

By Senator Baker

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1                   A bill to be entitled  
2           An act relating to the Department of Highway Safety and  
3           Motor Vehicles; amending s. 316.0741, F.S.; redefining the  
4           term "hybrid vehicle"; authorizing the driving of a  
5           hybrid, low-emission, or energy-efficient vehicle in a  
6           high-occupancy-vehicle lane regardless of occupancy;  
7           authorizing the department to limit or discontinue such  
8           driving under certain circumstances; exempting such  
9           vehicles from the payment of certain tolls; amending s.  
10          316.1001, F.S.; authorizing the clerk of court to supply  
11          information to the department concerning persons having  
12          outstanding violations for failure to pay tolls;  
13          authorizing the department to withhold issuing a license  
14          plate or revalidation sticker for any motor vehicle owned  
15          by such a person; amending s. 316.1575, F.S.; requiring a  
16          person walking or driving a vehicle to stop at a railroad  
17          crossing upon the signal of a law enforcement officer;  
18          amending s. 316.159, F.S.; requiring the driver of a  
19          commercial motor vehicle to slow when approaching a  
20          railroad crossing; providing that a violation of such  
21          requirement is a noncriminal moving violation; amending s.  
22          316.1895, F.S.; requiring the placement of signs in  
23          certain school zones stating that speeding fines are  
24          doubled within the zone; amending s. 316.193, F.S.;  
25          lowering the blood-alcohol or breath-alcohol level for  
26          which enhanced penalties are imposed against a person who  
27          was accompanied in the vehicle by a minor at the time of  
28          the offense; amending s. 316.1937, F.S.; revising the  
29          conditions under which the court may require the use of an

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30 ignition interlock device; amending s. 316.29545, F.S.;

31 exempting certain investigative vehicles from the

32 prohibition against installing window sunscreening on a

33 vehicle; amending s. 316.302, F.S.; revising the

34 application of certain federal rules; providing for the

35 department to perform certain duties assigned under

36 federal rules; updating a reference to federal provisions

37 governing out-of-service requirements for commercial

38 vehicles; creating s. 316.3028, F.S.; requiring that

39 commercial motor vehicles be operated from sunrise to

40 sunset with the headlights turned on; specifying

41 circumstances under which a violation of such requirement

42 may be considered negligence; providing that a violation

43 of such requirement is a noncriminal moving violation;

44 amending s. 316.3045, F.S.; providing enhanced penalties,

45 including forfeiture of the vehicle, upon multiple

46 convictions for violating prohibitions against the use of

47 excessively loud soundmaking equipment in a motor vehicle;

48 amending ss. 316.613 and 316.614, F.S.; redefining the

49 term "motor vehicle" to exclude certain trucks from the

50 requirement to use a child restraint or safety belt;

51 amending s. 316.645, F.S.; authorizing a police officer to

52 make an arrest upon probable cause of a violation of laws

53 governing motor vehicle licenses; amending s. 316.650,

54 F.S.; revising requirements for traffic citation forms;

55 providing for the electronic transmission of citation

56 data; amending s. 316.656, F.S.; lowering the percentage

57 of blood or breath alcohol content relating to the

58 prohibition against pleading guilty to a lesser offense of

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59 | driving under the influence than the offense charged;  
60 | amending s. 319.001, F.S.; defining the term "certificate  
61 | of title" to include information stored electronically in  
62 | the department's database; amending s. 320.0706, F.S.;  
63 | providing that a violation of requirements for displaying  
64 | a truck license plate is a moving violation; amending s.  
65 | 320.0715, F.S.; requiring the department to withhold  
66 | issuing or to suspend a registration and license plate for  
67 | a commercial motor vehicle if the federal identifying  
68 | number is not provided or if the motor carrier or vehicle  
69 | owner has been prohibited from operating; amending s.  
70 | 320.01, F.S.; redefining the term "motorcycle" to exclude  
71 | a vehicle where the operator is enclosed by a cabin;  
72 | amending s. 320.02, F.S., as amended; deleting the  
73 | requirement for a motorcycle endorsement at the time of  
74 | original registration of a motorcycle, motor-driven cycle,  
75 | or moped; repealing s. 320.08053(3), F.S., relating to  
76 | provisions requiring that the department adopt rules  
77 | providing certain specifications for the design of  
78 | specialty license plates; amending s. 322.01, F.S.;  
79 | defining the term "convenience service"; redefining the  
80 | terms "conviction," "hazardous materials," and "out-of-  
81 | service order"; amending s. 322.0255, F.S.; revising  
82 | eligibility for reimbursement for organizations that  
83 | conduct motorcycle safety courses; amending s. 322.03,  
84 | F.S.; deleting provisions exempting certain persons from  
85 | the requirement to surrender a license issued by another  
86 | jurisdiction; providing certain exceptions for part-time  
87 | residents; amending ss. 322.051 and 322.08, F.S.;

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88 requiring that an applicant for an identification card or  
89 driver's license provide additional information;  
90 authorizing use of additional documents to prove identity;  
91 revising the fee requirements; revising provisions  
92 providing for the expiration of an identification card  
93 issued by the department; amending s. 322.14, F.S.;  
94 requiring that an applicant for a driver's license provide  
95 a residence address; amending s. 322.15, F.S.; authorizing  
96 a law enforcement officer or authorized representative of  
97 the department to collect a person's fingerprints  
98 electronically; amending s. 322.17, F.S.; revising the  
99 requirements for obtaining a replacement license or  
100 permit; deleting provisions authorizing the department to  
101 issue address stickers; amending s. 322.18, F.S.; revising  
102 provisions providing for the expiration of driver's  
103 licenses; providing for the renewal of certain licenses  
104 every 8 years and for the renewal of licenses for persons  
105 older than a specified age every 6 years; providing for  
106 the renewal of licenses using a convenience service;  
107 requiring the department to issue new licenses rather than  
108 extension stickers; conforming cross-references; amending  
109 s. 322.19, F.S.; deleting provisions authorizing the use  
110 of a change-of-address sticker on a driver's license;  
111 conforming cross-references; amending s. 322.21, F.S.;  
112 increasing the fees charged for obtaining a new or renewal  
113 driver's license or identification card; specifying that a  
114 portion of the fees be deposited for use by the  
115 department; amending s. 322.2715, F.S.; clarifying that an  
116 ignition interlock device is installed for a continuous

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117 period; amending s. 322.291, F.S.; imposing additional  
118 sanctions against a person who violates requirements with  
119 respect to an ignition interlock device; repealing s.  
120 322.60, F.S., relating to a prohibition against possessing  
121 more than one driver's license under certain  
122 circumstances; amending s. 322.61, F.S.; clarifying  
123 provisions disqualifying a person from operating a  
124 commercial motor vehicle following certain traffic  
125 violations; providing for permanent disqualification  
126 following conviction of a felony involving the  
127 manufacture, distribution, or dispensing of a controlled  
128 substance; amending s. 322.64, F.S.; providing that  
129 refusal to submit to a breath, urine, or blood test  
130 disqualifies a person from operating a commercial motor  
131 vehicle; providing a period of disqualification if a  
132 person has an unlawful blood-alcohol or breath-alcohol  
133 level; providing for issuance of a notice of  
134 disqualification; revising the requirements for a formal  
135 review hearing following a person's disqualification from  
136 operating a commercial motor vehicle; amending s. 324.021,  
137 F.S.; clarifying that a judgment becomes final by  
138 expiration of the time for appeal; providing effective  
139 dates.

140  
141 Be It Enacted by the Legislature of the State of Florida:

142  
143 Section 1. Section 316.0741, Florida Statutes, is amended  
144 to read:

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145 316.0741 High-occupancy-vehicle ~~High-occupancy vehicle~~  
146 lanes.--

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

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

152 (b) "Hybrid vehicle" means a motor vehicle that:

153 1. Draws propulsion energy from onboard sources of stored  
154 energy which are both an internal combustion or heat engine using  
155 combustible fuel and a rechargeable energy-storage system; and

156 2. In the case of a passenger automobile or light truck,  
157 has received a certificate of conformity under the Clean Air Act,  
158 42 U.S.C. ss. 7401 et seq., and meets or exceeds the equivalent  
159 qualifying California standards for a low-emission vehicle.

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

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

170 (4) (a) Notwithstanding any other provision of this section,  
171 an inherently low-emission vehicle (ILEV) that is certified and  
172 labeled in accordance with federal regulations may be driven in  
173 an HOV lane at any time, regardless of its occupancy. In

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174 addition, upon the state's receipt of written notice from the  
175 proper federal regulatory agency authorizing such use, a vehicle  
176 defined as a hybrid vehicle under this section may be driven in  
177 an HOV lane at any time, regardless of its occupancy.

178 (b) All eligible hybrid and all other eligible low-emission  
179 and energy-efficient vehicles driven in an HOV lane must comply  
180 with the minimum fuel economy standards in 23 U.S.C. s.  
181 166(f) (3) (B) .

182 (c) The eligibility of hybrid and other low-emission and  
183 energy-efficient vehicles for operation in an HOV lane regardless  
184 of occupancy shall be determined in accordance with the  
185 applicable final rule issued by the United State Environmental  
186 Protection Agency pursuant to 23 U.S.C. s. 166(e) and shall take  
187 effect on the effective date of the rule.

188 (5) The department shall issue a decal and registration  
189 certificate, to be renewed annually, reflecting the HOV lane  
190 designation on ~~such~~ vehicles meeting the criteria in subsection  
191 (4) and authorizing driving in an HOV lane at any time ~~such use~~.  
192 The department may charge a fee for a decal, not to exceed the  
193 costs of designing, producing, and distributing each decal, or  
194 \$5, whichever is less. The proceeds from sale of the decals shall  
195 be deposited in the Highway Safety Operating Trust Fund. The  
196 department may, for reasons of operation and management of HOV  
197 facilities, limit or discontinue issuance of decals for the use  
198 of HOV facilities by hybrid, low-emission, and energy-efficient  
199 vehicles regardless of occupancy if it has been determined by the  
200 Department of Transportation that the facilities are degraded as  
201 defined by 23 U.S.C. s. 166(d) (2) .

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202        (6) Vehicles that have decals by virtue of compliance with  
203 the minimum fuel-economy standards under 23 U.S.C. s.  
204 166(f) (3) (B), and that are registered for use in high-occupancy  
205 toll lanes or express lanes in accordance with Department of  
206 Transportation rule, shall be allowed to use any HOV lanes  
207 redesignated as high-occupancy toll lanes or express lanes  
208 without payment of a toll.

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

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

213            ~~1. An internal combustion or heat engine using combustible~~  
214 ~~fuel; and~~

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

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

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

220            ~~2. Meets or exceeds the equivalent qualifying California~~  
221 ~~standards for a low-emission vehicle.~~

222        (7) (6) The Department of Transportation is authorized to  
223 may adopt rules necessary to implement and administer this  
224 section.

225        Section 2. Subsection (4) of section 316.1001, Florida  
226 Statutes, is amended to read:

227        316.1001 Payment of toll on toll facilities required;  
228 penalties.--

229        (4) Any governmental entity, including without limitation a  
230 clerk of court, may supply the department with data that is



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231 machine readable by the department's computer system, listing  
232 persons who have one or more outstanding violations of this  
233 section, with reference to the person's driver's license number  
234 or license plate number in the case of a business entity.  
235 Pursuant to s. 320.03(8), those persons may not be issued a  
236 license plate or revalidation sticker for any motor vehicle. Upon  
237 receipt of such lists of persons, in accordance with the  
238 provisions of s. 320.03(8), the department or its authorized  
239 agents may not issue a license plate or revalidation sticker for  
240 any motor vehicle owned by a person having any outstanding  
241 violations of this section until such person's name no longer  
242 appears on the department's list of persons having outstanding  
243 violations of this section or until such person presents a  
244 receipt from the clerk showing that all applicable amounts owed  
245 on outstanding violations have been paid.

