) No trial judge may accept a plea of guilty to a
406 lesser offense from a person charged under the provisions of
407 this act who has been given a breath or blood test to determine
408 blood or breath alcohol content, the results of which show a
409 blood or breath alcohol content by weight of 0.15 ~~0.20~~ percent
410 or more.

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

413 318.14 Noncriminal traffic infractions; exception;
414 procedures.--

415 (9) Any person who does not hold a commercial driver's
416 license and who is cited for an infraction under this section
417 other than a violation of s. 316.183(2), s. 316.187, or s.
418 316.189 when the driver exceeds the posted limit by 30 miles per
419 hour or more, s. 320.0605, s. 320.07(3)(a) or (b), s. 322.065,
420 s. 322.15(1), s. 322.61, or s. 322.62 may, in lieu of a court
421 appearance, elect to attend in the location of his or her choice
422 within this state a basic driver improvement course approved by
423 the Department of Highway Safety and Motor Vehicles. In such a
424 case, adjudication must be withheld; points, as provided by s.
425 322.27, may not be assessed; and the civil penalty that is
426 imposed by s. 318.18(3) must be reduced by 18 percent; however,
427 a person may not make an election under this subsection if the
428 person has made an election under this subsection in the
429 preceding 12 months. A person may make no more than five
430 elections within 10 years under this subsection. The requirement
431 for community service under s. 318.18(8) is not waived by a plea

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432 of nolo contendere or by the withholding of adjudication of
433 guilt by a court.

434 Section 15. Subsections (1) through (11) of section
435 319.001, Florida Statutes, are renumbered as subsections (2)
436 through (12), respectively, and a new subsection (1) is added to
437 that section to read:

438 319.001 Definitions.--As used in this chapter, the term:

439 (1) "Certificate of title" means the record that is
440 evidence of ownership of a vehicle, whether a paper certificate
441 authorized by the department or a certificate consisting of
442 information that is stored in an electronic form in the
443 department's database.

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

446 320.01 Definitions, general.--As used in the Florida
447 Statutes, except as otherwise provided, the term:

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

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

456 320.02 Registration required; application for
457 registration; forms.--

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

470 Section 18. Subsection (13) of section 320.02, Florida
471 Statutes, is repealed.

472 Section 19. Section 320.0706, Florida Statutes, is amended
473 to read:

474 320.0706 Display of license plates on trucks.--The owner
475 of any commercial truck of gross vehicle weight of 26,001 pounds
476 or more shall display the registration license plate on both the
477 front and rear of the truck in conformance with all the
478 requirements of s. 316.605 that do not conflict with this
479 section. The owner of a dump truck may place the rear license
480 plate on the gate no higher than 60 inches to allow for better
481 visibility. However, the owner of a truck tractor shall be
482 required to display the registration license plate only on the
483 front of such vehicle. A violation of this section is a
484 noncriminal traffic infraction, punishable as a moving violation
485 as provided in chapter 318.

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

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488 320.0715 International Registration Plan; motor carrier
489 services; permits; retention of records.--

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

494 (a) The department shall withhold registrations and
495 license plates for commercial motor vehicles unless the
496 identifying number issued by the federal agency responsible for
497 motor carrier safety is provided for the motor carrier and the
498 entity responsible for motor carrier safety for each motor
499 vehicle as part of the application process.

500 (b) The department may not issue a commercial motor
501 vehicle registration or license plate to, and may not transfer
502 the commercial motor vehicle registration or license plate for,
503 a motor carrier or vehicle owner who has been prohibited from
504 operating by a federal or state agency responsible for motor
505 carrier safety.

506 (c) The department, with notice, shall suspend any
507 commercial motor vehicle registration and license plate issued
508 to a motor carrier or vehicle owner who has been prohibited from
509 operating by a federal or state agency responsible for motor
510 carrier safety.

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

513 320.08053 Requirements for requests to establish specialty
514 license plates.--

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

525 Section 22. Paragraph (a) of subsection (4) of section
526 320.0894, Florida Statutes, is amended to read:

527 320.0894 Motor vehicle license plates to Gold Star family
528 members.--The department shall develop a special license plate
529 honoring the family members of servicemembers who have been
530 killed while serving in the Armed Forces of the United States.
531 The license plate shall be officially designated as the Gold
532 Star license plate and shall be developed and issued as provided
533 in this section.

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

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

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542 2. To qualify for issuance of a Gold Star license plate,
543 the applicant must be directly related to a fallen servicemember
544 as spouse, legal mother or father, or stepparent who is
545 currently married to the mother or father of the fallen
546 servicemember.

547 3. A servicemember is deemed to have been killed while in
548 service as listed by the United States Department of Defense and
549 may be verified from documentation directly from the Department
550 of Defense or from its subordinate agencies, such as the Coast
551 Guard, Reserve, or National Guard.

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

556 320.131 Temporary tags.--

557 (4) (a) Temporary tags shall be conspicuously displayed in
558 the rear license plate bracket or, ~~attached to the inside of the~~
559 ~~rear window in an upright position so as to be clearly visible~~
560 ~~from the rear of the vehicle.~~ on vehicles requiring front
561 display of license plates, ~~temporary tags shall be displayed~~ on
562 the front of the vehicle in the location where the metal license
563 plate would normally be displayed.

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

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

582 (9)(a) The department shall implement a secure print-on-
583 demand electronic temporary tag registration, record retention,
584 and issue system required for use by every department-authorized
585 issuer of temporary tags by the end of the 2007-2008 fiscal
586 year. Such system shall enable the department to issue, on
587 demand, a temporary tag number in response to a request from the
588 issuer by way of a secure electronic exchange of data and enable
589 the issuer to print the temporary tag that has all required
590 information. A motor vehicle dealer licensed under this chapter
591 may charge a fee to comply with this subsection.

592 (b) To ensure the continuation of operations for issuers
593 if a system outage occurs, the department shall allow the
594 limited use of a backup manual issuance method during an outage
595 which requires recordkeeping of information as determined by the
596 department and requires the timely electronic reporting of this
597 information to the department.

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598 (c) The department may adopt rules necessary to administer
599 this subsection. Such rules may include exemptions from the
600 requirements of this subsection as required to administer the
601 program, as well as exemptions for issuers who do not require a
602 dealer license under this chapter because of the type or size of
603 vehicle being sold.

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

606 320.27 Motor vehicle dealers.--

607 (3) APPLICATION AND FEE.--The application for the license
608 shall be in such form as may be prescribed by the department and
609 shall be subject to such rules with respect thereto as may be so
610 prescribed by it. Such application shall be verified by oath or
611 affirmation and shall contain a full statement of the name and
612 birth date of the person or persons applying therefor; the name
613 of the firm or copartnership, with the names and places of
614 residence of all members thereof, if such applicant is a firm or
615 copartnership; the names and places of residence of the
616 principal officers, if the applicant is a body corporate or
617 other artificial body; the name of the state under whose laws
618 the corporation is organized; the present and former place or
619 places of residence of the applicant; and prior business in
620 which the applicant has been engaged and the location thereof.
621 Such application shall describe the exact location of the place
622 of business and shall state whether the place of business is
623 owned by the applicant and when acquired, or, if leased, a true
624 copy of the lease shall be attached to the application. The
625 applicant shall certify that the location provides an adequately

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626 equipped office and is not a residence; that the location
627 affords sufficient unoccupied space upon and within which
628 adequately to store all motor vehicles offered and displayed for
629 sale; and that the location is a suitable place where the
630 applicant can in good faith carry on such business and keep and
631 maintain books, records, and files necessary to conduct such
632 business, which will be available at all reasonable hours to
633 inspection by the department or any of its inspectors or other
634 employees. The applicant shall certify that the business of a
635 motor vehicle dealer is the principal business which shall be
636 conducted at that location. Such application shall contain a
637 statement that the applicant is either franchised by a
638 manufacturer of motor vehicles, in which case the name of each
639 motor vehicle that the applicant is franchised to sell shall be
640 included, or an independent (nonfranchised) motor vehicle
641 dealer. Such application shall contain such other relevant
642 information as may be required by the department, including
643 evidence that the applicant is insured under a garage liability
644 insurance policy or a general liability insurance policy coupled
645 with a business automobile policy, which shall include, at a
646 minimum, \$25,000 combined single-limit liability coverage
647 including bodily injury and property damage protection and
648 \$10,000 personal injury protection. Franchise dealers must
649 submit a garage liability insurance policy, and all other
650 dealers must submit a garage liability insurance policy or a
651 general liability insurance policy coupled with a business
652 automobile policy. Such policy shall be for the license period,
653 and evidence of a new or continued policy shall be delivered to
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654 the department at the beginning of each license period. Upon
655 making ~~such~~ initial application, the applicant ~~person applying~~
656 ~~therefor~~ shall pay to the department a fee of \$300 in addition
657 to any other fees now required by law; upon making a subsequent
658 renewal application, the applicant ~~person applying therefor~~
659 shall pay to the department a fee of \$75 in addition to any
660 other fees now required by law. Upon making an application for a
661 change of location, the person shall pay a fee of \$50 in
662 addition to any other fees now required by law. The department
663 shall, in the case of every application for initial licensure,
664 verify whether certain facts set forth in the application are
665 true. Each applicant, general partner in the case of a
666 partnership, or corporate officer and director in the case of a
667 corporate applicant, must file a set of fingerprints with the
668 department for the purpose of determining any prior criminal
669 record or any outstanding warrants. The department shall submit
670 the fingerprints to the Department of Law Enforcement for state
671 processing and forwarding to the Federal Bureau of Investigation
672 for federal processing. The actual cost of ~~such~~ state and
673 federal processing shall be borne by the applicant and is ~~to be~~
674 in addition to the fee for licensure. The department may issue a
675 license to an applicant pending the results of the fingerprint
676 investigation, which license is fully revocable if the
677 department subsequently determines that any facts set forth in
678 the application are not true or correctly represented.

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

680 (b) The department may deny, suspend, or revoke any
681 license issued hereunder or under the provisions of s. 320.77 or
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682 s. 320.771 upon proof that a licensee has committed, with
683 sufficient frequency so as to establish a pattern of wrongdoing
684 on the part of a licensee, violations of one or more of the
685 following activities:

686 1. Representation that a demonstrator is a new motor
687 vehicle, or the attempt to sell or the sale of a demonstrator as
688 a new motor vehicle without written notice to the purchaser that
689 the vehicle is a demonstrator. For the purposes of this section,
690 a "demonstrator," a "new motor vehicle," and a "used motor
691 vehicle" shall be defined as under s. 320.60.

