

By the Committee on Transportation; and 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.  
10 316.1575, F.S.; requiring a person walking or driving a  
11 vehicle to stop at a railroad crossing upon the signal of  
12 a law enforcement officer; amending s. 316.159, F.S.;  
13 requiring the driver of a commercial motor vehicle to slow  
14 when approaching a railroad crossing; providing that a  
15 violation of such requirement is a noncriminal moving  
16 violation; amending s. 316.1895, F.S.; requiring the  
17 placement of signs in certain school zones stating that  
18 speeding fines are doubled within the zone; amending s.  
19 316.191, F.S.; revising provisions prohibiting certain  
20 speed competitions and exhibitions; revising the  
21 definition of the terms "conviction," "drag race," and  
22 "race"; defining the terms "exhibition of acceleration,"  
23 "exhibition of speed," and "spectator"; prohibiting  
24 driving in any race, drag race, exhibition of speed, or  
25 exhibition of acceleration; prohibiting certain acts in  
26 association with a race, drag race, exhibition of speed,  
27 or exhibition of acceleration; prohibiting being a  
28 spectator at any such race, drag race, or exhibition;  
29 providing for a rebuttable presumption that a person is a

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30 spectator; providing criminal and noncriminal penalties;  
31 providing for revocation of the driver's license upon  
32 conviction; providing for disposition of citation for  
33 being a spectator; providing penalties for a second or  
34 subsequent offense; providing that a violation that causes  
35 or contributes to causing serious bodily injury to another  
36 is a felony of the third degree; providing that a  
37 violation that causes or contributes to causing the death  
38 of any human being or unborn quick child is the crime of  
39 racing manslaughter; providing penalties; providing for a  
40 determination of the definition of the term "unborn quick  
41 child"; requiring that the driving record of a person  
42 charged be provided to the court; providing criteria for  
43 arrest; providing procedures for charging the owner of a  
44 motor vehicle as a spectator if the owner's vehicle is  
45 parked or operated in near proximity to any such race,  
46 drag race, or exhibition; providing for citations,  
47 disposition procedures, and enforcement; providing  
48 procedures for impoundment or immobilization of a motor  
49 vehicle under a court order; providing for release from  
50 impoundment under specified exceptions; requiring costs  
51 and fees of impoundment to be paid by the owner or lessee  
52 of the motor vehicle; providing procedures for an  
53 arresting officer to immediately impound a motor vehicle  
54 used in a violation; providing for the period of  
55 impoundment; removing a requirement for impoundment that  
56 the person being arrested is the registered owner or  
57 coowner of the motor vehicle; providing for seizure and  
58 forfeiture of a motor vehicle used in a violation;

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59 removing provisions for application only after a prior  
60 conviction and only if the owner of the motor vehicle is  
61 the person charged with the violation; providing for a  
62 motor vehicle used in violation to be seized and forfeited  
63 under the Florida Contraband Forfeiture Act regardless of  
64 whether the violation is a misdemeanor or felony;  
65 providing for satisfaction of the element of negligent  
66 entrustment; providing for severability; amending s.  
67 316.193, F.S.; lowering the blood-alcohol or breath-  
68 alcohol level for which enhanced penalties are imposed  
69 against a person who was accompanied in the vehicle by a  
70 minor at the time of the offense; amending s. 316.1937,  
71 F.S.; revising the conditions under which the court may  
72 require the use of an ignition interlock device; amending  
73 s. 316.29545, F.S.; exempting certain investigative  
74 vehicles from the prohibition against installing window  
75 sunscreening on a vehicle; amending s. 316.302, F.S.;  
76 revising the application of certain federal rules;  
77 providing for the department to perform certain duties  
78 assigned under federal rules; updating a reference to  
79 federal provisions governing out-of-service requirements  
80 for commercial vehicles; amending s. 316.3045, F.S.;  
81 providing enhanced penalties, including forfeiture of the  
82 vehicle, upon multiple convictions for violating  
83 prohibitions against the use of excessively loud  
84 soundmaking equipment in a motor vehicle; amending ss.  
85 316.613 and 316.614, F.S.; redefining the term "motor  
86 vehicle" to exclude certain trucks from the requirement to  
87 use a child restraint or safety belt; amending s. 316.645,

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88 F.S.; authorizing a police officer to make an arrest upon  
89 probable cause of a violation of laws governing motor  
90 vehicle licenses; amending s. 316.650, F.S.; revising  
91 requirements for traffic citation forms; providing for the  
92 electronic transmission of citation data; amending s.  
93 316.656, F.S.; lowering the percentage of blood or breath  
94 alcohol content relating to the prohibition against  
95 pleading guilty to a lesser offense of driving under the  
96 influence than the offense charged; amending s. 319.001,  
97 F.S.; defining the term "certificate of title" to include  
98 information stored electronically in the department's  
99 database; amending s. 320.0706, F.S.; providing that a  
100 violation of requirements for displaying a truck license  
101 plate is a moving violation; amending s. 320.0715, F.S.;  
102 requiring the department to withhold issuing or to suspend  
103 a registration and license plate for a commercial motor  
104 vehicle if the federal identifying number is not provided  
105 or if the motor carrier or vehicle owner has been  
106 prohibited from operating; amending s. 320.01, F.S.;  
107 redefining the term "motorcycle" to exclude a vehicle  
108 where the operator is enclosed by a cabin; amending s.  
109 320.02, F.S., as amended; deleting the requirement for a  
110 motorcycle endorsement at the time of original  
111 registration of a motorcycle, motor-driven cycle, or  
112 moped; repealing s. 320.02(13), F.S., relating to a motor  
113 vehicle registration voluntary contribution for the  
114 Election Campaign Financing Trust Fund; repealing s.  
115 320.08053(3), F.S., relating to provisions requiring that  
116 the department adopt rules providing certain

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117 specifications for the design of specialty license plates;  
118 amending s. 320.27, F.S.; revising evidence required for  
119 motor vehicle dealer applications; amending s. 322.01,  
120 F.S.; defining the term "convenience service"; redefining  
121 the terms "conviction," "hazardous materials," and "out-  
122 of-service order"; amending s. 322.0255, F.S.; revising  
123 eligibility for reimbursement for organizations that  
124 conduct motorcycle safety courses; amending s. 322.03,  
125 F.S.; deleting provisions exempting certain persons from  
126 the requirement to surrender a license issued by another  
127 jurisdiction; providing certain exceptions for part-time  
128 residents; amending ss. 322.051 and 322.08, F.S.;  
129 requiring that an applicant for an identification card or  
130 driver's license provide additional information;  
131 authorizing use of additional documents to prove identity;  
132 revising the fee requirements; revising provisions  
133 providing for the expiration of an identification card  
134 issued by the department; deleting provisions authorizing  
135 a voluntary contribution; amending s. 322.14, F.S.;  
136 requiring that an applicant for a driver's license provide  
137 a residence address; amending s. 322.15, F.S.; authorizing  
138 a law enforcement officer or authorized representative of  
139 the department to collect a person's fingerprints  
140 electronically; amending s. 322.17, F.S.; revising the  
141 requirements for obtaining a replacement license or  
142 permit; deleting provisions authorizing the department to  
143 issue address stickers; amending s. 322.18, F.S.; revising  
144 provisions providing for the expiration of driver's  
145 licenses; providing for the renewal of certain licenses

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146 every 8 years and for the renewal of licenses for persons  
147 older than a specified age every 6 years; providing for  
148 the renewal of licenses using a convenience service;  
149 requiring the department to issue new licenses rather than  
150 extension stickers; conforming cross-references; amending  
151 s. 322.19, F.S.; deleting provisions authorizing the use  
152 of a change-of-address sticker on a driver's license;  
153 conforming cross-references; amending s. 322.21, F.S.;  
154 increasing the fees charged for obtaining a new or renewal  
155 driver's license or identification card; specifying that a  
156 portion of the fees be deposited for use by the  
157 department; amending s. 322.2715, F.S.; clarifying that an  
158 ignition interlock device is installed for a continuous  
159 period; amending s. 322.291, F.S.; imposing additional  
160 sanctions against a person who violates requirements with  
161 respect to an ignition interlock device; amending s.  
162 322.36, F.S.; requiring the suspension for a specified  
163 period of the driver's license of a person who loans a  
164 vehicle to a person whose driver's license is suspended if  
165 that vehicle is involved in an accident resulting in  
166 bodily injury or death; repealing s. 322.60, F.S.,  
167 relating to a prohibition against possessing more than one  
168 driver's license under certain circumstances; amending s.  
169 322.61, F.S.; clarifying provisions disqualifying a person  
170 from operating a commercial motor vehicle following  
171 certain traffic violations; providing for permanent  
172 disqualification following conviction of a felony  
173 involving the manufacture, distribution, or dispensing of  
174 a controlled substance; amending s. 322.64, F.S.;

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175 providing that refusal to submit to a breath, urine, or  
176 blood test disqualifies a person from operating a  
177 commercial motor vehicle; providing a period of  
178 disqualification if a person has an unlawful blood-alcohol  
179 or breath-alcohol level; providing for issuance of a  
180 notice of disqualification; revising the requirements for  
181 a formal review hearing following a person's  
182 disqualification from operating a commercial motor  
183 vehicle; amending s. 324.021, F.S.; clarifying that a  
184 judgment becomes final by expiration of the time for  
185 appeal; creating the Automobile Lenders Industry Task  
186 Force within the Department of Highway Safety and Motor  
187 Vehicles; providing duties of the task force; providing  
188 for membership and the election of officers; providing for  
189 meetings; providing for reimbursement for travel and per  
190 diem expenses for public-sector members; requiring the  
191 department to provide administrative support and  
192 assistance to the task force; providing effective dates.

193  
194 Be It Enacted by the Legislature of the State of Florida:

195  
196 Section 1. Section 316.0741, Florida Statutes, is amended  
197 to read:

198 316.0741 High-occupancy-vehicle ~~High-occupancy vehicle~~  
199 lanes.--

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

201 (a) "High-occupancy-vehicle ~~"High-occupancy vehicle lane"~~  
202 or "HOV lane" means a lane of a public roadway designated for use

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203 | by vehicles in which there is more than one occupant unless  
204 | otherwise authorized by federal law.

205 |       **(b) "Hybrid vehicle" means a motor vehicle that:**

206 |           **1. Draws propulsion energy from onboard sources of stored**  
207 | **energy which are both an internal combustion or heat engine using**  
208 | **combustible fuel and a rechargeable energy-storage system; and**

209 |           **2. In the case of a passenger automobile or light truck,**  
210 | **has received a certificate of conformity under the Clean Air Act,**  
211 | **42 U.S.C. ss. 7401 et seq., and meets or exceeds the equivalent**  
212 | **qualifying California standards for a low-emission vehicle.**

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

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

223 |       (4) (a) Notwithstanding any other provision of this section,  
224 | an inherently low-emission vehicle (ILEV) that is certified and  
225 | labeled in accordance with federal regulations may be driven in  
226 | an HOV lane at any time, regardless of its occupancy. In  
227 | addition, upon the state's receipt of written notice from the  
228 | proper federal regulatory agency authorizing such use, a vehicle  
229 | defined as a hybrid vehicle under this section may be driven in  
230 | an HOV lane at any time, regardless of its occupancy.



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231 (b) All eligible hybrid and all other eligible low-emission  
232 and energy-efficient vehicles driven in an HOV lane must comply  
233 with the minimum fuel economy standards in 23 U.S.C. s.  
234 166(f) (3) (B).

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

241 (5) The department shall issue a decal and registration  
242 certificate, to be renewed annually, reflecting the HOV lane  
243 designation on ~~such~~ vehicles meeting the criteria in subsection  
244 (4) and authorizing driving in an HOV lane at any time ~~such use~~.  
245 The department may charge a fee for a decal, not to exceed the  
246 costs of designing, producing, and distributing each decal, or  
247 \$5, whichever is less. The proceeds from sale of the decals shall  
248 be deposited in the Highway Safety Operating Trust Fund. The  
249 department may, for reasons of operation and management of HOV  
250 facilities, limit or discontinue issuance of decals for the use  
251 of HOV facilities by hybrid, low-emission, and energy-efficient  
252 vehicles regardless of occupancy if it has been determined by the  
253 Department of Transportation that the facilities are degraded as  
254 defined by 23 U.S.C. s. 166(d) (2).

255 (6) Vehicles that have decals by virtue of compliance with  
256 the minimum fuel-economy standards under 23 U.S.C. s.  
257 166(f) (3) (B), and that are registered for use in high-occupancy  
258 toll lanes or express lanes in accordance with Department of  
259 Transportation rule, shall be allowed to use any HOV lanes

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260 redesignated as high-occupancy toll lanes or express lanes  
261 without payment of a toll.

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

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

266 ~~1. An internal combustion or heat engine using combustible~~  
267 ~~fuel; and~~

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

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

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

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

275 (7)(6) The Department of Transportation is authorized to  
276 may adopt rules necessary to implement and administer this  
277 section.

278 Section 2. Subsection (1) of section 316.1575, Florida  
279 Statutes, is amended to read:

280 316.1575 Obedience to traffic control devices at railroad-  
281 highway grade crossings.--

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

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

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

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

296 (d) An approaching railroad train is plainly visible and is  
297 in hazardous proximity to the railroad-highway grade crossing,  
298 regardless of the type of traffic control devices installed at  
299 the crossing.

300 Section 3. Section 316.159, Florida Statutes, is amended to  
301 read:

302 316.159 Certain vehicles to stop or slow at all railroad  
303 grade crossings.--

304 (1) The driver of any motor vehicle carrying passengers for  
305 hire, excluding taxicabs, of any school bus carrying any school  
306 child, or of any vehicle carrying explosive substances or  
307 flammable liquids as a cargo or part of a cargo, before crossing  
308 at grade any track or tracks of a railroad, shall stop such  
309 vehicle within 50 feet but not less than 15 feet from the nearest  
310 rail of the railroad and, while so stopped, shall listen and look  
311 in both directions along the track for any approaching train, and  
312 for signals indicating the approach of a train, except as  
313 hereinafter provided, and shall not proceed until he or she can  
314 do so safely. After stopping as required herein and upon  
315 proceeding when it is safe to do so, the driver of any such  
316 vehicle shall cross only in a gear of the vehicle so that there

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317 will be no necessity for changing gears while traversing the  
318 crossing, and the driver shall not shift gears while crossing the  
319 track or tracks.

320 (2) No stop need be made at any such crossing where a  
321 police officer, a traffic control signal, or a sign directs  
322 traffic to proceed. However, any school bus carrying any school  
323 child shall be required to stop unless directed to proceed by a  
324 police officer.

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

329 (4)~~(3)~~ A violation of this section is a noncriminal traffic  
330 infraction, punishable as a moving violation as provided in  
331 chapter 318.

332 Section 4. Effective July 1, 2006, subsection (6) of  
333 section 316.1895, Florida Statutes, is amended to read:

334 316.1895 Establishment of school speed zones, enforcement;  
335 designation.--

336 (6) Permanent signs designating school zones and school  
337 zone speed limits shall be uniform in size and color, and shall  
338 have the times during which the restrictive speed limit is  
339 enforced clearly designated thereon. Flashing beacons activated  
340 by a time clock, or other automatic device, or manually activated  
341 may be used as an alternative to posting the times during which  
342 the restrictive school speed limit is enforced. Beginning July 1,  
343 2008, for any newly established school zone or any school zone in  
344 which the signing has been replaced, a sign stating "Speeding  
345 Fines Doubled" shall be installed within the school zone. The

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346 Department of Transportation shall establish adequate standards  
347 for the signs and flashing beacons.