246 Section 3. Subsection (1) of section 316.1575, Florida  
247 Statutes, is amended to read:

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

250 (1) Any person walking or driving a vehicle and approaching  
251 a railroad-highway grade crossing under any of the circumstances  
252 stated in this section shall stop within 50 feet but not less  
253 than 15 feet from the nearest rail of such railroad and shall not  
254 proceed until he or she can do so safely. The foregoing  
255 requirements apply when:

256 (a) A clearly visible electric or mechanical signal device  
257 gives warning of the immediate approach of a railroad train;

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

261 (c) An approaching railroad train emits an audible signal  
262 or the railroad train, by reason of its speed or nearness to the  
263 crossing, is an immediate hazard; or

264 (d) An approaching railroad train is plainly visible and is  
265 in hazardous proximity to the railroad-highway grade crossing,  
266 regardless of the type of traffic control devices installed at  
267 the crossing.

268 Section 4. Section 316.159, Florida Statutes, is amended to  
269 read:

270 316.159 Certain vehicles to stop or slow at all railroad  
271 grade crossings.--

272 (1) The driver of any motor vehicle carrying passengers for  
273 hire, excluding taxicabs, of any school bus carrying any school  
274 child, or of any vehicle carrying explosive substances or  
275 flammable liquids as a cargo or part of a cargo, before crossing  
276 at grade any track or tracks of a railroad, shall stop such  
277 vehicle within 50 feet but not less than 15 feet from the nearest  
278 rail of the railroad and, while so stopped, shall listen and look  
279 in both directions along the track for any approaching train, and  
280 for signals indicating the approach of a train, except as  
281 hereinafter provided, and shall not proceed until he or she can  
282 do so safely. After stopping as required herein and upon  
283 proceeding when it is safe to do so, the driver of any such  
284 vehicle shall cross only in a gear of the vehicle so that there  
285 will be no necessity for changing gears while traversing the

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286 crossing, and the driver shall not shift gears while crossing the  
287 track or tracks.

288 (2) No stop need be made at any such crossing where a  
289 police officer, a traffic control signal, or a sign directs  
290 traffic to proceed. However, any school bus carrying any school  
291 child shall be required to stop unless directed to proceed by a  
292 police officer.

293 (3) The driver of a commercial motor vehicle that is not  
294 required to stop under subsection (1) or subsection (2) shall,  
295 before crossing at grade any track or tracks of a railroad, slow  
296 down and check that the tracks are clear of an approaching train.

297 (4)~~(3)~~ A violation of this section is a noncriminal traffic  
298 infraction, punishable as a moving violation as provided in  
299 chapter 318.

300 Section 5. Effective July 1, 2006, subsection (6) of  
301 section 316.1895, Florida Statutes, is amended to read:

302 316.1895 Establishment of school speed zones, enforcement;  
303 designation.--

304 (6) Permanent signs designating school zones and school  
305 zone speed limits shall be uniform in size and color, and shall  
306 have the times during which the restrictive speed limit is  
307 enforced clearly designated thereon. Flashing beacons activated  
308 by a time clock, or other automatic device, or manually activated  
309 may be used as an alternative to posting the times during which  
310 the restrictive school speed limit is enforced. Beginning July 1,  
311 2008, for any newly established school zone or any school zone in  
312 which the signing has been replaced, a sign stating "Speeding  
313 Fines Doubled" shall be installed within the school zone. The

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314 Department of Transportation shall establish adequate standards  
315 for the signs and flashing beacons.

316 Section 6. Subsection (4) of section 316.193, Florida  
317 Statutes, is amended to read:

318 316.193 Driving under the influence; penalties.--

319 (4) Any person who is convicted of a violation of  
320 subsection (1) and who has a blood-alcohol level or breath-  
321 alcohol level of 0.15 ~~0.20~~ or higher, or any person who is  
322 convicted of a violation of subsection (1) and who at the time of  
323 the offense was accompanied in the vehicle by a person under the  
324 age of 18 years, shall be punished:

325 (a) By a fine of:

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

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

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

332 (b) By imprisonment for:

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

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

335

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

340 (c) In addition to the penalties in paragraphs (a) and (b),  
341 the court shall order the mandatory placement, at the convicted  
342 person's sole expense, of an ignition interlock device approved

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343 | by the department in accordance with s. 316.1938 upon all  
344 | vehicles that are individually or jointly leased or owned and  
345 | routinely operated by the convicted person for up to 6 months for  
346 | the first offense and for at least 2 years for a second offense,  
347 | when the convicted person qualifies for a permanent or restricted  
348 | license. The installation of such device may not occur before  
349 | July 1, 2003.

350 |       Section 7. Subsection (1) of section 316.1937, Florida  
351 | Statutes, is amended to read:

352 |       316.1937 Ignition interlock devices, requiring; unlawful  
353 | acts.--

354 |       (1) In addition to any other authorized penalties, the  
355 | court may require that any person who is convicted of driving  
356 | under the influence in violation of s. 316.193 shall not operate  
357 | a motor vehicle unless that vehicle is equipped with a  
358 | functioning ignition interlock device certified by the department  
359 | as provided in s. 316.1938, and installed in such a manner that  
360 | the vehicle will not start if the operator's blood alcohol level  
361 | is in excess of 0.025 ~~0.05~~ percent or as otherwise specified by  
362 | the court. The court may require the use of an approved ignition  
363 | interlock device for a period of not less than 6 continuous  
364 | months, if the person is permitted to operate a motor vehicle,  
365 | whether or not the privilege to operate a motor vehicle is  
366 | restricted, as determined by the court. The court, however, shall  
367 | order placement of an ignition interlock device in those  
368 | circumstances required by s. 316.193.

369 |       Section 8. Section 316.29545, Florida Statutes, is amended  
370 | to read:

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371 316.29545 Window suncreening exclusions; medical  
372 exemption; certain law enforcement vehicles exempt; certain  
373 investigative vehicles exempt.--

374 (1) The department shall issue medical exemption  
375 certificates to persons who are afflicted with Lupus or similar  
376 medical conditions which require a limited exposure to light,  
377 which certificates shall entitle the person to whom the  
378 certificate is issued to have sunscreening material on the  
379 windshield, side windows, and windows behind the driver which is  
380 in violation of the requirements of ss. 316.2951-316.2957. The  
381 department shall provide, by rule, for the form of the medical  
382 certificate authorized by this section. At a minimum, the medical  
383 exemption certificate shall include a vehicle description with  
384 the make, model, year, vehicle identification number, medical  
385 exemption decal number issued for the vehicle, and the name of  
386 the person or persons who are the registered owners of the  
387 vehicle. A medical exemption certificate shall be nontransferable  
388 and shall become null and void upon the sale or transfer of the  
389 vehicle identified on the certificate.

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

393 (b) The department shall exempt from the suncreening  
394 requirements of ss. 316.2953, 316.2954, and 316.2956 all vehicles  
395 owned or leased by investigative agencies licensed pursuant to  
396 chapter 493 and used in homeland security functions on behalf of  
397 federal, state, or local authorities; executive protection  
398 activities; undercover, covert, or surveillance operations in  
399 cases involving child abductions, convicted sex offenders,

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400 insurance fraud, or missing persons or property; or other  
401 activities in which evidence is being obtained for civil or  
402 criminal proceedings.

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

406 Section 9. Subsections (1), (6), and (8) of section  
407 316.302, Florida Statutes, are amended to read:

408 316.302 Commercial motor vehicles; safety regulations;  
409 transporters and shippers of hazardous materials; enforcement.--

410 (1) (a) All owners and drivers of commercial motor vehicles  
411 that are operated on the public highways of this state while  
412 engaged in interstate commerce are subject to the rules and  
413 regulations contained in 49 C.F.R. parts 382, 385, and 390-397.

414 (b) Except as otherwise provided in this section, all  
415 owners or drivers of commercial motor vehicles that are engaged  
416 in intrastate commerce are subject to the rules and regulations  
417 contained in 49 C.F.R. parts 382, 385, and 390-397, with the  
418 exception of 49 C.F.R. s. 390.5 as it relates to the definition  
419 of bus, as such rules and regulations existed on October 1, 2008  
420 2005.

421 (c) Except as provided in s. 316.215(5), and except as  
422 provided in s. 316.228 for rear overhang lighting and flagging  
423 requirements for intrastate operations, the requirements of this  
424 section supersede all other safety requirements of this chapter  
425 for commercial motor vehicles.

426 (6) The state Department of Transportation shall perform  
427 the duties that are assigned to the field administrator of the  
428 Federal Motor Carrier Safety Administration ~~Regional Federal~~

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429 Highway Administrator under the federal rules, and an agent of  
430 that department, as described in s. 316.545(9), may enforce those  
431 rules.

432 (8) For the purpose of enforcing this section, any law  
433 enforcement officer of the Department of Transportation or duly  
434 appointed agent who holds a current safety inspector  
435 certification from the Commercial Vehicle Safety Alliance may  
436 require the driver of any commercial vehicle operated on the  
437 highways of this state to stop and submit to an inspection of the  
438 vehicle or the driver's records. If the vehicle or driver is  
439 found to be operating in an unsafe condition, or if any required  
440 part or equipment is not present or is not in proper repair or  
441 adjustment, and the continued operation would present an unduly  
442 hazardous operating condition, the officer may require the  
443 vehicle or the driver to be removed from service pursuant to the  
444 North American Standard ~~Uniform~~ Out-of-Service Criteria, until  
445 corrected. However, if continuous operation would not present an  
446 unduly hazardous operating condition, the officer may give  
447 written notice requiring correction of the condition within 14  
448 days.

449 (a) Any member of the Florida Highway Patrol or any law  
450 enforcement officer employed by a sheriff's office or municipal  
451 police department authorized to enforce the traffic laws of this  
452 state pursuant to s. 316.640 who has reason to believe that a  
453 vehicle or driver is operating in an unsafe condition may, as  
454 provided in subsection (10), enforce the provisions of this  
455 section.

456 (b) Any person who fails to comply with an officer's  
457 request to submit to an inspection under this subsection commits



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458 a violation of s. 843.02 if the person resists the officer  
459 without violence or a violation of s. 843.01 if the person  
460 resists the officer with violence.

461 Section 10. Section 316.3028, Florida Statutes, is created  
462 to read:

463 316.3028 Commercial motor vehicle headlights to be turned  
464 on.--

465 (1) Any person who operates a commercial motor vehicle on  
466 the public streets or highways shall, while so engaged, have the  
467 headlights of such vehicle turned on. Failure to comply with this  
468 subsection during the hours from sunrise to sunset, unless  
469 compliance is otherwise required by law, is not admissible as  
470 evidence of negligence in a civil action.

471 (2) Failure to comply with subsection (1) may not be deemed  
472 negligence per se in any civil action, but the violation of  
473 subsection (1) may be considered on the issue of negligence if  
474 the violation of subsection (1) is a proximate cause of a crash.

475 (3) A violation of subsection (1) is a noncriminal traffic  
476 infraction, punishable as a moving violation as provided in  
477 chapter 318.

478 Section 11. Section 316.3045, Florida Statutes, is amended  
479 to read:

480 316.3045 Operation of radios or other mechanical  
481 soundmaking devices or instruments in vehicles; exemptions.--

482 (1) It is unlawful for any person operating or occupying a  
483 motor vehicle on a street or highway to operate or amplify the  
484 sound produced by a radio, tape player, or other mechanical  
485 soundmaking device or instrument from within the motor vehicle so  
486 that the sound is:

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

489 (b) Louder than necessary for the convenient hearing by  
490 persons inside the vehicle in areas adjoining churches, schools,  
491 or hospitals.

492 (2) The provisions of this section do ~~shall~~ not apply to  
493 any law enforcement motor vehicle equipped with any communication  
494 device necessary in the performance of law enforcement duties or  
495 to any emergency vehicle equipped with any communication device  
496 necessary in the performance of any emergency procedures.