692 2. Unjustifiable refusal to comply with a licensee's
693 responsibility under the terms of the new motor vehicle warranty
694 issued by its respective manufacturer, distributor, or importer.
695 However, if such refusal is at the direction of the
696 manufacturer, distributor, or importer, such refusal shall not
697 be a ground under this section.

698 3. Misrepresentation or false, deceptive, or misleading
699 statements with regard to the sale or financing of motor
700 vehicles which any motor vehicle dealer has, or causes to have,
701 advertised, printed, displayed, published, distributed,
702 broadcast, televised, or made in any manner with regard to the
703 sale or financing of motor vehicles.

704 4. Failure by any motor vehicle dealer to provide a
705 customer or purchaser with an odometer disclosure statement and
706 a copy of any bona fide written, executed sales contract or
707 agreement of purchase connected with the purchase of the motor
708 vehicle purchased by the customer or purchaser.

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709 5. Failure of any motor vehicle dealer to comply with the
710 terms of any bona fide written, executed agreement, pursuant to
711 the sale of a motor vehicle.

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

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

716 8. Failure to continually meet the requirements of the
717 licensure law.

718 9. Representation to a customer or any advertisement to
719 the public representing or suggesting that a motor vehicle is a
720 new motor vehicle if such vehicle lawfully cannot be titled in
721 the name of the customer or other member of the public by the
722 seller using a manufacturer's statement of origin as permitted
723 in s. 319.23(1).

724 10. Requirement by any motor vehicle dealer that a
725 customer or purchaser accept equipment on his or her motor
726 vehicle which was not ordered by the customer or purchaser.

727 11. Requirement by any motor vehicle dealer that any
728 customer or purchaser finance a motor vehicle with a specific
729 financial institution or company.

730 12. Requirement by any motor vehicle dealer that the
731 purchaser of a motor vehicle contract with the dealer for
732 physical damage insurance.

733 13. Perpetration of a fraud upon any person as a result of
734 dealing in motor vehicles, including, without limitation, the
735 misrepresentation to any person by the licensee of the

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736 licensee's relationship to any manufacturer, importer, or
737 distributor.

738 14. Violation of any of the provisions of s. 319.35 by any
739 motor vehicle dealer.

740 15. Sale by a motor vehicle dealer of a vehicle offered in
741 trade by a customer prior to consummation of the sale, exchange,
742 or transfer of a newly acquired vehicle to the customer, unless
743 the customer provides written authorization for the sale of the
744 trade-in vehicle prior to delivery of the newly acquired
745 vehicle.

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

748 17. Violation of chapter 319, this chapter, or ss.
749 559.901-559.9221, which has to do with dealing in or repairing
750 motor vehicles or mobile homes. Additionally, in the case of
751 used motor vehicles, the willful violation of the federal law
752 and rule in 15 U.S.C. s. 2304, 16 C.F.R. part 455, pertaining to
753 the consumer sales window form.

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

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

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

760 Section 26. Subsections (10) through (44) of section
761 322.01, Florida Statutes, are renumbered as subsections (11)
762 through (45), respectively, present subsections (10), (23), and

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763 (29) are amended, and a new subsection (10) is added to that
764 section, to read:

765 322.01 Definitions.--As used in this chapter:

766 (10) "Convenience service" means any means whereby an
767 individual conducts a transaction with the department other than
768 in person.

769 (11)-(10)(a) "Conviction" means a conviction of an offense
770 relating to the operation of motor vehicles on highways which is
771 a violation of this chapter or any other such law of this state
772 or any other state, including an admission or determination of a
773 noncriminal traffic infraction pursuant to s. 318.14, or a
774 judicial disposition of an offense committed under any federal
775 law substantially conforming to the aforesaid state statutory
776 provisions.

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

781 (24)-(23) "Hazardous materials" means any material that has
782 been designated as hazardous under 49 U.S.C. s. 5103 and is
783 required to be placarded under subpart F of 49 C.F.R. part 172
784 or any quantity of a material listed as a select agent or toxin
785 in 42 C.F.R. part 73 has the meaning such term has under s. 103
786 of the Hazardous Materials Transportation Act.

787 (30)-(29) "Out-of-service order" means a prohibition issued
788 by an authorized local, state, or Federal Government official
789 which precludes a person from driving a commercial motor vehicle
790 for a period of 72 hours or less.

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791 Section 27. Subsection (1) of section 322.03, Florida
792 Statutes, is amended to read:

793 322.03 Drivers must be licensed; penalties.--

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

798 (a) A person who drives a commercial motor vehicle shall
799 not receive a driver's license unless and until he or she
800 surrenders to the department all driver's licenses in his or her
801 possession issued to him or her by any other jurisdiction or
802 makes an affidavit that he or she does not possess a driver's
803 license. Any such person who fails to surrender such licenses or
804 who makes a false affidavit concerning such licenses is guilty
805 of a misdemeanor of the first degree, punishable as provided in
806 s. 775.082 or s. 775.083.

807 ~~(b) A person who does not drive a commercial motor vehicle~~
808 ~~is not required to surrender a license issued by another~~
809 ~~jurisdiction, upon a showing to the department that such license~~
810 ~~is necessary because of employment or part time residence. Any~~
811 ~~person who retains a driver's license because of employment or~~
812 ~~part time residence shall, upon qualifying for a license in this~~
813 ~~state, be issued a driver's license which shall be valid within~~
814 ~~this state only.~~ All surrendered licenses may be returned by the
815 department to the issuing jurisdiction together with information
816 that the licensee is now licensed in a new jurisdiction or may
817 be destroyed by the department, which shall notify the issuing

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818 jurisdiction of such destruction. A person may not have more
819 than one valid ~~Florida~~ driver's license at any time.

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

825 Section 28. Subsections (1) and (2) of section 322.051,
826 Florida Statutes, are amended to read:

827 322.051 Identification cards.--

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

833 (a) Each such application shall include the following
834 information regarding the applicant:

835 1. Full name (first, middle or maiden, and last), gender,
836 proof of social security card number satisfactory to the
837 department, county of residence, and mailing address, proof of
838 residential address satisfactory to the department, country of
839 birth, and a brief description.

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

841 3. Proof of identity satisfactory to the department. Such
842 proof must include one of the following documents issued to the
843 applicant:

844 a. A driver's license record or identification card record
845 from another jurisdiction that required the applicant to submit
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846 a document for identification which is substantially similar to
847 a document required under sub-subparagraph b., sub-subparagraph
848 c., sub-subparagraph d., sub-subparagraph e., sub-subparagraph
849 f., ~~or~~ sub-subparagraph g., or sub-subparagraph h.;

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

851 c. A valid, unexpired United States passport;

852 d. A naturalization certificate issued by the United
853 States Department of Homeland Security;

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

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

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

860 ~~h.g.~~ Proof of nonimmigrant classification provided by the
861 United States Department of Homeland Security, for an original
862 identification card. In order to prove such nonimmigrant
863 classification, applicants may produce but are not limited to
864 the following documents:

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

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

869 (III) Notice of the approval of an application for
870 adjustment of status issued by the United States Bureau of
871 Citizenship and Immigration Services.

872 (IV) Any official documentation confirming the filing of a
873 petition for asylum or refugee status or any other relief issued
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874 by the United States Bureau of Citizenship and Immigration
875 Services.

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

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

882 (VII) Evidence that an application is pending for
883 adjustment of status to that of an alien lawfully admitted for
884 permanent residence in the United States or conditional
885 permanent resident status in the United States, if a visa number
886 is available having a current priority date for processing by
887 the United States Bureau of Citizenship and Immigration
888 Services.

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

893
894 Presentation of any of the documents described in sub-
895 subparagraph g. ~~f.~~ or sub-subparagraph h. ~~g.~~ entitles the
896 applicant to an identification card for a period not to exceed
897 the expiration date of the document presented or 1 year,
898 whichever first occurs.

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

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

907 (2) (a) Every identification card:

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

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

914

915 Renewal of an identification card shall be made for the
916 applicable term enumerated in this paragraph. However, if an
917 individual is 60 years of age or older, and has an
918 identification card issued under this section, the card shall
919 not expire unless done so by cancellation by the department or
920 by the death of the cardholder. Renewal of any identification
921 card shall be made for a term which shall expire on the fourth
922 birthday of the applicant following expiration of the
923 identification card renewed, unless surrendered earlier. Any
924 application for renewal received later than 90 days after
925 expiration of the identification card shall be considered the
926 same as an application for an original identification card. ~~The~~
927 ~~renewal fee for an identification card shall be \$10, of which \$4~~
928 ~~shall be deposited into the General Revenue Fund and \$6 into the~~
929 ~~Highway Safety Operating Trust Fund. The department shall, at~~
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930 ~~the end of 4 years and 6 months after the issuance or renewal of~~
931 ~~an identification card, destroy any record of the card if it has~~
932 ~~expired and has not been renewed, unless the cardholder is 60~~
933 ~~years of age or older.~~

934 (b) Notwithstanding any other provision of this chapter,
935 if an applicant establishes his or her identity for an
936 identification card using a document authorized under sub-
937 subparagraph (1)(a)3.e., the identification card shall expire on
938 the eighth ~~fourth~~ birthday of the applicant following the date
939 of original issue or upon first renewal or duplicate issued
940 after implementation of this section. After an initial showing
941 of such documentation, he or she is exempted from having to
942 renew or obtain a duplicate in person.

943 (c) Notwithstanding any other provisions of this chapter,
944 if an applicant establishes his or her identity for an
945 identification card using an identification document authorized
946 under sub-subparagraph (1)(a)3.g. ~~(1)(a)3.f.~~ or sub-subparagraph
947 (1)(a)3.h. ~~(1)(a)3.g.~~, the identification card shall expire 1
948 year ~~2 years~~ after the date of issuance or upon the expiration
949 date cited on the United States Department of Homeland Security
950 documents, whichever date first occurs, and may not be renewed
951 or obtain a duplicate except in person.

952 Section 29. Subsections (1), (2), and (6) of section
953 322.08, Florida Statutes, are amended to read:

954 322.08 Application for license.--

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

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957 affirmed by the applicant as to the truth of the statements made
958 in the application.

959 (2) Each such application shall include the following
960 information regarding the applicant:

961 (a) Full name (first, middle or maiden, and last), gender,
962 proof of social security card number satisfactory to the
963 department, county of residence, and mailing address, proof of
964 residential address satisfactory to the department, country of
965 birth, and a brief description.

