

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Glorioso offered the following:

2 **Amendment (with title amendment)**

3 Remove everything after the enacting clause and insert:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

125 316.191 Racing on highways.--

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

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

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

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

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

142        316.193 Driving under the influence; penalties.--

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

149        (a) By a fine of:

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

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

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

156 (b) By imprisonment for:

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

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

159

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

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

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

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

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

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

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

196 316.251 Maximum bumper heights.--

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

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

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

207 (1)

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

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

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

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

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

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

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

252 316.613 Child restraint requirements.--

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

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

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

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

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

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

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

268 316.614 Safety belt usage.--

269 (3) As used in this section:

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

273 1. A school bus.

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

276 3. A farm tractor or implement of husbandry.

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

279 5. A motorcycle, moped, or bicycle.

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

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

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

292 316.650 Traffic citations.--

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

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

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

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

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

346 (b) If a traffic citation is issued pursuant to s.  
347 316.1001, a traffic enforcement officer may deposit the original  
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348 ~~and one copy of such~~ traffic citation or, in the case of a  
349 traffic enforcement agency that has an automated citation  
350 system, may provide by an electronic transmission a replica of  
351 the citation data to ~~facsimile with~~ a court having jurisdiction  
352 over the alleged offense or with its traffic violations bureau  
353 within 45 days after the date of issuance of the citation to the  
354 violator. If the person cited for the violation of s. 316.1001  
355 makes the election provided by s. 318.14(12) and pays the \$25  
356 fine, or such other amount as imposed by the governmental entity  
357 owning the applicable toll facility, plus the amount of the  
358 unpaid toll that is shown on the traffic citation directly to  
359 the governmental entity that issued the citation, or on whose  
360 behalf the citation was issued, in accordance with s.  
361 318.14(12), the traffic citation will not be submitted to the  
362 court, the disposition will be reported to the department by the  
363 governmental entity that issued the citation, or on whose behalf  
364 the citation was issued, and no points will be assessed against  
365 the person's driver's license.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

563 320.131 Temporary tags.--

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

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

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

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

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

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

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

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

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

613 320.27 Motor vehicle dealers.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

800 322.051 Identification cards.--

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

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

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

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

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

817 a. A driver's license record or identification card record  
818 from another jurisdiction that required the applicant to submit  
819 a document for identification which is substantially similar to  
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820 a document required under sub-subparagraph b., sub-subparagraph  
821 c., sub-subparagraph d., sub-subparagraph e., sub-subparagraph  
822 f., ~~or~~ sub-subparagraph g., or sub-subparagraph h.;

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

824 c. A valid, unexpired United States passport;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

880 (2) (a) Every identification card:

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

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

887

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

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

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

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

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

927 322.08 Application for license.--

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

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

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

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

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

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

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

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

950 3. A valid, unexpired United States passport;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1035 322.14 Licenses issued to drivers.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1284 322.19 Change of address or name.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1357 322.2715 Ignition interlock device.--

1358 (3) If the person is convicted of:

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

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

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

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

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

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

1384 (1) Whose driving privilege has been revoked:

1385 (a) Upon conviction for:

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

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

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

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

1397 5. Reckless driving; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1785 (b) Sustain the disqualification:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1962           Section 47. Subsection (1) of section 316.605, Florida  
1963 Statutes, is amended to read:

1964           316.605 Licensing of vehicles.--

1965           (1) Every vehicle, at all times while driven, stopped, or  
1966 parked upon any highways, roads, or streets of this state, shall  
1967 be licensed in the name of the owner thereof in accordance with  
1968 the laws of this state unless such vehicle is not required by  
1969 the laws of this state to be licensed in this state and shall,  
1970 except as otherwise provided in s. 320.0706 for front-end  
1971 registration license plates on truck tractors, s. 320.0821 for  
1972 registration license plates on wreckers, and s. 320.086(5) which  
1973 exempts display of license plates on described former military  
1974 vehicles, display the license plate or both of the license  
1975 plates assigned to it by the state, one on the rear and, if two,  
1976 the other on the front of the vehicle, each to be securely  
1977 fastened to the vehicle outside the main body of the vehicle not  
1978 higher than 60 inches and not lower than 12 inches from the  
1979 ground and no more than 24 inches to the left or right of the  
1980 centerline of the vehicle, and in such manner as to prevent the