497 (3) The provisions of this section do not apply to motor  
498 vehicles used for business or political purposes, which in the  
499 normal course of conducting such business use soundmaking  
500 devices. The provisions of this subsection shall not be deemed to  
501 prevent local authorities, with respect to streets and highways  
502 under their jurisdiction and within the reasonable exercise of  
503 the police power, from regulating the time and manner in which  
504 such business may be operated.

505 (4) The provisions of this section do not apply to the  
506 noise made by a horn or other warning device required or  
507 permitted by s. 316.271. The Department of Highway Safety and  
508 Motor Vehicles shall adopt ~~promulgate~~ rules defining "plainly  
509 audible" and establish standards regarding how sound should be  
510 measured by law enforcement personnel who enforce the provisions  
511 of this section.

512 (5) A violation of this section is a noncriminal traffic  
513 infraction, punishable as a nonmoving violation as provided in  
514 chapter 318.

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515       (6) In addition to any fine administered under subsection  
516 (5), a person convicted of a violation of this section shall also  
517 pay:

518       (a) Upon the 10th or subsequent conviction, a fine of not  
519 less than \$250 but not more than \$500.

520       (b) Upon the 20th or subsequent conviction, the motor  
521 vehicle shall constitute contraband and is subject to forfeiture  
522 by a seizing law enforcement agency pursuant to applicable  
523 provisions of ss. 932.701-932.704.

524       Section 12. Subsection (2) of section 316.613, Florida  
525 Statutes, is amended to read:

526       316.613 Child restraint requirements.--

527       (2) As used in this section, the term "motor vehicle" means  
528 a motor vehicle as defined in s. 316.003 which ~~that~~ is operated  
529 on the roadways, streets, and highways of the state. The term  
530 does not include:

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

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

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

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

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

540       Section 13. Paragraph (a) of subsection (3) of section  
541 316.614, Florida Statutes, is amended to read:

542       316.614 Safety belt usage.--

543       (3) As used in this section:

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544 (a) "Motor vehicle" means a motor vehicle as defined in s.  
545 316.003 which ~~that~~ is operated on the roadways, streets, and  
546 highways of this state. The term does not include:

547 1. A school bus.

548 2. A bus used for the transportation of persons for  
549 compensation.

550 3. A farm tractor or implement of husbandry.

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

553 5. A motorcycle, moped, or bicycle.

554 Section 14. Section 316.645, Florida Statutes, is amended  
555 to read:

556 316.645 Arrest authority of officer at scene of a traffic  
557 crash.--A police officer who makes an investigation at the scene  
558 of a traffic crash may arrest any driver of a vehicle involved in  
559 the crash when, based upon personal investigation, the officer  
560 has reasonable and probable grounds to believe that the person  
561 has committed any offense under the provisions of this chapter,  
562 chapter 320, or chapter 322 in connection with the crash.

563 Section 15. Subsections (1), (3), (4), (5), (6), and (7) of  
564 section 316.650, Florida Statutes, are amended to read:

565 316.650 Traffic citations.--

566 (1)(a) The department shall prepare, and supply to every  
567 traffic enforcement agency in this state, an appropriate form  
568 traffic citation that contains ~~containing~~ a notice to appear, is  
569 ~~(which shall be issued in prenumbered books, meets with citations~~  
570 ~~in quintuplicate) and meeting~~ the requirements of this chapter or  
571 any laws of this state regulating traffic, and is ~~which form~~  
572 ~~shall be~~ consistent with the state traffic court rules and the

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573 | procedures established by the department. The form shall include  
574 | a box that ~~which~~ is to be checked by the law enforcement officer  
575 | when the officer believes that the traffic violation or crash was  
576 | due to aggressive careless driving as defined in s. 316.1923. The  
577 | form shall also include a box that ~~which~~ is to be checked by the  
578 | law enforcement officer when the officer writes a uniform traffic  
579 | citation for a violation of s. 316.074(1) or s. 316.075(1)(c)1.  
580 | as a result of the driver failing to stop at a traffic signal.

581 |         (b) The department shall prepare, and supply to every  
582 | traffic enforcement agency in the state, an appropriate  
583 | affidavit-of-compliance form that ~~which~~ shall be issued along  
584 | with the form traffic citation for any violation of s. 316.610  
585 | and that indicates ~~which shall indicate~~ the specific defect  
586 | needing ~~which needs~~ to be corrected. However, such affidavit of  
587 | compliance shall not be issued in the case of a violation of s.  
588 | 316.610 by a commercial motor vehicle as defined in s.  
589 | 316.003(66). Such affidavit-of-compliance form shall be  
590 | distributed in the same manner and to the same parties as is the  
591 | form traffic citation.

592 |         (c) Notwithstanding paragraphs (a) and (b), a traffic  
593 | enforcement agency may produce uniform traffic citations by  
594 | electronic means. Such citations must be consistent with the  
595 | state traffic court rules and the procedures established by the  
596 | department and ~~+~~ must be appropriately numbered and inventoried ~~+~~  
597 | ~~and may have fewer copies than the quintuplicate form.~~ Affidavit-  
598 | of-compliance forms may also be produced by electronic means.

599 |         (d) The department must distribute to every traffic  
600 | enforcement agency and to any others who request it, a traffic  
601 | infraction reference guide describing the class of the traffic

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602 | infraction, the penalty for the infraction, the points to be  
603 | assessed on a driver's record license, and any other information  
604 | necessary to describe a violation and the penalties therefor.

605 |       (3) (a) Except for a traffic citation issued pursuant to s.  
606 | 316.1001, each traffic enforcement officer, upon issuing a  
607 | traffic citation to an alleged violator of any provision of the  
608 | motor vehicle laws of this state or of any traffic ordinance of  
609 | any municipality ~~city~~ or town, shall deposit the original ~~and one~~  
610 | ~~copy of such~~ traffic citation or, in the case of a traffic  
611 | enforcement agency that ~~which~~ has an automated citation issuance  
612 | system, the chief administrative officer shall provide by an  
613 | electronic transmission a replica of the citation data to  
614 | ~~facsimile with~~ a court having jurisdiction over the alleged  
615 | offense or with its traffic violations bureau within 5 days after  
616 | issuance to the violator.

617 |       (b) If a traffic citation is issued pursuant to s.  
618 | 316.1001, a traffic enforcement officer may deposit the original  
619 | ~~and one copy of such~~ traffic citation or, in the case of a  
620 | traffic enforcement agency that has an automated citation system,  
621 | may provide by an electronic transmission a replica of the  
622 | citation data to ~~facsimile with~~ a court having jurisdiction over  
623 | the alleged offense or with its traffic violations bureau within  
624 | 45 days after the date of issuance of the citation to the  
625 | violator. If the person cited for the violation of s. 316.1001  
626 | makes the election provided by s. 318.14(12) and pays the \$25  
627 | fine, or such other amount as imposed by the governmental entity  
628 | owning the applicable toll facility, plus the amount of the  
629 | unpaid toll that is shown on the traffic citation directly to the  
630 | governmental entity that issued the citation, or on whose behalf

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631 | the citation was issued, in accordance with s. 318.14(12), the  
632 | traffic citation will not be submitted to the court, the  
633 | disposition will be reported to the department by the  
634 | governmental entity that issued the citation, or on whose behalf  
635 | the citation was issued, and no points will be assessed against  
636 | the person's driver's license.

637 |       (4) The chief administrative officer of every traffic  
638 | enforcement agency shall require the return to him or her ~~of the~~  
639 | officer-agency department record copy of every traffic citation  
640 | issued by an officer under the chief administrative officer's  
641 | supervision to an alleged violator of any traffic law or  
642 | ordinance and ~~of~~ all copies of every traffic citation that ~~which~~  
643 | has been spoiled or upon which any entry has been made and not  
644 | issued to an alleged violator. In the case of a traffic  
645 | enforcement agency that ~~which~~ has an automated citation issuance  
646 | system, the chief administrative officer shall require the return  
647 | of all electronic traffic citation records.

648 |       (5) Upon the deposit of the original ~~and one copy of such~~  
649 | traffic citation or upon ~~deposit of~~ an electronic transmission of  
650 | a replica of citation data ~~facsimile~~ of the traffic citation with  
651 | respect to traffic enforcement agencies that ~~which~~ have an  
652 | automated citation issuance system with a court having  
653 | jurisdiction over the alleged offense or with its traffic  
654 | violations bureau ~~as aforesaid~~, the original citation, the  
655 | electronic citation containing a replica of citation data  
656 | ~~facsimile~~, or a copy of such traffic citation may be disposed of  
657 | only by trial in the court or other official action by a judge of  
658 | the court, including forfeiture of the bail, or by the deposit of  
659 | sufficient bail with, or payment of a fine to, the traffic

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660 violations bureau by the person to whom such traffic citation has  
661 been issued by the traffic enforcement officer.

662 (6) The chief administrative officer shall transmit, on a  
663 form approved by the department, ~~the department record copy of~~  
664 ~~the uniform traffic citation to the department~~ within 5 days  
665 after submission of the original, groups of issued citations and  
666 ~~one copy to the court, or citation~~ and transmittal data to the  
667 court. Batches of electronic citations containing a replica of  
668 citation data may be transmitted to the court ~~department~~ in an  
669 electronic ~~automated~~ fashion, in a format ~~form~~ prescribed by the  
670 department within 5 days after issuance to the violator. ~~A copy~~  
671 ~~of such transmittal shall also be provided to the court having~~  
672 ~~jurisdiction for accountability purposes.~~

673 (7) The chief administrative officer shall also maintain or  
674 cause to be maintained in connection with every traffic citation  
675 issued by an officer under his or her supervision a record of the  
676 disposition of the charge by the court or its traffic violations  
677 bureau in which the original or copy of the traffic citation or  
678 electronic citation was deposited.

679 Section 16. Paragraph (a) of subsection (2) of section  
680 316.656, Florida Statutes, is amended to read:

681 316.656 Mandatory adjudication; prohibition against  
682 accepting plea to lesser included offense.--

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



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688 Section 17. Subsection (12) is added to section 319.001,  
689 Florida Statutes, to read:

690 319.001 Definitions.--As used in this chapter, the term:  
691 (12) "Certificate of title" means the record that is  
692 evidence of ownership of a vehicle, whether a paper certificate  
693 authorized by the department or a certificate consisting of  
694 information that is stored in an electronic form in the  
695 department's database.

696 Section 18. Section 320.0706, Florida Statutes, is amended  
697 to read:

698 320.0706 Display of license plates on trucks.--The owner of  
699 any commercial truck of gross vehicle weight of 26,001 pounds or  
700 more shall display the registration license plate on both the  
701 front and rear of the truck in conformance with all the  
702 requirements of s. 316.605 that do not conflict with this  
703 section. The owner of a dump truck may place the rear license  
704 plate on the gate no higher than 60 inches to allow for better  
705 visibility. However, the owner of a truck tractor shall ~~be~~  
706 ~~required to~~ display the registration license plate only on the  
707 front of such vehicle. A violation of this section is a moving  
708 violation punishable as provided in chapter 318.

709 Section 19. Subsection (4) of section 320.0715, Florida  
710 Statutes, is amended to read:

711 320.0715 International Registration Plan; motor carrier  
712 services; permits; retention of records.--

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

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717       (a) The department shall withhold the registration and  
718 license plate for a commercial motor vehicle unless the  
719 identifying number issued by the federal agency responsible for  
720 motor carrier safety is provided for the motor carrier and the  
721 entity responsible for motor carrier safety for each motor  
722 vehicle as part of the application process.

723       (b) The department may not issue a commercial motor vehicle  
724 registration or license plate to, and may not transfer the  
725 commercial motor vehicle registration or license plate for, a  
726 motor carrier or vehicle owner who has been prohibited from  
727 operating by a federal or state agency responsible for motor  
728 carrier safety.