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

967 (c) Proof of identity satisfactory to the department. Such
968 proof must include one of the following documents issued to the
969 applicant:

970 1. A driver's license record or identification card record
971 from another jurisdiction that required the applicant to submit
972 a document for identification which is substantially similar to
973 a document required under subparagraph 2., subparagraph 3.,
974 subparagraph 4., subparagraph 5., subparagraph 6., ~~or~~
975 subparagraph 7., or subparagraph 8.;

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

977 3. A valid, unexpired United States passport;

978 4. A naturalization certificate issued by the United
979 States Department of Homeland Security;

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

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

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984 ~~7.6-~~ An unexpired employment authorization card issued by
985 the United States Department of Homeland Security; or

986 ~~8.7-~~ Proof of nonimmigrant classification provided by the
987 United States Department of Homeland Security, for an original
988 driver's license. In order to prove nonimmigrant classification,
989 an applicant may produce the following documents, including, but
990 not limited to:

991 a. A notice of hearing from an immigration court
992 scheduling a hearing on any proceeding.

993 b. A notice from the Board of Immigration Appeals
994 acknowledging pendency of an appeal.

995 c. A notice of the approval of an application for
996 adjustment of status issued by the United States Bureau of
997 Citizenship and Immigration Services.

998 d. Any official documentation confirming the filing of a
999 petition for asylum or refugee status or any other relief issued
1000 by the United States Bureau of Citizenship and Immigration
1001 Services.

1002 e. A notice of action transferring any pending matter from
1003 another jurisdiction to this state issued by the United States
1004 Bureau of Citizenship and Immigration Services.

1005 f. An order of an immigration judge or immigration officer
1006 granting any relief that authorizes the alien to live and work
1007 in the United States, including, but not limited to, asylum.

1008 g. Evidence that an application is pending for adjustment
1009 of status to that of an alien lawfully admitted for permanent
1010 residence in the United States or conditional permanent resident
1011 status in the United States, if a visa number is available

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1012 having a current priority date for processing by the United
1013 States Bureau of Citizenship and Immigration Services.

1014 h. On or after January 1, 2010, an unexpired foreign
1015 passport with an unexpired United States Visa affixed,
1016 accompanied by an approved I-94, documenting the most recent
1017 admittance into the United States.

1018
1019 Presentation of any of the documents in subparagraph 7. ~~6.~~ or
1020 subparagraph 8. ~~7.~~ entitles the applicant to a driver's license
1021 or temporary permit for a period not to exceed the expiration
1022 date of the document presented or 1 year, whichever occurs
1023 first.

1024 (d) Whether the applicant has previously been licensed to
1025 drive, and, if so, when and by what state, and whether any such
1026 license or driving privilege has ever been disqualified,
1027 revoked, or suspended, or whether an application has ever been
1028 refused, and, if so, the date of and reason for such
1029 disqualification, suspension, revocation, or refusal.

1030 (e) Each such application may include fingerprints and
1031 other unique biometric means of identity.

1032 (6) The application form for a driver's license or
1033 duplicate thereof shall include language permitting the
1034 following:

1035 ~~(a) A voluntary contribution of \$5 per applicant, which~~
1036 ~~contribution shall be transferred into the Election Campaign~~
1037 ~~Financing Trust Fund.~~

1038 (a)(b) A voluntary contribution of \$1 per applicant, which
1039 contribution shall be deposited into the Florida Organ and
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1040 Tissue Donor Education and Procurement Trust Fund for organ and
1041 tissue donor education and for maintaining the organ and tissue
1042 donor registry.

1043 (b)~~(e)~~ A voluntary contribution of \$1 per applicant, which
1044 contribution shall be distributed to the Florida Council of the
1045 Blind.

1046 (c)~~(d)~~ A voluntary contribution of \$2 per applicant, which
1047 shall be distributed to the Hearing Research Institute,
1048 Incorporated.

1049 (d)~~(e)~~ A voluntary contribution of \$1 per applicant, which
1050 shall be distributed to the Juvenile Diabetes Foundation
1051 International.

1052 (e)~~(f)~~ A voluntary contribution of \$1 per applicant, which
1053 shall be distributed to the Children's Hearing Help Fund.

1054
1055 A statement providing an explanation of the purpose of the trust
1056 funds shall also be included. For the purpose of applying the
1057 service charge provided in s. 215.20, contributions received
1058 under paragraphs (b), (c), (d), and (e) ~~(e), (d), (e), and (f)~~
1059 and under s. 322.18(9)(a) are not income of a revenue nature.

1060 Section 30. Paragraph (a) of subsection (1) of section
1061 322.14, Florida Statutes, is amended to read:

1062 322.14 Licenses issued to drivers.--

1063 (1)(a) The department shall, upon successful completion of
1064 all required examinations and payment of the required fee, issue
1065 to every applicant qualifying therefor, a driver's license as
1066 applied for, which license shall bear thereon a color photograph
1067 or digital image of the licensee; the name of the state; a

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1068 distinguishing number assigned to the licensee; and the
1069 licensee's full name, date of birth, and residence ~~mailing~~
1070 address; a brief description of the licensee, including, but not
1071 limited to, the licensee's gender and height; and the dates of
1072 issuance and expiration of the license. A space shall be
1073 provided upon which the licensee shall affix his or her usual
1074 signature. No license shall be valid until it has been so signed
1075 by the licensee except that the signature of said licensee shall
1076 not be required if it appears thereon in facsimile or if the
1077 licensee is not present within the state at the time of
1078 issuance. Applicants qualifying to receive a Class A, Class B,
1079 or Class C driver's license must appear in person within the
1080 state for issuance of a color photographic or digital imaged
1081 driver's license pursuant to s. 322.142.

1082 Section 31. Section 322.15, Florida Statutes, is amended
1083 to read:

1084 322.15 License to be carried and exhibited on demand;
1085 fingerprint to be imprinted upon a citation.--

1086 (1) Every licensee shall have his or her driver's license,
1087 which must be fully legible with no portion of such license
1088 faded, altered, mutilated, or defaced, in his or her immediate
1089 possession at all times when operating a motor vehicle and shall
1090 display the same upon the demand of a law enforcement officer or
1091 an authorized representative of the department.

1092 (2) Upon the failure of any person to display a driver's
1093 license as required by subsection (1), the law enforcement
1094 officer or authorized representative of the department stopping
1095 the person shall require the person to imprint his or her

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1096 fingerprints fingerprint upon any citation issued by the officer
1097 or authorized representative, or the officer or authorized
1098 representative shall collect the fingerprints electronically.

1099 (3) In relation to violations of subsection (1) or s.
1100 322.03(5), persons who cannot supply proof of a valid driver's
1101 license for the reason that the license was suspended for
1102 failure to comply with that citation shall be issued a
1103 suspension clearance by the clerk of the court for that citation
1104 upon payment of the applicable penalty and fee for that
1105 citation. If proof of a valid driver's license is not provided
1106 to the clerk of the court within 30 days, the person's driver's
1107 license shall again be suspended for failure to comply.

1108 (4) A violation of subsection (1) is a noncriminal traffic
1109 infraction, punishable as a nonmoving violation as provided in
1110 chapter 318.

1111 Section 32. Section 322.17, Florida Statutes, is amended
1112 to read:

1113 322.17 Replacement licenses and permits ~~Duplicate and~~
1114 ~~replacement certificates.--~~

1115 (1) (a) In the event that an instruction permit or driver's
1116 license issued under the provisions of this chapter is lost or
1117 destroyed, the person to whom the same was issued may, upon
1118 payment of the appropriate fee pursuant to s. 322.21 \$10, obtain
1119 a replacement ~~duplicate, or substitute thereof~~, upon furnishing
1120 proof satisfactory to the department that such permit or license
1121 has been lost or destroyed, and further furnishing the full
1122 name, date of birth, sex, residence and mailing address, proof
1123 of birth satisfactory to the department, and proof of identity

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1124 satisfactory to the department. ~~Five dollars of the fee levied~~
1125 ~~in this paragraph shall go to the Highway Safety Operating Trust~~
1126 ~~Fund of the department.~~

1127 (b) In the event that an instruction permit or driver's
1128 license issued under the provisions of this chapter is stolen,
1129 the person to whom the same was issued may, at no charge, obtain
1130 a replacement ~~duplicate, or substitute thereof,~~ upon furnishing
1131 proof satisfactory to the department that such permit or license
1132 was stolen and further furnishing the full name, date of birth,
1133 sex, residence and mailing address, proof of birth satisfactory
1134 to the department, and proof of identity satisfactory to the
1135 department.

1136 (2) Upon the surrender of the original license and the
1137 payment of the appropriate fees pursuant to s. 322.21 ~~a \$10~~
1138 ~~replacement fee,~~ the department shall issue a replacement
1139 license to make a change in name, address, or restrictions. ~~Upon~~
1140 ~~written request by the licensee and notification of a change in~~
1141 ~~address, and the payment of a \$10 fee, the department shall~~
1142 ~~issue an address sticker which shall be affixed to the back of~~
1143 ~~the license by the licensee. Nine dollars of the fee levied in~~
1144 ~~this subsection shall go to the Highway Safety Operating Trust~~
1145 ~~Fund of the department.~~

1146 (3) Notwithstanding any other provisions of this chapter,
1147 if a licensee establishes his or her identity for a driver's
1148 license using an identification document authorized under s.
1149 322.08(2)(c) ~~7.6.~~ or ~~8.7.~~, the licensee may not obtain a
1150 duplicate or replacement instruction permit or driver's license

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1151 except in person and upon submission of an identification
1152 document authorized under s. 322.08(2)(c) ~~7.6-~~ or ~~8.7-~~

1153 Section 33. Subsections (2), (4), (5), (8), and (9) of
1154 section 322.18, Florida Statutes, are amended to read:

1155 322.18 Original applications, licenses, and renewals;
1156 expiration of licenses; delinquent licenses.--

1157 (2) Each applicant who is entitled to the issuance of a
1158 driver's license, as provided in this section, shall be issued a
1159 driver's license, as follows:

1160 (a) An applicant who has not attained 80 years of age
1161 applying for an original issuance shall be issued a driver's
1162 license that ~~which~~ expires at midnight on the licensee's
1163 birthday which next occurs on or after the eighth ~~sixth~~
1164 anniversary of the date of issue. An applicant who is at least
1165 80 years of age applying for an original issuance shall be
1166 issued a driver's license that expires at midnight on the
1167 licensee's birthday that next occurs on or after the sixth
1168 anniversary of the date of issue.

1169 (b) An applicant who has not attained 80 years of age
1170 applying for a renewal issuance ~~or renewal extension~~ shall be
1171 issued a driver's license that ~~or renewal extension sticker~~
1172 ~~which~~ expires at midnight on the licensee's birthday that ~~which~~
1173 next occurs 8 ~~4~~ years after the month of expiration of the
1174 license being renewed. An applicant who is at least 80 years of
1175 age applying for a renewal issuance shall be issued a driver's
1176 license that, ~~except that a driver whose driving record reflects~~
1177 ~~no convictions for the preceding 3 years shall be issued a~~
1178 ~~driver's license or renewal extension sticker which expires at~~

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1179 midnight on the licensee's birthday that ~~which~~ next occurs 6
1180 years after the month of expiration of the license being
1181 renewed.

