

By the Committees on Transportation and Economic Development
Appropriations; Criminal Justice; Transportation; and Senator
Baker

606-07358B-08

20081992c3

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. 316.1895, F.S.;
13 requiring the placement of signs in certain school zones
14 stating that speeding fines are doubled within the zone;
15 amending s. 316.191, F.S.; revising provisions prohibiting
16 certain speed competitions and exhibitions; revising the
17 definition of the terms "conviction," "drag race," and
18 "race"; defining the terms "exhibition of acceleration,"
19 "exhibition of speed," and "spectator"; prohibiting
20 driving in any race, drag race, exhibition of speed, or
21 exhibition of acceleration; prohibiting certain acts in
22 association with a race, drag race, exhibition of speed,
23 or exhibition of acceleration; prohibiting being a
24 spectator at any such race, drag race, or exhibition;
25 providing criminal and noncriminal penalties; providing
26 for revocation of the offender's driver's license upon
27 conviction; providing for disposition of citation for
28 being a spectator; providing penalties for a second or
29 subsequent offense; providing that a violation that causes

606-07358B-08

20081992c3

30 or contributes to causing serious bodily injury to another
31 is a felony of the third degree; providing that a
32 violation that causes or contributes to causing the death
33 of any human being or unborn quick child is the crime of
34 manslaughter resulting from the operation of a motor
35 vehicle; providing penalties; providing for a
36 determination of the definition of the term "unborn quick
37 child"; requiring that the driving record of a person
38 charged be provided to the court; providing criteria for
39 arrest; providing procedures for impoundment or
40 immobilization of a motor vehicle under a court order;
41 providing for release from impoundment under specified
42 exceptions; requiring that costs and fees of impoundment
43 to be paid by the owner or lessee of the motor vehicle;
44 providing procedures for an arresting officer to
45 immediately impound a motor vehicle used in a violation;
46 providing for the period of impoundment; removing a
47 requirement for impoundment that the person being arrested
48 is the registered owner or coowner of the motor vehicle;
49 providing for satisfaction of the element of negligent
50 entrustment; providing for severability; providing
51 noncriminal penalties for the display of obscene words,
52 images, or devices on a motor vehicle; creating s.
53 316.1926, F.S.; creating additional offenses regarding the
54 operation of a motor vehicle; amending s. 316.193, F.S.;
55 lowering the blood-alcohol or breath-alcohol level for
56 which enhanced penalties are imposed against a person who
57 was accompanied in the vehicle by a minor at the time of
58 the offense; clarifying that an ignition interlock device

606-07358B-08

20081992c3

59 | is installed for a continuous period; amending s.
60 | 316.1937, F.S.; revising the conditions under which the
61 | court may require the use of an ignition interlock device;
62 | amending s. 316.2085, F.S.; requiring an operator of a
63 | motorcycle or moped to maintain both wheels on the ground
64 | at all times; requiring that the license tag of a
65 | motorcycle or moped be affixed horizontally; amending s.
66 | 316.2397, F.S.; authorizing specified agencies to display
67 | blue lights when responding to emergencies; amending s.
68 | 316.251, F.S.; conforming a cross-reference; amending s.
69 | 316.29545, F.S.; exempting certain investigative vehicles
70 | from the prohibition against installing window
71 | sunscreening on a vehicle; amending s. 316.302, F.S.;
72 | revising the application of certain federal rules;
73 | providing for the department to perform certain duties
74 | assigned under federal rules; updating a reference to
75 | federal provisions governing out-of-service requirements
76 | for commercial vehicles; amending s. 316.3045, F.S.;
77 | providing enhanced penalties upon multiple convictions for
78 | violating prohibitions against the use of excessively loud
79 | soundmaking equipment in a motor vehicle; amending s.
80 | 316.613, F.S.; redefining the term "motor vehicle" to
81 | exclude certain trucks from the requirement to use a child
82 | restraint; amending s. 316.645, F.S.; authorizing a police
83 | officer to make an arrest upon probable cause of a
84 | violation of laws governing motor vehicle licenses;
85 | amending s. 316.650, F.S.; revising requirements for
86 | traffic citation forms; providing for the electronic
87 | transmission of citation data; amending s. 316.656, F.S.;