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1981 plates from swinging, and all letters, numerals, printing,  
1982 writing, and other identification marks upon the plates  
1983 regarding the word "Florida," the registration decal, and the  
1984 alphanumeric designation shall be clear and distinct and free  
1985 from defacement, mutilation, grease, and other obscuring matter,  
1986 so that they will be plainly visible and legible at all times  
1987 100 feet from the rear or front. Vehicle license plates shall be  
1988 affixed and displayed in such a manner that the letters and  
1989 numerals shall be read from left to right parallel to the  
1990 ground. No vehicle license plate may be displayed in an inverted  
1991 or reversed position or in such a manner that the letters and  
1992 numbers and their proper sequence are not readily identifiable.  
1993 Nothing shall be placed upon the face of a Florida plate except  
1994 as permitted by law or by rule or regulation of a governmental  
1995 agency. No license plates other than those furnished by the  
1996 state shall be used. However, if the vehicle is not required to  
1997 be licensed in this state, the license plates on such vehicle  
1998 issued by another state, by a territory, possession, or district  
1999 of the United States, or by a foreign country, substantially  
2000 complying with the provisions hereof, shall be considered as  
2001 complying with this chapter. A violation of this subsection is a  
2002 noncriminal traffic infraction, punishable as a nonmoving  
2003 violation as provided in chapter 318.

2004 Section 48. Subsection (5) is added to section 320.0821,  
2005 Florida Statutes, is amended to read:

2006 320.0821 Wrecker license plates.--

2007 (5) The owner of any wrecker issued a regular wrecker  
2008 license plate shall display the license plate only on the front

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2009 of the vehicle. Any wrecker issued gross vehicle weight wrecker  
 2010 license plates shall display the license plates on both the  
 2011 front and rear of the truck in conformance with all the  
 2012 requirements of s. 316.605 that do not conflict with this  
 2013 section.

2014 Section 49. Except as otherwise expressly provided in this  
 2015 act and except for this section, which shall take effect upon  
 2016 this act becoming a law, this act shall take effect October 1,  
 2017 2008.

2018  
 2019

2020 -----

2021 **T I T L E A M E N D M E N T**

2022 Remove the entire title and insert:

2023 A bill to be entitled  
 2024 An act relating to the Department of Highway Safety and  
 2025 Motor Vehicles; amending s. 316.0741, F.S.; redefining the  
 2026 term "hybrid vehicle"; authorizing the driving of a  
 2027 hybrid, low-emission, or energy-efficient vehicle in a  
 2028 high-occupancy-vehicle lane regardless of occupancy;  
 2029 authorizing the department to limit or discontinue such  
 2030 driving under certain circumstances; directing the  
 2031 Department of Transportation to review a specified federal  
 2032 rule and make a report to the Legislature; exempting  
 2033 certain vehicles from the payment of certain tolls;  
 2034 amending s. 316.1575, F.S.; requiring a person walking or  
 2035 driving a vehicle to stop at a railroad crossing upon the  
 2036 signal of a law enforcement officer; amending s. 316.1895,

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2037 F.S.; requiring the placement of signs in certain school  
2038 zones stating that speeding fines are doubled within the  
2039 zone; amending s. 316.191, F.S.; providing a definition of  
2040 the term "spectator"; prohibiting a person from being a  
2041 spectator at an illegal drag race; providing noncriminal  
2042 penalties; amending s. 316.193, F.S.; lowering the blood-  
2043 alcohol or breath-alcohol level for which enhanced  
2044 penalties are imposed against a person convicted of  
2045 driving under the influence; clarifying that an ignition  
2046 interlock device is installed for a continuous period;  
2047 amending s. 316.1937, F.S.; revising the conditions under  
2048 which the court may require the use of an ignition  
2049 interlock device; amending s. 316.251, F.S.; conforming a  
2050 cross-reference; amending s. 316.302, F.S.; revising  
2051 references to rules, regulations, and criteria governing  
2052 commercial motor vehicles engaged in intrastate commerce;  
2053 providing that the Department of Transportation performs  
2054 duties assigned to the Field Administrator of the Federal  
2055 Motor Carrier Safety Administration under the federal  
2056 rules and may enforce those rules; amending ss. 316.613  
2057 and 316.614, F.S.; revising the definition of "motor  
2058 vehicle" for purposes of child restraint and safety belt  
2059 usage requirements; amending s. 316.645, F.S.; authorizing  
2060 a police officer to make an arrest upon probable cause of  
2061 a violation of laws governing motor vehicle licenses;  
2062 amending s. 316.650, F.S.; revising requirements for  
2063 traffic citation forms; providing for the electronic  
2064 transmission of citation data; amending s. 316.656, F.S.;