348 Section 5. Section 316.191, Florida Statutes, is amended to  
349 read:

350 316.191 Racing on highways.--

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

352 (a) "Conviction" means a determination of guilt that is the  
353 result of a plea or trial, regardless of whether or not  
354 adjudication is withheld.

355 (b) "Drag race" means the operation of two or more motor  
356 vehicles in competition, arising from a challenge to demonstrate  
357 superiority of a motor vehicle or driver and the acceptance or  
358 competitive response to that challenge, either through a prior  
359 arrangement or in immediate response, from a point side by side  
360 at accelerating speeds in a competitive attempt to outdistance  
361 each other, or the operation of one or more motor vehicles over a  
362 common selected course, from the same point to the same point,  
363 for the purpose of comparing the relative speeds or power of  
364 acceleration of such motor vehicle or motor vehicles within a  
365 certain distance or time limit. A drag race may be prearranged or  
366 may occur through a competitive response to conduct on the part  
367 of one or more drivers which, under the totality of the  
368 circumstances, can reasonably be interpreted as a challenge to  
369 participate in a drag race.

370 (c) "Exhibition of acceleration" means the use of a motor  
371 vehicle in a demonstration to another person or persons,  
372 including, but not limited to, any passenger of such motor  
373 vehicle or the driver or passenger of another motor vehicle, of  
374 the motor vehicle's ability to accelerate by a sudden increase in

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375 speed causing a tire to lose firm traction with, or burn, smoke,  
376 or squeal against, the road surface which results in the  
377 vehicle's continuous acceleration to a final speed that exceeds  
378 the posted or lawful speed limit.

379 (d) "Exhibition of speed" means the use of a motor vehicle  
380 in a demonstration to another person or persons, including, but  
381 not limited to, any passenger of such motor vehicle or the driver  
382 or passenger of another motor vehicle, of the motor vehicle's  
383 speed or handling capabilities at a speed of at least double the  
384 posted or lawful speed limit or 100 miles per hour, whichever is  
385 less.

386 (e) ~~(e)~~ "Race ~~Racing~~" means the use of one or more motor  
387 vehicles in competition, arising from a challenge to demonstrate  
388 superiority of a motor vehicle or driver and the acceptance or  
389 competitive response to that challenge, either through a prior  
390 arrangement or in immediate response, in which the competitor  
391 attempts ~~an attempt~~ to outgain or outdistance another motor  
392 vehicle, to prevent another motor vehicle from passing, to arrive  
393 at a given destination ahead of another motor vehicle or motor  
394 vehicles, or to test the physical stamina or endurance of drivers  
395 over long-distance driving routes. A race may be prearranged or  
396 may occur through a competitive response to conduct on the part  
397 of one or more drivers which, under the totality of the  
398 circumstances, can reasonably be interpreted as a challenge to  
399 race.

400 (f) "Spectator" means any person who is knowingly present  
401 at and views an illegal race, drag race, or exhibition when such  
402 presence is the result of an affirmative choice to attend or  
403 participate in the race or exhibition. For purposes of

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404 determining whether or not an individual is a spectator, finders  
405 of fact shall consider the relationship between the racer and the  
406 individual, evidence of gambling or betting on the outcome of the  
407 race, and any other factor that would tend to show knowing  
408 attendance or participation.

409 (2) (a) A person operating or in actual physical control of  
410 a motor vehicle, including any motorcycle, on any street or  
411 highway or publicly accessible parking lot may not:

412 1. Drive any motor vehicle, including any motorcycle, in  
413 any race;

414 2. Drive in any speed competition or contest, drag race; or  
415 acceleration contest, test of physical endurance, or

416 3. Drive in any exhibition of speed; or

417 4. Drive in any exhibition of acceleration. or for the  
418 purpose of making a speed record on any highway, roadway, or  
419 parking lot;

420 (b) A person may not:

421 1.2. In any manner knowingly participate in, coordinate,  
422 facilitate, or collect moneys at any location for any such race,  
423 drag race competition, contest, test, or exhibition prohibited  
424 under paragraph (a);

425 2.3. Knowingly ride as a passenger in any such race, drag  
426 race competition, contest, test, or exhibition prohibited under  
427 paragraph (a); or

428 3.4. Knowingly Purposefully cause the movement of traffic  
429 to slow or stop for any such race, drag race competition,  
430 contest, test, or exhibition prohibited under paragraph (a).

431 (c) A person may not be a spectator at any such race, drag  
432 race, or exhibition prohibited under paragraph (a). A vehicle

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433 parked or operated in near proximity to any such race, drag race,  
434 or exhibition under circumstances suggesting that the driver or  
435 operator of such vehicle is a spectator creates a rebuttable  
436 presumption that the registered owner of the vehicle is a  
437 spectator for all purposes of this section.

438 (3) (a) Any person who violates any provision of this  
439 paragraph (2) (a) or paragraph (2) (b) commits a misdemeanor of the  
440 second ~~first~~ degree, punishable as provided in s. 775.082 or s.  
441 775.083. Any person who violates any provision of this paragraph  
442 (2) (a) or paragraph (2) (b) shall pay a fine of not less than \$250  
443 ~~\$500~~ and not more than \$500 ~~\$1,000~~, and the court shall revoke  
444 the driver's license of a person so convicted for 2 years  
445 regardless of whether or not adjudication is withheld and the  
446 department shall revoke the driver license of a person so  
447 convicted for 1 year. A hearing may be requested pursuant to s.  
448 322.271.

449 (b) Any person who violates the provisions of paragraph  
450 (2) (c) commits a noncriminal violation, punishable as provided in  
451 s. 775.083, and must be cited to appear before a county judge for  
452 disposition of the violation. Any person who violates the  
453 provisions of paragraph (2) (c) shall pay a fine of not less than  
454 \$250 and not more than \$500.

455 (c) ~~(b)~~ Any person who violates any provision of paragraph  
456 (2) (a) or paragraph (2) (b) within 5 years after the date of a  
457 prior violation that resulted in a conviction for a violation of  
458 paragraph (2) (a) or paragraph (2) (b) ~~this subsection~~ commits a  
459 misdemeanor of the first degree, punishable as provided in s.  
460 775.082 or s. 775.083, and shall pay a fine of not less than \$500  
461 and not more than \$1,000. In any second or subsequent conviction,



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462 the court may not withhold adjudication of guilt and shall revoke  
463 the driver's license of that person for 5 years. ~~The department~~  
464 ~~shall also revoke the driver license of that person for 2 years.~~  
465 A hearing may be requested pursuant to s. 322.271.

466 (d) Any person who violates any provision of paragraph  
467 (2) (a) or paragraph (2) (b) and by reason of such violation causes  
468 or in any way contributes to causing damage to the property or  
469 person of another commits a misdemeanor of the first degree,  
470 punishable as provided in s. 775.082 or s. 775.083, and shall pay  
471 a fine of not less than \$500 and not more than \$1,000, and the  
472 court shall revoke the driver's license of a person so convicted  
473 for 2 years regardless of whether or not adjudication is  
474 withheld. A hearing may be requested pursuant to s. 322.271.

475 (e) Any person who violates any provision of paragraph  
476 (2) (a) or paragraph (2) (b) and by reason of such violation causes  
477 or in any way contributes to causing serious bodily injury to  
478 another, as defined in s. 316.1933, commits a felony of the third  
479 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
480 775.084, and shall pay a fine of not less than \$1,000.

481 (f) Any person who violates any provision of paragraph  
482 (2) (a) or paragraph (2) (b) and by reason of such violation causes  
483 or in any way contributes to causing the death of any human being  
484 or unborn quick child commits the crime of racing manslaughter.  
485 In any conviction under this paragraph, the court may not  
486 withhold adjudication of guilt and shall permanently revoke the  
487 driver's license of a person so convicted. A hearing may be  
488 requested pursuant to s. 322.271. A person so convicted commits:

489 1. A felony of the second degree, punishable as provided in  
490 s. 775.082, s. 775.083, or s. 775.084, and shall pay a fine of

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491 not less than \$5,000; or

492 2. A felony of the first degree, punishable as provided in  
493 s. 775.082, s. 775.083, or s. 775.084, and shall pay a fine of  
494 not less than \$5,000, if:

495 a. At the time of the crash, the person knew, or should  
496 have known, that the crash occurred; and

497 b. The person failed to give information and render aid as  
498 required by s. 316.062.

499

500 For purposes of this paragraph, the definition of the term  
501 "unborn quick child" shall be determined in accordance with the  
502 definition of viable fetus as set forth in s. 782.071. A person  
503 who is convicted of racing manslaughter shall be sentenced to a  
504 mandatory minimum term of imprisonment of 4 years.

505 (4)(e) In any case charging a violation of paragraph (2)(a)  
506 or paragraph (2)(b), the court shall be provided a copy of the  
507 driving record of the person charged and may obtain any records  
508 from any other source to determine if one or more prior  
509 convictions of the person for violation of paragraph (2)(a) or  
510 paragraph (2)(b) have occurred within 5 years prior to the  
511 charged offense; however, at trial, proof of such prior  
512 conviction must be made by certified copy of any prior judgment  
513 of conviction or judgment withholding adjudication of guilt.

514 (5)(a)(3) Whenever a law enforcement officer determines  
515 that a person has committed a violation of paragraph (2)(a) or  
516 paragraph (2)(b) was engaged in a drag race or race, as described  
517 in subsection (1), the officer may immediately arrest and take  
518 such person into custody, consistent with constitutional  
519 requirements, regardless of whether or not the offense was

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520 committed in the presence of the officer or whether the officer's  
521 determination is based upon information provided by anonymous  
522 tipsters, citizen informants, or any other source. The court may  
523 enter an order of impoundment or immobilization as a condition of  
524 incarceration or probation. Within 7 business days after the date  
525 the court issues the order of impoundment or immobilization, the  
526 clerk of the court must send notice by certified mail, return  
527 receipt requested, to the registered owner of the motor vehicle,  
528 if the registered owner is a person other than the defendant, and  
529 to each person of record claiming a lien against the motor  
530 vehicle.

531 (b) A law enforcement officer who determines that, in  
532 accordance with the provisions of paragraph (2)(c), the driver of  
533 a motor vehicle parked or operated in near proximity to any such  
534 race, drag race, or exhibition is a spectator, the officer may  
535 file a uniform traffic citation with the clerk of court of the  
536 jurisdiction wherein the offense was committed charging the  
537 registered owner of such vehicle with the proscribed offense. The  
538 clerk shall issue a notice to appear to the registered owner's  
539 last known address maintained by the department and shall  
540 schedule a mandatory court appearance before a county judge  
541 within 30 days after the filing of the citation. The failure of  
542 such person to appear as required or to comply with any fine  
543 imposed under this paragraph shall be subject to the procedures  
544 of s. 318.15 governing failures to appear or to pay. An officer  
545 may use any photographic or recording equipment in determining  
546 the tag number or registered owner of any vehicle pursuant to  
547 this paragraph.

548 (c)(a) Notwithstanding any provision of law to the

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549 contrary, the impounding agency shall release a motor vehicle  
550 under the conditions provided in s. 316.193(6) (e) and (f) ~~(g)~~  
551 ~~and (h)~~, if the owner or agent presents a valid driver license at  
552 the time of pickup of the motor vehicle.

553 (d) ~~(b)~~ All costs and fees for the impoundment or  
554 immobilization, including the cost of notification, must be paid  
555 by the owner of the motor vehicle or, if the motor vehicle is  
556 leased or rented, by the person leasing or renting the motor  
557 vehicle, unless the impoundment or immobilization order is  
558 dismissed. All provisions of s. 713.78 shall apply.

559 (e) ~~(e)~~ Any motor vehicle used in violation of subsection  
560 (2) may be impounded for a period of 30 ~~10~~ business days if a law  
561 enforcement officer has arrested and taken a person into custody  
562 pursuant to this subsection ~~and the person being arrested is the~~  
563 ~~registered owner or coowner of the motor vehicle~~. If the  
564 arresting officer finds that the criteria of this paragraph are  
565 met, the officer may immediately impound the motor vehicle. The  
566 law enforcement officer shall notify the Department of Highway  
567 Safety and Motor Vehicles of any impoundment for violation of  
568 this subsection in accordance with procedures established by the  
569 department. The provisions of paragraphs (c) ~~(a)~~ and (d) ~~(b)~~  
570 shall be applicable to such impoundment.

571 (6) ~~(4)~~ Any motor vehicle used in violation of subsection  
572 (2) ~~by any person within 5 years after the date of a prior~~  
573 ~~conviction of that person for a violation under subsection (2)~~  
574 may be seized and forfeited as provided by the Florida Contraband  
575 Forfeiture Act. This subsection shall be applicable to all owners  
576 of the motor vehicle who are charged with a criminal violation of  
577 subsection (2) or who negligently entrusted their vehicle to the

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578 person charged with a criminal violation of subsection (2), and  
579 the Florida Contraband Forfeiture Act applies regardless of  
580 whether or not the violation is a misdemeanor or felony. The  
581 element of negligent entrustment is satisfied if the owner of a  
582 motor vehicle entrusts his or her vehicle to a person knowing  
583 that such person has previously been cited or charged with any  
584 violation of this section, whether or not such charge or citation  
585 resulted in a conviction ~~only be applicable if the owner of the~~  
586 ~~motor vehicle is the person charged with violation of subsection~~  
587 ~~(2).~~

588 (7)-(5) This section does not apply to licensed or duly  
589 authorized racetracks, drag strips, or other designated areas set  
590 aside by proper authorities for such purposes.

591 (8) If any provision of this section is deemed  
592 unconstitutional by any court, such unconstitutional provision  
593 shall be deemed severable and such determination shall not affect  
594 the enforceability of all remaining constitutional provisions of  
595 this section.

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

598 316.193 Driving under the influence; penalties.--

599 (4) Any person who is convicted of a violation of  
600 subsection (1) and who has a blood-alcohol level or breath-  
601 alcohol level of 0.15 ~~0.20~~ or higher, or any person who is  
602 convicted of a violation of subsection (1) and who at the time of  
603 the offense was accompanied in the vehicle by a person under the  
604 age of 18 years, shall be punished:

605 (a) By a fine of:

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

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

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

612           (b) By imprisonment for:

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

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

615

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

620           (c) In addition to the penalties in paragraphs (a) and (b),  
621 the court shall order the mandatory placement, at the convicted  
622 person's sole expense, of an ignition interlock device approved  
623 by the department in accordance with s. 316.1938 upon all  
624 vehicles that are individually or jointly leased or owned and  
625 routinely operated by the convicted person for up to 6 months for  
626 the first offense and for at least 2 years for a second offense,  
627 when the convicted person qualifies for a permanent or restricted  
628 license. The installation of such device may not occur before  
629 July 1, 2003.