729       (c) The department, with notice, shall suspend any  
730 commercial motor vehicle registration and license plate issued to  
731 a motor carrier or vehicle owner who has been prohibited from  
732 operating by a federal or state agency responsible for motor  
733 carrier safety.

734       Section 20. Subsection (27) of section 320.01, Florida  
735 Statutes, is amended to read:

736       320.01 Definitions, general.--As used in the Florida  
737 Statutes, except as otherwise provided, the term:

738       (27) "Motorcycle" means any motor vehicle having a seat or  
739 saddle for the use of the rider and designed to travel on not  
740 more than three wheels in contact with the ground, but excluding  
741 a tractor, ~~or~~ a moped, or a vehicle where the operator is  
742 enclosed by a cabin.

743       Section 21. Effective July 1, 2008, subsection (1) of  
744 section 320.02, Florida Statutes, as amended by section 28 of  
745 chapter 2006-290, Laws of Florida, is amended to read:

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746 (1) Except as otherwise provided in this chapter, every  
747 owner or person in charge of a motor vehicle that is operated or  
748 driven on the roads of this state shall register the vehicle in  
749 this state. The owner or person in charge shall apply to the  
750 department or to its authorized agent for registration of each  
751 such vehicle on a form prescribed by the department. ~~Prior to the~~  
752 ~~original registration of a motorcycle, motor-driven cycle, or~~  
753 ~~moped, the owner, if a natural person, must present proof that he~~  
754 ~~or she has a valid motorcycle endorsement as required in chapter~~  
755 ~~322.~~ A registration is not required for any motor vehicle that is  
756 not operated on the roads of this state during the registration  
757 period.

758 Section 22. Subsection (3) of section 320.08053, Florida  
759 Statutes, is repealed.

760 Section 23. Present subsections (10) through (44) of  
761 section 322.01, Florida Statutes, are redesignated as subsections  
762 (11) through (45), respectively, a new subsection (10) is added  
763 to that section, and present subsections (10), (23), and (29) of  
764 that section are amended, to read:

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

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

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

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775 law substantially conforming to the aforesaid state statutory  
776 provisions.

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

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

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

791 Section 24. Effective July 1, 2008, subsection (5) of  
792 section 322.0255, Florida Statutes, is amended to read:

793 322.0255 Florida Motorcycle Safety Education Program.--

794 (5) The only organizations that are eligible for  
795 reimbursement are organizations that executed a contract on or  
796 after July 1, 2008. This reimbursement shall continue for 12  
797 months following the execution of the organization's contract.

798 The department shall, subject to the availability of funds,  
799 reimburse each organization that provides an approved motorcycle  
800 safety education course for each student who begins the on-cycle  
801 portion of the course. This shall include any student not  
802 required to attend a motorcycle safety education course prior to  
803 licensure as required in s. 322.12. The amount to be reimbursed

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804 | per student to each course provider shall be determined by the  
805 | department. In order to facilitate such determination, each  
806 | course provider shall be required to submit proof satisfactory to  
807 | the department of the expected cost per student to be incurred by  
808 | such course provider. In no event shall the amount to be  
809 | reimbursed per student to any course provider exceed the expected  
810 | cost per student. In addition to the amount of any reimbursement,  
811 | each course provider that conducts such a course may charge each  
812 | student a tuition fee sufficient to defray the cost of conducting  
813 | the course. The department shall fund the payments required under  
814 | this subsection from the motorcycle safety education fee, as  
815 | provided in ss. 320.08 and 322.025.

816 |       Section 25. Subsection (1) of section 322.03, Florida  
817 | Statutes, is amended to read:

818 |       322.03 Drivers must be licensed; penalties.--

819 |       (1) Except as otherwise authorized in this chapter, a  
820 | person may not drive any motor vehicle upon a highway in this  
821 | state unless such person has a valid driver's license under the  
822 | provisions of this chapter.

823 |       (a) A person who drives a commercial motor vehicle shall  
824 | not receive a driver's license unless and until he or she  
825 | surrenders to the department all driver's licenses in his or her  
826 | possession issued to him or her by any other jurisdiction or  
827 | makes an affidavit that he or she does not possess a driver's  
828 | license. Any such person who fails to surrender such licenses or  
829 | who makes a false affidavit concerning such licenses is guilty of  
830 | a misdemeanor of the first degree, punishable as provided in s.  
831 | 775.082 or s. 775.083.

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

845           (c) A part-time resident issued a license pursuant to  
846 paragraph (b) may continue to hold such license until the next  
847 regularly scheduled renewal. Licenses that are identified as  
848 "Valid in Florida only" may not be issued or renewed effective  
849 July 1, 2009. This paragraph expires June 30, 2017.

850           Section 26. Subsections (1) and (2) of section 322.051,  
851 Florida Statutes, are amended to read:

852           322.051 Identification cards.--

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

858           (a) Each such application shall include the following  
859 information regarding the applicant:

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860 1. Full name (first, middle or maiden, and last), gender,  
861 proof of social security card number satisfactory to the  
862 department, county of residence, and mailing address, proof of  
863 residential address satisfactory to the department, country of  
864 birth, and a brief description.

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

866 3. Proof of identity satisfactory to the department. Such  
867 proof must include one of the following documents issued to the  
868 applicant:

869 a. A driver's license record or identification card record  
870 from another jurisdiction that required the applicant to submit a  
871 document for identification which is substantially similar to a  
872 document required under sub-subparagraph b., sub-subparagraph c.,  
873 sub-subparagraph d., sub-subparagraph e., sub-subparagraph f., ~~or~~  
874 sub-subparagraph g., or sub-subparagraph h.;

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

876 c. A valid, unexpired United States passport;

877 d. A naturalization certificate issued by the United States  
878 Department of Homeland Security;

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

881 f. Consular Report of Birth Abroad provided by the United  
882 States Department of State;

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

885 ~~h.g.~~ Proof of nonimmigrant classification provided by the  
886 United States Department of Homeland Security, for an original  
887 identification card. In order to prove such nonimmigrant

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888 classification, applicants may produce but are not limited to the  
889 following documents:

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

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

894 (III) Notice of the approval of an application for  
895 adjustment of status issued by the United States Bureau of  
896 Citizenship and Immigration Services.

897 (IV) Any official documentation confirming the filing of a  
898 petition for asylum or refugee status or any other relief issued  
899 by the United States Bureau of Citizenship and Immigration  
900 Services.

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

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

907 (VII) Evidence that an application is pending for  
908 adjustment of status to that of an alien lawfully admitted for  
909 permanent residence in the United States or conditional permanent  
910 resident status in the United States, if a visa number is  
911 available having a current priority date for processing by the  
912 United States Bureau of Citizenship and Immigration Services.

913  
914 Presentation of any of the documents described in sub-  
915 subparagraph g. ~~f.~~ or sub-subparagraph h. ~~g.~~ entitles the  
916 applicant to an identification card for a period not to exceed



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917 the expiration date of the document presented or 1 year,  
918 whichever first occurs.

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

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

927 (2) (a) Every identification card:

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

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

934  
935 Renewal of an identification card shall be made for the  
936 applicable term enumerated in this paragraph. ~~However, if an~~  
937 ~~individual is 60 years of age or older, and has an identification~~  
938 ~~card issued under this section, the card shall not expire unless~~  
939 ~~done so by cancellation by the department or by the death of the~~  
940 ~~cardholder. Renewal of any identification card shall be made for~~  
941 ~~a term which shall expire on the fourth birthday of the applicant~~  
942 ~~following expiration of the identification card renewed, unless~~  
943 ~~surrendered earlier.~~ Any application for renewal received later  
944 than 90 days after expiration of the identification card shall be  
945 considered the same as an application for an original

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946 identification card. ~~The renewal fee for an identification card~~  
947 ~~shall be \$10, of which \$4 shall be deposited into the General~~  
948 ~~Revenue Fund and \$6 into the Highway Safety Operating Trust Fund.~~  
949 ~~The department shall, at the end of 4 years and 6 months after~~  
950 ~~the issuance or renewal of an identification card, destroy any~~  
951 ~~record of the card if it has expired and has not been renewed,~~  
952 ~~unless the cardholder is 60 years of age or older.~~

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

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

971 Section 27. Subsections (1) and (2) of section 322.08,  
972 Florida Statutes, are amended to read:

973 322.08 Application for license.--

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

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

980 (a) Full name (first, middle or maiden, and last), gender,  
981 proof of social security card number satisfactory to the  
982 department, county of residence, and mailing address, proof of  
983 residential address satisfactory to the department, country of  
984 birth, and a brief description.

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

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

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

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

996 3. A valid, unexpired United States passport;

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

999 5. A valid, unexpired ~~An~~ alien registration receipt card  
1000 (green card);

1001 6. Consular Report of Birth Abroad provided by the United  
1002 States Department of State;

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1003        ~~7.6.~~ An unexpired employment authorization card issued by  
1004 the United States Department of Homeland Security; or

1005        ~~8.7.~~ Proof of nonimmigrant classification provided by the  
1006 United States Department of Homeland Security, for an original  
1007 driver's license. In order to prove nonimmigrant classification,  
1008 an applicant may produce the following documents, including, but  
1009 not limited to:

1010            a. A notice of hearing from an immigration court scheduling  
1011 a hearing on any proceeding.

1012            b. A notice from the Board of Immigration Appeals  
1013 acknowledging pendency of an appeal.

1014            c. A notice of the approval of an application for  
1015 adjustment of status issued by the United States Bureau of  
1016 Citizenship and Immigration Services.

1017            d. Any official documentation confirming the filing of a  
1018 petition for asylum or refugee status or any other relief issued  
1019 by the United States Bureau of Citizenship and Immigration  
1020 Services.

1021            e. A notice of action transferring any pending matter from  
1022 another jurisdiction to this state issued by the United States  
1023 Bureau of Citizenship and Immigration Services.

1024            f. An order of an immigration judge or immigration officer  
1025 granting any relief that authorizes the alien to live and work in  
1026 the United States, including, but not limited to, asylum.

1027            g. Evidence that an application is pending for adjustment  
1028 of status to that of an alien lawfully admitted for permanent  
1029 residence in the United States or conditional permanent resident  
1030 status in the United States, if a visa number is available having

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1031 a current priority date for processing by the United States  
1032 Bureau of Citizenship and Immigration Services.

1033  
1034 Presentation of any of the documents in subparagraph 7. ~~6.~~ or  
1035 subparagraph 8. ~~7.~~ entitles the applicant to a driver's license  
1036 or temporary permit for a period not to exceed the expiration  
1037 date of the document presented or 1 year, whichever occurs first.

1038 (d) Whether the applicant has previously been licensed to  
1039 drive, and, if so, when and by what state, and whether any such  
1040 license or driving privilege has ever been disqualified, revoked,  
1041 or suspended, or whether an application has ever been refused,  
1042 and, if so, the date of and reason for such disqualification,  
1043 suspension, revocation, or refusal.

1044 (e) Each such application may include fingerprints and  
1045 other unique biometric means of identity.

1046 Section 28. Paragraph (a) of subsection (1) of section  
1047 322.14, Florida Statutes, is amended to read:

1048 322.14 Licenses issued to drivers.--

1049 (1)(a) The department shall, upon successful completion of  
1050 all required examinations and payment of the required fee, issue  
1051 to every applicant qualifying therefor, a driver's license as  
1052 applied for, which license shall bear thereon a color photograph  
1053 or digital image of the licensee; the name of the state; a  
1054 distinguishing number assigned to the licensee; and the  
1055 licensee's full name, date of birth, and residence ~~mailing~~  
1056 address; a brief description of the licensee, including, but not  
1057 limited to, the licensee's gender and height; and the dates of  
1058 issuance and expiration of the license. A space shall be provided  
1059 upon which the licensee shall affix his or her usual signature.