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Amendment No.

2065 lowering the percentage of blood or breath alcohol content  
2066 relating to the prohibition against pleading guilty to a  
2067 lesser offense of driving under the influence than the  
2068 offense charged; amending s. 318.14, F.S.; prohibiting a  
2069 person from electing more than five times within 10 years  
2070 to attend a basic driver improvement course approved by  
2071 the Department of Highway Safety and Motor Vehicles in  
2072 lieu of making a court appearance; amending s. 319.001,  
2073 F.S.; defining the term "certificate of title" to include  
2074 information stored electronically in the department's  
2075 database; amending s. 320.01, F.S.; revising the  
2076 definition of the term "motorcycle" to exclude a vehicle  
2077 in which the operator is enclosed by a cabin; amending s.  
2078 320.02, F.S.; deleting the requirement for a motorcycle  
2079 endorsement at the time of original registration of a  
2080 motorcycle, motor-driven cycle, or moped; repealing s.  
2081 320.02(13), F.S., relating to a motor vehicle registration  
2082 voluntary contribution for the Election Campaign Financing  
2083 Trust Fund; amending s. 320.0706, F.S.; providing that a  
2084 violation of requirements for displaying a truck license  
2085 plate is a moving violation; amending s. 320.0715, F.S.;  
2086 requiring the department to withhold issuing or to suspend  
2087 a registration and license plate for a commercial motor  
2088 vehicle if the federal identifying number is not provided  
2089 or if the motor carrier or vehicle owner has been  
2090 prohibited from operating; amending s. 320.08053, F.S.;  
2091 removing a requirement that the department create certain  
2092 specifications by rule for specialty license plates;

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Amendment No.

2093 amending s. 320.0894, F.S.; providing for issuance of Gold  
2094 Star license plates to certain family members; amending s.  
2095 320.131, F.S.; requiring motor vehicle temporary tags to  
2096 be affixed on the exterior of the vehicle; revising the  
2097 requirement that the department specify media for motor  
2098 vehicle temporary tags; revising the requirement that the  
2099 department implement a print-on-demand electronic system  
2100 for temporary tag issuance; providing for limited use of a  
2101 backup manual issuance method during an outage; providing  
2102 for rulemaking and certain exemptions; amending s. 320.27,  
2103 F.S.; revising the insurance requirements for persons  
2104 applying for a motor vehicle dealer license; conforming a  
2105 cross-reference; repealing s. 320.96, F.S., relating to a  
2106 print-on-demand electronic temporary license plate system;  
2107 amending s. 322.01, F.S.; defining the term "convenience  
2108 service" for purposes of transactions with the department;  
2109 revising the definition of the term "conviction" to  
2110 provide for application to offenses committed by a person  
2111 holding a commercial driver's license; revising the  
2112 definition of the terms "hazardous materials" and "out-of-  
2113 service order"; amending s. 322.051, F.S.; revising  
2114 requirements for application for issuance or renewal of an  
2115 identification card; revising provisions providing for the  
2116 expiration of an identification card issued by the  
2117 department; amending s. 322.08, F.S.; revising  
2118 requirements for application for a driver's license;  
2119 removing a provision requiring the application form to  
2120 include language permitting a voluntary contribution for

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Amendment No.