1182 (c) 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 driver's license shall expire in accordance with paragraph (b).
1186 After an initial showing of such documentation, he or she is
1187 exempted from having to renew or obtain a duplicate in person.

1188 (d) Notwithstanding any other provision of this chapter,
1189 if an applicant establishes his or her identity for a driver's
1190 license using a document authorized in s. 322.08(2)(c) ~~7.6-~~ or
1191 ~~8.7-~~, the driver's license shall expire 1 year ~~2 years~~ after the
1192 date of issuance or upon the expiration date cited on the United
1193 States Department of Homeland Security documents, whichever date
1194 first occurs.

1195 (e) Notwithstanding any other provision of this chapter,
1196 an applicant applying for an original or renewal issuance of a
1197 commercial driver's license as defined in s. 322.01(7), with a
1198 hazardous-materials endorsement, pursuant to s. 322.57(1)(e),
1199 shall be issued a driver's license that expires at midnight on
1200 the licensee's birthday that next occurs 4 years after the month
1201 of expiration of the license being issued or renewed.

1202 (4)(a) Except as otherwise provided in this chapter, all
1203 licenses shall be renewable every 8 ~~4~~ years ~~or 6 years,~~
1204 ~~depending upon the terms of issuance~~ and shall be issued or
1205 renewed ~~extended~~ upon application, payment of the fees required
1206 by s. 322.21, and successful passage of any required

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1207 examination, unless the department has reason to believe that
1208 the licensee is no longer qualified to receive a license.

1209 (b) Notwithstanding any other provision of this chapter,
1210 if an applicant establishes his or her identity for a driver's
1211 license using a document authorized under s. 322.08(2)(c)5., the
1212 license, upon an initial showing of such documentation, is
1213 exempted from having to renew or obtain a duplicate in person,
1214 unless the renewal or duplication coincides with the periodic
1215 reexamination of a driver as required pursuant to s. 322.121.

1216 (c) Notwithstanding any other provision of this chapter,
1217 if a licensee establishes his or her identity for a driver's
1218 license using an identification document authorized under s.
1219 322.08(2)(c)~~7.6.~~ or ~~8.7.~~, the licensee may not renew the
1220 driver's license except in person and upon submission of an
1221 identification document authorized under s. 322.08(2)(c)~~7.6.~~ or
1222 ~~8.7.~~ A driver's license renewed under this paragraph expires 1
1223 year ~~4 years~~ after the date of issuance or upon the expiration
1224 date cited on the United States Department of Homeland Security
1225 documents, whichever date first occurs.

1226 (5) All renewal driver's licenses may be issued after the
1227 applicant licensee has been determined to be eligible by the
1228 department.

1229 (a) A licensee who is otherwise eligible for renewal and
1230 who is at least 80 ~~over 79~~ years of age:

1231 1. Must submit to and pass a vision test administered at
1232 any driver's license office; or

1233 2. If the licensee applies for a renewal using a
1234 convenience service ~~an extension by mail~~ as provided in

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1235 subsection (8), he or she must submit to a vision test
1236 administered by a physician licensed under chapter 458 or
1237 chapter 459, or an optometrist licensed under chapter 463, must
1238 send the results of that test to the department on a form
1239 obtained from the department and signed by such health care
1240 practitioner, and must meet vision standards that are equivalent
1241 to the standards for passing the departmental vision test. The
1242 physician or optometrist may submit the results of a vision test
1243 by a department-approved electronic means.

1244 (b) A licensee who is at least 80 ~~over 79~~ years of age may
1245 not submit an application for renewal ~~extension~~ under subsection
1246 (8) by a convenience service ~~electronic or telephonic means~~,
1247 unless the results of a vision test have been electronically
1248 submitted in advance by the physician or optometrist.

1249 (8) The department shall issue 8-year renewals using a
1250 convenience service ~~4-year and 6-year license extensions by~~
1251 ~~mail, electronic, or telephonic means~~ without reexamination to
1252 drivers who have not attained 80 years of age. The department
1253 shall issue 6-year renewals using a convenience service when the
1254 applicant has satisfied the requirements of subsection (5).

1255 (a) If the department determines from its records that the
1256 holder of a license about to expire is eligible for renewal, the
1257 department shall mail a renewal notice to the licensee at his or
1258 her last known address, not less than 30 days prior to the
1259 licensee's birthday. The renewal notice shall direct the
1260 licensee to appear at a driver license office for in-person
1261 renewal or to transmit the completed renewal notice and the fees
1262 required by s. 322.21 to the department using a convenience

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1263 ~~service by mail, electronically, or telephonically within the 30~~
1264 ~~days preceding the licensee's birthday for a license extension.~~
1265 ~~License extensions shall not be available to drivers directed to~~
1266 ~~appear for in person renewal.~~

1267 (b) Upon receipt of a properly completed renewal notice,
1268 payment of the required fees, and upon determining that the
1269 licensee is still eligible for renewal, the department shall
1270 send a new license ~~extension sticker~~ to the licensee ~~to affix to~~
1271 ~~the expiring license~~ as evidence that the license term has been
1272 extended.

1273 (c) The department shall issue one renewal using a
1274 convenience service ~~license extensions for two consecutive~~
1275 ~~license expirations only. Upon expiration of two consecutive~~
1276 ~~license extension periods, in person renewal with reexamination~~
1277 ~~as provided in s. 322.121 shall be required.~~ A person who is out
1278 of this state when his or her license expires may be issued a
1279 90-day temporary driving permit without reexamination. At the
1280 end of the 90-day period, the person must either return to this
1281 state or apply for a license where the person is located, except
1282 for a member of the Armed Forces as provided in s. 322.121(6).

1283 ~~(d) In person renewal at a driver license office shall not~~
1284 ~~be available to drivers whose records indicate they were~~
1285 ~~directed to apply for a license extension.~~

1286 (d)(e) Any person who knowingly possesses any forged,
1287 stolen, fictitious, counterfeit, or unlawfully issued license
1288 extension sticker, unless possession by such person has been
1289 duly authorized by the department, commits a misdemeanor of the

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1290 second degree, punishable as provided in s. 775.082 or s.
1291 775.083.

1292 ~~(e)-(f)~~ The department shall develop a plan for the
1293 equitable distribution of license ~~extensions and~~ renewals and
1294 the orderly implementation of this section.

1295 (9)(a) The application form for a renewal issuance ~~or~~
1296 ~~renewal extension~~ shall include language permitting a voluntary
1297 contribution of \$1 per applicant, to be quarterly distributed by
1298 the department to Prevent Blindness Florida, a not-for-profit
1299 organization, to prevent blindness and preserve the sight of the
1300 residents of this state. A statement providing an explanation of
1301 the purpose of the funds shall be included with the application
1302 form.

1303 (b) Prior to the department distributing the funds
1304 collected pursuant to paragraph (a), Prevent Blindness Florida
1305 must submit a report to the department that identifies how such
1306 funds were used during the preceding year.

1307 Section 34. Subsection (4) of section 322.181, Florida
1308 Statutes, is repealed.

1309 Section 35. Subsections (2) and (4) of section 322.19,
1310 Florida Statutes, are amended to read:

1311 322.19 Change of address or name.--

1312 (2) Whenever any person, after applying for or receiving a
1313 driver's license, changes the residence or mailing address in
1314 the application or license, the person must, within 10 calendar
1315 days, ~~either~~ obtain a replacement license that reflects the
1316 change ~~or request in writing a change of address sticker.~~ A The

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1317 written request to the department must include the old and new
1318 addresses and the driver's license number.

1319 (4) Notwithstanding any other provision of this chapter,
1320 if a licensee established his or her identity for a driver's
1321 license using an identification document authorized under s.
1322 322.08(2)(c) ~~7.6~~ or ~~8.7~~, the licensee may not change his or her
1323 name or address except in person and upon submission of an
1324 identification document authorized under s. 322.08(2)(c) ~~7.6~~ or
1325 ~~8.7~~.

1326 Section 36. Subsection (1) of section 322.21, Florida
1327 Statutes, is amended to read:

1328 322.21 License fees; procedure for handling and collecting
1329 fees.--

1330 (1) Except as otherwise provided herein, the fee for:

1331 (a) An original or renewal commercial driver's license is
1332 ~~\$67~~ ~~\$50~~, which shall include the fee for driver education
1333 provided by s. 1003.48; however, if an applicant has completed
1334 training and is applying for employment or is currently employed
1335 in a public or nonpublic school system that requires the
1336 commercial license, the fee shall be the same as for a Class E
1337 driver's license. A delinquent fee of \$1 shall be added for a
1338 renewal made not more than 12 months after the license
1339 expiration date.

1340 (b) An original Class E driver's license is ~~\$27~~ ~~\$20~~, which
1341 shall include the fee for driver's education provided by s.
1342 1003.48; however, if an applicant has completed training and is
1343 applying for employment or is currently employed in a public or

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1344 nonpublic school system that requires a commercial driver
1345 license, the fee shall be the same as for a Class E license.

1346 (c) The renewal or extension of a Class E driver's license
1347 or of a license restricted to motorcycle use only is \$20 ~~\$15~~,
1348 except that a delinquent fee of \$1 shall be added for a renewal
1349 or extension made not more than 12 months after the license
1350 expiration date. The fee provided in this paragraph shall
1351 include the fee for driver's education provided by s. 1003.48.

1352 (d) An original driver's license restricted to motorcycle
1353 use only is \$27 ~~\$20~~, which shall include the fee for driver's
1354 education provided by s. 1003.48.

1355 (e) A replacement driver's license issued pursuant to s.
1356 322.17 is \$10. Of this amount \$7 shall be deposited into the
1357 Highway Safety Operating Trust Fund and \$3 shall be deposited
1358 into the General Revenue Fund.

1359 (f) An original, renewal, or replacement identification
1360 card issued pursuant to s. 322.051 is \$10. Funds collected from
1361 these fees shall be distributed as follows:

1362 1. For an original identification card issued pursuant to
1363 s. 322.051 the fee shall be \$10. This amount shall be deposited
1364 into the General Revenue Fund.

1365 2. For a renewal identification card issued pursuant to s.
1366 322.051 the fee shall be \$10. Of this amount, \$6 shall be
1367 deposited into the Highway Safety Operating Trust Fund and \$4
1368 shall be deposited into the General Revenue Fund.