630           Section 7. Subsection (1) of section 316.1937, Florida  
631 Statutes, is amended to read:

632           316.1937 Ignition interlock devices, requiring; unlawful  
633 acts.--

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634 (1) In addition to any other authorized penalties, the  
635 court may require that any person who is convicted of driving  
636 under the influence in violation of s. 316.193 shall not operate  
637 a motor vehicle unless that vehicle is equipped with a  
638 functioning ignition interlock device certified by the department  
639 as provided in s. 316.1938, and installed in such a manner that  
640 the vehicle will not start if the operator's blood alcohol level  
641 is in excess of 0.05 percent or as otherwise specified by the  
642 court. The court may require the use of an approved ignition  
643 interlock device for a period of not less than 6 continuous  
644 months, if the person is permitted to operate a motor vehicle,  
645 whether or not the privilege to operate a motor vehicle is  
646 restricted, as determined by the court. The court, however, shall  
647 order placement of an ignition interlock device in those  
648 circumstances required by s. 316.193.

649 Section 8. Section 316.29545, Florida Statutes, is amended  
650 to read:

651 316.29545 Window sunscreening exclusions; medical  
652 exemption; certain law enforcement vehicles exempt; certain  
653 investigative vehicles exempt.--

654 (1) The department shall issue medical exemption  
655 certificates to persons who are afflicted with Lupus or similar  
656 medical conditions which require a limited exposure to light,  
657 which certificates shall entitle the person to whom the  
658 certificate is issued to have suncreening material on the  
659 windshield, side windows, and windows behind the driver which is  
660 in violation of the requirements of ss. 316.2951-316.2957. The  
661 department shall provide, by rule, for the form of the medical  
662 certificate authorized by this section. At a minimum, the medical

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663 exemption certificate shall include a vehicle description with  
664 the make, model, year, vehicle identification number, medical  
665 exemption decal number issued for the vehicle, and the name of  
666 the person or persons who are the registered owners of the  
667 vehicle. A medical exemption certificate shall be nontransferable  
668 and shall become null and void upon the sale or transfer of the  
669 vehicle identified on the certificate.

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

673 (b) The department shall exempt from the suncreening  
674 requirements of ss. 316.2953, 316.2954, and 316.2956 all vehicles  
675 owned or leased by investigative agencies licensed pursuant to  
676 chapter 493 and used in homeland security functions on behalf of  
677 federal, state, or local authorities; executive protection  
678 activities; undercover, covert, or surveillance operations in  
679 cases involving child abductions, convicted sex offenders,  
680 insurance fraud, or missing persons or property; or other  
681 activities in which evidence is being obtained for civil or  
682 criminal proceedings.

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

686 Section 9. Subsections (1), (6), and (8) of section  
687 316.302, Florida Statutes, are amended to read:

688 316.302 Commercial motor vehicles; safety regulations;  
689 transporters and shippers of hazardous materials; enforcement.--

690 (1) (a) All owners and drivers of commercial motor vehicles  
691 that are operated on the public highways of this state while



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692 engaged in interstate commerce are subject to the rules and  
693 regulations contained in 49 C.F.R. parts 382, 385, and 390-397.

694 (b) Except as otherwise provided in this section, all  
695 owners or drivers of commercial motor vehicles that are engaged  
696 in intrastate commerce are subject to the rules and regulations  
697 contained in 49 C.F.R. parts 382, 385, and 390-397, with the  
698 exception of 49 C.F.R. s. 390.5 as it relates to the definition  
699 of bus, as such rules and regulations existed on October 1, 2008  
700 ~~2005~~.

701 (c) Except as provided in s. 316.215(5), and except as  
702 provided in s. 316.228 for rear overhang lighting and flagging  
703 requirements for intrastate operations, the requirements of this  
704 section supersede all other safety requirements of this chapter  
705 for commercial motor vehicles.

706 (6) The state Department of Transportation shall perform  
707 the duties that are assigned to the field administrator of the  
708 Federal Motor Carrier Safety Administration ~~Regional Federal~~  
709 ~~Highway Administrator~~ under the federal rules, and an agent of  
710 that department, as described in s. 316.545(9), may enforce those  
711 rules.

712 (8) For the purpose of enforcing this section, any law  
713 enforcement officer of the Department of Transportation or duly  
714 appointed agent who holds a current safety inspector  
715 certification from the Commercial Vehicle Safety Alliance may  
716 require the driver of any commercial vehicle operated on the  
717 highways of this state to stop and submit to an inspection of the  
718 vehicle or the driver's records. If the vehicle or driver is  
719 found to be operating in an unsafe condition, or if any required  
720 part or equipment is not present or is not in proper repair or

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721 adjustment, and the continued operation would present an unduly  
722 hazardous operating condition, the officer may require the  
723 vehicle or the driver to be removed from service pursuant to the  
724 North American Standard ~~Uniform~~ Out-of-Service Criteria, until  
725 corrected. However, if continuous operation would not present an  
726 unduly hazardous operating condition, the officer may give  
727 written notice requiring correction of the condition within 14  
728 days.

729 (a) Any member of the Florida Highway Patrol or any law  
730 enforcement officer employed by a sheriff's office or municipal  
731 police department authorized to enforce the traffic laws of this  
732 state pursuant to s. 316.640 who has reason to believe that a  
733 vehicle or driver is operating in an unsafe condition may, as  
734 provided in subsection (10), enforce the provisions of this  
735 section.

736 (b) Any person who fails to comply with an officer's  
737 request to submit to an inspection under this subsection commits  
738 a violation of s. 843.02 if the person resists the officer  
739 without violence or a violation of s. 843.01 if the person  
740 resists the officer with violence.

741 Section 10. Section 316.3045, Florida Statutes, is amended  
742 to read:

743 316.3045 Operation of radios or other mechanical  
744 soundmaking devices or instruments in vehicles; exemptions.--

745 (1) It is unlawful for any person operating or occupying a  
746 motor vehicle on a street or highway to operate or amplify the  
747 sound produced by a radio, tape player, or other mechanical  
748 soundmaking device or instrument from within the motor vehicle so  
749 that the sound is:

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

752 (b) Louder than necessary for the convenient hearing by  
753 persons inside the vehicle in areas adjoining churches, schools,  
754 or hospitals.

755 (2) The provisions of this section do ~~shall~~ not apply to  
756 any law enforcement motor vehicle equipped with any communication  
757 device necessary in the performance of law enforcement duties or  
758 to any emergency vehicle equipped with any communication device  
759 necessary in the performance of any emergency procedures.

760 (3) The provisions of this section do not apply to motor  
761 vehicles used for business or political purposes, which in the  
762 normal course of conducting such business use soundmaking  
763 devices. The provisions of this subsection shall not be deemed to  
764 prevent local authorities, with respect to streets and highways  
765 under their jurisdiction and within the reasonable exercise of  
766 the police power, from regulating the time and manner in which  
767 such business may be operated.

768 (4) The provisions of this section do not apply to the  
769 noise made by a horn or other warning device required or  
770 permitted by s. 316.271. The Department of Highway Safety and  
771 Motor Vehicles shall adopt ~~promulgate~~ rules defining "plainly  
772 audible" and establish standards regarding how sound should be  
773 measured by law enforcement personnel who enforce the provisions  
774 of this section.

775 (5) A violation of this section is a noncriminal traffic  
776 infraction, punishable as a nonmoving violation as provided in  
777 chapter 318.

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

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

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

787       Section 11. Subsection (2) of section 316.613, Florida  
788 Statutes, is amended to read:

789       316.613 Child restraint requirements.--

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

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

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

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

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

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

803       Section 12. Paragraph (a) of subsection (3) of section  
804 316.614, Florida Statutes, is amended to read:

805       316.614 Safety belt usage.--

806       (3) As used in this section:

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807 (a) "Motor vehicle" means a motor vehicle as defined in s.  
808 316.003 which ~~that~~ is operated on the roadways, streets, and  
809 highways of this state. The term does not include:

810 1. A school bus.

811 2. A bus used for the transportation of persons for  
812 compensation.

813 3. A farm tractor or implement of husbandry.

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

816 5. A motorcycle, moped, or bicycle.

817 Section 13. Section 316.645, Florida Statutes, is amended  
818 to read:

819 316.645 Arrest authority of officer at scene of a traffic  
820 crash.--A police officer who makes an investigation at the scene  
821 of a traffic crash may arrest any driver of a vehicle involved in  
822 the crash when, based upon personal investigation, the officer  
823 has reasonable and probable grounds to believe that the person  
824 has committed any offense under the provisions of this chapter,  
825 chapter 320, or chapter 322 in connection with the crash.

826 Section 14. Subsections (1), (3), (4), (5), (6), and (7) of  
827 section 316.650, Florida Statutes, are amended to read:

828 316.650 Traffic citations.--

829 (1)(a) The department shall prepare, and supply to every  
830 traffic enforcement agency in this state, an appropriate form  
831 traffic citation that contains ~~containing~~ a notice to appear, is  
832 ~~(which shall be issued in prenumbered books, meets with citations~~  
833 ~~in quintuplicate) and meeting~~ the requirements of this chapter or  
834 any laws of this state regulating traffic, and is ~~which form~~  
835 ~~shall be~~ consistent with the state traffic court rules and the

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836 procedures established by the department. The form shall include  
837 a box that ~~which~~ is to be checked by the law enforcement officer  
838 when the officer believes that the traffic violation or crash was  
839 due to aggressive careless driving as defined in s. 316.1923. The  
840 form shall also include a box that ~~which~~ is to be checked by the  
841 law enforcement officer when the officer writes a uniform traffic  
842 citation for a violation of s. 316.074(1) or s. 316.075(1)(c)1.  
843 as a result of the driver failing to stop at a traffic signal.

844 (b) The department shall prepare, and supply to every  
845 traffic enforcement agency in the state, an appropriate  
846 affidavit-of-compliance form that ~~which~~ shall be issued along  
847 with the form traffic citation for any violation of s. 316.610  
848 and that indicates ~~which shall indicate~~ the specific defect  
849 needing ~~which needs~~ to be corrected. However, such affidavit of  
850 compliance shall not be issued in the case of a violation of s.  
851 316.610 by a commercial motor vehicle as defined in s.  
852 316.003(66). Such affidavit-of-compliance form shall be  
853 distributed in the same manner and to the same parties as is the  
854 form traffic citation.

855 (c) Notwithstanding paragraphs (a) and (b), a traffic  
856 enforcement agency may produce uniform traffic citations by  
857 electronic means. Such citations must be consistent with the  
858 state traffic court rules and the procedures established by the  
859 department and ~~+~~ must be appropriately numbered and inventoried~~+~~  
860 ~~and may have fewer copies than the quintuplicate form.~~ Affidavit-  
861 of-compliance forms may also be produced by electronic means.

862 (d) The department must distribute to every traffic  
863 enforcement agency and to any others who request it, a traffic  
864 infraction reference guide describing the class of the traffic

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

868 |       (3) (a) Except for a traffic citation issued pursuant to s.  
869 | 316.1001, each traffic enforcement officer, upon issuing a  
870 | traffic citation to an alleged violator of any provision of the  
871 | motor vehicle laws of this state or of any traffic ordinance of  
872 | any municipality ~~city~~ or town, shall deposit the original ~~and one~~  
873 | ~~copy of such~~ traffic citation or, in the case of a traffic  
874 | enforcement agency that ~~which~~ has an automated citation issuance  
875 | system, the chief administrative officer shall provide by an  
876 | electronic transmission a replica of the citation data to  
877 | ~~facsimile with~~ a court having jurisdiction over the alleged  
878 | offense or with its traffic violations bureau within 5 days after  
879 | issuance to the violator.

880 |       (b) If a traffic citation is issued pursuant to s.  
881 | 316.1001, a traffic enforcement officer may deposit the original  
882 | ~~and one copy of such~~ traffic citation or, in the case of a  
883 | traffic enforcement agency that has an automated citation system,  
884 | may provide by an electronic transmission a replica of the  
885 | citation data to ~~facsimile with~~ a court having jurisdiction over  
886 | the alleged offense or with its traffic violations bureau within  
887 | 45 days after the date of issuance of the citation to the  
888 | violator. If the person cited for the violation of s. 316.1001  
889 | makes the election provided by s. 318.14(12) and pays the \$25  
890 | fine, or such other amount as imposed by the governmental entity  
891 | owning the applicable toll facility, plus the amount of the  
892 | unpaid toll that is shown on the traffic citation directly to the  
893 | governmental entity that issued the citation, or on whose behalf

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894 the citation was issued, in accordance with s. 318.14(12), the  
895 traffic citation will not be submitted to the court, the  
896 disposition will be reported to the department by the  
897 governmental entity that issued the citation, or on whose behalf  
898 the citation was issued, and no points will be assessed against  
899 the person's driver's license.

900 (4) The chief administrative officer of every traffic  
901 enforcement agency shall require the return to him or her ~~of the~~  
902 officer-agency department record copy of every traffic citation  
903 issued by an officer under the chief administrative officer's  
904 supervision to an alleged violator of any traffic law or  
905 ordinance and ~~of~~ all copies of every traffic citation that ~~which~~  
906 has been spoiled or upon which any entry has been made and not  
907 issued to an alleged violator. In the case of a traffic  
908 enforcement agency that ~~which~~ has an automated citation issuance  
909 system, the chief administrative officer shall require the return  
910 of all electronic traffic citation records.

911 (5) Upon the deposit of the original ~~and one copy of such~~  
912 traffic citation or upon ~~deposit of~~ an electronic transmission of  
913 a replica of citation data ~~facsimile~~ of the traffic citation with  
914 respect to traffic enforcement agencies that ~~which~~ have an  
915 automated citation issuance system with a court having  
916 jurisdiction over the alleged offense or with its traffic  
917 violations bureau ~~as aforesaid~~, the original citation, the  
918 electronic citation containing a replica of citation data  
919 ~~facsimile~~, or a copy of such traffic citation may be disposed of  
920 only by trial in the court or other official action by a judge of  
921 the court, including forfeiture of the bail, or by the deposit of  
922 sufficient bail with, or payment of a fine to, the traffic



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

925 (6) The chief administrative officer shall transmit, on a  
926 form approved by the department, ~~the department record copy of~~  
927 ~~the uniform traffic citation to the department~~ within 5 days  
928 after submission of the original, groups of issued citations and  
929 ~~one copy to the court, or citation~~ and transmittal data to the  
930 court. Batches of electronic citations containing a replica of  
931 citation data may be transmitted to the court ~~department~~ in an  
932 electronic ~~automated~~ fashion, in a format ~~form~~ prescribed by the  
933 department within 5 days after issuance to the violator. ~~A copy~~  
934 ~~of such transmittal shall also be provided to the court having~~  
935 ~~jurisdiction for accountability purposes.~~

936 (7) The chief administrative officer shall also maintain or  
937 cause to be maintained in connection with every traffic citation  
938 issued by an officer under his or her supervision a record of the  
939 disposition of the charge by the court or its traffic violations  
940 bureau in which the original or copy of the traffic citation or  
941 electronic citation was deposited.

942 Section 15. Paragraph (a) of subsection (2) of section  
943 316.656, Florida Statutes, is amended to read:

944 316.656 Mandatory adjudication; prohibition against  
945 accepting plea to lesser included offense.--

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

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951 Section 16. Subsection (12) is added to section 319.001,  
952 Florida Statutes, to read:

953 319.001 Definitions.--As used in this chapter, the term:  
954 (12) "Certificate of title" means the record that is  
955 evidence of ownership of a vehicle, whether a paper certificate  
956 authorized by the department or a certificate consisting of  
957 information that is stored in an electronic form in the  
958 department's database.