606-07358B-08

20081992c3

88 | lowering the percentage of blood or breath alcohol content
89 | relating to the prohibition against pleading guilty to a
90 | lesser offense of driving under the influence than the
91 | offense charged; amending s. 318.14, F.S.; prohibiting a
92 | person from electing more than five times within 10 years
93 | to attend a basic driver improvement course approved by
94 | the Department of Highway Safety and Motor Vehicles in
95 | lieu of making a court appearance; providing additional
96 | penalties for certain offenses involving the operation of
97 | a motorcycle or excessive speed; providing for revocation
98 | of an offender's privilege to operate a motor vehicle;
99 | creating s. 318.195, F.S.; providing enhanced penalties
100 | for moving violations that cause injury or death to a
101 | person on a motorcycle; amending s. 319.001, F.S.;
102 | defining the term "certificate of title" to include
103 | information stored electronically in the department's
104 | database; amending s. 320.0706, F.S.; providing that a
105 | violation of requirements for displaying a truck license
106 | plate is a moving violation; amending s. 320.0715, F.S.;
107 | requiring the department to withhold issuing or to suspend
108 | a registration and license plate for a commercial motor
109 | vehicle if the federal identifying number is not provided
110 | or if the motor carrier or vehicle owner has been
111 | prohibited from operating; amending s. 320.01, F.S.;
112 | redefining the term "motorcycle" to exclude a vehicle
113 | where the operator is enclosed by a cabin; amending s.
114 | 320.02, F.S., as amended; deleting the requirement for a
115 | motorcycle endorsement at the time of original
116 | registration of a motorcycle, motor-driven cycle, or

606-07358B-08

20081992c3

117 moped; repealing s. 320.02(13), F.S., relating to a motor
118 vehicle registration voluntary contribution for the
119 Election Campaign Financing Trust Fund; repealing s.
120 320.08053(3), F.S., relating to provisions requiring that
121 the department adopt rules providing certain
122 specifications for the design of specialty license plates;
123 amending s. 320.08056, F.S.; deleting a provision that
124 exempts collegiate license plates from a requirement that
125 a specialty license plate be discontinued if sales drop
126 below a specified amount; amending s. 320.0894, F.S.;
127 providing for the issuance of Gold Star license plates to
128 certain family members; amending s. 320.27, F.S.; revising
129 the insurance requirements for persons applying for a
130 motor vehicle dealer license; amending s. 320.69, F.S.;
131 authorizing the Department of Highway Safety and Motor
132 Vehicles to adopt rules, including definitions as
133 necessary; creating s. 321.26, F.S.; designating the
134 Joseph P. Bertrand Building in Fort Myers; amending s.
135 322.01, F.S.; defining the term "convenience service";
136 redefining the terms "conviction," "hazardous materials,"
137 and "out-of-service order"; amending s. 322.0255, F.S.;
138 revising eligibility for reimbursement for organizations
139 that conduct motorcycle safety courses; amending s.
140 322.03, F.S.; deleting provisions exempting certain
141 persons from the requirement to surrender a license issued
142 by another jurisdiction; providing certain exceptions for
143 part-time residents; amending ss. 322.051 and 322.08,
144 F.S.; requiring that an applicant for an identification
145 card or driver's license provide additional information;

606-07358B-08

20081992c3

146 authorizing use of additional documents to prove identity;
147 revising the fee requirements; revising provisions
148 providing for the expiration of an identification card
149 issued by the department; deleting provisions authorizing
150 a voluntary contribution; amending s. 322.14, F.S.;
151 requiring that an applicant for a driver's license provide
152 a residence address; amending s. 322.15, F.S.; authorizing
153 a law enforcement officer or authorized representative of
154 the department to collect a person's fingerprints
155 electronically; amending s. 322.17, F.S.; revising the
156 requirements for obtaining a replacement license or
157 permit; deleting provisions authorizing the department to
158 issue address stickers; amending s. 322.18, F.S.; revising
159 provisions providing for the expiration of driver's
160 licenses; providing for the renewal of certain licenses
161 every 8 years and for the renewal of licenses for persons
162 older than a specified age every 6 years; providing for
163 the renewal of licenses using a convenience service;
164 requiring the department to issue new licenses rather than
165 extension stickers; conforming cross-references; repealing
166 s. 322.181(4), F.S., relating to the Florida At-Risk
167 Driver Council; amending s. 322.19, F.S.; deleting
168 provisions authorizing the use of a change-of-address
169 sticker on a driver's license; conforming cross-
170 references; amending s. 322.21, F.S.; increasing the fees
171 charged for obtaining a new or renewal driver's license or
172 identification card; specifying that a portion of the fees
173 be deposited for use by the department; amending s.
174 322.2715, F.S.; clarifying that an ignition interlock