1369 3. For a replacement identification card issued pursuant
1370 to s. 322.051 the fee shall be \$10. Of this amount, \$9 shall be

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1371 deposited into the Highway Safety Operating Trust Fund and \$1
1372 shall be deposited into the General Revenue Fund.

1373 (g)-(e) Each endorsement required by s. 322.57 is \$7 ~~\$5~~.

1374 (h)-(f) A hazardous-materials endorsement, as required by
1375 s. 322.57(1)(d), shall be set by the department by rule and
1376 shall reflect the cost of the required criminal history check,
1377 including the cost of the state and federal fingerprint check,
1378 and the cost to the department of providing and issuing the
1379 license. The fee shall not exceed \$100. This fee shall be
1380 deposited in the Highway Safety Operating Trust Fund. The
1381 department may adopt rules to administer this section.

1382 Section 37. Subsection (3) of section 322.2715, Florida
1383 Statutes is amended to read:

1384 322.2715 Ignition interlock device.--

1385 (3) If the person is convicted of:

1386 (a) A first offense of driving under the influence under
1387 s. 316.193 and has an unlawful blood-alcohol level or breath-
1388 alcohol level as specified in s. 316.193(4), or if a person is
1389 convicted of a violation of s. 316.193 and was at the time of
1390 the offense accompanied in the vehicle by a person younger than
1391 18 years of age, the person shall have the ignition interlock
1392 device installed for not less than 6 continuous months for the
1393 first offense and for not less than ~~at least 2~~ continuous years
1394 for a second offense.

1395 (b) A second offense of driving under the influence, the
1396 ignition interlock device shall be installed for a period of not
1397 less than 1 continuous year.

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1398 (c) A third offense of driving under the influence which
1399 occurs within 10 years after a prior conviction for a violation
1400 of s.316.193, the ignition interlock device shall be installed
1401 for a period of not less than 2 continuous years.

1402 (d) A third offense of driving under the influence which
1403 occurs more than 10 years after the date of a prior conviction,
1404 the ignition interlock device shall be installed for a period of
1405 not less than 2 continuous years.

1406 Section 38. Section 322.291, Florida Statutes is amended
1407 to read:

1408 322.291 Driver improvement schools or DUI programs;
1409 required in certain suspension and revocation cases.--Except as
1410 provided in s. 322.03(2), any person:

1411 (1) Whose driving privilege has been revoked:

1412 (a) Upon conviction for:

1413 1. Driving, or being in actual physical control of, any
1414 vehicle while under the influence of alcoholic beverages, any
1415 chemical substance set forth in s. 877.111, or any substance
1416 controlled under chapter 893, in violation of s. 316.193;

1417 2. Driving with an unlawful blood- or breath-alcohol
1418 level;

1419 3. Manslaughter resulting from the operation of a motor
1420 vehicle;

1421 4. Failure to stop and render aid as required under the
1422 laws of this state in the event of a motor vehicle crash
1423 resulting in the death or personal injury of another;

1424 5. Reckless driving; or

1425 (b) As a an habitual offender;

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1426 (c) Upon direction of the court, if the court feels that
1427 the seriousness of the offense and the circumstances surrounding
1428 the conviction warrant the revocation of the licensee's driving
1429 privilege; or

1430 (2) Whose license was suspended under the point system,
1431 was suspended for driving with an unlawful blood-alcohol level
1432 of 0.10 percent or higher before January 1, 1994, was suspended
1433 for driving with an unlawful blood-alcohol level of 0.08 percent
1434 or higher after December 31, 1993, was suspended for a violation
1435 of s. 316.193(1), or was suspended for refusing to submit to a
1436 lawful breath, blood, or urine test as provided in s. 322.2615

1437
1438 shall, before the driving privilege may be reinstated, present
1439 to the department proof of enrollment in a department-approved
1440 advanced driver improvement course operating pursuant to s.
1441 318.1451 or a substance abuse education course conducted by a
1442 DUI program licensed pursuant to s. 322.292, which shall include
1443 a psychosocial evaluation and treatment, if referred.

1444 Additionally, for a third or subsequent violation of
1445 requirements for installation of an ignition interlock device, a
1446 person must complete treatment as determined by a licensed
1447 treatment agency following a referral by a DUI program and have
1448 the duration of the ignition interlock device requirement
1449 extended by at least 1 month up to the time period required to
1450 complete treatment. If the person fails to complete such course

1451 or evaluation within 90 days after reinstatement, or
1452 subsequently fails to complete treatment, if referred, the DUI
1453 program shall notify the department of the failure. Upon receipt

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1454 of the notice, the department shall cancel the offender's
1455 driving privilege, notwithstanding the expiration of the
1456 suspension or revocation of the driving privilege. The
1457 department may temporarily reinstate the driving privilege upon
1458 verification from the DUI program that the offender has
1459 completed the education course and evaluation requirement and
1460 has reentered and is currently participating in treatment. If
1461 the DUI program notifies the department of the second failure to
1462 complete treatment, the department shall reinstate the driving
1463 privilege only after notice of completion of treatment from the
1464 DUI program.

1465 Section 39. Section 322.36, Florida Statutes, is amended
1466 to read:

1467 322.36 Permitting unauthorized operator to drive.--A No
1468 person may not shall authorize or knowingly permit a motor
1469 vehicle owned by him or her or under his or her dominion or
1470 control to be operated upon any highway or public street except
1471 by a person who is persons duly authorized to operate a motor
1472 vehicle vehicles under the provisions of this chapter. Any
1473 person who violates violating this section commits provision is
1474 guilty of a misdemeanor of the second degree, punishable as
1475 provided in s. 775.082 or s. 775.083. If a person violates this
1476 section by knowingly loaning a vehicle to a person whose
1477 driver's license is suspended and if that vehicle is involved in
1478 an accident resulting in bodily injury or death, the driver's
1479 license of the person violating this section shall be suspended
1480 for 1 year.

1481 Section 40. Section 322.60, Florida Statutes, is repealed.

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1482 Section 41. Subsections (1) through (6) of section 322.61,
1483 Florida Statutes, are amended to read:

1484 322.61 Disqualification from operating a commercial motor
1485 vehicle.--

1486 (1) A person who, for offenses occurring within a 3-year
1487 period, is convicted of two of the following serious traffic
1488 violations or any combination thereof, arising in separate
1489 incidents committed in a commercial motor vehicle shall, in
1490 addition to any other applicable penalties, be disqualified from
1491 operating a commercial motor vehicle for a period of 60 days. A
1492 holder of a commercial driver's license ~~person~~ who, for offenses
1493 occurring within a 3-year period, is convicted of two of the
1494 following serious traffic violations, or any combination
1495 thereof, arising in separate incidents committed in a
1496 noncommercial motor vehicle shall, in addition to any other
1497 applicable penalties, be disqualified from operating a
1498 commercial motor vehicle for a period of 60 days if such
1499 convictions result in the suspension, revocation, or
1500 cancellation of the licenseholder's driving privilege:

1501 (a) A violation of any state or local law relating to
1502 motor vehicle traffic control, other than a parking violation, a
1503 weight violation, or a vehicle equipment violation, arising in
1504 connection with a crash resulting in death or personal injury to
1505 any person;

1506 (b) Reckless driving, as defined in s. 316.192;

1507 (c) Careless driving, as defined in s. 316.1925;

1508 (d) Fleeing or attempting to elude a law enforcement
1509 officer, as defined in s. 316.1935;

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1510 (e) Unlawful speed of 15 miles per hour or more above the
1511 posted speed limit;

1512 (f) Driving a commercial motor vehicle, owned by such
1513 person, which is not properly insured;

1514 (g) Improper lane change, as defined in s. 316.085;

1515 (h) Following too closely, as defined in s. 316.0895;

1516 (i) Driving a commercial vehicle without obtaining a
1517 commercial driver's license;

1518 (j) Driving a commercial vehicle without the proper class
1519 of commercial driver's license or without the proper
1520 endorsement; or

1521 (k) Driving a commercial vehicle without a commercial
1522 driver's license in possession, as required by s. 322.03. Any
1523 individual who provides proof to the clerk of the court or
1524 designated official in the jurisdiction where the citation was
1525 issued, by the date the individual must appear in court or pay
1526 any fine for such a violation, that the individual held a valid
1527 commercial driver's license on the date the citation was issued
1528 is not guilty of this offense.

1529 (2) (a) Any person who, for offenses occurring within a 3-
1530 year period, is convicted of three serious traffic violations
1531 specified in subsection (1) or any combination thereof, arising
1532 in separate incidents committed in a commercial motor vehicle
1533 shall, in addition to any other applicable penalties, including
1534 but not limited to the penalty provided in subsection (1), be
1535 disqualified from operating a commercial motor vehicle for a
1536 period of 120 days.

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1537 (b) A holder of a commercial driver's license ~~person~~ who,
1538 for offenses occurring within a 3-year period, is convicted of
1539 three serious traffic violations specified in subsection (1) or
1540 any combination thereof arising in separate incidents committed
1541 in a noncommercial motor vehicle shall, in addition to any other
1542 applicable penalties, including, but not limited to, the penalty
1543 provided in subsection (1), be disqualified from operating a
1544 commercial motor vehicle for a period of 120 days if such
1545 convictions result in the suspension, revocation, or
1546 cancellation of the licenseholder's driving privilege.

1547 (3) (a) Except as provided in subsection (4), any person
1548 who is convicted of one of the ~~following~~ offenses listed in
1549 paragraph (b) while operating a commercial motor vehicle shall,
1550 in addition to any other applicable penalties, be disqualified
1551 from operating a commercial motor vehicle for a period of 1
1552 year:

1553 (b) Except as provided in subsection (4), any holder of a
1554 commercial driver's license who is convicted of one of the
1555 offenses listed in this paragraph while operating a
1556 noncommercial motor vehicle shall, in addition to any other
1557 applicable penalties, be disqualified from operating a
1558 commercial motor vehicle for a period of 1 year:

1559 1.(a) Driving a ~~commercial~~ motor vehicle while he or she
1560 is under the influence of alcohol or a controlled substance;

1561 2.(b) Driving a commercial motor vehicle while the alcohol
1562 concentration of his or her blood, breath, or urine is .04
1563 percent or higher;

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1564 ~~3.(e)~~ Leaving the scene of a crash involving a ~~commercial~~
1565 motor vehicle driven by such person;

1566 ~~4.(d)~~ Using a ~~commercial~~ motor vehicle in the commission
1567 of a felony;

1568 ~~5.(e)~~ Driving a commercial motor vehicle while in
1569 possession of a controlled substance;

1570 ~~6.(f)~~ Refusing to submit to a test to determine his or her
1571 alcohol concentration while driving a ~~commercial~~ motor vehicle;

1572 ~~7.(g)~~ Driving a commercial vehicle while the
1573 licenseholder's commercial driver's license is suspended,
1574 revoked, or canceled or while the licenseholder is disqualified
1575 from driving a commercial vehicle; or

1576 ~~8.(h)~~ Causing a fatality through the negligent operation
1577 of a commercial motor vehicle.