959 Section 17. Section 320.0706, Florida Statutes, is amended  
960 to read:

961 320.0706 Display of license plates on trucks.--The owner of  
962 any commercial truck of gross vehicle weight of 26,001 pounds or  
963 more shall display the registration license plate on both the  
964 front and rear of the truck in conformance with all the  
965 requirements of s. 316.605 that do not conflict with this  
966 section. The owner of a dump truck may place the rear license  
967 plate on the gate no higher than 60 inches to allow for better  
968 visibility. However, the owner of a truck tractor shall ~~be~~  
969 ~~required to~~ display the registration license plate only on the  
970 front of such vehicle. A violation of this section is a moving  
971 violation punishable as provided in chapter 318.

972 Section 18. Subsection (4) of section 320.0715, Florida  
973 Statutes, is amended to read:

974 320.0715 International Registration Plan; motor carrier  
975 services; permits; retention of records.--

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

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980        (a) The department shall withhold the registration and  
981 license plate for a commercial motor vehicle unless the  
982 identifying number issued by the federal agency responsible for  
983 motor carrier safety is provided for the motor carrier and the  
984 entity responsible for motor carrier safety for each motor  
985 vehicle as part of the application process.

986        (b) The department may not issue a commercial motor vehicle  
987 registration or license plate to, and may not transfer the  
988 commercial motor vehicle registration or license plate for, a  
989 motor carrier or vehicle owner who has been prohibited from  
990 operating by a federal or state agency responsible for motor  
991 carrier safety.

992        (c) The department, with notice, shall suspend any  
993 commercial motor vehicle registration and license plate issued to  
994 a motor carrier or vehicle owner who has been prohibited from  
995 operating by a federal or state agency responsible for motor  
996 carrier safety.

997        Section 19. Subsection (27) of section 320.01, Florida  
998 Statutes, is amended to read:

999        320.01 Definitions, general.--As used in the Florida  
1000 Statutes, except as otherwise provided, the term:

1001        (27) "Motorcycle" means any motor vehicle having a seat or  
1002 saddle for the use of the rider and designed to travel on not  
1003 more than three wheels in contact with the ground, but excluding  
1004 a tractor, ~~or~~ a moped, or a vehicle where the operator is  
1005 enclosed by a cabin.

1006        Section 20. Effective July 1, 2008, subsection (1) of  
1007 section 320.02, Florida Statutes, as amended by section 28 of  
1008 chapter 2006-290, Laws of Florida, is amended to read:

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1009 (1) Except as otherwise provided in this chapter, every  
1010 owner or person in charge of a motor vehicle that is operated or  
1011 driven on the roads of this state shall register the vehicle in  
1012 this state. The owner or person in charge shall apply to the  
1013 department or to its authorized agent for registration of each  
1014 such vehicle on a form prescribed by the department. ~~Prior to the~~  
1015 ~~original registration of a motorcycle, motor-driven cycle, or~~  
1016 ~~moped, the owner, if a natural person, must present proof that he~~  
1017 ~~or she has a valid motorcycle endorsement as required in chapter~~  
1018 ~~322.~~ A registration is not required for any motor vehicle that is  
1019 not operated on the roads of this state during the registration  
1020 period.

1021 Section 21. Subsection (13) of section 320.02, Florida  
1022 Statutes, is repealed.

1023 Section 22. Subsection (3) of section 320.08053, Florida  
1024 Statutes, is repealed.

1025 Section 23. Subsection (3) of section 320.27, Florida  
1026 Statutes, is amended to read:

1027 320.27 Motor vehicle dealers.--

1028 (3) APPLICATION AND FEE.--The application for the license  
1029 shall be in such form as may be prescribed by the department and  
1030 shall be subject to such rules with respect thereto as may be so  
1031 prescribed by it. Such application shall be verified by oath or  
1032 affirmation and shall contain a full statement of the name and  
1033 birth date of the person or persons applying therefor; the name  
1034 of the firm or copartnership, with the names and places of  
1035 residence of all members thereof, if such applicant is a firm or  
1036 copartnership; the names and places of residence of the principal  
1037 officers, if the applicant is a body corporate or other

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1038 artificial body; the name of the state under whose laws the  
1039 corporation is organized; the present and former place or places  
1040 of residence of the applicant; and prior business in which the  
1041 applicant has been engaged and the location thereof. Such  
1042 application shall describe the exact location of the place of  
1043 business and shall state whether the place of business is owned  
1044 by the applicant and when acquired, or, if leased, a true copy of  
1045 the lease shall be attached to the application. The applicant  
1046 shall certify that the location provides an adequately equipped  
1047 office and is not a residence; that the location affords  
1048 sufficient unoccupied space upon and within which adequately to  
1049 store all motor vehicles offered and displayed for sale; and that  
1050 the location is a suitable place where the applicant can in good  
1051 faith carry on such business and keep and maintain books,  
1052 records, and files necessary to conduct such business, which will  
1053 be available at all reasonable hours to inspection by the  
1054 department or any of its inspectors or other employees. The  
1055 applicant shall certify that the business of a motor vehicle  
1056 dealer is the principal business which shall be conducted at that  
1057 location. Such application shall contain a statement that the  
1058 applicant is either franchised by a manufacturer of motor  
1059 vehicles, in which case the name of each motor vehicle that the  
1060 applicant is franchised to sell shall be included, or an  
1061 independent (nonfranchised) motor vehicle dealer. Such  
1062 application shall contain such other relevant information as may  
1063 be required by the department, including evidence that the  
1064 applicant is insured under a ~~garage~~ liability insurance policy,  
1065 which shall include, at a minimum, \$25,000 combined single-limit  
1066 liability coverage including bodily injury and property damage

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1067 protection and \$10,000 personal injury protection. Such policy  
1068 shall be for the license period, and evidence of a new or  
1069 continued policy shall be delivered to the department at the  
1070 beginning of each license period. Upon making such initial  
1071 application, the person applying therefor shall pay to the  
1072 department a fee of \$300 in addition to any other fees now  
1073 required by law; upon making a subsequent renewal application,  
1074 the person applying therefor shall pay to the department a fee of  
1075 \$75 in addition to any other fees now required by law. Upon  
1076 making an application for a change of location, the person shall  
1077 pay a fee of \$50 in addition to any other fees now required by  
1078 law. The department shall, in the case of every application for  
1079 initial licensure, verify whether certain facts set forth in the  
1080 application are true. Each applicant, general partner in the case  
1081 of a partnership, or corporate officer and director in the case  
1082 of a corporate applicant, must file a set of fingerprints with  
1083 the department for the purpose of determining any prior criminal  
1084 record or any outstanding warrants. The department shall submit  
1085 the fingerprints to the Department of Law Enforcement for state  
1086 processing and forwarding to the Federal Bureau of Investigation  
1087 for federal processing. The actual cost of such state and federal  
1088 processing shall be borne by the applicant and is to be in  
1089 addition to the fee for licensure. The department may issue a  
1090 license to an applicant pending the results of the fingerprint  
1091 investigation, which license is fully revocable if the department  
1092 subsequently determines that any facts set forth in the  
1093 application are not true or correctly represented.

1094 Section 24. Present subsections (10) through (44) of  
1095 section 322.01, Florida Statutes, are redesignated as subsections

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1096 (11) through (45), respectively, a new subsection (10) is added  
1097 to that section, and present subsections (10), (23), and (29) of  
1098 that section are amended, to read:

1099 322.01 Definitions.--As used in this chapter:

1100 (10) "Convenience service" means any means whereby an  
1101 individual conducts a transaction with the department other than  
1102 in person.

1103 (11)-(10)(a) "Conviction" means a conviction of an offense  
1104 relating to the operation of motor vehicles on highways which is  
1105 a violation of this chapter or any other such law of this state  
1106 or any other state, including an admission or determination of a  
1107 noncriminal traffic infraction pursuant to s. 318.14, or a  
1108 judicial disposition of an offense committed under any federal  
1109 law substantially conforming to the aforesaid state statutory  
1110 provisions.

1111 (b) Notwithstanding any other provisions of this chapter,  
1112 the definition of "conviction" provided in 49 C.F.R. part 383.5  
1113 applies to offenses committed in a commercial motor vehicle or by  
1114 a person holding a commercial driver license.

1115 (24)-(23) "Hazardous materials" means any material that has  
1116 been designated as hazardous under 49 U.S.C. 5103 and is required  
1117 to be placarded under subpart F of 49 C.F.R. part 172 or any  
1118 quantity of a material listed as a select agent or toxin in 42  
1119 C.F.R. part 73 has the meaning such term has under s. 103 of the  
1120 Hazardous Materials Transportation Act.

1121 (30)-(29) "Out-of-service order" means a prohibition issued  
1122 by an authorized local, state, or Federal Government official  
1123 which precludes a person from driving a commercial motor vehicle  
1124 for a period of 72 hours or less.

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1125 Section 25. Effective July 1, 2008, subsection (5) of  
1126 section 322.0255, Florida Statutes, is amended to read:

1127 322.0255 Florida Motorcycle Safety Education Program.--

1128 (5) The only organizations that are eligible for  
1129 reimbursement are organizations that executed a contract on or  
1130 after July 1, 2008. This reimbursement shall continue for 12  
1131 months following the execution of the organization's contract.

1132 The department shall, subject to the availability of funds,  
1133 reimburse each organization that provides an approved motorcycle  
1134 safety education course for each student who begins the on-cycle  
1135 portion of the course. This shall include any student not  
1136 required to attend a motorcycle safety education course prior to  
1137 licensure as required in s. 322.12. The amount to be reimbursed  
1138 per student to each course provider shall be determined by the  
1139 department. In order to facilitate such determination, each  
1140 course provider shall be required to submit proof satisfactory to  
1141 the department of the expected cost per student to be incurred by  
1142 such course provider. In no event shall the amount to be  
1143 reimbursed per student to any course provider exceed the expected  
1144 cost per student. In addition to the amount of any reimbursement,  
1145 each course provider that conducts such a course may charge each  
1146 student a tuition fee sufficient to defray the cost of conducting  
1147 the course. The department shall fund the payments required under  
1148 this subsection from the motorcycle safety education fee, as  
1149 provided in ss. 320.08 and 322.025.

1150 Section 26. Subsection (1) of section 322.03, Florida  
1151 Statutes, is amended to read:

1152 322.03 Drivers must be licensed; penalties.--



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1153 (1) Except as otherwise authorized in this chapter, a  
1154 person may not drive any motor vehicle upon a highway in this  
1155 state unless such person has a valid driver's license under the  
1156 provisions of this chapter.

1157 (a) A person who drives a commercial motor vehicle shall  
1158 not receive a driver's license unless and until he or she  
1159 surrenders to the department all driver's licenses in his or her  
1160 possession issued to him or her by any other jurisdiction or  
1161 makes an affidavit that he or she does not possess a driver's  
1162 license. Any such person who fails to surrender such licenses or  
1163 who makes a false affidavit concerning such licenses is guilty of  
1164 a misdemeanor of the first degree, punishable as provided in s.  
1165 775.082 or s. 775.083.

1166 (b) ~~A person who does not drive a commercial motor vehicle~~  
1167 ~~is not required to surrender a license issued by another~~  
1168 ~~jurisdiction, upon a showing to the department that such license~~  
1169 ~~is necessary because of employment or part-time residence. Any~~  
1170 ~~person who retains a driver's license because of employment or~~  
1171 ~~part-time residence shall, upon qualifying for a license in this~~  
1172 ~~state, be issued a driver's license which shall be valid within~~  
1173 ~~this state only.~~ All surrendered licenses may be returned by the  
1174 department to the issuing jurisdiction together with information  
1175 that the licensee is now licensed in a new jurisdiction or may be  
1176 destroyed by the department, which shall notify the issuing  
1177 jurisdiction of such destruction. A person may not have more than  
1178 one valid Florida driver's license at any time.

1179 (c) A part-time resident issued a license pursuant to  
1180 paragraph (b) may continue to hold such license until the next  
1181 regularly scheduled renewal. Licenses that are identified as

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1182 "Valid in Florida only" may not be issued or renewed effective  
1183 July 1, 2009. This paragraph expires June 30, 2017.

1184 Section 27. Subsections (1) and (2) of section 322.051,  
1185 Florida Statutes, are amended to read:

1186 322.051 Identification cards.--

1187 (1) Any person who is 5 years of age or older, or any  
1188 person who has a disability, regardless of age, who applies for a  
1189 disabled parking permit under s. 320.0848, may be issued an  
1190 identification card by the department upon completion of an  
1191 application and payment of an application fee.

1192 (a) Each such application shall include the following  
1193 information regarding the applicant:

1194 1. Full name (first, middle or maiden, and last), gender,  
1195 proof of social security card number satisfactory to the  
1196 department, county of residence, ~~and~~ mailing address, proof of  
1197 residential address satisfactory to the department, country of  
1198 birth, and a brief description.

1199 2. Proof of birth date satisfactory to the department.

1200 3. Proof of identity satisfactory to the department. Such  
1201 proof must include one of the following documents issued to the  
1202 applicant:

1203 a. A driver's license record or identification card record  
1204 from another jurisdiction that required the applicant to submit a  
1205 document for identification which is substantially similar to a  
1206 document required under sub-subparagraph b., sub-subparagraph c.,  
1207 sub-subparagraph d., sub-subparagraph e., sub-subparagraph f., ~~or~~  
1208 sub-subparagraph g., or sub-subparagraph h.;

1209 b. A certified copy of a United States birth certificate;

1210 c. A valid, unexpired United States passport;

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1211 d. A naturalization certificate issued by the United States  
1212 Department of Homeland Security;

1213 e. A valid, unexpired ~~An~~ alien registration receipt card  
1214 (green card);

1215 f. Consular Report of Birth Abroad provided by the United  
1216 States Department of State;

1217 ~~g.f.~~ An unexpired employment authorization card issued by  
1218 the United States Department of Homeland Security; or

1219 ~~h.g.~~ Proof of nonimmigrant classification provided by the  
1220 United States Department of Homeland Security, for an original  
1221 identification card. In order to prove such nonimmigrant  
1222 classification, applicants may produce but are not limited to the  
1223 following documents:

1224 (I) A notice of hearing from an immigration court  
1225 scheduling a hearing on any proceeding.

1226 (II) A notice from the Board of Immigration Appeals  
1227 acknowledging pendency of an appeal.

1228 (III) Notice of the approval of an application for  
1229 adjustment of status issued by the United States Bureau of  
1230 Citizenship and Immigration Services.

1231 (IV) Any official documentation confirming the filing of a  
1232 petition for asylum or refugee status or any other relief issued  
1233 by the United States Bureau of Citizenship and Immigration  
1234 Services.

1235 (V) Notice of action transferring any pending matter from  
1236 another jurisdiction to Florida, issued by the United States  
1237 Bureau of Citizenship and Immigration Services.

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1238 (VI) Order of an immigration judge or immigration officer  
1239 granting any relief that authorizes the alien to live and work in  
1240 the United States including, but not limited to asylum.

1241 (VII) Evidence that an application is pending for  
1242 adjustment of status to that of an alien lawfully admitted for  
1243 permanent residence in the United States or conditional permanent  
1244 resident status in the United States, if a visa number is  
1245 available having a current priority date for processing by the  
1246 United States Bureau of Citizenship and Immigration Services.