606-07358B-08

20081992c3

175 device is installed for a continuous period; amending s.
176 322.291, F.S.; imposing additional sanctions against a
177 person who violates requirements with respect to an
178 ignition interlock device; amending s. 322.36, F.S.;
179 requiring the suspension for a specified period of the
180 driver's license of a person who loans a vehicle to a
181 person whose driver's license is suspended if that vehicle
182 is involved in an accident resulting in bodily injury or
183 death; repealing s. 322.60, F.S., relating to a
184 prohibition against possessing more than one driver's
185 license under certain circumstances; amending s. 322.61,
186 F.S.; clarifying provisions disqualifying a person from
187 operating a commercial motor vehicle following certain
188 traffic violations; providing for permanent
189 disqualification following conviction of a felony
190 involving the manufacture, distribution, or dispensing of
191 a controlled substance; amending s. 322.64, F.S.;
192 providing that refusal to submit to a breath, urine, or
193 blood test disqualifies a person from operating a
194 commercial motor vehicle; providing a period of
195 disqualification if a person has an unlawful blood-alcohol
196 or breath-alcohol level; providing for issuance of a
197 notice of disqualification; revising the requirements for
198 a formal review hearing following a person's
199 disqualification from operating a commercial motor
200 vehicle; amending s. 324.021, F.S.; clarifying that a
201 judgment becomes final by expiration of the time for
202 appeal; amending 501.976, F.S.; conforming a cross-
203 reference; creating the Automobile Lenders Industry Task

606-07358B-08

20081992c3

204 Force within the Department of Highway Safety and Motor
205 Vehicles; providing duties of the task force; providing
206 for membership and the election of officers; providing for
207 meetings; providing for reimbursement for travel and per
208 diem expenses for public-sector members; requiring the
209 department to provide administrative support and
210 assistance to the task force; prohibiting the Department
211 of Highway Safety and Motor Vehicles from issuing any new
212 specialty license plates for a specified period; providing
213 an effective date.

214

215 Be It Enacted by the Legislature of the State of Florida:

216

217 Section 1. Section 316.0741, Florida Statutes, is amended
218 to read:

219 316.0741 High-occupancy-vehicle ~~High-occupancy vehicle~~
220 lanes.--

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

222 (a) "High-occupancy-vehicle ~~"High-occupancy vehicle lane"~~

223 or "HOV lane" means a lane of a public roadway designated for use
224 by vehicles in which there is more than one occupant unless
225 otherwise authorized by federal law.

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

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

230 2. In the case of a passenger automobile or light truck,
231 has received a certificate of conformity under the Clean Air Act,

606-07358B-08

20081992c3

232 42 U.S.C. ss. 7401 et seq., and meets or exceeds the equivalent
233 qualifying California standards for a low-emission vehicle.

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

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

244 (4) (a) Notwithstanding any other provision of this section,
245 an inherently low-emission vehicle (ILEV) that is certified and
246 labeled in accordance with federal regulations may be driven in
247 an HOV lane at any time, regardless of its occupancy. In
248 addition, upon the state's receipt of written notice from the
249 proper federal regulatory agency authorizing such use, a vehicle
250 defined as a hybrid vehicle under this section may be driven in
251 an HOV lane at any time, regardless of its occupancy.

252 (b) All eligible hybrid and all other eligible low-emission
253 and energy-efficient vehicles driven in an HOV lane must comply
254 with the minimum fuel economy standards in 23 U.S.C. s.
255 166(f) (3) (B).

256 (c) The eligibility of hybrid and other low-emission and
257 energy-efficient vehicles for operation in an HOV lane regardless
258 of occupancy shall be determined in accordance with the
259 applicable final rule issued by the United State Environmental

606-07358B-08

20081992c3

260 Protection Agency pursuant to 23 U.S.C. s. 166(e) and shall take
261 effect on the effective date of the rule.

262 (5) The department shall issue a decal and registration
263 certificate, to be renewed annually, reflecting the HOV lane
264 designation on ~~such~~ vehicles meeting the criteria in subsection
265 (4) and authorizing driving in an HOV lane at any time ~~such use~~.
266 The department may charge a fee for a decal, not to exceed the
267 costs of designing, producing, and distributing each decal, or
268 \$5, whichever is less. The proceeds from sale of the decals shall
269 be deposited in the Highway Safety Operating Trust Fund. The
270 department may, for reasons of operation and management of HOV
271 facilities, limit or discontinue issuance of decals for the use
272 of HOV facilities by hybrid, low-emission, and energy-efficient
273 vehicles regardless of occupancy if it has been determined by the
274 Department of Transportation that the facilities are degraded as
275 defined by 23 U.S.C. s. 166(d) (2).

276 (6) Vehicles that have decals by virtue of compliance with
277 the minimum fuel-economy standards under 23 U.S.C. s.
278 166(f) (3) (B), and that are registered for use in high-occupancy
279 toll lanes or express lanes in accordance with Department of
280 Transportation rule, shall be allowed to use any HOV lanes
281 redesignated as high-occupancy toll lanes or express lanes
282 without payment of a toll.

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

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

287 ~~1. An internal combustion or heat engine using combustible~~
288 ~~fuel; and~~

606-07358B-08

20081992c3

289 2. ~~A rechargeable energy storage system; and~~
290 ~~(b) That, in the case of a passenger automobile or light~~
291 ~~truck:~~

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

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

296 (7)~~(6)~~ The department of Transportation is authorized to
297 ~~may~~ adopt rules necessary to implement and administer this
298 section.