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1060 No license shall be valid until it has been so signed by the  
1061 licensee except that the signature of said licensee shall not be  
1062 required if it appears thereon in facsimile or if the licensee is  
1063 not present within the state at the time of issuance. Applicants  
1064 qualifying to receive a Class A, Class B, or Class C driver's  
1065 license must appear in person within the state for issuance of a  
1066 color photographic or digital imaged driver's license pursuant to  
1067 s. 322.142.

1068 Section 29. Section 322.15, Florida Statutes, is amended to  
1069 read:

1070 322.15 License to be carried and exhibited on demand;  
1071 fingerprint to be imprinted upon a citation.--

1072 (1) Every licensee shall have his or her driver's license,  
1073 which must be fully legible with no portion of such license  
1074 faded, altered, mutilated, or defaced, in his or her immediate  
1075 possession at all times when operating a motor vehicle and shall  
1076 display the same upon the demand of a law enforcement officer or  
1077 an authorized representative of the department.

1078 (2) Upon the failure of any person to display a driver's  
1079 license as required by subsection (1), the law enforcement  
1080 officer or authorized representative of the department stopping  
1081 the person shall require the person to imprint his or her  
1082 fingerprints ~~fingerprint~~ upon any citation issued by the officer  
1083 or authorized representative, or the officer or authorized  
1084 representative shall collect the fingerprints electronically.

1085 (3) In relation to violations of subsection (1) or s.  
1086 322.03(5), persons who cannot supply proof of a valid driver's  
1087 license for the reason that the license was suspended for failure  
1088 to comply with that citation shall be issued a suspension

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1089 clearance by the clerk of the court for that citation upon  
1090 payment of the applicable penalty and fee for that citation. If  
1091 proof of a valid driver's license is not provided to the clerk of  
1092 the court within 30 days, the person's driver's license shall  
1093 again be suspended for failure to comply.

1094 (4) A violation of subsection (1) is a noncriminal traffic  
1095 infraction, punishable as a nonmoving violation as provided in  
1096 chapter 318.

1097 Section 30. Section 322.17, Florida Statutes, is amended to  
1098 read:

1099 322.17 Replacement licenses and permits ~~Duplicate and~~  
1100 ~~replacement certificates.--~~

1101 (1) (a) In the event that an instruction permit or driver's  
1102 license issued under the provisions of this chapter is lost or  
1103 destroyed, the person to whom the same was issued may, upon  
1104 payment of the appropriate fee pursuant to s. 322.21 ~~\$10~~, obtain  
1105 a replacement ~~duplicate, or substitute thereof~~, upon furnishing  
1106 proof satisfactory to the department that such permit or license  
1107 has been lost or destroyed, and further furnishing the full name,  
1108 date of birth, sex, residence and mailing address, proof of birth  
1109 satisfactory to the department, and proof of identity  
1110 satisfactory to the department. ~~Five dollars of the fee levied in~~  
1111 ~~this paragraph shall go to the Highway Safety Operating Trust~~  
1112 ~~Fund of the department.~~

1113 (b) In the event that an instruction permit or driver's  
1114 license issued under the provisions of this chapter is stolen,  
1115 the person to whom the same was issued may, at no charge, obtain  
1116 a replacement ~~duplicate, or substitute thereof~~, upon furnishing  
1117 proof satisfactory to the department that such permit or license

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1118 was stolen and further furnishing the full name, date of birth,  
1119 sex, residence and mailing address, proof of birth satisfactory  
1120 to the department, and proof of identity satisfactory to the  
1121 department.

1122 (2) Upon the surrender of the original license and the  
1123 payment of the appropriate fees pursuant to s. 322.21 ~~a \$10~~  
1124 ~~replacement fee~~, the department shall issue a replacement license  
1125 to make a change in name, address, or restrictions. ~~Upon written~~  
1126 ~~request by the licensee and notification of a change in address,~~  
1127 ~~and the payment of a \$10 fee, the department shall issue an~~  
1128 ~~address sticker which shall be affixed to the back of the license~~  
1129 ~~by the licensee. Nine dollars of the fee levied in this~~  
1130 ~~subsection shall go to the Highway Safety Operating Trust Fund of~~  
1131 ~~the department.~~

1132 (3) Notwithstanding any other provisions of this chapter,  
1133 if a licensee establishes his or her identity for a driver's  
1134 license using an identification document authorized under s.  
1135 322.08(2)(c)7. or 8. ~~s. 322.08(2)(c)6. or 7.~~, the licensee may  
1136 not obtain a duplicate or replacement instruction permit or  
1137 driver's license except in person and upon submission of an  
1138 identification document authorized under s. 322.08(2)(c)7. or 8.  
1139 ~~s. 322.08(2)(c)6. or 7.~~

1140 Section 31. Section 322.18, Florida Statutes, is amended to  
1141 read:

1142 322.18 Original applications, licenses, and renewals;  
1143 expiration of licenses; delinquent licenses.--

1144 (1)(a) Except as provided in paragraph (b), the department  
1145 may issue an original driver's license only after the applicant



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1146 successfully passes the required examinations and presents the  
1147 application to the department.

1148 (b) The department may waive the driver's license  
1149 examination requirement if the applicant is otherwise qualified  
1150 and surrenders a valid license issued by another state, a  
1151 province of Canada, or the United States Armed Forces which is of  
1152 an equal or lesser classification as provided in s. 322.12.

1153 (2) Each applicant who is entitled to the issuance of a  
1154 driver's license, as provided in this section, shall be issued a  
1155 driver's license, as follows:

1156 (a) An applicant who has not attained 80 years of age  
1157 applying for an original issuance shall be issued a driver's  
1158 license that ~~which~~ expires at midnight on the licensee's birthday  
1159 which next occurs on or after the eighth ~~sixth~~ anniversary of the  
1160 date of issue. An applicant who is at least 80 years of age  
1161 applying for an original issuance shall be issued a driver's  
1162 license that expires at midnight on the licensee's birthday that  
1163 next occurs on or after the sixth anniversary of the date of  
1164 issue.

1165 (b) An applicant who has not attained 80 years of age  
1166 applying for a renewal issuance ~~or renewal extension~~ shall be  
1167 issued a driver's license that ~~or renewal extension sticker~~ which  
1168 expires at midnight on the licensee's birthday that ~~which~~ next  
1169 occurs 8 ~~4~~ years after the month of expiration of the license  
1170 being renewed, ~~except that a driver whose driving record reflects~~  
1171 ~~no convictions for the preceding 3 years shall be issued a~~  
1172 ~~driver's license or renewal extension sticker which expires at~~  
1173 ~~midnight on the licensee's birthday which next occurs 6 years~~  
1174 ~~after the month of expiration of the license being renewed. An~~

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1175 applicant who is at least 80 years of age applying for a renewal  
1176 issuance shall be issued a driver's license that expires at  
1177 midnight on the licensee's birthday that next occurs 6 years  
1178 after the month of expiration of the license being renewed.

1179 (c) Notwithstanding any other provision of this chapter, if  
1180 an applicant establishes his or her identity for a driver's  
1181 license using a document authorized under s. 322.08(2)(c)5., the  
1182 driver's license shall expire in accordance with paragraph (b).  
1183 After an initial showing of such documentation, he or she is  
1184 exempted from having to renew or obtain a duplicate in person.

1185 (d) Notwithstanding any other provision of this chapter, if  
1186 an applicant establishes his or her identity for a driver's  
1187 license using a document authorized in s. 322.08(2)(c)7. or 8. ~~s.~~  
1188 ~~322.08(2)(c)6. or 7.~~, the driver's license shall expire 2 years  
1189 after the date of issuance or upon the expiration date cited on  
1190 the United States Department of Homeland Security documents,  
1191 whichever date first occurs.

1192 (e) Notwithstanding any other provision of this chapter, an  
1193 applicant applying for an original or renewal issuance of a  
1194 commercial driver's license as defined in s. 322.01(7), with a  
1195 hazardous-materials endorsement, pursuant to s. 322.57(1)(e),  
1196 shall be issued a driver's license that expires at midnight on  
1197 the licensee's birthday that next occurs 4 years after the month  
1198 of expiration of the license being issued or renewed.

1199 (3) If a license expires on a Saturday, Sunday, or legal  
1200 holiday, it shall be valid until midnight of the next regular  
1201 working day and may be renewed on that day without payment of a  
1202 delinquent fee.

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1203 (4) (a) Except as otherwise provided in this chapter, all  
1204 licenses shall be renewable every 8 4 years ~~or 6 years, depending~~  
1205 ~~upon the terms of issuance~~ and shall be issued or renewed  
1206 ~~extended~~ upon application, payment of the fees required by s.  
1207 322.21, and successful passage of any required examination,  
1208 unless the department has reason to believe that the licensee is  
1209 no longer qualified to receive a license.

1210 (b) Notwithstanding any other provision of this chapter, if  
1211 an applicant establishes his or her identity for a driver's  
1212 license using a document authorized under s. 322.08(2)(c)5., the  
1213 license, upon an initial showing of such documentation, is  
1214 exempted from having to renew or obtain a duplicate in person,  
1215 unless the renewal or duplication coincides with the periodic  
1216 reexamination of a driver as required pursuant to s. 322.121.

1217 (c) Notwithstanding any other provision of this chapter, if  
1218 a licensee establishes his or her identity for a driver's license  
1219 using an identification document authorized under s.  
1220 322.08(2)(c)7. or 8. ~~s. 322.08(2)(c)6. or 7.~~, the licensee may  
1221 not renew the driver's license except in person and upon  
1222 submission of an identification document authorized under s.  
1223 322.08(2)(c)7. or 8. ~~s. 322.08(2)(c)6. or 7.~~ A driver's license  
1224 renewed under this paragraph expires 8 4 years after the date of  
1225 issuance or upon the expiration date cited on the United States  
1226 Department of Homeland Security documents, whichever date first  
1227 occurs.

1228 (5) All renewal driver's licenses may be issued after the  
1229 applicant licensee has been determined to be eligible by the  
1230 department.

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1231 (a) A licensee who is otherwise eligible for renewal and  
1232 who is at least 80 ~~over 79~~ years of age:

1233 1. Must submit to and pass a vision test administered at  
1234 any driver's license office; or

1235 2. If the licensee applies for a renewal using a  
1236 convenience service ~~an extension by mail~~ as provided in  
1237 subsection (8), he or she must submit to a vision test  
1238 administered by a physician licensed under chapter 458 or chapter  
1239 459, or an optometrist licensed under chapter 463, must send the  
1240 results of that test to the department on a form obtained from  
1241 the department and signed by such health care practitioner, and  
1242 must meet vision standards that are equivalent to the standards  
1243 for passing the departmental vision test. The physician or  
1244 optometrist may submit the results of a vision test by a  
1245 department-approved electronic means.

1246 (b) A licensee who is at least 80 ~~over 79~~ years of age may  
1247 not submit an application for renewal ~~extension~~ under subsection  
1248 (8) by a convenience service ~~electronic or telephonic means,~~  
1249 unless the results of a vision test have been electronically  
1250 submitted in advance by the physician or optometrist.

1251 (6) If the licensee does not receive a renewal notice, the  
1252 licensee or applicant may apply to the department, under oath, at  
1253 any driver's license examining office. Such application shall be  
1254 on a form prepared and furnished by the department. The  
1255 department shall make such forms available to the various  
1256 examining offices throughout the state. Upon receipt of such  
1257 application, the department shall issue a license or temporary  
1258 permit to the applicant or shall advise the applicant that no

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1259 license or temporary permit will be issued and advise the  
1260 applicant of the reason for his or her ineligibility.

1261 (7) An expired Florida driver's license may be renewed any  
1262 time within 12 months after the expiration date, with  
1263 reexamination, if required, upon payment of the required  
1264 delinquent fee or taking and passing the written examination. If  
1265 the final date upon which a license may be renewed under this  
1266 section falls upon a Saturday, Sunday, or legal holiday, the  
1267 renewal period shall be extended to midnight of the next regular  
1268 working day. The department may refuse to issue any license if:

1269 (a) It has reason to believe the licensee is no longer  
1270 qualified to receive a license.