1247  
1248 Presentation of any of the documents described in sub-  
1249 subparagraph g. ~~f.~~ or sub-subparagraph h. ~~g.~~ entitles the  
1250 applicant to an identification card for a period not to exceed  
1251 the expiration date of the document presented or 1 year,  
1252 whichever first occurs.

1253 (b) An application for an identification card must be  
1254 signed and verified by the applicant in a format designated by  
1255 the department before a person authorized to administer oaths and  
1256 payment of the applicable fee pursuant to s. 322.21. ~~The fee for~~  
1257 ~~an identification card is \$3, including payment for the color~~  
1258 ~~photograph or digital image of the applicant.~~

1259 (c) Each such applicant may include fingerprints and any  
1260 other unique biometric means of identity.

1261 (2) (a) Every identification card:

1262 1. Issued to a person 5 years of age to 14 years of age  
1263 shall expire, unless canceled earlier, on the fourth birthday of  
1264 the applicant following the date of original issue.

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1265        2. Issued to a person 15 years of age and older shall  
1266 expire, unless canceled earlier, on the eighth birthday of the  
1267 applicant following the date of original issue.

1268  
1269 Renewal of an identification card shall be made for the  
1270 applicable term enumerated in this paragraph. However, if an  
1271 individual is 60 years of age or older, and has an identification  
1272 card issued under this section, the card shall not expire unless  
1273 done so by cancellation by the department or by the death of the  
1274 cardholder. Renewal of any identification card shall be made for  
1275 a term which shall expire on the fourth birthday of the applicant  
1276 following expiration of the identification card renewed, unless  
1277 surrendered earlier. Any application for renewal received later  
1278 than 90 days after expiration of the identification card shall be  
1279 considered the same as an application for an original  
1280 identification card. The renewal fee for an identification card  
1281 shall be \$10, of which \$4 shall be deposited into the General  
1282 Revenue Fund and \$6 into the Highway Safety Operating Trust Fund.  
1283 The department shall, at the end of 4 years and 6 months after  
1284 the issuance or renewal of an identification card, destroy any  
1285 record of the card if it has expired and has not been renewed,  
1286 unless the cardholder is 60 years of age or older.

1287        (b) Notwithstanding any other provision of this chapter, if  
1288 an applicant establishes his or her identity for an  
1289 identification card using a document authorized under sub-  
1290 subparagraph (1)(a)3.e., the identification card shall expire on  
1291 the eighth ~~fourth~~ birthday of the applicant following the date of  
1292 original issue or upon first renewal or duplicate issued after  
1293 implementation of this section. After an initial showing of such

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1294 | documentation, he or she is exempted from having to renew or  
1295 | obtain a duplicate in person.

1296 |       (c) Notwithstanding any other provisions of this chapter,  
1297 | if an applicant establishes his or her identity for an  
1298 | identification card using an identification document authorized  
1299 | under sub-subparagraph (1)(a)3.g. ~~(1)(a)3.f.~~ or sub-subparagraph  
1300 | (1)(a)3.h. ~~(1)(a)3.g.~~, the identification card shall expire 1  
1301 | year ~~2 years~~ after the date of issuance or upon the expiration  
1302 | date cited on the United States Department of Homeland Security  
1303 | documents, whichever date first occurs, and may not be renewed or  
1304 | obtain a duplicate except in person.

1305 |       Section 28. Subsections (1), (2), and (6) of section  
1306 | 322.08, Florida Statutes, are amended to read:

1307 |       322.08 Application for license.--

1308 |       (1) Each application for a driver's license shall be made  
1309 | in a format designated by the department and sworn to or affirmed  
1310 | by the applicant as to the truth of the statements made in the  
1311 | application.

1312 |       (2) Each such application shall include the following  
1313 | information regarding the applicant:

1314 |       (a) Full name (first, middle or maiden, and last), gender,  
1315 | proof of social security card number satisfactory to the  
1316 | department, county of residence, and mailing address, proof of  
1317 | residential address satisfactory to the department, country of  
1318 | birth, and a brief description.

1319 |       (b) Proof of birth date satisfactory to the department.

1320 |       (c) Proof of identity satisfactory to the department. Such  
1321 | proof must include one of the following documents issued to the  
1322 | applicant:

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- 1323 1. A driver's license record or identification card record  
1324 from another jurisdiction that required the applicant to submit a  
1325 document for identification which is substantially similar to a  
1326 document required under subparagraph 2., subparagraph 3.,  
1327 subparagraph 4., subparagraph 5., subparagraph 6., ~~or~~  
1328 subparagraph 7., or subparagraph 8.;
- 1329 2. A certified copy of a United States birth certificate;
- 1330 3. A valid, unexpired United States passport;
- 1331 4. A naturalization certificate issued by the United States  
1332 Department of Homeland Security;
- 1333 5. A valid, unexpired ~~An~~ alien registration receipt card  
1334 (green card);
- 1335 6. Consular Report of Birth Abroad provided by the United  
1336 States Department of State;
- 1337 ~~7.6.~~ An unexpired employment authorization card issued by  
1338 the United States Department of Homeland Security; or
- 1339 ~~8.7.~~ Proof of nonimmigrant classification provided by the  
1340 United States Department of Homeland Security, for an original  
1341 driver's license. In order to prove nonimmigrant classification,  
1342 an applicant may produce the following documents, including, but  
1343 not limited to:
- 1344 a. A notice of hearing from an immigration court scheduling  
1345 a hearing on any proceeding.
- 1346 b. A notice from the Board of Immigration Appeals  
1347 acknowledging pendency of an appeal.
- 1348 c. A notice of the approval of an application for  
1349 adjustment of status issued by the United States Bureau of  
1350 Citizenship and Immigration Services.

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1351 d. Any official documentation confirming the filing of a  
1352 petition for asylum or refugee status or any other relief issued  
1353 by the United States Bureau of Citizenship and Immigration  
1354 Services.

1355 e. A notice of action transferring any pending matter from  
1356 another jurisdiction to this state issued by the United States  
1357 Bureau of Citizenship and Immigration Services.

1358 f. An order of an immigration judge or immigration officer  
1359 granting any relief that authorizes the alien to live and work in  
1360 the United States, including, but not limited to, asylum.

1361 g. Evidence that an application is pending for adjustment  
1362 of status to that of an alien lawfully admitted for permanent  
1363 residence in the United States or conditional permanent resident  
1364 status in the United States, if a visa number is available having  
1365 a current priority date for processing by the United States  
1366 Bureau of Citizenship and Immigration Services.

1367  
1368 Presentation of any of the documents in subparagraph 7. 6. or  
1369 subparagraph 8. 7. entitles the applicant to a driver's license  
1370 or temporary permit for a period not to exceed the expiration  
1371 date of the document presented or 1 year, whichever occurs first.

1372 (d) Whether the applicant has previously been licensed to  
1373 drive, and, if so, when and by what state, and whether any such  
1374 license or driving privilege has ever been disqualified, revoked,  
1375 or suspended, or whether an application has ever been refused,  
1376 and, if so, the date of and reason for such disqualification,  
1377 suspension, revocation, or refusal.

1378 (e) Each such application may include fingerprints and  
1379 other unique biometric means of identity.



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1380           (6) The application form for a driver's license or  
1381 duplicate thereof shall include language permitting the  
1382 following:

1383           ~~(a) A voluntary contribution of \$5 per applicant, which~~  
1384 ~~contribution shall be transferred into the Election Campaign~~  
1385 ~~Financing Trust Fund.~~

1386           (a) ~~(b)~~ A voluntary contribution of \$1 per applicant, which  
1387 contribution shall be deposited into the Florida Organ and Tissue  
1388 Donor Education and Procurement Trust Fund for organ and tissue  
1389 donor education and for maintaining the organ and tissue donor  
1390 registry.

1391           (b) ~~(e)~~ A voluntary contribution of \$1 per applicant, which  
1392 contribution shall be distributed to the Florida Council of the  
1393 Blind.

1394           (c) ~~(d)~~ A voluntary contribution of \$2 per applicant, which  
1395 shall be distributed to the Hearing Research Institute,  
1396 Incorporated.

1397           (d) ~~(e)~~ A voluntary contribution of \$1 per applicant, which  
1398 shall be distributed to the Juvenile Diabetes Foundation  
1399 International.

1400           (e) ~~(f)~~ A voluntary contribution of \$1 per applicant, which  
1401 shall be distributed to the Children's Hearing Help Fund.

1402

1403 A statement providing an explanation of the purpose of the trust  
1404 funds shall also be included. For the purpose of applying the  
1405 service charge provided in s. 215.20, contributions received  
1406 under paragraphs (b), (c), (d), and (e) ~~(e), (d), (e), and (f)~~  
1407 and under s. 322.18(9)(a) are not income of a revenue nature.

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1408 Section 29. Paragraph (a) of subsection (1) of section  
1409 322.14, Florida Statutes, is amended to read:

1410 322.14 Licenses issued to drivers.--

1411 (1)(a) The department shall, upon successful completion of  
1412 all required examinations and payment of the required fee, issue  
1413 to every applicant qualifying therefor, a driver's license as  
1414 applied for, which license shall bear thereon a color photograph  
1415 or digital image of the licensee; the name of the state; a  
1416 distinguishing number assigned to the licensee; and the  
1417 licensee's full name, date of birth, and residence ~~mailing~~  
1418 address; a brief description of the licensee, including, but not  
1419 limited to, the licensee's gender and height; and the dates of  
1420 issuance and expiration of the license. A space shall be provided  
1421 upon which the licensee shall affix his or her usual signature.  
1422 No license shall be valid until it has been so signed by the  
1423 licensee except that the signature of said licensee shall not be  
1424 required if it appears thereon in facsimile or if the licensee is  
1425 not present within the state at the time of issuance. Applicants  
1426 qualifying to receive a Class A, Class B, or Class C driver's  
1427 license must appear in person within the state for issuance of a  
1428 color photographic or digital imaged driver's license pursuant to  
1429 s. 322.142.

1430 Section 30. Section 322.15, Florida Statutes, is amended to  
1431 read:

1432 322.15 License to be carried and exhibited on demand;  
1433 fingerprint to be imprinted upon a citation.--

1434 (1) Every licensee shall have his or her driver's license,  
1435 which must be fully legible with no portion of such license  
1436 faded, altered, mutilated, or defaced, in his or her immediate

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1437 possession at all times when operating a motor vehicle and shall  
1438 display the same upon the demand of a law enforcement officer or  
1439 an authorized representative of the department.

1440 (2) Upon the failure of any person to display a driver's  
1441 license as required by subsection (1), the law enforcement  
1442 officer or authorized representative of the department stopping  
1443 the person shall require the person to imprint his or her  
1444 fingerprints ~~fingerprint~~ upon any citation issued by the officer  
1445 or authorized representative, or the officer or authorized  
1446 representative shall collect the fingerprints electronically.

1447 (3) In relation to violations of subsection (1) or s.  
1448 322.03(5), persons who cannot supply proof of a valid driver's  
1449 license for the reason that the license was suspended for failure  
1450 to comply with that citation shall be issued a suspension  
1451 clearance by the clerk of the court for that citation upon  
1452 payment of the applicable penalty and fee for that citation. If  
1453 proof of a valid driver's license is not provided to the clerk of  
1454 the court within 30 days, the person's driver's license shall  
1455 again be suspended for failure to comply.

1456 (4) A violation of subsection (1) is a noncriminal traffic  
1457 infraction, punishable as a nonmoving violation as provided in  
1458 chapter 318.

1459 Section 31. Section 322.17, Florida Statutes, is amended to  
1460 read:

1461 322.17 Replacement licenses and permits ~~Duplicate and~~  
1462 ~~replacement certificates.--~~

1463 (1)(a) In the event that an instruction permit or driver's  
1464 license issued under the provisions of this chapter is lost or  
1465 destroyed, the person to whom the same was issued may, upon

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1466 payment of the appropriate fee pursuant to s. 322.21 ~~\$10~~, obtain  
1467 a replacement ~~duplicate, or substitute thereof~~, upon furnishing  
1468 proof satisfactory to the department that such permit or license  
1469 has been lost or destroyed, and further furnishing the full name,  
1470 date of birth, sex, residence and mailing address, proof of birth  
1471 satisfactory to the department, and proof of identity  
1472 satisfactory to the department. ~~Five dollars of the fee levied in~~  
1473 ~~this paragraph shall go to the Highway Safety Operating Trust~~  
1474 ~~Fund of the department.~~

1475 (b) In the event that an instruction permit or driver's  
1476 license issued under the provisions of this chapter is stolen,  
1477 the person to whom the same was issued may, at no charge, obtain  
1478 a replacement ~~duplicate, or substitute thereof~~, upon furnishing  
1479 proof satisfactory to the department that such permit or license  
1480 was stolen and further furnishing the full name, date of birth,  
1481 sex, residence and mailing address, proof of birth satisfactory  
1482 to the department, and proof of identity satisfactory to the  
1483 department.

1484 (2) Upon the surrender of the original license and the  
1485 payment of the appropriate fees pursuant to s. 322.21 ~~a \$10~~  
1486 ~~replacement fee~~, the department shall issue a replacement license  
1487 to make a change in name, address, or restrictions. ~~Upon written~~  
1488 ~~request by the licensee and notification of a change in address,~~  
1489 ~~and the payment of a \$10 fee, the department shall issue an~~  
1490 ~~address sticker which shall be affixed to the back of the license~~  
1491 ~~by the licensee. Nine dollars of the fee levied in this~~  
1492 ~~subsection shall go to the Highway Safety Operating Trust Fund of~~  
1493 ~~the department.~~

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1494 (3) Notwithstanding any other provisions of this chapter,  
1495 if a licensee establishes his or her identity for a driver's  
1496 license using an identification document authorized under s.  
1497 322.08(2)(c)7. or 8. ~~s. 322.08(2)(c)6. or 7.~~, the licensee may  
1498 not obtain a duplicate or replacement instruction permit or  
1499 driver's license except in person and upon submission of an  
1500 identification document authorized under s. 322.08(2)(c)7. or 8.  
1501 ~~s. 322.08(2)(c)6. or 7.~~

1502 Section 32. Section 322.18, Florida Statutes, is amended to  
1503 read:

1504 322.18 Original applications, licenses, and renewals;  
1505 expiration of licenses; delinquent licenses.--

1506 (1)(a) Except as provided in paragraph (b), the department  
1507 may issue an original driver's license only after the applicant  
1508 successfully passes the required examinations and presents the  
1509 application to the department.

1510 (b) The department may waive the driver's license  
1511 examination requirement if the applicant is otherwise qualified  
1512 and surrenders a valid license issued by another state, a  
1513 province of Canada, or the United States Armed Forces which is of  
1514 an equal or lesser classification as provided in s. 322.12.

1515 (2) Each applicant who is entitled to the issuance of a  
1516 driver's license, as provided in this section, shall be issued a  
1517 driver's license, as follows:

1518 (a) An applicant who has not attained 80 years of age  
1519 applying for an original issuance shall be issued a driver's  
1520 license that ~~which~~ expires at midnight on the licensee's birthday  
1521 which next occurs on or after the eighth ~~sixth~~ anniversary of the  
1522 date of issue. An applicant who is at least 80 years of age

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1523 applying for an original issuance shall be issued a driver's  
1524 license that expires at midnight on the licensee's birthday that  
1525 next occurs on or after the sixth anniversary of the date of  
1526 issue.