1578 (4) Any person who is transporting hazardous materials as
1579 defined in s. 322.01(24) ~~in a vehicle that is required to be~~
1580 ~~placarded in accordance with Title 49 C.F.R. part 172, subpart F~~
1581 shall, upon conviction of an offense specified in subsection
1582 (3), be disqualified from operating a commercial motor vehicle
1583 for a period of 3 years. The penalty provided in this subsection
1584 shall be in addition to any other applicable penalty.

1585 (5) Any person who is convicted of two violations
1586 specified in subsection (3) which were committed while operating
1587 a commercial motor vehicle, or any combination thereof, arising
1588 in separate incidents shall be permanently disqualified from
1589 operating a commercial motor vehicle. Any holder of a commercial
1590 driver's license who is convicted of two violations specified in
1591 subsection (3) which were committed while operating a

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1592 noncommercial motor vehicle, or any combination thereof, arising
1593 in separate incidents shall be permanently disqualified from
1594 operating a commercial motor vehicle. The penalty provided in
1595 this subsection is ~~shall be~~ in addition to any other applicable
1596 penalty.

1597 (6) Notwithstanding subsections (3), (4), and (5), any
1598 person who uses a commercial motor vehicle in the commission of
1599 any felony involving the manufacture, distribution, or
1600 dispensing of a controlled substance, including possession with
1601 intent to manufacture, distribute, or dispense a controlled
1602 substance, shall, upon conviction of such felony, be permanently
1603 disqualified from operating a commercial motor vehicle.

1604 Notwithstanding subsections (3), (4), and (5), any holder of a
1605 commercial driver's license who uses a noncommercial motor
1606 vehicle in the commission of any felony involving the
1607 manufacture, distribution, or dispensing of a controlled
1608 substance, including possession with intent to manufacture,
1609 distribute, or dispense a controlled substance, shall, upon
1610 conviction of such felony, be permanently disqualified from
1611 operating a commercial motor vehicle. The penalty provided in
1612 this subsection is ~~shall be~~ in addition to any other applicable
1613 penalty.

1614 Section 42. Section 322.64, Florida Statutes, is amended
1615 to read:

1616 322.64 Holder of commercial driver's license; persons
1617 operating a commercial motor vehicle; driving with unlawful
1618 blood-alcohol level; refusal to submit to breath, urine, or
1619 blood test.--

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1620 (1) (a) A law enforcement officer or correctional officer
1621 shall, on behalf of the department, disqualify from operating
1622 any commercial motor vehicle a person who while operating or in
1623 actual physical control of a commercial motor vehicle is
1624 arrested for a violation of s. 316.193, relating to unlawful
1625 blood-alcohol level or breath-alcohol level, or a person who has
1626 refused to submit to a breath, urine, or blood test authorized
1627 by s. 322.63 arising out of the operation or actual physical
1628 control of a commercial motor vehicle. A law enforcement officer
1629 or correctional officer shall, on behalf of the department,
1630 disqualify the holder of a commercial driver's license from
1631 operating any commercial motor vehicle if the licenseholder,
1632 while operating or in actual physical control of a motor
1633 vehicle, is arrested for a violation of s. 316.193, relating to
1634 unlawful blood-alcohol level or breath-alcohol level, or refused
1635 to submit to a breath, urine, or blood test authorized by s.
1636 322.63. Upon disqualification of the person, the officer shall
1637 take the person's driver's license and issue the person a 10-day
1638 temporary permit for the operation of noncommercial vehicles
1639 only if the person is otherwise eligible for the driving
1640 privilege and shall issue the person a notice of
1641 disqualification. If the person has been given a blood, breath,
1642 or urine test, the results of which are not available to the
1643 officer at the time of the arrest, the agency employing the
1644 officer shall transmit such results to the department within 5
1645 days after receipt of the results. If the department then
1646 determines that the person ~~was arrested for a violation of s.~~
1647 ~~316.193 and that the person~~ had a blood-alcohol level or breath-

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1648 alcohol level of 0.08 or higher, the department shall disqualify
1649 the person from operating a commercial motor vehicle pursuant to
1650 subsection (3).

1651 (b) The disqualification under paragraph (a) shall be
1652 pursuant to, and the notice of disqualification shall inform the
1653 driver of, the following:

1654 1.a. The driver refused to submit to a lawful breath,
1655 blood, or urine test and he or she is disqualified from
1656 operating a commercial motor vehicle for a period of 1 year, for
1657 a first refusal, or permanently, if he or she has previously
1658 been disqualified as a result of a refusal to submit to such a
1659 test; or

1660 b. The driver was driving or in actual physical control of
1661 a commercial motor vehicle, or any motor vehicle if the driver
1662 holds a commercial driver's license, had an unlawful blood-
1663 alcohol level or breath-alcohol level of 0.08 or higher, and his
1664 or her driving privilege shall be disqualified for a period of 1
1665 year for a first offense or permanently disqualified if his or
1666 her driving privilege has been previously disqualified under
1667 this section. ~~violated s. 316.193 by driving with an unlawful~~
1668 ~~blood alcohol level and he or she is disqualified from operating~~
1669 ~~a commercial motor vehicle for a period of 6 months for a first~~
1670 ~~offense or for a period of 1 year if he or she has previously~~
1671 ~~been disqualified, or his or her driving privilege has been~~
1672 ~~previously suspended, for a violation of s. 316.193.~~

1673 2. The disqualification period for operating commercial
1674 vehicles shall commence on the date of ~~arrest or~~ issuance of the
1675 notice of disqualification, ~~whichever is later.~~

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1676 3. The driver may request a formal or informal review of
1677 the disqualification by the department within 10 days after the
1678 date of ~~arrest or~~ issuance of the notice of disqualification,
1679 ~~whichever is later.~~

1680 4. The temporary permit issued at the time of ~~arrest or~~
1681 disqualification expires ~~will expire~~ at midnight of the 10th day
1682 following the date of disqualification.

1683 5. The driver may submit to the department any materials
1684 relevant to the disqualification ~~arrest~~.

1685 (2) Except as provided in paragraph (1)(a), the law
1686 enforcement officer shall forward to the department, within 5
1687 days after the date of the ~~arrest or the~~ issuance of the notice
1688 of disqualification, ~~whichever is later,~~ a copy of the notice of
1689 disqualification, the driver's license of the person
1690 disqualified ~~arrested~~, and ~~a report of the arrest, including, if~~
1691 ~~applicable,~~ an affidavit stating the officer's grounds for
1692 belief that the person disqualified ~~arrested~~ was operating or in
1693 actual physical control of a commercial motor vehicle, or holds
1694 a commercial driver's license, and had an unlawful blood-alcohol
1695 or breath-alcohol level in violation of s. 316.193; the results
1696 of any breath or blood or urine test or an affidavit stating
1697 that a breath, blood, or urine test was requested by a law
1698 enforcement officer or correctional officer and that the person
1699 arrested refused to submit; a copy of the notice of
1700 disqualification ~~citation~~ issued to the person ~~arrested~~; and the
1701 officer's description of the person's field sobriety test, if
1702 any. The failure of the officer to submit materials within the
1703 5-day period specified in this subsection or subsection (1) does

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1704 ~~shall~~ not affect the department's ability to consider any
1705 evidence submitted at or prior to the hearing. The officer may
1706 also submit a copy of a videotape of the field sobriety test or
1707 the attempt to administer such test and a copy of the crash
1708 report, if any.

1709 (3) If the department determines that the person arrested
1710 should be disqualified from operating a commercial motor vehicle
1711 pursuant to this section and if the notice of disqualification
1712 has not already been served upon the person by a law enforcement
1713 officer or correctional officer as provided in subsection (1),
1714 the department shall issue a notice of disqualification and,
1715 unless the notice is mailed pursuant to s. 322.251, a temporary
1716 permit which expires 10 days after the date of issuance if the
1717 driver is otherwise eligible.

1718 (4) If the person disqualified ~~arrested~~ requests an
1719 informal review pursuant to subparagraph (1)(b)3., the
1720 department shall conduct the informal review by a hearing
1721 officer employed by the department. Such informal review hearing
1722 shall consist solely of an examination by the department of the
1723 materials submitted by a law enforcement officer or correctional
1724 officer and by the person disqualified ~~arrested~~, and the
1725 presence of an officer or witness is not required.

1726 (5) After completion of the informal review, notice of the
1727 department's decision sustaining, amending, or invalidating the
1728 disqualification must be provided to the person. Such notice
1729 must be mailed to the person at the last known address shown on
1730 the department's records, and to the address provided in the law
1731 enforcement officer's report if such address differs from the

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1732 address of record, within 21 days after the expiration of the
1733 temporary permit issued pursuant to subsection (1) or subsection
1734 (3).

1735 (6) (a) If the person disqualified ~~arrested~~ requests a
1736 formal review, the department must schedule a hearing to be held
1737 within 30 days after such request is received by the department
1738 and must notify the person of the date, time, and place of the
1739 hearing.

1740 (b) Such formal review hearing shall be held before a
1741 hearing officer employed by the department, and the hearing
1742 officer shall be authorized to administer oaths, examine
1743 witnesses and take testimony, receive relevant evidence, issue
1744 subpoenas for the officers and witnesses identified in documents
1745 as provided in subsection (2), regulate the course and conduct
1746 of the hearing, and make a ruling on the disqualification. The
1747 department and the person disqualified ~~arrested~~ may subpoena
1748 witnesses, and the party requesting the presence of a witness
1749 shall be responsible for the payment of any witness fees. If the
1750 person who requests a formal review hearing fails to appear and
1751 the hearing officer finds such failure to be without just cause,
1752 the right to a formal hearing is waived ~~and the department shall~~
1753 ~~conduct an informal review of the disqualification under~~
1754 ~~subsection (4)~~.

1755 (c) A party may seek enforcement of a subpoena under
1756 paragraph (b) by filing a petition for enforcement in the
1757 circuit court of the judicial circuit in which the person
1758 failing to comply with the subpoena resides. A failure to comply
1759 with an order of the court shall result in a finding of contempt

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1760 of court. However, a person shall not be in contempt while a
1761 subpoena is being challenged.