1271 (b) Its records reflect that the applicant's driving  
1272 privilege is under suspension or revocation.

1273 (8) The department shall issue 8-year renewals using a  
1274 convenience service ~~4-year and 6-year license extensions by mail,~~  
1275 ~~electronic, or telephonic means~~ without reexamination to drivers  
1276 who have not attained 80 years of age. The department shall issue  
1277 6-year renewals using a convenience service when the applicant  
1278 has satisfied the requirements of subsection (5).

1279 (a) If the department determines from its records that the  
1280 holder of a license about to expire is eligible for renewal, the  
1281 department shall mail a renewal notice to the licensee at his or  
1282 her last known address, not less than 30 days prior to the  
1283 licensee's birthday. The renewal notice shall direct the licensee  
1284 to appear at a driver license office for in-person renewal or to  
1285 transmit the completed renewal notice and the fees required by s.  
1286 322.21 to the department using a convenience service ~~by mail,~~  
1287 ~~electronically, or telephonically within the 30 days preceding~~

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1288 ~~the licensee's birthday for a license extension. License~~  
1289 ~~extensions shall not be available to drivers directed to appear~~  
1290 ~~for in-person renewal.~~

1291 (b) Upon receipt of a properly completed renewal notice,  
1292 payment of the required fees, and upon determining that the  
1293 licensee is still eligible for renewal, the department shall send  
1294 a new license extension sticker to the licensee ~~to affix to the~~  
1295 ~~expiring license as evidence that the license term has been~~  
1296 ~~extended.~~

1297 (c) The department shall issue one renewal using a  
1298 convenience service license extensions ~~for two consecutive~~  
1299 ~~license expirations only. Upon expiration of two consecutive~~  
1300 ~~license extension periods, in-person renewal with reexamination~~  
1301 ~~as provided in s. 322.121 shall be required. A person who is out~~  
1302 ~~of this state when his or her license expires may be issued a 90-~~  
1303 ~~day temporary driving permit without reexamination. At the end of~~  
1304 ~~the 90-day period, the person must either return to this state or~~  
1305 ~~apply for a license where the person is located, except for a~~  
1306 ~~member of the Armed Forces as provided in s. 322.121(6).~~

1307 ~~(d) In-person renewal at a driver license office shall not~~  
1308 ~~be available to drivers whose records indicate they were directed~~  
1309 ~~to apply for a license extension.~~

1310 (d)(e) Any person who knowingly possesses any forged,  
1311 stolen, fictitious, counterfeit, or unlawfully issued license  
1312 extension sticker, unless possession by such person has been duly  
1313 authorized by the department, commits a misdemeanor of the second  
1314 degree, punishable as provided in s. 775.082 or s. 775.083.

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1315           ~~(e)(f)~~ The department shall develop a plan for the  
1316 equitable distribution of license ~~extensions and~~ renewals and the  
1317 orderly implementation of this section.

1318           (9) (a) The application form for a renewal issuance ~~or~~  
1319 ~~renewal extension~~ shall include language permitting a voluntary  
1320 contribution of \$1 per applicant, to be quarterly distributed by  
1321 the department to Prevent Blindness Florida, a not-for-profit  
1322 organization, to prevent blindness and preserve the sight of the  
1323 residents of this state. A statement providing an explanation of  
1324 the purpose of the funds shall be included with the application  
1325 form.

1326           (b) Prior to the department distributing the funds  
1327 collected pursuant to paragraph (a), Prevent Blindness Florida  
1328 must submit a report to the department that identifies how such  
1329 funds were used during the preceding year.

1330           Section 32. Subsections (2) and (4) of section 322.19,  
1331 Florida Statutes, are amended to read:

1332           322.19 Change of address or name.--

1333           (2) Whenever any person, after applying for or receiving a  
1334 driver's license, changes the residence or mailing address in the  
1335 application or license, the person must, within 10 calendar days,  
1336 ~~either~~ obtain a replacement license that reflects the change ~~or~~  
1337 ~~request in writing a change-of-address sticker.~~ A The written  
1338 request to the department must include the old and new addresses  
1339 and the driver's license number.

1340           (4) Notwithstanding any other provision of this chapter, if  
1341 a licensee established his or her identity for a driver's license  
1342 using an identification document authorized under s.  
1343 322.08(2)(c)7. or 8. ~~s. 322.08(2)(c)6. or 7.~~, the licensee may

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1344 not change his or her name or address except in person and upon  
1345 submission of an identification document authorized under s.  
1346 322.08(2)(c)7. or 8. s. ~~322.08(2)(e)6. or 7.~~

1347 Section 33. Subsection (1) of section 322.21, Florida  
1348 Statutes, is amended to read:

1349 322.21 License fees; procedure for handling and collecting  
1350 fees.--

1351 (1) Except as otherwise provided herein, the fee for:

1352 (a) An original or renewal commercial driver's license is  
1353 \$67 ~~\$50~~, which shall include the fee for driver education  
1354 provided by s. 1003.48; however, if an applicant has completed  
1355 training and is applying for employment or is currently employed  
1356 in a public or nonpublic school system that requires the  
1357 commercial license, the fee shall be the same as for a Class E  
1358 driver's license. A delinquent fee of \$1 shall be added for a  
1359 renewal made not more than 12 months after the license expiration  
1360 date. Of the \$67 fee, \$50 shall be deposited into the General  
1361 Revenue Fund. The remaining \$17 shall be deposited into the  
1362 Highway Safety Operating Trust Fund for the general operations of  
1363 the department.

1364 (b) An original Class E driver's license is \$27 ~~\$20~~, which  
1365 shall include the fee for driver's education provided by s.  
1366 1003.48; however, if an applicant has completed training and is  
1367 applying for employment or is currently employed in a public or  
1368 nonpublic school system that requires a commercial driver  
1369 license, the fee shall be the same as for a Class E license. Of  
1370 the \$27 fee, \$20 shall be deposited into the General Revenue  
1371 Fund. The remaining \$7 shall be deposited into the Highway Safety



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1372 Operating Trust Fund for the general operations of the  
1373 department.

1374 (c) The renewal or extension of a Class E driver's license  
1375 or of a license restricted to motorcycle use only is \$20 ~~\$15~~,  
1376 except that a delinquent fee of \$1 shall be added for a renewal  
1377 or extension made not more than 12 months after the license  
1378 expiration date. The fee provided in this paragraph shall include  
1379 the fee for driver's education provided by s. 1003.48. Of the \$20  
1380 fee, \$15 shall be deposited into the General Revenue Fund. The  
1381 remaining \$5 shall be deposited into the Highway Safety Operating  
1382 Trust Fund for the general operations of the department.

1383 (d) An original driver's license restricted to motorcycle  
1384 use only is \$27 ~~\$20~~, which shall include the fee for driver's  
1385 education provided by s. 1003.48. Of the \$27 fee, \$20 shall be  
1386 deposited into the General Revenue Fund. The remaining \$7 shall  
1387 be deposited into the Highway Safety Operating Trust Fund for the  
1388 general operations of the department.

1389 (e) A replacement driver's license, issued pursuant to s.  
1390 322.17 is \$10. Of the \$10 fee, \$3 shall be deposited into the  
1391 General Revenue Fund. The remaining \$7 shall be deposited into  
1392 the Highway Safety Operating Trust Fund for the general  
1393 operations of the department.

1394 (f) An original or renewal identification card issued  
1395 pursuant to s. 322.051 is \$10. Of the \$10 fee, \$4 shall be  
1396 deposited into the General Revenue Fund. The remaining \$6 shall  
1397 be deposited in the Highway Safety Operating Trust Fund for the  
1398 general operations of the department.

1399 (g) ~~(e)~~ Each endorsement required by s. 322.57 is \$7 ~~\$5~~. Of  
1400 the \$7 fee, \$5 shall be deposited into the General Revenue Fund.

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1401 The remaining \$2 shall be deposited into the Highway Safety  
1402 Operating Trust Fund for the general operations of the  
1403 department.

1404 (h) ~~(f)~~ A hazardous-materials endorsement, as required by s.  
1405 322.57(1)(d), shall be set by the department by rule and shall  
1406 reflect the cost of the required criminal history check,  
1407 including the cost of the state and federal fingerprint check,  
1408 and the cost to the department of providing and issuing the  
1409 license. The fee shall not exceed \$100. This fee shall be  
1410 deposited in the Highway Safety Operating Trust Fund. The  
1411 department may adopt rules to administer this section.

1412 Section 34. Subsection (3) of section 322.2715, Florida  
1413 Statutes, is amended to read:

1414 322.2715 Ignition interlock device.--

1415 (3) If the person is convicted of:

1416 (a) A first offense of driving under the influence under s.  
1417 316.193 and has an unlawful blood-alcohol level or breath-alcohol  
1418 level as specified in s. 316.193(4), or if a person is convicted  
1419 of a violation of s. 316.193 and was at the time of the offense  
1420 accompanied in the vehicle by a person younger than 18 years of  
1421 age, the person shall have the ignition interlock device  
1422 installed for 6 continuous months for the first offense and for  
1423 at least 2 continuous years for a second offense.

1424 (b) A second offense of driving under the influence, the  
1425 ignition interlock device shall be installed for a period of not  
1426 less than 1 continuous year.

1427 (c) A third offense of driving under the influence which  
1428 occurs within 10 years after a prior conviction for a violation

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1429 of s. 316.193, the ignition interlock device shall be installed  
1430 for a period of not less than 2 continuous years.

1431 (d) A third offense of driving under the influence which  
1432 occurs more than 10 years after the date of a prior conviction,  
1433 the ignition interlock device shall be installed for a period of  
1434 not less than 2 continuous years.

1435 Section 35. Section 322.291, Florida Statutes, is amended  
1436 to read:

1437 322.291 Driver improvement schools or DUI programs;  
1438 required in certain suspension and revocation cases.--Except as  
1439 provided in s. 322.03(2), any person:

1440 (1) Whose driving privilege has been revoked:

1441 (a) Upon conviction for:

1442 1. Driving, or being in actual physical control of, any  
1443 vehicle while under the influence of alcoholic beverages, any  
1444 chemical substance set forth in s. 877.111, or any substance  
1445 controlled under chapter 893, in violation of s. 316.193;

1446 2. Driving with an unlawful blood- or breath-alcohol level;

1447 3. Manslaughter resulting from the operation of a motor  
1448 vehicle;

1449 4. Failure to stop and render aid as required under the  
1450 laws of this state in the event of a motor vehicle crash  
1451 resulting in the death or personal injury of another;

1452 5. Reckless driving; or

1453 (b) As an habitual offender;

1454 (c) Upon direction of the court, if the court feels that  
1455 the seriousness of the offense and the circumstances surrounding  
1456 the conviction warrant the revocation of the licensee's driving  
1457 privilege; or

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1458 (2) Whose license was suspended under the point system, was  
1459 suspended for driving with an unlawful blood-alcohol level of  
1460 0.10 percent or higher before January 1, 1994, was suspended for  
1461 driving with an unlawful blood-alcohol level of 0.08 percent or  
1462 higher after December 31, 1993, was suspended for a violation of  
1463 s. 316.193(1), or was suspended for refusing to submit to a  
1464 lawful breath, blood, or urine test as provided in s. 322.2615  
1465  
1466 shall, before the driving privilege may be reinstated, present to  
1467 the department proof of enrollment in a department-approved  
1468 advanced driver improvement course operating pursuant to s.  
1469 318.1451 or a substance abuse education course conducted by a DUI  
1470 program licensed pursuant to s. 322.292, which shall include a  
1471 psychosocial evaluation and treatment, if referred. Additionally,  
1472 for a third or subsequent violation involving the required use of  
1473 an ignition interlock device, the person shall be required to  
1474 complete treatment as determined by a licensed treatment agency  
1475 following a referral by a DUI program and have the duration of  
1476 the requirement to use an ignition interlock device extended for  
1477 a least 1 month or up to the time required to complete treatment.  
1478 If the person fails to complete such course or evaluation within  
1479 90 days after reinstatement, or subsequently fails to complete  
1480 treatment, if referred, the DUI program shall notify the  
1481 department of the failure. Upon receipt of the notice, the  
1482 department shall cancel the offender's driving privilege,  
1483 notwithstanding the expiration of the suspension or revocation of  
1484 the driving privilege. The department may temporarily reinstate  
1485 the driving privilege upon verification from the DUI program that  
1486 the offender has completed the education course and evaluation

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1487 requirement and has reentered and is currently participating in  
1488 treatment. If the DUI program notifies the department of the  
1489 second failure to complete treatment, the department shall  
1490 reinstate the driving privilege only after notice of completion  
1491 of treatment from the DUI program.