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

301 316.1575 Obedience to traffic control devices at railroad-
302 highway grade crossings.--

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

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

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

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

606-07358B-08

20081992c3

317 (d) An approaching railroad train is plainly visible and is
318 in hazardous proximity to the railroad-highway grade crossing,
319 regardless of the type of traffic control devices installed at
320 the crossing.

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

323 316.1895 Establishment of school speed zones, enforcement;
324 designation.--

325 (6) Permanent signs designating school zones and school
326 zone speed limits shall be uniform in size and color, and shall
327 have the times during which the restrictive speed limit is
328 enforced clearly designated thereon. Flashing beacons activated
329 by a time clock, or other automatic device, or manually activated
330 may be used as an alternative to posting the times during which
331 the restrictive school speed limit is enforced. Beginning July 1,
332 2008, for any newly established school zone or any school zone in
333 which the signing has been replaced, a sign stating "Speeding
334 Fines Doubled" shall be installed within the school zone. The
335 Department of Transportation shall establish adequate standards
336 for the signs and flashing beacons.

337 Section 4. Section 316.191, Florida Statutes, is amended to
338 read:

339 316.191 Racing on highways.--

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

341 (a) "Conviction" means a determination of guilt that is the
342 result of a plea or trial, regardless of whether or not
343 adjudication is withheld.

344 (b) "Drag race" means the operation of two or more motor
345 vehicles in competition, arising from a challenge to demonstrate

606-07358B-08

20081992c3

346 superiority of a motor vehicle or driver and the acceptance or
347 competitive response to that challenge, either through a prior
348 arrangement or in immediate response, from a point side by side
349 at accelerating speeds in a competitive attempt to outdistance
350 each other, or the operation of one or more motor vehicles over a
351 common selected course, from the same point to the same point,
352 for the purpose of comparing the relative speeds or power of
353 acceleration of such motor vehicle or motor vehicles within a
354 certain distance or time limit. A drag race may be prearranged or
355 may occur through a competitive response to conduct on the part
356 of one or more drivers which, under the totality of the
357 circumstances, can reasonably be interpreted as a challenge to
358 participate in a drag race.

359 (c) "Exhibition of acceleration" means the use of a motor
360 vehicle in a demonstration to another person or persons,
361 including, but not limited to, any passenger of such motor
362 vehicle or the driver or passenger of another motor vehicle, of
363 the motor vehicle's ability to accelerate by a sudden increase in
364 speed causing a tire to lose firm traction with, or burn, smoke,
365 or squeal against, the road surface which results in the
366 vehicle's continuous acceleration to a final speed that exceeds
367 the posted or lawful speed limit.

368 (d) "Exhibition of speed" means the use of a motor vehicle
369 in a demonstration to another person or persons, including, but
370 not limited to, any passenger of such motor vehicle or the driver
371 or passenger of another motor vehicle, of the motor vehicle's
372 speed or handling capabilities at a speed of at least double the
373 posted or lawful speed limit or 100 miles per hour, whichever is
374 less.

606-07358B-08

20081992c3

375 ~~(e)~~ "Race Racing" means the use of one or more motor
376 vehicles in competition, arising from a challenge to demonstrate
377 superiority of a motor vehicle or driver and the acceptance or
378 competitive response to that challenge, either through a prior
379 arrangement or in immediate response, in which the competitor
380 attempts ~~an attempt~~ to outgain or outdistance another motor
381 vehicle, to prevent another motor vehicle from passing, to arrive
382 at a given destination ahead of another motor vehicle or motor
383 vehicles, or to test the physical stamina or endurance of drivers
384 over long-distance driving routes. A race may be prearranged or
385 may occur through a competitive response to conduct on the part
386 of one or more drivers which, under the totality of the
387 circumstances, can reasonably be interpreted as a challenge to
388 race.

389 (f) "Spectator" means any person who is knowingly present
390 at and views an illegal race, drag race, or exhibition when such
391 presence is the result of an affirmative choice to attend or
392 participate in the race or exhibition. For purposes of
393 determining whether or not an individual is a spectator, finders
394 of fact shall consider the relationship between the racer and the
395 individual, evidence of gambling or betting on the outcome of the
396 race, and any other factor that would tend to show knowing
397 attendance or participation.