1527 (b) An applicant who has not attained 80 years of age  
1528 applying for a renewal issuance ~~or renewal extension~~ shall be  
1529 issued a driver's license that ~~or renewal extension sticker which~~  
1530 expires at midnight on the licensee's birthday that ~~which~~ next  
1531 occurs 8 4 years after the month of expiration of the license  
1532 being renewed, ~~except that a driver whose driving record reflects~~  
1533 ~~no convictions for the preceding 3 years shall be issued a~~  
1534 ~~driver's license or renewal extension sticker which expires at~~  
1535 ~~midnight on the licensee's birthday which next occurs 6 years~~  
1536 ~~after the month of expiration of the license being renewed. An~~  
1537 applicant who is at least 80 years of age applying for a renewal  
1538 issuance shall be issued a driver's license that expires at  
1539 midnight on the licensee's birthday that next occurs 6 years  
1540 after the month of expiration of the license being renewed.

1541 (c) Notwithstanding any other provision of this chapter, if  
1542 an applicant establishes his or her identity for a driver's  
1543 license using a document authorized under s. 322.08(2)(c)5., the  
1544 driver's license shall expire in accordance with paragraph (b).  
1545 After an initial showing of such documentation, he or she is  
1546 exempted from having to renew or obtain a duplicate in person.

1547 (d) Notwithstanding any other provision of this chapter, if  
1548 an applicant establishes his or her identity for a driver's  
1549 license using a document authorized in s. 322.08(2)(c)7. or 8. ~~s.~~  
1550 ~~322.08(2)(c)6. or 7.~~, the driver's license shall expire 1 year ~~2~~  
1551 ~~years~~ after the date of issuance or upon the expiration date

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1552 cited on the United States Department of Homeland Security  
1553 documents, whichever date first occurs.

1554 (e) Notwithstanding any other provision of this chapter, an  
1555 applicant applying for an original or renewal issuance of a  
1556 commercial driver's license as defined in s. 322.01(7), with a  
1557 hazardous-materials endorsement, pursuant to s. 322.57(1)(e),  
1558 shall be issued a driver's license that expires at midnight on  
1559 the licensee's birthday that next occurs 4 years after the month  
1560 of expiration of the license being issued or renewed.

1561 (3) If a license expires on a Saturday, Sunday, or legal  
1562 holiday, it shall be valid until midnight of the next regular  
1563 working day and may be renewed on that day without payment of a  
1564 delinquent fee.

1565 (4) (a) Except as otherwise provided in this chapter, all  
1566 licenses shall be renewable every 8 4 years ~~or 6 years, depending~~  
1567 ~~upon the terms of issuance~~ and shall be issued or renewed  
1568 ~~extended~~ upon application, payment of the fees required by s.  
1569 322.21, and successful passage of any required examination,  
1570 unless the department has reason to believe that the licensee is  
1571 no longer qualified to receive a license.

1572 (b) Notwithstanding any other provision of this chapter, if  
1573 an applicant establishes his or her identity for a driver's  
1574 license using a document authorized under s. 322.08(2)(c)5., the  
1575 license, upon an initial showing of such documentation, is  
1576 exempted from having to renew or obtain a duplicate in person,  
1577 unless the renewal or duplication coincides with the periodic  
1578 reexamination of a driver as required pursuant to s. 322.121.

1579 (c) Notwithstanding any other provision of this chapter, if  
1580 a licensee establishes his or her identity for a driver's license

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1581 using an identification document authorized under s.  
1582 322.08(2)(c)7. or 8. ~~s. 322.08(2)(c)6. or 7.~~, the licensee may  
1583 not renew the driver's license except in person and upon  
1584 submission of an identification document authorized under s.  
1585 322.08(2)(c)7. or 8. ~~s. 322.08(2)(c)6. or 7.~~ A driver's license  
1586 renewed under this paragraph expires 1 year ~~4 years~~ after the  
1587 date of issuance or upon the expiration date cited on the United  
1588 States Department of Homeland Security documents, whichever date  
1589 first occurs.

1590 (5) All renewal driver's licenses may be issued after the  
1591 applicant licensee has been determined to be eligible by the  
1592 department.

1593 (a) A licensee who is otherwise eligible for renewal and  
1594 who is at least 80 ~~over 79~~ years of age:

1595 1. Must submit to and pass a vision test administered at  
1596 any driver's license office; or

1597 2. If the licensee applies for a renewal using a  
1598 convenience service ~~an extension by mail~~ as provided in  
1599 subsection (8), he or she must submit to a vision test  
1600 administered by a physician licensed under chapter 458 or chapter  
1601 459, or an optometrist licensed under chapter 463, must send the  
1602 results of that test to the department on a form obtained from  
1603 the department and signed by such health care practitioner, and  
1604 must meet vision standards that are equivalent to the standards  
1605 for passing the departmental vision test. The physician or  
1606 optometrist may submit the results of a vision test by a  
1607 department-approved electronic means.

1608 (b) A licensee who is at least 80 ~~over 79~~ years of age may  
1609 not submit an application for renewal ~~extension~~ under subsection



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1610 (8) by a convenience service ~~electronic or telephonic means,~~  
1611 unless the results of a vision test have been electronically  
1612 submitted in advance by the physician or optometrist.

1613 (6) If the licensee does not receive a renewal notice, the  
1614 licensee or applicant may apply to the department, under oath, at  
1615 any driver's license examining office. Such application shall be  
1616 on a form prepared and furnished by the department. The  
1617 department shall make such forms available to the various  
1618 examining offices throughout the state. Upon receipt of such  
1619 application, the department shall issue a license or temporary  
1620 permit to the applicant or shall advise the applicant that no  
1621 license or temporary permit will be issued and advise the  
1622 applicant of the reason for his or her ineligibility.

1623 (7) An expired Florida driver's license may be renewed any  
1624 time within 12 months after the expiration date, with  
1625 reexamination, if required, upon payment of the required  
1626 delinquent fee or taking and passing the written examination. If  
1627 the final date upon which a license may be renewed under this  
1628 section falls upon a Saturday, Sunday, or legal holiday, the  
1629 renewal period shall be extended to midnight of the next regular  
1630 working day. The department may refuse to issue any license if:

1631 (a) It has reason to believe the licensee is no longer  
1632 qualified to receive a license.

1633 (b) Its records reflect that the applicant's driving  
1634 privilege is under suspension or revocation.

1635 (8) The department shall issue 8-year renewals using a  
1636 convenience service ~~4-year and 6-year license extensions by mail,~~  
1637 ~~electronic, or telephonic means~~ without reexamination to drivers  
1638 who have not attained 80 years of age. The department shall issue

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1639 6-year renewals using a convenience service when the applicant  
1640 has satisfied the requirements of subsection (5).

1641 (a) If the department determines from its records that the  
1642 holder of a license about to expire is eligible for renewal, the  
1643 department shall mail a renewal notice to the licensee at his or  
1644 her last known address, not less than 30 days prior to the  
1645 licensee's birthday. The renewal notice shall direct the licensee  
1646 to appear at a driver license office for in-person renewal or to  
1647 transmit the completed renewal notice and the fees required by s.  
1648 322.21 to the department using a convenience service ~~by mail,~~  
1649 ~~electronically, or telephonically within the 30 days preceding~~  
1650 ~~the licensee's birthday for a license extension. License~~  
1651 ~~extensions shall not be available to drivers directed to appear~~  
1652 ~~for in-person renewal.~~

1653 (b) Upon receipt of a properly completed renewal notice,  
1654 payment of the required fees, and upon determining that the  
1655 licensee is still eligible for renewal, the department shall send  
1656 a new license extension sticker to the licensee ~~to affix to the~~  
1657 ~~expiring license as evidence that the license term has been~~  
1658 ~~extended.~~

1659 (c) The department shall issue one renewal using a  
1660 convenience service ~~license extensions for two consecutive~~  
1661 ~~license expirations only. Upon expiration of two consecutive~~  
1662 ~~license extension periods, in-person renewal with reexamination~~  
1663 ~~as provided in s. 322.121 shall be required. A person who is out~~  
1664 ~~of this state when his or her license expires may be issued a 90-~~  
1665 ~~day temporary driving permit without reexamination. At the end of~~  
1666 ~~the 90-day period, the person must either return to this state or~~

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1667 apply for a license where the person is located, except for a  
1668 member of the Armed Forces as provided in s. 322.121(6).

1669 ~~(d) In-person renewal at a driver license office shall not~~  
1670 ~~be available to drivers whose records indicate they were directed~~  
1671 ~~to apply for a license extension.~~

1672 (d)(e) Any person who knowingly possesses any forged,  
1673 stolen, fictitious, counterfeit, or unlawfully issued license  
1674 extension sticker, unless possession by such person has been duly  
1675 authorized by the department, commits a misdemeanor of the second  
1676 degree, punishable as provided in s. 775.082 or s. 775.083.

1677 (e)(f) The department shall develop a plan for the  
1678 equitable distribution of license ~~extensions and~~ renewals and the  
1679 orderly implementation of this section.

1680 (9)(a) The application form for a renewal issuance ~~or~~  
1681 ~~renewal extension~~ shall include language permitting a voluntary  
1682 contribution of \$1 per applicant, to be quarterly distributed by  
1683 the department to Prevent Blindness Florida, a not-for-profit  
1684 organization, to prevent blindness and preserve the sight of the  
1685 residents of this state. A statement providing an explanation of  
1686 the purpose of the funds shall be included with the application  
1687 form.

1688 (b) Prior to the department distributing the funds  
1689 collected pursuant to paragraph (a), Prevent Blindness Florida  
1690 must submit a report to the department that identifies how such  
1691 funds were used during the preceding year.

1692 Section 33. Subsections (2) and (4) of section 322.19,  
1693 Florida Statutes, are amended to read:

1694 322.19 Change of address or name.--

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1695 (2) Whenever any person, after applying for or receiving a  
1696 driver's license, changes the residence or mailing address in the  
1697 application or license, the person must, within 10 calendar days,  
1698 ~~either obtain a replacement license that reflects the change or~~  
1699 ~~request in writing a change of address sticker.~~ A The written  
1700 request to the department must include the old and new addresses  
1701 and the driver's license number.

1702 (4) Notwithstanding any other provision of this chapter, if  
1703 a licensee established his or her identity for a driver's license  
1704 using an identification document authorized under s.  
1705 322.08(2)(c)7. or 8. ~~s. 322.08(2)(c)6. or 7.~~, the licensee may  
1706 not change his or her name or address except in person and upon  
1707 submission of an identification document authorized under s.  
1708 322.08(2)(c)7. or 8. ~~s. 322.08(2)(c)6. or 7.~~

1709 Section 34. Subsection (1) of section 322.21, Florida  
1710 Statutes, is amended to read:

1711 322.21 License fees; procedure for handling and collecting  
1712 fees.--

1713 (1) Except as otherwise provided herein, the fee for:

1714 (a) An original or renewal commercial driver's license is  
1715 \$67 ~~\$50~~, which shall include the fee for driver education  
1716 provided by s. 1003.48; however, if an applicant has completed  
1717 training and is applying for employment or is currently employed  
1718 in a public or nonpublic school system that requires the  
1719 commercial license, the fee shall be the same as for a Class E  
1720 driver's license. A delinquent fee of \$1 shall be added for a  
1721 renewal made not more than 12 months after the license expiration  
1722 date. Of the \$67 fee, \$50 shall be deposited into the General  
1723 Revenue Fund. The remaining \$17 shall be deposited into the

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1724 Highway Safety Operating Trust Fund for the general operations of  
1725 the department.

1726 (b) An original Class E driver's license is \$27 ~~\$20~~, which  
1727 shall include the fee for driver's education provided by s.  
1728 1003.48; however, if an applicant has completed training and is  
1729 applying for employment or is currently employed in a public or  
1730 nonpublic school system that requires a commercial driver  
1731 license, the fee shall be the same as for a Class E license. Of  
1732 the \$27 fee, \$20 shall be deposited into the General Revenue  
1733 Fund. The remaining \$7 shall be deposited into the Highway Safety  
1734 Operating Trust Fund for the general operations of the  
1735 department.

1736 (c) The renewal or extension of a Class E driver's license  
1737 or of a license restricted to motorcycle use only is \$20 ~~\$15~~,  
1738 except that a delinquent fee of \$1 shall be added for a renewal  
1739 or extension made not more than 12 months after the license  
1740 expiration date. The fee provided in this paragraph shall include  
1741 the fee for driver's education provided by s. 1003.48. Of the \$20  
1742 fee, \$15 shall be deposited into the General Revenue Fund. The  
1743 remaining \$5 shall be deposited into the Highway Safety Operating  
1744 Trust Fund for the general operations of the department.

1745 (d) An original driver's license restricted to motorcycle  
1746 use only is \$27 ~~\$20~~, which shall include the fee for driver's  
1747 education provided by s. 1003.48. Of the \$27 fee, \$20 shall be  
1748 deposited into the General Revenue Fund. The remaining \$7 shall  
1749 be deposited into the Highway Safety Operating Trust Fund for the  
1750 general operations of the department.

1751 (e) A replacement driver's license, issued pursuant to s.  
1752 322.17 is \$10. Of the \$10 fee, \$3 shall be deposited into the

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1753 General Revenue Fund. The remaining \$7 shall be deposited into  
1754 the Highway Safety Operating Trust Fund for the general  
1755 operations of the department.

1756 (f) An original or renewal identification card issued  
1757 pursuant to s. 322.051 is \$10. Of the \$10 fee, \$4 shall be  
1758 deposited into the General Revenue Fund. The remaining \$6 shall  
1759 be deposited in the Highway Safety Operating Trust Fund for the  
1760 general operations of the department.

1761 (g) ~~(e)~~ Each endorsement required by s. 322.57 is \$7 ~~\$5~~. Of  
1762 the \$7 fee, \$5 shall be deposited into the General Revenue Fund.  
1763 The remaining \$2 shall be deposited into the Highway Safety  
1764 Operating Trust Fund for the general operations of the  
1765 department.

1766 (h) ~~(f)~~ A hazardous-materials endorsement, as required by s.  
1767 322.57(1) (d), shall be set by the department by rule and shall  
1768 reflect the cost of the required criminal history check,  
1769 including the cost of the state and federal fingerprint check,  
1770 and the cost to the department of providing and issuing the  
1771 license. The fee shall not exceed \$100. This fee shall be  
1772 deposited in the Highway Safety Operating Trust Fund. The  
1773 department may adopt rules to administer this section.

1774 Section 35. Subsection (3) of section 322.2715, Florida  
1775 Statutes, is amended to read:

1776 322.2715 Ignition interlock device.--

1777 (3) If the person is convicted of:

1778 (a) A first offense of driving under the influence under s.  
1779 316.193 and has an unlawful blood-alcohol level or breath-alcohol  
1780 level as specified in s. 316.193(4), or if a person is convicted  
1781 of a violation of s. 316.193 and was at the time of the offense

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1782 accompanied in the vehicle by a person younger than 18 years of  
1783 age, the person shall have the ignition interlock device  
1784 installed for 6 continuous months for the first offense and for  
1785 at least 2 continuous years for a second offense.