1492 Section 36. Section 322.60, Florida Statutes, is repealed.

1493 Section 37. Subsections (1), (2), (3), (4), (5), and (6) of  
1494 section 322.61, Florida Statutes, are amended to read:

1495 322.61 Disqualification from operating a commercial motor  
1496 vehicle.--

1497 (1) A person who, for offenses occurring within a 3-year  
1498 period, is convicted of two of the following serious traffic  
1499 violations or any combination thereof, arising in separate  
1500 incidents committed in a commercial motor vehicle shall, in  
1501 addition to any other applicable penalties, be disqualified from  
1502 operating a commercial motor vehicle for a period of 60 days. A  
1503 holder of a commercial driver's license ~~person~~ who, for offenses  
1504 occurring within a 3-year period, is convicted of two of the  
1505 following serious traffic violations, or any combination thereof,  
1506 arising in separate incidents committed in a noncommercial motor  
1507 vehicle shall, in addition to any other applicable penalties, be  
1508 disqualified from operating a commercial motor vehicle for a  
1509 period of 60 days if such convictions result in the suspension,  
1510 revocation, or cancellation of the licenseholder's driving  
1511 privilege:

1512 (a) A violation of any state or local law relating to motor  
1513 vehicle traffic control, other than a parking violation, a weight  
1514 violation, or a vehicle equipment violation, arising in

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1515 connection with a crash resulting in death or personal injury to  
1516 any person;

1517 (b) Reckless driving, as defined in s. 316.192;

1518 (c) Careless driving, as defined in s. 316.1925;

1519 (d) Fleeing or attempting to elude a law enforcement  
1520 officer, as defined in s. 316.1935;

1521 (e) Unlawful speed of 15 miles per hour or more above the  
1522 posted speed limit;

1523 (f) Driving a commercial motor vehicle, owned by such  
1524 person, which is not properly insured;

1525 (g) Improper lane change, as defined in s. 316.085;

1526 (h) Following too closely, as defined in s. 316.0895;

1527 (i) Driving a commercial vehicle without obtaining a  
1528 commercial driver's license;

1529 (j) Driving a commercial vehicle without the proper class  
1530 of commercial driver's license or without the proper endorsement;  
1531 or

1532 (k) Driving a commercial vehicle without a commercial  
1533 driver's license in possession, as required by s. 322.03. Any  
1534 individual who provides proof to the clerk of the court or  
1535 designated official in the jurisdiction where the citation was  
1536 issued, by the date the individual must appear in court or pay  
1537 any fine for such a violation, that the individual held a valid  
1538 commercial driver's license on the date the citation was issued  
1539 is not guilty of this offense.

1540 (2) (a) Any person who, for offenses occurring within a 3-  
1541 year period, is convicted of three serious traffic violations  
1542 specified in subsection (1) or any combination thereof, arising  
1543 in separate incidents committed in a commercial motor vehicle

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1544 shall, in addition to any other applicable penalties, including  
1545 but not limited to the penalty provided in subsection (1), be  
1546 disqualified from operating a commercial motor vehicle for a  
1547 period of 120 days.

1548 (b) A holder of a commercial driver's license ~~person~~ who,  
1549 for offenses occurring within a 3-year period, is convicted of  
1550 three serious traffic violations specified in subsection (1) or  
1551 any combination thereof arising in separate incidents committed  
1552 in a noncommercial motor vehicle shall, in addition to any other  
1553 applicable penalties, including, but not limited to, the penalty  
1554 provided in subsection (1), be disqualified from operating a  
1555 commercial motor vehicle for a period of 120 days if such  
1556 convictions result in the suspension, revocation, or cancellation  
1557 of the licenseholder's driving privilege.

1558 (3) (a) Except as provided in subsection (4), any person who  
1559 is convicted of one of the ~~following~~ offenses listed in paragraph  
1560 (b) while operating a commercial motor vehicle shall, in addition  
1561 to any other applicable penalties, be disqualified from operating  
1562 a commercial motor vehicle for a period of 1 year:

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

1569 1. (a) Driving a ~~commercial~~ motor vehicle while he or she is  
1570 under the influence of alcohol or a controlled substance;

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1571            2.~~(b)~~ Driving a commercial motor vehicle while the alcohol  
1572 concentration of his or her blood, breath, or urine is .04  
1573 percent or higher;

1574            3.~~(e)~~ Leaving the scene of a crash involving a ~~commercial~~  
1575 motor vehicle driven by such person;

1576            4.~~(d)~~ Using a ~~commercial~~ motor vehicle in the commission of  
1577 a felony;

1578            5.~~(e)~~ Driving a commercial motor vehicle while in  
1579 possession of a controlled substance;

1580            6.~~(f)~~ Refusing to submit to a test to determine his or her  
1581 alcohol concentration while driving a ~~commercial~~ motor vehicle;

1582            7.~~(g)~~ Driving a commercial vehicle while the  
1583 licenseholder's commercial driver's license is suspended,  
1584 revoked, or canceled or while the licenseholder is disqualified  
1585 from driving a commercial vehicle; or

1586            8.~~(h)~~ Causing a fatality through the negligent operation of  
1587 a commercial motor vehicle.

1588            (4) Any person who is transporting hazardous materials as  
1589 defined in s. 322.01(23) ~~in a vehicle that is required to be~~  
1590 ~~placarded in accordance with Title 49 C.F.R. part 172, subpart F~~  
1591 shall, upon conviction of an offense specified in subsection (3),  
1592 be disqualified from operating a commercial motor vehicle for a  
1593 period of 3 years. The penalty provided in this subsection shall  
1594 be in addition to any other applicable penalty.

1595            (5) Any person who is convicted of two violations specified  
1596 in subsection (3) which were committed while operating a  
1597 commercial motor vehicle, or any combination thereof, arising in  
1598 separate incidents shall be permanently disqualified from  
1599 operating a commercial motor vehicle. Any holder of a commercial



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1600 driver's license who is convicted of two violations specified in  
1601 subsection (3) which were committed while operating a  
1602 noncommercial motor vehicle, or any combination thereof, arising  
1603 in separate incidents shall be permanently disqualified from  
1604 operating a commercial motor vehicle. The penalty provided in  
1605 this subsection is ~~shall be~~ in addition to any other applicable  
1606 penalty.

1607 (6) Notwithstanding subsections (3), (4), and (5), any  
1608 person who uses a commercial motor vehicle in the commission of  
1609 any felony involving the manufacture, distribution, or dispensing  
1610 of a controlled substance, including possession with intent to  
1611 manufacture, distribute, or dispense a controlled substance,  
1612 shall, upon conviction of such felony, be permanently  
1613 disqualified from operating a commercial motor vehicle.

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

1624 Section 38. Section 322.64, Florida Statutes, is amended to  
1625 read:

1626 322.64 Holder of commercial driver's license; persons  
1627 operating a commercial motor vehicle; driving with unlawful

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1628 | blood-alcohol level; refusal to submit to breath, urine, or blood  
1629 | test.--

1630 |       (1) (a) A law enforcement officer or correctional officer  
1631 | shall, on behalf of the department, disqualify from operating any  
1632 | commercial motor vehicle a person who while operating or in  
1633 | actual physical control of a commercial motor vehicle is arrested  
1634 | for a violation of s. 316.193, relating to unlawful blood-alcohol  
1635 | level or breath-alcohol level, or a person who has refused to  
1636 | submit to a breath, urine, or blood test authorized by s. 322.63  
1637 | arising out of the operation or actual physical control of a  
1638 | commercial motor vehicle. A law enforcement officer or  
1639 | correctional officer shall, on behalf of the department,  
1640 | disqualify the holder of a commercial driver's license from  
1641 | operating any commercial motor vehicle if the licenseholder,  
1642 | while operating or in actual physical control of a motor vehicle,  
1643 | is arrested for a violation of s. 316.193, relating to unlawful  
1644 | blood-alcohol level or breath-alcohol level, or refused to submit  
1645 | to a breath, urine, or blood test authorized by s. 322.63. Upon  
1646 | disqualification of the person, the officer shall take the  
1647 | person's driver's license and issue the person a 10-day temporary  
1648 | permit for the operation of noncommercial vehicles only if the  
1649 | person is otherwise eligible for the driving privilege and shall  
1650 | issue the person a notice of disqualification. If the person has  
1651 | been given a blood, breath, or urine test, the results of which  
1652 | are not available to the officer at the time of the arrest, the  
1653 | agency employing the officer shall transmit such results to the  
1654 | department within 5 days after receipt of the results. If the  
1655 | department then determines that the person ~~was arrested for a~~  
1656 | ~~violation of s. 316.193 and that the person~~ had a blood-alcohol

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1657 | level or breath-alcohol level of 0.08 or higher, the department  
1658 | shall disqualify the person from operating a commercial motor  
1659 | vehicle pursuant to subsection (3).

1660 |       (b) The disqualification under paragraph (a) shall be  
1661 | pursuant to, and the notice of disqualification shall inform the  
1662 | driver of, the following:

1663 |       1.a. The driver refused to submit to a lawful breath,  
1664 | blood, or urine test and he or she is disqualified from operating  
1665 | a commercial motor vehicle for a period of 1 year, for a first  
1666 | refusal, or permanently, if he or she has previously been  
1667 | disqualified as a result of a refusal to submit to such a test;  
1668 | or

1669 |       b. The driver was driving or in actual physical control of  
1670 | a commercial motor vehicle, or any motor vehicle if the driver  
1671 | holds a commercial driver's license, had an unlawful blood-  
1672 | alcohol level or breath-alcohol level of 0.08 or higher, and his  
1673 | or her driving privilege shall be disqualified for a period of 6  
1674 | months for a first offense or for a period of 1 year if his or  
1675 | her driving privilege has been previously disqualified under this  
1676 | section. ~~violated s. 316.193 by driving with an unlawful blood-~~  
1677 | ~~alcohol level and he or she is disqualified from operating a~~  
1678 | ~~commercial motor vehicle for a period of 6 months for a first~~  
1679 | ~~offense or for a period of 1 year if he or she has previously~~  
1680 | ~~been disqualified, or his or her driving privilege has been~~  
1681 | ~~previously suspended, for a violation of s. 316.193.~~

1682 |       2. The disqualification period for operating commercial  
1683 | vehicles shall commence on the date of ~~arrest or~~ issuance of the  
1684 | notice of disqualification, ~~whichever is later.~~

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1685           3. The driver may request a formal or informal review of  
1686 the disqualification by the department within 10 days after the  
1687 date of ~~arrest or~~ issuance of the notice of disqualification,  
1688 ~~whichever is later.~~

1689           4. The temporary permit issued at the time of ~~arrest or~~  
1690 disqualification expires ~~will expire~~ at midnight of the 10th day  
1691 following the date of disqualification.