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

401 1. ~~Drive any motor vehicle, including any motorcycle, in~~
402 ~~any race;~~

403 2. Drive in any speed competition or contest, ~~drag race; or~~

606-07358B-08

20081992c3

404 ~~acceleration contest, test of physical endurance, or~~
405 3. Drive in any exhibition of speed; or
406 4. Drive in any exhibition of acceleration. ~~or for the~~
407 ~~purpose of making a speed record on any highway, roadway, or~~
408 ~~parking lot;~~
409 (b) A person may not:
410 1.2. ~~In any manner knowingly~~ participate in, coordinate,
411 facilitate, or collect moneys at any location for any such race,
412 drag race competition, contest, test, or exhibition prohibited
413 under paragraph (a);
414 2.3. ~~Knowingly~~ ride as a passenger in any such race, drag
415 race competition, contest, test, or exhibition prohibited under
416 paragraph (a); or
417 3.4. Knowingly ~~Purposefully~~ cause the movement of traffic
418 to slow or stop for any such race, drag race competition,
419 contest, test, or exhibition prohibited under paragraph (a).
420 (c) A person may not be a spectator at any such race, drag
421 race, or exhibition prohibited under paragraph (a).
422 (3) (a) Any person who violates any provision of this
423 paragraph (2) (a) or paragraph (2) (b) commits a misdemeanor of the
424 second first degree, punishable as provided in s. 775.082 or s.
425 775.083. Any person who violates any provision of this paragraph
426 (2) (a) or paragraph (2) (b) shall pay a fine of not less than \$250
427 \$500 and not more than \$500 \$1,000, and the court shall revoke
428 the driver's license of a person so convicted for 2 years
429 regardless of whether or not adjudication is withheld and the
430 ~~department shall revoke the driver license of a person so~~
431 ~~convicted for 1 year.~~ A hearing may be requested pursuant to s.
432 322.271.

606-07358B-08

20081992c3

433 (b) Any person who violates the provisions of paragraph
434 (2) (c) commits a noncriminal traffic violation, punishable as a
435 moving violation as provided in chapter 318.

436 (c) ~~(b)~~ Any person who violates any provision of paragraph
437 (2) (a) or paragraph (2) (b) within 5 years after the date of a
438 prior violation that resulted in a conviction for a violation of
439 paragraph (2) (a) or paragraph (2) (b) ~~this subsection~~ commits a
440 misdemeanor of the first degree, punishable as provided in s.
441 775.082 or s. 775.083, and shall pay a fine of not less than \$500
442 and not more than \$1,000. In any second or subsequent conviction,
443 the court may not withhold adjudication of guilt and shall revoke
444 the driver's license of that person for 5 years. ~~The department~~
445 ~~shall also revoke the driver license of that person for 2 years.~~
446 A hearing may be requested pursuant to s. 322.271.

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

456 (e) Any person who violates any provision of paragraph
457 (2) (a) or paragraph (2) (b) and by reason of such violation causes
458 or in any way contributes to causing serious bodily injury to
459 another, as defined in s. 316.1933, commits a felony of the third
460 degree, punishable as provided in s. 775.082, s. 775.083, or s.
461 775.084, and shall pay a fine of not less than \$1,000.

606-07358B-08

20081992c3

462 (f) Any person who violates any provision of paragraph
463 (2) (a) or paragraph (2) (b) and by reason of such violation causes
464 or in any way contributes to causing the death of any human being
465 or unborn quick child commits the crime of manslaughter resulting
466 from the operation of a motor vehicle. In any conviction under
467 this paragraph, the court may not withhold adjudication of guilt
468 and shall permanently revoke the driver's license of a person so
469 convicted. A hearing may be requested pursuant to s. 322.271. A
470 person so convicted commits:

471 1. A felony of the second degree, punishable as provided in
472 s. 775.082, s. 775.083, or s. 775.084, and shall pay a fine of
473 not less than \$5,000; or

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

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

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

481
482 For purposes of this paragraph, the definition of the term
483 "unborn quick child" shall be determined in accordance with the
484 definition of viable fetus as set forth in s. 782.071. A person
485 who is convicted of manslaughter resulting from the operation of
486 a motor vehicle shall be sentenced to a mandatory minimum term of
487 imprisonment of 4 years.

488 (4) ~~(e)~~ In any case charging a violation of paragraph (2) (a)
489 or paragraph (2) (b), the court shall be provided a copy of the
490 driving record of the person charged and may obtain any records

606-07358B-08

20081992c3

491 from any other source to determine if one or more prior
492 convictions of the person for violation of paragraph (2) (a) or
493 paragraph (2) (b) have occurred within 5 years prior to the
494 charged offense; however, at trial, proof of such prior
495 conviction must be made by a certified copy of any prior judgment
496 of conviction or judgment withholding adjudication of guilt.