1786 (b) A second offense of driving under the influence, the  
1787 ignition interlock device shall be installed for a period of not  
1788 less than 1 continuous year.

1789 (c) A third offense of driving under the influence which  
1790 occurs within 10 years after a prior conviction for a violation  
1791 of s. 316.193, the ignition interlock device shall be installed  
1792 for a period of not less than 2 continuous years.

1793 (d) A third offense of driving under the influence which  
1794 occurs more than 10 years after the date of a prior conviction,  
1795 the ignition interlock device shall be installed for a period of  
1796 not less than 2 continuous years.

1797 Section 36. Section 322.291, Florida Statutes, is amended  
1798 to read:

1799 322.291 Driver improvement schools or DUI programs;  
1800 required in certain suspension and revocation cases.--Except as  
1801 provided in s. 322.03(2), any person:

1802 (1) Whose driving privilege has been revoked:

1803 (a) Upon conviction for:

1804 1. Driving, or being in actual physical control of, any  
1805 vehicle while under the influence of alcoholic beverages, any  
1806 chemical substance set forth in s. 877.111, or any substance  
1807 controlled under chapter 893, in violation of s. 316.193;

1808 2. Driving with an unlawful blood- or breath-alcohol level;

1809 3. Manslaughter resulting from the operation of a motor  
1810 vehicle;

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1811 4. Failure to stop and render aid as required under the  
1812 laws of this state in the event of a motor vehicle crash  
1813 resulting in the death or personal injury of another;

1814 5. Reckless driving; or

1815 (b) As an habitual offender;

1816 (c) Upon direction of the court, if the court feels that  
1817 the seriousness of the offense and the circumstances surrounding  
1818 the conviction warrant the revocation of the licensee's driving  
1819 privilege; or

1820 (2) Whose license was suspended under the point system, was  
1821 suspended for driving with an unlawful blood-alcohol level of  
1822 0.10 percent or higher before January 1, 1994, was suspended for  
1823 driving with an unlawful blood-alcohol level of 0.08 percent or  
1824 higher after December 31, 1993, was suspended for a violation of  
1825 s. 316.193(1), or was suspended for refusing to submit to a  
1826 lawful breath, blood, or urine test as provided in s. 322.2615

1827  
1828 shall, before the driving privilege may be reinstated, present to  
1829 the department proof of enrollment in a department-approved  
1830 advanced driver improvement course operating pursuant to s.  
1831 318.1451 or a substance abuse education course conducted by a DUI  
1832 program licensed pursuant to s. 322.292, which shall include a  
1833 psychosocial evaluation and treatment, if referred. Additionally,  
1834 for a third or subsequent violation involving the required use of  
1835 an ignition interlock device, the person shall be required to  
1836 complete treatment as determined by a licensed treatment agency  
1837 following a referral by a DUI program and have the duration of  
1838 the requirement to use an ignition interlock device extended for  
1839 a least 1 month or up to the time required to complete treatment.



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1840 If the person fails to complete such course or evaluation within  
1841 90 days after reinstatement, or subsequently fails to complete  
1842 treatment, if referred, the DUI program shall notify the  
1843 department of the failure. Upon receipt of the notice, the  
1844 department shall cancel the offender's driving privilege,  
1845 notwithstanding the expiration of the suspension or revocation of  
1846 the driving privilege. The department may temporarily reinstate  
1847 the driving privilege upon verification from the DUI program that  
1848 the offender has completed the education course and evaluation  
1849 requirement and has reentered and is currently participating in  
1850 treatment. If the DUI program notifies the department of the  
1851 second failure to complete treatment, the department shall  
1852 reinstate the driving privilege only after notice of completion  
1853 of treatment from the DUI program.

1854 Section 37. Section 322.36, Florida Statutes, is amended to  
1855 read:

1856 322.36 Permitting unauthorized operator to drive.--A No  
1857 person may not shall authorize or knowingly permit a motor  
1858 vehicle owned by him or her or under his or her dominion or  
1859 control to be operated upon any highway or public street except  
1860 by a person who is persons duly authorized to operate a motor  
1861 vehicle vehicles under the provisions of this chapter. Any person  
1862 who violates violating this section commits provision is guilty  
1863 of a misdemeanor of the second degree, punishable as provided in  
1864 s. 775.082 or s. 775.083. If a person violates this section by  
1865 knowingly loaning a vehicle to a person whose driver's license is  
1866 suspended and if that vehicle is involved in an accident  
1867 resulting in bodily injury or death, the driver's license of the  
1868 person violating this section shall be suspended for 1 year.

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1869 Section 38. Section 322.60, Florida Statutes, is repealed.

1870 Section 39. Subsections (1), (2), (3), (4), (5), and (6) of  
1871 section 322.61, Florida Statutes, are amended to read:

1872 322.61 Disqualification from operating a commercial motor  
1873 vehicle.--

1874 (1) A person who, for offenses occurring within a 3-year  
1875 period, is convicted of two of the following serious traffic  
1876 violations or any combination thereof, arising in separate  
1877 incidents committed in a commercial motor vehicle shall, in  
1878 addition to any other applicable penalties, be disqualified from  
1879 operating a commercial motor vehicle for a period of 60 days. A  
1880 holder of a commercial driver's license ~~person~~ who, for offenses  
1881 occurring within a 3-year period, is convicted of two of the  
1882 following serious traffic violations, or any combination thereof,  
1883 arising in separate incidents committed in a noncommercial motor  
1884 vehicle shall, in addition to any other applicable penalties, be  
1885 disqualified from operating a commercial motor vehicle for a  
1886 period of 60 days if such convictions result in the suspension,  
1887 revocation, or cancellation of the licenseholder's driving  
1888 privilege:

1889 (a) A violation of any state or local law relating to motor  
1890 vehicle traffic control, other than a parking violation, a weight  
1891 violation, or a vehicle equipment violation, arising in  
1892 connection with a crash resulting in death or personal injury to  
1893 any person;

1894 (b) Reckless driving, as defined in s. 316.192;

1895 (c) Careless driving, as defined in s. 316.1925;

1896 (d) Fleeing or attempting to elude a law enforcement  
1897 officer, as defined in s. 316.1935;

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- 1898 (e) Unlawful speed of 15 miles per hour or more above the  
1899 posted speed limit;
- 1900 (f) Driving a commercial motor vehicle, owned by such  
1901 person, which is not properly insured;
- 1902 (g) Improper lane change, as defined in s. 316.085;
- 1903 (h) Following too closely, as defined in s. 316.0895;
- 1904 (i) Driving a commercial vehicle without obtaining a  
1905 commercial driver's license;
- 1906 (j) Driving a commercial vehicle without the proper class  
1907 of commercial driver's license or without the proper endorsement;  
1908 or
- 1909 (k) Driving a commercial vehicle without a commercial  
1910 driver's license in possession, as required by s. 322.03. Any  
1911 individual who provides proof to the clerk of the court or  
1912 designated official in the jurisdiction where the citation was  
1913 issued, by the date the individual must appear in court or pay  
1914 any fine for such a violation, that the individual held a valid  
1915 commercial driver's license on the date the citation was issued  
1916 is not guilty of this offense.
- 1917 (2) (a) Any person who, for offenses occurring within a 3-  
1918 year period, is convicted of three serious traffic violations  
1919 specified in subsection (1) or any combination thereof, arising  
1920 in separate incidents committed in a commercial motor vehicle  
1921 shall, in addition to any other applicable penalties, including  
1922 but not limited to the penalty provided in subsection (1), be  
1923 disqualified from operating a commercial motor vehicle for a  
1924 period of 120 days.
- 1925 (b) A holder of a commercial driver's license ~~person~~ who,  
1926 for offenses occurring within a 3-year period, is convicted of

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1927 three serious traffic violations specified in subsection (1) or  
1928 any combination thereof arising in separate incidents committed  
1929 in a noncommercial motor vehicle shall, in addition to any other  
1930 applicable penalties, including, but not limited to, the penalty  
1931 provided in subsection (1), be disqualified from operating a  
1932 commercial motor vehicle for a period of 120 days if such  
1933 convictions result in the suspension, revocation, or cancellation  
1934 of the licenseholder's driving privilege.

1935 (3) (a) Except as provided in subsection (4), any person who  
1936 is convicted of one of the ~~following~~ offenses listed in paragraph  
1937 (b) while operating a commercial motor vehicle shall, in addition  
1938 to any other applicable penalties, be disqualified from operating  
1939 a commercial motor vehicle for a period of 1 year:

1940 (b) Except as provided in subsection (4), any holder of a  
1941 commercial driver's license who is convicted of one of the  
1942 offenses listed in this paragraph while operating a noncommercial  
1943 motor vehicle shall, in addition to any other applicable  
1944 penalties, be disqualified from operating a commercial motor  
1945 vehicle for a period of 1 year:

1946 1. (a) Driving a ~~commercial~~ motor vehicle while he or she is  
1947 under the influence of alcohol or a controlled substance;

1948 2. (b) Driving a commercial motor vehicle while the alcohol  
1949 concentration of his or her blood, breath, or urine is .04  
1950 percent or higher;

1951 3. (c) Leaving the scene of a crash involving a ~~commercial~~  
1952 motor vehicle driven by such person;

1953 4. (d) Using a ~~commercial~~ motor vehicle in the commission of  
1954 a felony;

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1955        5.(e) Driving a commercial motor vehicle while in  
1956 possession of a controlled substance;

1957        6.(f) Refusing to submit to a test to determine his or her  
1958 alcohol concentration while driving a ~~commercial~~ motor vehicle;

1959        7.(g) Driving a commercial vehicle while the  
1960 licenseholder's commercial driver's license is suspended,  
1961 revoked, or canceled or while the licenseholder is disqualified  
1962 from driving a commercial vehicle; or

1963        8.(h) Causing a fatality through the negligent operation of  
1964 a commercial motor vehicle.

1965        (4) Any person who is transporting hazardous materials as  
1966 defined in s. 322.01(24) ~~in a vehicle that is required to be~~  
1967 ~~placarded in accordance with Title 49 C.F.R. part 172, subpart F~~  
1968 shall, upon conviction of an offense specified in subsection (3),  
1969 be disqualified from operating a commercial motor vehicle for a  
1970 period of 3 years. The penalty provided in this subsection shall  
1971 be in addition to any other applicable penalty.

1972        (5) Any person who is convicted of two violations specified  
1973 in subsection (3) which were committed while operating a  
1974 commercial motor vehicle, or any combination thereof, arising in  
1975 separate incidents shall be permanently disqualified from  
1976 operating a commercial motor vehicle. Any holder of a commercial  
1977 driver's license who is convicted of two violations specified in  
1978 subsection (3) which were committed while operating a  
1979 noncommercial motor vehicle, or any combination thereof, arising  
1980 in separate incidents shall be permanently disqualified from  
1981 operating a commercial motor vehicle. The penalty provided in  
1982 this subsection is ~~shall be~~ in addition to any other applicable  
1983 penalty.

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1984 (6) Notwithstanding subsections (3), (4), and (5), any  
1985 person who uses a commercial motor vehicle in the commission of  
1986 any felony involving the manufacture, distribution, or dispensing  
1987 of a controlled substance, including possession with intent to  
1988 manufacture, distribute, or dispense a controlled substance,  
1989 shall, upon conviction of such felony, be permanently  
1990 disqualified from operating a commercial motor vehicle.

1991 Notwithstanding subsections (3), (4), and (5), any holder of a  
1992 commercial driver's license who uses a noncommercial motor  
1993 vehicle in the commission of any felony involving the  
1994 manufacture, distribution, or dispensing of a controlled  
1995 substance, including possession with intent to manufacture,  
1996 distribute, or dispense a controlled substance, shall, upon  
1997 conviction of such felony, be permanently disqualified from  
1998 operating a commercial motor vehicle. The penalty provided in  
1999 this subsection is ~~shall be~~ in addition to any other applicable  
2000 penalty.

2001 Section 40. Section 322.64, Florida Statutes, is amended to  
2002 read:

2003 322.64 Holder of commercial driver's license; persons  
2004 operating a commercial motor vehicle; driving with unlawful  
2005 blood-alcohol level; refusal to submit to breath, urine, or blood  
2006 test.--

2007 (1) (a) A law enforcement officer or correctional officer  
2008 shall, on behalf of the department, disqualify from operating any  
2009 commercial motor vehicle a person who while operating or in  
2010 actual physical control of a commercial motor vehicle is arrested  
2011 for a violation of s. 316.193, relating to unlawful blood-alcohol  
2012 level or breath-alcohol level, or a person who has refused to

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2013 submit to a breath, urine, or blood test authorized by s. 322.63  
2014 arising out of the operation or actual physical control of a  
2015 commercial motor vehicle. A law enforcement officer or  
2016 correctional officer shall, on behalf of the department,  
2017 disqualify the holder of a commercial driver's license from  
2018 operating any commercial motor vehicle if the licenseholder,  
2019 while operating or in actual physical control of a motor vehicle,  
2020 is arrested for a violation of s. 316.193, relating to unlawful  
2021 blood-alcohol level or breath-alcohol level, or refused to submit  
2022 to a breath, urine, or blood test authorized by s. 322.63. Upon  
2023 disqualification of the person, the officer shall take the  
2024 person's driver's license and issue the person a 10-day temporary  
2025 permit for the operation of noncommercial vehicles only if the  
2026 person is otherwise eligible for the driving privilege and shall  
2027 issue the person a notice of disqualification. If the person has  
2028 been given a blood, breath, or urine test, the results of which  
2029 are not available to the officer at the time of the arrest, the  
2030 agency employing the officer shall transmit such results to the  
2031 department within 5 days after receipt of the results. If the  
2032 department then determines that the person ~~was arrested for a~~  
2033 ~~violation of s. 316.193 and that the person~~ had a blood-alcohol  
2034 level or breath-alcohol level of 0.08 or higher, the department  
2035 shall disqualify the person from operating a commercial motor  
2036 vehicle pursuant to subsection (3).

2037 (b) The disqualification under paragraph (a) shall be  
2038 pursuant to, and the notice of disqualification shall inform the  
2039 driver of, the following:

2040 1.a. The driver refused to submit to a lawful breath,  
2041 blood, or urine test and he or she is disqualified from operating

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2042 a commercial motor vehicle for a period of 1 year, for a first  
2043 refusal, or permanently, if he or she has previously been  
2044 disqualified as a result of a refusal to submit to such a test;  
2045 or

2046 b. The driver was driving or in actual physical control of  
2047 a commercial motor vehicle, or any motor vehicle if the driver  
2048 holds a commercial driver's license, had an unlawful blood-  
2049 alcohol level or breath-alcohol level of 0.08 or higher, and his  
2050 or her driving privilege shall be disqualified for a period of 6  
2051 months for a first offense or for a period of 1 year if his or  
2052 her driving privilege has been previously disqualified under this  
2053 section. ~~violated s. 316.193 by driving with an unlawful blood-~~  
2054 ~~alcohol level and he or she is disqualified from operating a~~  
2055 ~~commercial motor vehicle for a period of 6 months for a first~~  
2056 ~~offense or for a period of 1 year if he or she has previously~~  
2057 ~~been disqualified, or his or her driving privilege has been~~  
2058 ~~previously suspended, for a violation of s. 316.193.~~

2059 2. The disqualification period for operating commercial  
2060 vehicles shall commence on the date of ~~arrest or~~ issuance of the  
2061 notice of disqualification, ~~whichever is later.~~

2062 3. The driver may request a formal or informal review of  
2063 the disqualification by the department within 10 days after the  
2064 date of ~~arrest or~~ issuance of the notice of disqualification,  
2065 ~~whichever is later.~~

2066 4. The temporary permit issued at the time of ~~arrest or~~  
2067 disqualification expires ~~will expire~~ at midnight of the 10th day  
2068 following the date of disqualification.