1762 (d) The department must, within 7 days after a formal
1763 review hearing, send notice to the person of the hearing
1764 officer's decision as to whether sufficient cause exists to
1765 sustain, amend, or invalidate the disqualification.

1766 (7) In a formal review hearing under subsection (6) or an
1767 informal review hearing under subsection (4), the hearing
1768 officer shall determine by a preponderance of the evidence
1769 whether sufficient cause exists to sustain, amend, or invalidate
1770 the disqualification. The scope of the review shall be limited
1771 to the following issues:

1772 (a) If the person was disqualified from operating a
1773 commercial motor vehicle for driving with an unlawful blood-
1774 alcohol level ~~in violation of s. 316.193~~:

1775 1. Whether the arresting law enforcement officer had
1776 probable cause to believe that the person was driving or in
1777 actual physical control of a commercial motor vehicle, or any
1778 motor vehicle if the driver holds a commercial driver's license,
1779 in this state while he or she had any alcohol, chemical
1780 substances, or controlled substances in his or her body.

1781 ~~2. Whether the person was placed under lawful arrest for a~~
1782 ~~violation of s. 316.193.~~

1783 ~~2.3.~~ Whether the person had an unlawful blood-alcohol
1784 level or breath-alcohol level of 0.08 or higher as provided in
1785 ~~s. 316.193.~~

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1786 (b) If the person was disqualified from operating a
1787 commercial motor vehicle for refusal to submit to a breath,
1788 blood, or urine test:

1789 1. Whether the law enforcement officer had probable cause
1790 to believe that the person was driving or in actual physical
1791 control of a commercial motor vehicle, or any motor vehicle if
1792 the driver holds a commercial driver's license, in this state
1793 while he or she had any alcohol, chemical substances, or
1794 controlled substances in his or her body.

1795 2. Whether the person refused to submit to the test after
1796 being requested to do so by a law enforcement officer or
1797 correctional officer.

1798 3. Whether the person was told that if he or she refused
1799 to submit to such test he or she would be disqualified from
1800 operating a commercial motor vehicle for a period of 1 year or,
1801 in the case of a second refusal, permanently.

1802 (8) Based on the determination of the hearing officer
1803 pursuant to subsection (7) for both informal hearings under
1804 subsection (4) and formal hearings under subsection (6), the
1805 department shall:

1806 (a) Sustain the disqualification for a period of 1 year
1807 for a first refusal, or permanently if such person has been
1808 previously disqualified from operating a commercial motor
1809 vehicle as a result of a refusal to submit to such tests. The
1810 disqualification period commences on the date of the arrest or
1811 issuance of the notice of disqualification, whichever is later.

1812 (b) Sustain the disqualification:

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1813 1. For a period of 1 year if the person was driving or in
1814 actual physical control of a commercial motor vehicle, or any
1815 motor vehicle if the driver holds a commercial driver's license,
1816 and had an unlawful blood-alcohol level or breath-alcohol level
1817 of 0.08 or higher; or ~~6 months for a violation of s. 316.193 or~~
1818 for a period of 1 year

1819 2. Permanently if the person has been previously
1820 disqualified from operating a commercial motor vehicle or his or
1821 her driving privilege has been previously suspended for driving
1822 or being in actual physical control of a commercial motor
1823 vehicle, or any motor vehicle if the driver holds a commercial
1824 driver's license, and had an unlawful blood-alcohol level or
1825 breath-alcohol level of 0.08 or higher as a result of a
1826 violation of s. 316.193.

1827
1828 The disqualification period commences on the date of the arrest
1829 or issuance of the notice of disqualification, ~~whichever is~~
1830 ~~later.~~

1831 (9) A request for a formal review hearing or an informal
1832 review hearing shall not stay the disqualification. If the
1833 department fails to schedule the formal review hearing to be
1834 held within 30 days after receipt of the request therefor, the
1835 department shall invalidate the disqualification. If the
1836 scheduled hearing is continued at the department's initiative,
1837 the department shall issue a temporary driving permit limited to
1838 noncommercial vehicles which is ~~shall be~~ valid until the hearing
1839 is conducted if the person is otherwise eligible for the driving
1840 privilege. Such permit shall not be issued to a person who

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1841 sought and obtained a continuance of the hearing. The permit
1842 issued under this subsection shall authorize driving for
1843 business purposes ~~or employment~~ use only.

1844 (10) A person who is disqualified from operating a
1845 commercial motor vehicle under subsection (1) or subsection (3)
1846 is eligible for issuance of a license for business or employment
1847 purposes only under s. 322.271 if the person is otherwise
1848 eligible for the driving privilege. However, such business or
1849 employment purposes license shall not authorize the driver to
1850 operate a commercial motor vehicle.

1851 (11) The formal review hearing may be conducted upon a
1852 review of the reports of a law enforcement officer or a
1853 correctional officer, including documents relating to the
1854 administration of a breath test or blood test or the refusal to
1855 take either test. However, as provided in subsection (6), the
1856 driver may subpoena the officer or any person who administered
1857 or analyzed a breath or blood test.

1858 (12) The formal review hearing and the informal review
1859 hearing are exempt from the provisions of chapter 120. The
1860 department is authorized to adopt rules for the conduct of
1861 reviews under this section.

1862 (13) A person may appeal any decision of the department
1863 sustaining the disqualification from operating a commercial
1864 motor vehicle by a petition for writ of certiorari to the
1865 circuit court in the county wherein such person resides or
1866 wherein a formal or informal review was conducted pursuant to s.
1867 322.31. However, an appeal shall not stay the disqualification.

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1868 This subsection shall not be construed to provide for a de novo
1869 appeal.

1870 (14) The decision of the department under this section
1871 shall not be considered in any trial for a violation of s.
1872 316.193, s. 322.61, or s. 322.62, nor shall any written
1873 statement submitted by a person in his or her request for
1874 departmental review under this section be admissible into
1875 evidence against him or her in any such trial. The disposition
1876 of any related criminal proceedings shall not affect a
1877 disqualification imposed pursuant to this section.

1878 (15) This section does not preclude the suspension of the
1879 driving privilege pursuant to s. 322.2615. The driving privilege
1880 of a person who has been disqualified from operating a
1881 commercial motor vehicle also may be suspended for a violation
1882 of s. 316.193.

1883 Section 43. Subsection (10) of section 324.021, Florida
1884 Statutes, is amended to read:

1885 324.021 Definitions; minimum insurance required.--The
1886 following words and phrases when used in this chapter shall, for
1887 the purpose of this chapter, have the meanings respectively
1888 ascribed to them in this section, except in those instances
1889 where the context clearly indicates a different meaning:

1890 (10) JUDGMENT.--Any judgment becoming ~~which shall have~~
1891 ~~become~~ final by expiration without appeal of the time within
1892 which an appeal might have been perfected, or by final
1893 affirmation on appeal, rendered by a court of competent
1894 jurisdiction of any state or of the United States upon a cause
1895 of action arising out of the ownership, maintenance, or use of
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1896 any motor vehicle for damages, including damages for care and
1897 loss of services because of bodily injury to or death of any
1898 person, or for damages because of injury to or destruction of
1899 property, including the loss of use thereof, or upon a cause of
1900 action on an agreement of settlement for such damage.

1901 Section 44. Subsection (19) of section 501.976, Florida
1902 Statutes, is amended to read:

1903 501.976 Actionable, unfair, or deceptive acts or
1904 practices.--It is an unfair or deceptive act or practice,
1905 actionable under the Florida Deceptive and Unfair Trade
1906 Practices Act, for a dealer to:

1907 (19) Fail to disclose damage to a new motor vehicle, as
1908 defined in s. 319.001(9)~~(8)~~, of which the dealer had actual
1909 knowledge, if the dealer's actual cost of repairs exceeds the
1910 threshold amount, excluding replacement items.

1911
1912 In any civil litigation resulting from a violation of this
1913 section, when evaluating the reasonableness of an award of
1914 attorney's fees to a private person, the trial court shall
1915 consider the amount of actual damages in relation to the time
1916 spent.

1917 Section 45. (1) The Automobile Lenders Industry Task
1918 Force is created within the Department of Highway Safety and
1919 Motor Vehicles. The task force shall make recommendations on
1920 proposed legislation and proposed department rules, shall
1921 present issues concerning the motor vehicle lending industry to
1922 the department for its consideration, shall consider any matters
1923 relating to the motor vehicle lending industry which are

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1924 presented to it by the department, and shall submit a final
1925 report, including legislative proposals to the Governor, the
1926 President of the Senate, the Speaker of the House of
1927 Representatives, and appropriate committees within the
1928 Legislature by June 30, 2009, when the task force shall cease to
1929 exist.

1930 (2) The task force shall be composed of 12 members
1931 appointed by each of the following organizations: one
1932 representative of the Department of Highway Safety and Motor
1933 Vehicles; one representative of the independent motor vehicle
1934 industry, appointed by the Florida Independent Automobile
1935 Dealers Association; one representative of the franchise motor
1936 vehicle industry, appointed by the Florida Automobile Dealers
1937 Association; one representative of credit unions, appointed by
1938 the Florida Credit Union League; one representative of the
1939 banking industry, appointed by the Florida Bankers Association;
1940 one representative of the insurance industry, appointed by the
1941 Florida Insurance Council; one state attorney, appointed by the
1942 Florida State Attorneys Association; one representative of the
1943 Office of Financial Regulation of the Department of Financial
1944 Services; one representative of a law enforcement agency,
1945 appointed by the Florida Auto Theft Intelligence Unit; one
1946 representative of the auto repair industry, appointed by the
1947 Florida Automotive Services Association; one representative of
1948 the towing industry, appointed by the Professional Wrecker
1949 Operators of Florida; and one representative of independent
1950 motor vehicle finance companies, appointed by the Florida
1951 Financial Services Association.

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1952 (3) (a) The task force shall elect a chair and vice chair
1953 at its initial meeting, which shall be held by October 1, 2008.

1954 (b) The task force shall meet at least four times in
1955 different areas of the state, including one meeting in
1956 Tallahassee. Meetings may be called by the chair or by a simple
1957 majority of the members. The task force shall conduct all
1958 meetings pursuant to general law and shall keep minutes of its
1959 meetings. Meetings may be held in locations around the state in
1960 department facilities or in other appropriate locations. The
1961 department shall provide administrative support to the task
1962 force.

1963 (4) Members from the private sector are not entitled to
1964 per diem or reimbursement for travel expenses. However, members
1965 from the public sector are entitled to reimbursement, if any,
1966 from their respective agency. The task force may request
1967 assistance from the Department of Highway Safety and Motor
1968 Vehicles as necessary.