497 (5) (a) ~~(3)~~ Whenever a law enforcement officer determines
498 that a person has committed a violation of paragraph (2) (a) or
499 paragraph (2) (b) ~~was engaged in a drag race or race, as described~~
500 ~~in subsection (1)~~, the officer may immediately arrest and take
501 such person into custody, consistent with constitutional
502 requirements, regardless of whether or not the offense was
503 committed in the presence of the officer or whether the officer's
504 determination is based upon information provided by anonymous
505 tipsters, citizen informants, or any other source. The court may
506 enter an order of impoundment or immobilization as a condition of
507 incarceration or probation. Within 7 business days after the date
508 the court issues the order of impoundment or immobilization, the
509 clerk of the court must send notice by certified mail, return
510 receipt requested, to the registered owner of the motor vehicle,
511 if the registered owner is a person other than the defendant, and
512 to each person of record claiming a lien against the motor
513 vehicle.

514 (b) ~~(a)~~ Notwithstanding any provision of law to the
515 contrary, the impounding agency shall release a motor vehicle
516 under the conditions provided in s. 316.193(6) (e) and ~~(f)~~, ~~(g)~~
517 and ~~(h)~~, if the owner or agent presents a valid driver license at
518 the time of pickup of the motor vehicle.

519 (c) ~~(b)~~ All costs and fees for the impoundment or

606-07358B-08

20081992c3

520 immobilization, including the cost of notification, must be paid
521 by the owner of the motor vehicle or, if the motor vehicle is
522 leased or rented, by the person leasing or renting the motor
523 vehicle, unless the impoundment or immobilization order is
524 dismissed. All provisions of s. 713.78 shall apply.

525 (d)~~(e)~~ Any motor vehicle used in violation of subsection
526 (2) may be impounded for a period of 30 ~~10~~ business days if a law
527 enforcement officer has arrested and taken a person into custody
528 pursuant to this subsection ~~and the person being arrested is the~~
529 ~~registered owner or coowner of the motor vehicle.~~ If the
530 arresting officer finds that the criteria of this paragraph are
531 met, the officer may immediately impound the motor vehicle. The
532 law enforcement officer shall notify the Department of Highway
533 Safety and Motor Vehicles of any impoundment for violation of
534 this subsection in accordance with procedures established by the
535 department. The provisions of paragraphs (b) ~~(a)~~ and (c) ~~(b)~~
536 shall be applicable to such impoundment.

537 ~~(4) Any motor vehicle used in violation of subsection (2)~~
538 ~~by any person within 5 years after the date of a prior conviction~~
539 ~~of that person for a violation under subsection (2) may be seized~~
540 ~~and forfeited as provided by the Florida Contraband Forfeiture~~
541 ~~Act. This subsection shall only be applicable if the owner of the~~
542 ~~motor vehicle is the person charged with violation of subsection~~
543 ~~(2).~~

544 (6)~~(5)~~ This section does not apply to licensed or duly
545 authorized racetracks, drag strips, or other designated areas set
546 aside by proper authorities for such purposes.

547 (7) If any provision of this section is deemed
548 unconstitutional by any court, such unconstitutional provision

606-07358B-08

20081992c3

549 shall be deemed severable and such determination shall not affect
550 the enforceability of all remaining constitutional provisions of
551 this section.

552 Section 5. Whoever willfully displays on a vehicle an
553 obscene word, image, or device, including, but not limited to,
554 reproductive glands, commits a noncriminal traffic violation,
555 punishable as a moving violation as provided in chapter 318,
556 Florida Statutes.

557 Section 6. Section 316.1926, Florida Statutes, is created
558 to read:

559 316.1926 Additional offenses.--

560 (1) A person who violates the provisions of s. 316.2085(2)
561 or (3) shall be cited for a moving violation, punishable as
562 provided in chapter 318.

563 (2) A person who exceeds a speed limit of 50 miles per hour
564 or more in violation of s. 316.183(2), s. 316.187, or s. 316.189
565 shall be cited for a moving violation, punishable as provided in
566 chapter 318.

567 Section 7. Subsection (4) of section 316.193, Florida
568 Statutes, is amended to read:

569 316.193 Driving under the influence; penalties.--

570 (4) Any person who is convicted of a violation of
571 subsection (1) and who has a blood-alcohol level or breath-
572 alcohol level of 0.15 ~~0.20~~ or higher, or any person who is
573 convicted of a violation of subsection (1) and who at the time of
574 the offense was accompanied in the vehicle by a person under the
575 age of 18 years, shall be punished:

576 (a) By a fine of:

577 1. Not less than \$500 or more than \$1,000 for a first

606-07358B-08

20081992c3

578 conviction.