2069 5. The driver may submit to the department any materials  
2070 relevant to the disqualification ~~arrest.~~



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2071           (2) Except as provided in paragraph (1) (a), the law  
2072 enforcement officer shall forward to the department, within 5  
2073 days after the date of the ~~arrest or the~~ issuance of the notice  
2074 of disqualification, ~~whichever is later,~~ a copy of the notice of  
2075 disqualification, the driver's license of the person disqualified  
2076 ~~arrested,~~ and ~~a report of the arrest, including, if applicable,~~  
2077 an affidavit stating the officer's grounds for belief that the  
2078 person disqualified arrested was operating or in actual physical  
2079 control of a commercial motor vehicle, or holds a commercial  
2080 driver's license, and had an unlawful blood-alcohol or breath-  
2081 alcohol level in violation of s. 316.193; the results of any  
2082 breath or blood or urine test or an affidavit stating that a  
2083 breath, blood, or urine test was requested by a law enforcement  
2084 officer or correctional officer and that the person arrested  
2085 refused to submit; a copy of the notice of disqualification  
2086 ~~citation~~ issued to the person ~~arrested;~~ and the officer's  
2087 description of the person's field sobriety test, if any. The  
2088 failure of the officer to submit materials within the 5-day  
2089 period specified in this subsection or subsection (1) does shall  
2090 not affect the department's ability to consider any evidence  
2091 submitted at or prior to the hearing. The officer may also submit  
2092 a copy of a videotape of the field sobriety test or the attempt  
2093 to administer such test and a copy of the crash report, if any.

2094           (3) If the department determines that the person arrested  
2095 should be disqualified from operating a commercial motor vehicle  
2096 pursuant to this section and if the notice of disqualification  
2097 has not already been served upon the person by a law enforcement  
2098 officer or correctional officer as provided in subsection (1),  
2099 the department shall issue a notice of disqualification and,

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2100 unless the notice is mailed pursuant to s. 322.251, a temporary  
2101 permit which expires 10 days after the date of issuance if the  
2102 driver is otherwise eligible.

2103 (4) If the person disqualified ~~arrested~~ requests an  
2104 informal review pursuant to subparagraph (1)(b)3., the department  
2105 shall conduct the informal review by a hearing officer employed  
2106 by the department. Such informal review hearing shall consist  
2107 solely of an examination by the department of the materials  
2108 submitted by a law enforcement officer or correctional officer  
2109 and by the person disqualified ~~arrested~~, and the presence of an  
2110 officer or witness is not required.

2111 (5) After completion of the informal review, notice of the  
2112 department's decision sustaining, amending, or invalidating the  
2113 disqualification must be provided to the person. Such notice must  
2114 be mailed to the person at the last known address shown on the  
2115 department's records, and to the address provided in the law  
2116 enforcement officer's report if such address differs from the  
2117 address of record, within 21 days after the expiration of the  
2118 temporary permit issued pursuant to subsection (1) or subsection  
2119 (3).

2120 (6) (a) If the person disqualified ~~arrested~~ requests a  
2121 formal review, the department must schedule a hearing to be held  
2122 within 30 days after such request is received by the department  
2123 and must notify the person of the date, time, and place of the  
2124 hearing.

2125 (b) Such formal review hearing shall be held before a  
2126 hearing officer employed by the department, and the hearing  
2127 officer shall be authorized to administer oaths, examine  
2128 witnesses and take testimony, receive relevant evidence, issue

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2129 subpoenas for the officers and witnesses identified in documents  
2130 as provided in subsection (2), regulate the course and conduct of  
2131 the hearing, and make a ruling on the disqualification. The  
2132 department and the person disqualified ~~arrested~~ may subpoena  
2133 witnesses, and the party requesting the presence of a witness  
2134 shall be responsible for the payment of any witness fees. If the  
2135 person who requests a formal review hearing fails to appear and  
2136 the hearing officer finds such failure to be without just cause,  
2137 the right to a formal hearing is waived ~~and the department shall~~  
2138 ~~conduct an informal review of the disqualification under~~  
2139 ~~subsection (4)~~.

2140 (c) A party may seek enforcement of a subpoena under  
2141 paragraph (b) by filing a petition for enforcement in the circuit  
2142 court of the judicial circuit in which the person failing to  
2143 comply with the subpoena resides. A failure to comply with an  
2144 order of the court shall result in a finding of contempt of  
2145 court. However, a person shall not be in contempt while a  
2146 subpoena is being challenged.

2147 (d) The department must, within 7 days after a formal  
2148 review hearing, send notice to the person of the hearing  
2149 officer's decision as to whether sufficient cause exists to  
2150 sustain, amend, or invalidate the disqualification.

2151 (7) In a formal review hearing under subsection (6) or an  
2152 informal review hearing under subsection (4), the hearing officer  
2153 shall determine by a preponderance of the evidence whether  
2154 sufficient cause exists to sustain, amend, or invalidate the  
2155 disqualification. The scope of the review shall be limited to the  
2156 following issues:

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2157 (a) If the person was disqualified from operating a  
2158 commercial motor vehicle for driving with an unlawful blood-  
2159 alcohol level ~~in violation of s. 316.193:~~

2160 1. Whether the arresting law enforcement officer had  
2161 probable cause to believe that the person was driving or in  
2162 actual physical control of a commercial motor vehicle, or any  
2163 motor vehicle if the driver holds a commercial driver's license,  
2164 in this state while he or she had any alcohol, chemical  
2165 substances, or controlled substances in his or her body.

2166 ~~2. Whether the person was placed under lawful arrest for a~~  
2167 ~~violation of s. 316.193.~~

2168 ~~2.3.~~ Whether the person had an unlawful blood-alcohol level  
2169 or breath-alcohol level of 0.08 or higher as provided in s.  
2170 316.193.

2171 (b) If the person was disqualified from operating a  
2172 commercial motor vehicle for refusal to submit to a breath,  
2173 blood, or urine test:

2174 1. Whether the law enforcement officer had probable cause  
2175 to believe that the person was driving or in actual physical  
2176 control of a commercial motor vehicle, or any motor vehicle if  
2177 the driver holds a commercial driver's license, in this state  
2178 while he or she had any alcohol, chemical substances, or  
2179 controlled substances in his or her body.

2180 2. Whether the person refused to submit to the test after  
2181 being requested to do so by a law enforcement officer or  
2182 correctional officer.

2183 3. Whether the person was told that if he or she refused to  
2184 submit to such test he or she would be disqualified from

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2185 | operating a commercial motor vehicle for a period of 1 year or,  
2186 | in the case of a second refusal, permanently.

2187 |       (8) Based on the determination of the hearing officer  
2188 | pursuant to subsection (7) for both informal hearings under  
2189 | subsection (4) and formal hearings under subsection (6), the  
2190 | department shall:

2191 |       (a) Sustain the disqualification for a period of 1 year for  
2192 | a first refusal, or permanently if such person has been  
2193 | previously disqualified from operating a commercial motor vehicle  
2194 | as a result of a refusal to submit to such tests. The  
2195 | disqualification period commences on the date of the arrest or  
2196 | issuance of the notice of disqualification, whichever is later.

2197 |       (b) Sustain the disqualification:

2198 |       1. For a period of 1 year if the person was driving or in  
2199 | actual physical control of a commercial motor vehicle, or any  
2200 | motor vehicle if the driver holds a commercial driver's license,  
2201 | and had an unlawful blood-alcohol level or breath-alcohol level  
2202 | of 0.08 or higher; or 6 months for a violation of s. 316.193 or  
2203 | for a period of 1 year

2204 |       2. Permanently if the person has been previously  
2205 | disqualified from operating a commercial motor vehicle or his or  
2206 | her driving privilege has been previously suspended for driving  
2207 | or being in actual physical control of a commercial motor  
2208 | vehicle, or any motor vehicle if the driver holds a commercial  
2209 | driver's license, and had an unlawful blood-alcohol level or  
2210 | breath-alcohol level of 0.08 or higher as a result of a  
2211 | violation of s. 316.193.

2212 |

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2213 The disqualification period commences on the date of the arrest  
2214 or issuance of the notice of disqualification, ~~whichever is~~  
2215 ~~later.~~

2216 (9) A request for a formal review hearing or an informal  
2217 review hearing shall not stay the disqualification. If the  
2218 department fails to schedule the formal review hearing to be held  
2219 within 30 days after receipt of the request therefor, the  
2220 department shall invalidate the disqualification. If the  
2221 scheduled hearing is continued at the department's initiative,  
2222 the department shall issue a temporary driving permit limited to  
2223 noncommercial vehicles which is ~~shall be~~ valid until the hearing  
2224 is conducted if the person is otherwise eligible for the driving  
2225 privilege. Such permit shall not be issued to a person who sought  
2226 and obtained a continuance of the hearing. The permit issued  
2227 under this subsection shall authorize driving for business  
2228 purposes ~~or employment use~~ only.

2229 (10) A person who is disqualified from operating a  
2230 commercial motor vehicle under subsection (1) or subsection (3)  
2231 is eligible for issuance of a license for business or employment  
2232 purposes only under s. 322.271 if the person is otherwise  
2233 eligible for the driving privilege. ~~However, such business or~~  
2234 ~~employment purposes license shall not authorize the driver to~~  
2235 ~~operate a commercial motor vehicle.~~

2236 (11) The formal review hearing may be conducted upon a  
2237 review of the reports of a law enforcement officer or a  
2238 correctional officer, including documents relating to the  
2239 administration of a breath test or blood test or the refusal to  
2240 take either test. However, as provided in subsection (6), the

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2241 driver may subpoena the officer or any person who administered or  
2242 analyzed a breath or blood test.

2243 (12) The formal review hearing and the informal review  
2244 hearing are exempt from the provisions of chapter 120. The  
2245 department is authorized to adopt rules for the conduct of  
2246 reviews under this section.

2247 (13) A person may appeal any decision of the department  
2248 sustaining the disqualification from operating a commercial motor  
2249 vehicle by a petition for writ of certiorari to the circuit court  
2250 in the county wherein such person resides or wherein a formal or  
2251 informal review was conducted pursuant to s. 322.31. However, an  
2252 appeal shall not stay the disqualification. This subsection shall  
2253 not be construed to provide for a de novo appeal.

2254 (14) The decision of the department under this section  
2255 shall not be considered in any trial for a violation of s.  
2256 316.193, s. 322.61, or s. 322.62, nor shall any written statement  
2257 submitted by a person in his or her request for departmental  
2258 review under this section be admissible into evidence against him  
2259 or her in any such trial. The disposition of any related criminal  
2260 proceedings shall not affect a disqualification imposed pursuant  
2261 to this section.

2262 (15) This section does not preclude the suspension of the  
2263 driving privilege pursuant to s. 322.2615. The driving privilege  
2264 of a person who has been disqualified from operating a commercial  
2265 motor vehicle also may be suspended for a violation of s.  
2266 316.193.

2267 Section 41. Subsection (10) of section 324.021, Florida  
2268 Statutes, is amended to read:

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2269 324.021 Definitions; minimum insurance required.--The  
2270 following words and phrases when used in this chapter shall, for  
2271 the purpose of this chapter, have the meanings respectively  
2272 ascribed to them in this section, except in those instances where  
2273 the context clearly indicates a different meaning:

2274 (10) JUDGMENT.--Any judgment becomes ~~which shall have~~  
2275 ~~become~~ final by expiration without appeal of the time within  
2276 which an appeal might have been perfected, or by final  
2277 affirmation on appeal, rendered by a court of competent  
2278 jurisdiction of any state or of the United States upon a cause of  
2279 action arising out of the ownership, maintenance, or use of any  
2280 motor vehicle for damages, including damages for care and loss of  
2281 services because of bodily injury to or death of any person, or  
2282 for damages because of injury to or destruction of property,  
2283 including the loss of use thereof, or upon a cause of action on  
2284 an agreement of settlement for such damage.

2285 Section 42. (1) The Automobile Lenders Industry Task Force  
2286 is created within the Department of Highway Safety and Motor  
2287 Vehicles. The task force shall make recommendations on proposed  
2288 legislation and proposed department rules, shall present issues  
2289 concerning the motor vehicle lending industry to the department  
2290 for its consideration, shall consider any matters relating to the  
2291 motor vehicle lending industry which are presented to it by the  
2292 department, and shall submit a final report, including  
2293 legislative proposals to the Governor, the President of the  
2294 Senate, the Speaker of the House of Representatives and  
2295 appropriate committees within the Legislature by June 30, 2009,  
2296 when the task force shall cease to exist.



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2297       (2) The task force shall be composed of 12 members  
2298 appointed by each of the following organizations: one  
2299 representative of the Department of Highway Safety and Motor  
2300 Vehicles; one representative of the independent motor vehicle  
2301 industry, appointed by the Florida Independent Automobile Dealers  
2302 Association; one representative of the franchise motor vehicle  
2303 industry, appointed by the Florida Automobile Dealers  
2304 Association; one representative of credit unions, appointed by  
2305 the Florida Credit Union League; one representative of the  
2306 banking industry, appointed by the Florida Bankers Association;  
2307 one representative of the insurance industry, appointed by the  
2308 Florida Insurance Council; one state attorney, appointed by the  
2309 Florida State Attorneys Association; one representative of the  
2310 Office of Financial Regulation of the Department of Financial  
2311 Services; one representative of a law enforcement agency,  
2312 appointed by the Florida Auto Theft Intelligence Unit; one  
2313 representative of the auto repair industry, appointed by the  
2314 Florida Automotive Services Association; one representative of  
2315 the towing industry, appointed by the Professional Wrecker  
2316 Operators of Florida; and one representative of independent motor  
2317 vehicle finance companies, appointed by the Florida Financial  
2318 Services Association.

2319       (3) (a) The task force shall elect a chair and vice chair at  
2320 its initial meeting, which shall be held by July 15, 2008.

2321       (b) The task force shall meet at least four times in  
2322 different areas of the state, including one meeting in  
2323 Tallahassee. Meetings may be called by the chair or by a simple  
2324 majority of the members. The task force shall conduct all  
2325 meetings pursuant to general law and shall keep minutes of its

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2326 meetings. Meetings may be held in locations around the state in  
2327 department facilities or in other appropriate locations. The  
2328 department shall provide administrative support to the task  
2329 force.

2330 (3) Members from the private sector are not entitled to per  
2331 diem or reimbursement for travel expenses. However, members from  
2332 the public sector are entitled to reimbursement, if any, from  
2333 their respective agency. The task force may request assistance  
2334 from the Department of Highway Safety and Motor Vehicles as  
2335 necessary.

2336 Section 43. Except as otherwise expressly provided in this  
2337 act and except for this section, which shall take effect July 1,  
2338 2008, this act shall take effect October 1, 2008.