1969 Section 46. Except for a specialty license plate proposal
1970 which has submitted a letter of intent to the Department of
1971 Highway Safety and Motor Vehicles prior to May 2, 2008, and
1972 which has submitted a valid survey, marketing strategy, and
1973 application fee as required by s. 320.08053, Florida Statutes,
1974 prior to the effective date of this act, or which was included
1975 in a bill filed during the 2008 Legislative Session, the
1976 Department of Highway Safety and Motor Vehicles may not issue
1977 any new specialty license plates pursuant to ss. 320.08056 and
1978 320.08058, Florida Statutes, between July 1, 2008, and July 1,
1979 2011.

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1980 Section 47. Joseph P. Bertrand Building designated;
1981 Department of Highway Safety and Motor Vehicles to erect
1982 suitable markers.--

1983 (1) The Regional Transportation Management Center in the
1984 City of Fort Myers in Lee County is designated the "Joseph P.
1985 Bertrand Building."

1986 (2) The Department of Highway Safety and Motor Vehicles is
1987 directed to erect suitable markers designating the "Joseph P.
1988 Bertrand Building" as described in subsection (1).

1989 Section 48. Except as otherwise expressly provided in this
1990 act and except for this section, which shall take effect upon
1991 this act becoming a law, this act shall take effect October 1,
1992 2008.

1993
1994

1995 -----

1996 **T I T L E A M E N D M E N T**

1997 Remove the entire title and insert:

1998 A bill to be entitled

1999 An act relating to the Department of Highway Safety and
2000 Motor Vehicles; amending s. 316.0741, F.S.; redefining the
2001 term "hybrid vehicle"; authorizing the driving of a
2002 hybrid, low-emission, or energy-efficient vehicle in a
2003 high-occupancy-vehicle lane regardless of occupancy;
2004 authorizing the department to limit or discontinue such
2005 driving under certain circumstances; directing the
2006 Department of Transportation to review a specified federal
2007 rule and make a report to the Legislature; exempting

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2008 certain vehicles from the payment of certain tolls;
2009 amending s. 316.1575, F.S.; requiring a person walking or
2010 driving a vehicle to stop at a railroad crossing upon the
2011 signal of a law enforcement officer; amending s. 316.1895,
2012 F.S.; requiring the placement of signs in certain school
2013 zones stating that speeding fines are doubled within the
2014 zone; amending s. 316.193, F.S.; lowering the blood-
2015 alcohol or breath-alcohol level for which enhanced
2016 penalties are imposed against a person convicted of
2017 driving under the influence; clarifying that an ignition
2018 interlock device is installed for a continuous period;
2019 amending s. 316.1937, F.S.; revising the conditions under
2020 which the court may require the use of an ignition
2021 interlock device; amending s. 316.2397, F.S.; authorizing
2022 specified agencies to display blue lights when responding
2023 to emergencies; amending s. 316.251, F.S.; conforming a
2024 cross-reference; amending s. 316.302, F.S.; revising
2025 references to rules, regulations, and criteria governing
2026 commercial motor vehicles engaged in intrastate commerce;
2027 providing that the Department of Transportation performs
2028 duties assigned to the Field Administrator of the Federal
2029 Motor Carrier Safety Administration under the federal
2030 rules and may enforce those rules; amending ss. 316.613
2031 and 316.614, F.S.; revising the definition of "motor
2032 vehicle" for purposes of child restraint and safety belt
2033 usage requirements; amending s. 316.645, F.S.; authorizing
2034 a police officer to make an arrest upon probable cause of
2035 a violation of laws governing motor vehicle licenses;

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2036 amending s. 316.650, F.S.; revising requirements for
2037 traffic citation forms; providing for the electronic
2038 transmission of citation data; amending s. 316.656, F.S.;
2039 lowering the percentage of blood or breath alcohol content
2040 relating to the prohibition against pleading guilty to a
2041 lesser offense of driving under the influence than the
2042 offense charged; amending s. 318.14, F.S.; prohibiting a
2043 person from electing more than five times within 10 years
2044 to attend a basic driver improvement course approved by
2045 the Department of Highway Safety and Motor Vehicles in
2046 lieu of making a court appearance; amending s. 319.001,
2047 F.S.; defining the term "certificate of title" to include
2048 information stored electronically in the department's
2049 database; amending s. 320.01, F.S.; revising the
2050 definition of the term "motorcycle" to exclude a vehicle
2051 in which the operator is enclosed by a cabin; amending s.
2052 320.02, F.S.; deleting the requirement for a motorcycle
2053 endorsement at the time of original registration of a
2054 motorcycle, motor-driven cycle, or moped; repealing s.
2055 320.02(13), F.S., relating to a motor vehicle registration
2056 voluntary contribution for the Election Campaign Financing
2057 Trust Fund; amending s. 320.0706, F.S.; providing that a
2058 violation of requirements for displaying a truck license
2059 plate is a moving violation; amending s. 320.0715, F.S.;
2060 requiring the department to withhold issuing or to suspend
2061 a registration and license plate for a commercial motor
2062 vehicle if the federal identifying number is not provided
2063 or if the motor carrier or vehicle owner has been

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2064 prohibited from operating; amending s. 320.08053, F.S.;

2065 removing a requirement that the department create certain

2066 specifications by rule for specialty license plates;

2067 amending s. 320.0894, F.S.; providing for issuance of Gold

2068 Star license plates to certain family members; amending s.

2069 320.131, F.S.; requiring motor vehicle temporary tags to

2070 be affixed on the exterior of the vehicle; revising the

2071 requirement that the department specify media for motor

2072 vehicle temporary tags; revising the requirement that the

2073 department implement a print-on-demand electronic system

2074 for temporary tag issuance; providing for limited use of a

2075 backup manual issuance method during an outage; providing

2076 for rulemaking and certain exemptions; amending s. 320.27,

2077 F.S.; revising the insurance requirements for persons

2078 applying for a motor vehicle dealer license; conforming a

2079 cross-reference; repealing s. 320.96, F.S., relating to a

2080 print-on-demand electronic temporary license plate system;

2081 amending s. 322.01, F.S.; defining the term "convenience

2082 service" for purposes of transactions with the department;

2083 revising the definition of the term "conviction" to

2084 provide for application to offenses committed by a person

2085 holding a commercial driver's license; revising the

2086 definition of the terms "hazardous materials" and "out-of-

2087 service order"; amending s. 322.03, F.S.; removing

2088 provisions for issuance of a license valid in Florida

2089 only; prohibiting a person from holding more than one

2090 driver's license; authorizing use of such licenses until

2091 next renewal; amending s. 322.051, F.S.; revising

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2092 requirements for application for issuance or renewal of an
2093 identification card; revising provisions providing for the
2094 expiration of an identification card issued by the
2095 department; amending s. 322.08, F.S.; revising
2096 requirements for application for a driver's license;
2097 removing a provision requiring the application form to
2098 include language permitting a voluntary contribution for
2099 the Election Campaign Financing Trust Fund; amending s.
2100 322.14, F.S.; revising provisions for content of a
2101 driver's license; requiring the license to contain the
2102 licensee's residence address; removing a requirement that
2103 the license contain the licensee's mailing address;
2104 amending s. 322.15, F.S.; authorizing a law enforcement
2105 officer or authorized representative of the department to
2106 collect a person's fingerprints electronically; amending
2107 s. 322.17, F.S.; revising provisions for replacement of an
2108 instruction permit or driver license; removing fee
2109 amounts; requiring payment of specified fee amounts;
2110 removing a provision for a change of address sticker;
2111 conforming cross-references; amending s. 322.18, F.S.;
2112 revising provisions providing for the expiration and
2113 renewal of driver's licenses; providing for the renewal of
2114 certain licenses every 8 years; conforming cross-
2115 references; providing for the renewal of licenses using a
2116 convenience service; requiring the department to issue new
2117 licenses rather than extension stickers; repealing s.
2118 322.181(4), F.S., relating to the Florida At-Risk Driver
2119 Council; amending s. 322.19, F.S.; revising provisions for

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2120 a licensee changing address; removing a provision for the
2121 licensee to request a change-of-address sticker;
2122 conforming cross-references; amending s. 322.21, F.S.;
2123 revising fees for issuance of original, renewal, and
2124 replacement driver's licenses and identification cards;
2125 revising fees for specified endorsements; providing for
2126 distribution of revised fees; amending s. 322.2715, F.S.;
2127 providing that the required installation period of an
2128 ignition interlock device for certain DUI offenses be
2129 continuous; amending s. 322.291, F.S.; providing
2130 additional requirements for a third or subsequent
2131 violation of requirements for installation of an ignition
2132 interlock device; requiring treatment and extension of the
2133 duration of the ignition interlock requirement; amending
2134 s. 322.36, F.S.; requiring the suspension for a specified
2135 period of the driver's license of a person who loans a
2136 vehicle to a person whose driver's license is suspended if
2137 that vehicle is involved in an accident resulting in
2138 bodily injury or death; repealing s. 322.60, F.S.,
2139 relating to the prohibition on commercial motor vehicle
2140 drivers possessing more than one license; amending s.
2141 322.61, F.S.; clarifying provisions disqualifying a person
2142 from operating a commercial motor vehicle following
2143 certain traffic violations; providing for permanent
2144 disqualification following conviction of a felony
2145 involving the manufacture, distribution, or dispensing of
2146 a controlled substance; amending s. 322.64, F.S.;
2147 providing that a person's privilege to drive a commercial

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2148 motor vehicle is disqualified if the person was driving or
2149 in actual physical control of a commercial motor vehicle,
2150 or any motor vehicle if the person holds a commercial
2151 driver's license, with an unlawful blood-alcohol level or
2152 breath-alcohol level or refuses to submit to a breath,
2153 urine, or blood test; providing for the period of
2154 disqualification; providing procedures; providing for
2155 issuance of a notice of disqualification; revising the
2156 requirements for a formal review hearing following a
2157 person's disqualification from operating a commercial
2158 motor vehicle; amending s. 324.021, F.S.; clarifying that
2159 a judgment becomes final by expiration of the time for
2160 appeal; amending s. 501.976, F.S.; conforming a cross-
2161 reference; creating the Automobile Lenders Industry Task
2162 Force within the Department of Highway Safety and Motor
2163 Vehicles; providing duties of the task force; providing
2164 for membership and the election of officers; providing for
2165 meetings; providing for reimbursement for travel and per
2166 diem expenses for public-sector members; requiring the
2167 department to provide administrative support and
2168 assistance to the task force; prohibiting the Department
2169 of Highway Safety and Motor Vehicles from issuing any new
2170 specialty license plates for a specified period;
2171 designating the Joseph P. Bertrand Building in Lee County;
2172 providing effective dates.

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