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

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

583 (b) By imprisonment for:

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

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

586

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

591 (c) In addition to the penalties in paragraphs (a) and (b),
592 the court shall order the mandatory placement, at the convicted
593 person's sole expense, of an ignition interlock device approved
594 by the department in accordance with s. 316.1938 upon all
595 vehicles that are individually or jointly leased or owned and
596 routinely operated by the convicted person for not less than ~~up~~
597 ~~to~~ 6 continuous months for the first offense and for not less
598 than ~~at least~~ 2 continuous years for a second offense, when the
599 convicted person qualifies for a permanent or restricted license.
600 ~~The installation of such device may not occur before July 1,~~
601 ~~2003.~~

602 Section 8. Subsection (1) of section 316.1937, Florida
603 Statutes, is amended to read:

604 316.1937 Ignition interlock devices, requiring; unlawful
605 acts.--

606 (1) In addition to any other authorized penalties, the

606-07358B-08

20081992c3

607 | court may require that any person who is convicted of driving
608 | under the influence in violation of s. 316.193 shall not operate
609 | a motor vehicle unless that vehicle is equipped with a
610 | functioning ignition interlock device certified by the department
611 | as provided in s. 316.1938, and installed in such a manner that
612 | the vehicle will not start if the operator's blood alcohol level
613 | is in excess of 0.05 percent or as otherwise specified by the
614 | court. The court may require the use of an approved ignition
615 | interlock device for a period of not less than 6 continuous
616 | months, if the person is permitted to operate a motor vehicle,
617 | whether or not the privilege to operate a motor vehicle is
618 | restricted, as determined by the court. The court, however, shall
619 | order placement of an ignition interlock device in those
620 | circumstances required by s. 316.193.

621 | Section 9. Subsection (2) of section 316.2085, Florida
622 | Statutes, is amended, subsections (3) through (6) of that section
623 | are renumbered as subsections (4) through (7), respectively, and
624 | a new subsection (3) is added to that section, to read:

625 | 316.2085 Riding on motorcycles or mopeds.--

626 | (2) A person shall ride upon a motorcycle or moped only
627 | while sitting astride the seat, with both wheels on the ground at
628 | all times, facing forward, and with one leg on each side of the
629 | motorcycle or moped. However, it is not a violation of this
630 | subsection if the wheels of a motorcycle or moped lose contact
631 | with the ground briefly due to the condition of the road surface
632 | or other circumstances beyond the control of the operator.

633 | (3) The license tag of a motorcycle or moped must be
634 | permanently affixed horizontally to the ground and may not be
635 | adjustable or capable of being flipped up.

606-07358B-08

20081992c3

636 Section 10. Subsections (1) and (2) of section 316.2397,
637 Florida Statutes, are amended to read:

638 316.2397 Certain lights prohibited; exceptions.--

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

644 (2) It is expressly prohibited for any vehicle or
645 equipment, except police vehicles, to show or display blue
646 lights. However, vehicles owned, operated, or leased by the
647 Department of Corrections or any county correctional agency may
648 show or display blue lights when responding to emergencies.

649 Section 11. Subsection (2) of section 316.251, Florida
650 Statutes, is amended to read:

651 316.251 Maximum bumper heights.--

652 (2) "New motor vehicles" as defined in s. 319.001(9) ~~s.~~
653 ~~319.001(8)~~, "antique automobiles" as defined in s. 320.08,
654 "horseless carriages" as defined in s. 320.086, and "street rods"
655 as defined in s. 320.0863 shall be excluded from the requirements
656 of this section.

657 Section 12. Section 316.29545, Florida Statutes, is amended
658 to read:

659 316.29545 Window sunscreening exclusions; medical
660 exemption; certain law enforcement vehicles exempt; certain
661 investigative vehicles exempt.--

662 (1) The department shall issue medical exemption
663 certificates to persons who are afflicted with Lupus or similar
664 medical conditions which require a limited exposure to light,

606-07358B-08

20081992c3

665 | which certificates shall entitle the person to whom the
666 | certificate is issued to have sunscreening material on the
667 | windshield, side windows, and windows behind the driver which is
668 | in violation of the requirements of ss. 316.2951-316.2957. The
669 | department shall provide, by rule, for the form of the medical
670 | certificate authorized by this section. At a minimum, the medical
671 | exemption certificate shall include a vehicle description with
672 | the make, model, year, vehicle identification number, medical
673 | exemption decal number issued for the vehicle, and the name of
674 | the person or persons who are the registered owners of the
675 | vehicle. A medical exemption certificate shall be nontransferable
676 | and shall become null and void upon the sale or transfer of the
677 | vehicle identified on the certificate.

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

681 | (b) The department shall exempt from the sunscreening
682 | requirements of ss. 316.2953, 316.2954, and 316.2956 all vehicles
683 | owned or leased by investigative agencies licensed pursuant to
684 | chapter 493 and used in homeland security functions on behalf of
685 | federal, state, or local authorities; executive protection
686 | activities; undercover, covert, or surveillance operations in
687 | cases involving child abductions, convicted sex offenders,
688 | insurance fraud, or missing persons or property; or other
689 | activities in which evidence is being obtained for civil or
690 | criminal proceedings.