2121 the Election Campaign Financing Trust Fund; amending s.  
2122 322.14, F.S.; revising provisions for content of a  
2123 driver's license; requiring the license to contain the  
2124 licensee's residence address; removing a requirement that  
2125 the license contain the licensee's mailing address;  
2126 amending s. 322.15, F.S.; authorizing a law enforcement  
2127 officer or authorized representative of the department to  
2128 collect a person's fingerprints electronically; amending  
2129 s. 322.17, F.S.; revising provisions for replacement of an  
2130 instruction permit or driver license; removing fee  
2131 amounts; requiring payment of specified fee amounts;  
2132 removing a provision for a change of address sticker;  
2133 conforming cross-references; amending s. 322.18, F.S.;  
2134 revising provisions providing for the expiration and  
2135 renewal of driver's licenses; providing for the renewal of  
2136 certain licenses every 8 years; conforming cross-  
2137 references; providing for the renewal of licenses using a  
2138 convenience service; requiring the department to issue new  
2139 licenses rather than extension stickers; repealing s.  
2140 322.181(4), F.S., relating to the Florida At-Risk Driver  
2141 Council; amending s. 322.19, F.S.; revising provisions for  
2142 a licensee changing address; removing a provision for the  
2143 licensee to request a change-of-address sticker;  
2144 conforming cross-references; amending s. 322.21, F.S.;  
2145 revising fees for issuance of original, renewal, and  
2146 replacement driver's licenses and identification cards;  
2147 revising fees for specified endorsements; providing for  
2148 distribution of revised fees; amending s. 322.2715, F.S.;

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Bill No. CS/CS/CS/SB 1992

Amendment No.

2149 providing that the required installation period of an  
2150 ignition interlock device for certain DUI offenses be  
2151 continuous; amending s. 322.291, F.S.; providing  
2152 additional requirements for a third or subsequent  
2153 violation of requirements for installation of an ignition  
2154 interlock device; requiring treatment and extension of the  
2155 duration of the ignition interlock requirement; amending  
2156 s. 322.36, F.S.; requiring the suspension for a specified  
2157 period of the driver's license of a person who loans a  
2158 vehicle to a person whose driver's license is suspended if  
2159 that vehicle is involved in an accident resulting in  
2160 bodily injury or death; repealing s. 322.60, F.S.,  
2161 relating to the prohibition on commercial motor vehicle  
2162 drivers possessing more than one license; amending s.  
2163 322.61, F.S.; clarifying provisions disqualifying a person  
2164 from operating a commercial motor vehicle following  
2165 certain traffic violations; providing for permanent  
2166 disqualification following conviction of a felony  
2167 involving the manufacture, distribution, or dispensing of  
2168 a controlled substance; amending s. 322.64, F.S.;  
2169 providing that a person's privilege to drive a commercial  
2170 motor vehicle is disqualified if the person was driving or  
2171 in actual physical control of a commercial motor vehicle,  
2172 or any motor vehicle if the person holds a commercial  
2173 driver's license, with an unlawful blood-alcohol level or  
2174 breath-alcohol level or refuses to submit to a breath,  
2175 urine, or blood test; providing for the period of  
2176 disqualification; providing procedures; providing for

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Bill No. CS/CS/CS/SB 1992

Amendment No.

2177 issuance of a notice of disqualification; revising the  
2178 requirements for a formal review hearing following a  
2179 person's disqualification from operating a commercial  
2180 motor vehicle; amending s. 324.021, F.S.; clarifying that  
2181 a judgment becomes final by expiration of the time for  
2182 appeal; amending s. 501.976, F.S.; conforming a cross-  
2183 reference; creating the Automobile Lenders Industry Task  
2184 Force within the Department of Highway Safety and Motor  
2185 Vehicles; providing duties of the task force; providing  
2186 for membership and the election of officers; providing for  
2187 meetings; providing for reimbursement for travel and per  
2188 diem expenses for public-sector members; requiring the  
2189 department to provide administrative support and  
2190 assistance to the task force; prohibiting the Department  
2191 of Highway Safety and Motor Vehicles from issuing any new  
2192 specialty license plates for a specified period;  
2193 designating the Joseph P. Bertrand Building in Lee County;  
2194 amending ss. 316.605 and 320.0821, F.S.; providing for a  
2195 wrecker owner to display the registration license plate on  
2196 the front of the wrecker; providing effective dates.

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