1692           5. The driver may submit to the department any materials  
1693 relevant to the disqualification ~~arrest.~~

1694           (2) Except as provided in paragraph (1)(a), the law  
1695 enforcement officer shall forward to the department, within 5  
1696 days after the date of the ~~arrest or the~~ issuance of the notice  
1697 of disqualification, ~~whichever is later,~~ a copy of the notice of  
1698 disqualification, the driver's license of the person disqualified  
1699 ~~arrested,~~ and ~~a report of the arrest, including, if applicable,~~  
1700 an affidavit stating the officer's grounds for belief that the  
1701 person disqualified ~~arrested~~ was operating or in actual physical  
1702 control of a commercial motor vehicle, or holds a commercial  
1703 driver's license, and had an unlawful blood-alcohol or breath-  
1704 alcohol level in violation of s. 316.193; the results of any  
1705 breath or blood or urine test or an affidavit stating that a  
1706 breath, blood, or urine test was requested by a law enforcement  
1707 officer or correctional officer and that the person arrested  
1708 refused to submit; a copy of the notice of disqualification  
1709 ~~citation~~ issued to the person ~~arrested;~~ and the officer's  
1710 description of the person's field sobriety test, if any. The  
1711 failure of the officer to submit materials within the 5-day  
1712 period specified in this subsection or subsection (1) does ~~shall~~  
1713 not affect the department's ability to consider any evidence

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1714 submitted at or prior to the hearing. The officer may also submit  
1715 a copy of a videotape of the field sobriety test or the attempt  
1716 to administer such test and a copy of the crash report, if any.

1717 (3) If the department determines that the person arrested  
1718 should be disqualified from operating a commercial motor vehicle  
1719 pursuant to this section and if the notice of disqualification  
1720 has not already been served upon the person by a law enforcement  
1721 officer or correctional officer as provided in subsection (1),  
1722 the department shall issue a notice of disqualification and,  
1723 unless the notice is mailed pursuant to s. 322.251, a temporary  
1724 permit which expires 10 days after the date of issuance if the  
1725 driver is otherwise eligible.

1726 (4) If the person disqualified ~~arrested~~ requests an  
1727 informal review pursuant to subparagraph (1)(b)3., the department  
1728 shall conduct the informal review by a hearing officer employed  
1729 by the department. Such informal review hearing shall consist  
1730 solely of an examination by the department of the materials  
1731 submitted by a law enforcement officer or correctional officer  
1732 and by the person disqualified ~~arrested~~, and the presence of an  
1733 officer or witness is not required.

1734 (5) After completion of the informal review, notice of the  
1735 department's decision sustaining, amending, or invalidating the  
1736 disqualification must be provided to the person. Such notice must  
1737 be mailed to the person at the last known address shown on the  
1738 department's records, and to the address provided in the law  
1739 enforcement officer's report if such address differs from the  
1740 address of record, within 21 days after the expiration of the  
1741 temporary permit issued pursuant to subsection (1) or subsection  
1742 (3).

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1743 (6) (a) If the person disqualified ~~arrested~~ requests a  
1744 formal review, the department must schedule a hearing to be held  
1745 within 30 days after such request is received by the department  
1746 and must notify the person of the date, time, and place of the  
1747 hearing.

1748 (b) Such formal review hearing shall be held before a  
1749 hearing officer employed by the department, and the hearing  
1750 officer shall be authorized to administer oaths, examine  
1751 witnesses and take testimony, receive relevant evidence, issue  
1752 subpoenas for the officers and witnesses identified in documents  
1753 as provided in subsection (2), regulate the course and conduct of  
1754 the hearing, and make a ruling on the disqualification. The  
1755 department and the person disqualified ~~arrested~~ may subpoena  
1756 witnesses, and the party requesting the presence of a witness  
1757 shall be responsible for the payment of any witness fees. If the  
1758 person who requests a formal review hearing fails to appear and  
1759 the hearing officer finds such failure to be without just cause,  
1760 the right to a formal hearing is waived ~~and the department shall~~  
1761 ~~conduct an informal review of the disqualification under~~  
1762 ~~subsection (4)~~.

1763 (c) A party may seek enforcement of a subpoena under  
1764 paragraph (b) by filing a petition for enforcement in the circuit  
1765 court of the judicial circuit in which the person failing to  
1766 comply with the subpoena resides. A failure to comply with an  
1767 order of the court shall result in a finding of contempt of  
1768 court. However, a person shall not be in contempt while a  
1769 subpoena is being challenged.

1770 (d) The department must, within 7 days after a formal  
1771 review hearing, send notice to the person of the hearing

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1772 officer's decision as to whether sufficient cause exists to  
1773 sustain, amend, or invalidate the disqualification.

1774 (7) In a formal review hearing under subsection (6) or an  
1775 informal review hearing under subsection (4), the hearing officer  
1776 shall determine by a preponderance of the evidence whether  
1777 sufficient cause exists to sustain, amend, or invalidate the  
1778 disqualification. The scope of the review shall be limited to the  
1779 following issues:

1780 (a) If the person was disqualified from operating a  
1781 commercial motor vehicle for driving with an unlawful blood-  
1782 alcohol level ~~in violation of s. 316.193:~~

1783 1. Whether the arresting law enforcement officer had  
1784 probable cause to believe that the person was driving or in  
1785 actual physical control of a commercial motor vehicle, or any  
1786 motor vehicle if the driver holds a commercial driver's license,  
1787 in this state while he or she had any alcohol, chemical  
1788 substances, or controlled substances in his or her body.

1789 ~~2. Whether the person was placed under lawful arrest for a~~  
1790 ~~violation of s. 316.193.~~

1791 ~~2.3.~~ Whether the person had an unlawful blood-alcohol level  
1792 or breath-alcohol level of 0.08 or higher as provided in s.  
1793 316.193.

1794 (b) If the person was disqualified from operating a  
1795 commercial motor vehicle for refusal to submit to a breath,  
1796 blood, or urine test:

1797 1. Whether the law enforcement officer had probable cause  
1798 to believe that the person was driving or in actual physical  
1799 control of a commercial motor vehicle, or any motor vehicle if  
1800 the driver holds a commercial driver's license, in this state

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1801 while he or she had any alcohol, chemical substances, or  
1802 controlled substances in his or her body.

1803 2. Whether the person refused to submit to the test after  
1804 being requested to do so by a law enforcement officer or  
1805 correctional officer.

1806 3. Whether the person was told that if he or she refused to  
1807 submit to such test he or she would be disqualified from  
1808 operating a commercial motor vehicle for a period of 1 year or,  
1809 in the case of a second refusal, permanently.

1810 (8) Based on the determination of the hearing officer  
1811 pursuant to subsection (7) for both informal hearings under  
1812 subsection (4) and formal hearings under subsection (6), the  
1813 department shall:

1814 (a) Sustain the disqualification for a period of 1 year for  
1815 a first refusal, or permanently if such person has been  
1816 previously disqualified from operating a commercial motor vehicle  
1817 as a result of a refusal to submit to such tests. The  
1818 disqualification period commences on the date of the arrest or  
1819 issuance of the notice of disqualification, whichever is later.

1820 (b) Sustain the disqualification:

1821 1. For a period of 1 year if the person was driving or in  
1822 actual physical control of a commercial motor vehicle, or any  
1823 motor vehicle if the driver holds a commercial driver's license,  
1824 and had an unlawful blood-alcohol level or breath-alcohol level  
1825 of 0.08 or higher; or ~~6 months for a violation of s. 316.193 or~~  
1826 for a period of 1 year

1827 2. Permanently if the person has been previously  
1828 disqualified from operating a commercial motor vehicle or his or  
1829 her driving privilege has been previously suspended for driving



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1830 or being in actual physical control of a commercial motor  
1831 vehicle, or any motor vehicle if the driver holds a commercial  
1832 driver's license, and had an unlawful blood-alcohol level or  
1833 breath-alcohol level of 0.08 or higher ~~as a result of a~~  
1834 ~~violation of s. 316.193.~~

1835

1836 The disqualification period commences on the date of the arrest  
1837 or issuance of the notice of disqualification, ~~whichever is~~  
1838 ~~later.~~

1839 (9) A request for a formal review hearing or an informal  
1840 review hearing shall not stay the disqualification. If the  
1841 department fails to schedule the formal review hearing to be held  
1842 within 30 days after receipt of the request therefor, the  
1843 department shall invalidate the disqualification. If the  
1844 scheduled hearing is continued at the department's initiative,  
1845 the department shall issue a temporary driving permit limited to  
1846 noncommercial vehicles which is ~~shall be~~ valid until the hearing  
1847 is conducted if the person is otherwise eligible for the driving  
1848 privilege. Such permit shall not be issued to a person who sought  
1849 and obtained a continuance of the hearing. The permit issued  
1850 under this subsection shall authorize driving for business  
1851 purposes ~~or employment use~~ only.

1852 (10) A person who is disqualified from operating a  
1853 commercial motor vehicle under subsection (1) or subsection (3)  
1854 is eligible for issuance of a license for business or employment  
1855 purposes only under s. 322.271 if the person is otherwise  
1856 eligible for the driving privilege. ~~However, such business or~~  
1857 ~~employment purposes license shall not authorize the driver to~~  
1858 ~~operate a commercial motor vehicle.~~

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1859           (11) The formal review hearing may be conducted upon a  
1860 review of the reports of a law enforcement officer or a  
1861 correctional officer, including documents relating to the  
1862 administration of a breath test or blood test or the refusal to  
1863 take either test. However, as provided in subsection (6), the  
1864 driver may subpoena the officer or any person who administered or  
1865 analyzed a breath or blood test.

1866           (12) The formal review hearing and the informal review  
1867 hearing are exempt from the provisions of chapter 120. The  
1868 department is authorized to adopt rules for the conduct of  
1869 reviews under this section.

1870           (13) A person may appeal any decision of the department  
1871 sustaining the disqualification from operating a commercial motor  
1872 vehicle by a petition for writ of certiorari to the circuit court  
1873 in the county wherein such person resides or wherein a formal or  
1874 informal review was conducted pursuant to s. 322.31. However, an  
1875 appeal shall not stay the disqualification. This subsection shall  
1876 not be construed to provide for a de novo appeal.

1877           (14) The decision of the department under this section  
1878 shall not be considered in any trial for a violation of s.  
1879 316.193, s. 322.61, or s. 322.62, nor shall any written statement  
1880 submitted by a person in his or her request for departmental  
1881 review under this section be admissible into evidence against him  
1882 or her in any such trial. The disposition of any related criminal  
1883 proceedings shall not affect a disqualification imposed pursuant  
1884 to this section.

1885           (15) This section does not preclude the suspension of the  
1886 driving privilege pursuant to s. 322.2615. The driving privilege  
1887 of a person who has been disqualified from operating a commercial

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1888 motor vehicle also may be suspended for a violation of s.  
1889 316.193.

1890 Section 39. Subsection (10) of section 324.021, Florida  
1891 Statutes, is amended to read:

1892 324.021 Definitions; minimum insurance required.--The  
1893 following words and phrases when used in this chapter shall, for  
1894 the purpose of this chapter, have the meanings respectively  
1895 ascribed to them in this section, except in those instances where  
1896 the context clearly indicates a different meaning:

1897 (10) JUDGMENT.--Any judgment becomes ~~which shall have~~  
1898 ~~become~~ final by expiration without appeal of the time within  
1899 which an appeal might have been perfected, or by final  
1900 affirmation on appeal, rendered by a court of competent  
1901 jurisdiction of any state or of the United States upon a cause of  
1902 action arising out of the ownership, maintenance, or use of any  
1903 motor vehicle for damages, including damages for care and loss of  
1904 services because of bodily injury to or death of any person, or  
1905 for damages because of injury to or destruction of property,  
1906 including the loss of use thereof, or upon a cause of action on  
1907 an agreement of settlement for such damage.

1908 Section 40. Except as otherwise expressly provided in this  
1909 act and except for this section, which shall take effect July 1,  
1910 2008, this act shall take effect October 1, 2008.