691 | (3) The department may charge a fee in an amount sufficient
692 | to defray the expenses of issuing a medical exemption certificate
693 | as described in subsection (1).

606-07358B-08

20081992c3

694 Section 13. Subsections (1), (6), and (8) of section
695 316.302, Florida Statutes, are amended to read:

696 316.302 Commercial motor vehicles; safety regulations;
697 transporters and shippers of hazardous materials; enforcement.--

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

702 (b) Except as otherwise provided in this section, all
703 owners or drivers of commercial motor vehicles that are engaged
704 in intrastate commerce are subject to the rules and regulations
705 contained in 49 C.F.R. parts 382, 385, and 390-397, with the
706 exception of 49 C.F.R. s. 390.5 as it relates to the definition
707 of bus, as such rules and regulations existed on October 1, 2008
708 ~~2005~~.

709 (c) Except as provided in s. 316.215(5), and except as
710 provided in s. 316.228 for rear overhang lighting and flagging
711 requirements for intrastate operations, the requirements of this
712 section supersede all other safety requirements of this chapter
713 for commercial motor vehicles.

714 (6) The state Department of Transportation shall perform
715 the duties that are assigned to the Field Administrator, Federal
716 Motor Carrier Safety Administration ~~Regional Federal Highway~~
717 ~~Administrator~~ under the federal rules, and an agent of that
718 department, as described in s. 316.545(9), may enforce those
719 rules.

720 (8) For the purpose of enforcing this section, any law
721 enforcement officer of the Department of Transportation or duly
722 appointed agent who holds a current safety inspector

606-07358B-08

20081992c3

723 certification from the Commercial Vehicle Safety Alliance may
724 require the driver of any commercial vehicle operated on the
725 highways of this state to stop and submit to an inspection of the
726 vehicle or the driver's records. If the vehicle or driver is
727 found to be operating in an unsafe condition, or if any required
728 part or equipment is not present or is not in proper repair or
729 adjustment, and the continued operation would present an unduly
730 hazardous operating condition, the officer may require the
731 vehicle or the driver to be removed from service pursuant to the
732 North American Standard ~~Uniform~~ Out-of-Service Criteria, until
733 corrected. However, if continuous operation would not present an
734 unduly hazardous operating condition, the officer may give
735 written notice requiring correction of the condition within 14
736 days.

737 (a) Any member of the Florida Highway Patrol or any law
738 enforcement officer employed by a sheriff's office or municipal
739 police department authorized to enforce the traffic laws of this
740 state pursuant to s. 316.640 who has reason to believe that a
741 vehicle or driver is operating in an unsafe condition may, as
742 provided in subsection (10), enforce the provisions of this
743 section.

744 (b) Any person who fails to comply with an officer's
745 request to submit to an inspection under this subsection commits
746 a violation of s. 843.02 if the person resists the officer
747 without violence or a violation of s. 843.01 if the person
748 resists the officer with violence.

749 Section 14. Section 316.3045, Florida Statutes, is amended
750 to read:

751 316.3045 Operation of radios or other mechanical

606-07358B-08

20081992c3

752 soundmaking devices or instruments in vehicles; exemptions.--

753 (1) It is unlawful for any person operating or occupying a
754 motor vehicle on a street or highway to operate or amplify the
755 sound produced by a radio, tape player, or other mechanical
756 soundmaking device or instrument from within the motor vehicle so
757 that the sound is:

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

760 (b) Louder than necessary for the convenient hearing by
761 persons inside the vehicle in areas adjoining churches, schools,
762 or hospitals.

763 (2) The provisions of this section do ~~shall~~ not apply to
764 any law enforcement motor vehicle equipped with any communication
765 device necessary in the performance of law enforcement duties or
766 to any emergency vehicle equipped with any communication device
767 necessary in the performance of any emergency procedures.

768 (3) The provisions of this section do not apply to motor
769 vehicles used for business or political purposes, which in the
770 normal course of conducting such business use soundmaking
771 devices. The provisions of this subsection shall not be deemed to
772 prevent local authorities, with respect to streets and highways
773 under their jurisdiction and within the reasonable exercise of
774 the police power, from regulating the time and manner in which
775 such business may be operated.

776 (4) The provisions of this section do not apply to the
777 noise made by a horn or other warning device required or
778 permitted by s. 316.271. The Department of Highway Safety and
779 Motor Vehicles shall adopt ~~promulgate~~ rules defining "plainly
780 audible" and establish standards regarding how sound should be

606-07358B-08

20081992c3

781 measured by law enforcement personnel who enforce the provisions
782 of this section.

783 (5) A violation of this section is a noncriminal traffic
784 infraction, punishable as a nonmoving violation as provided in
785 chapter 318.

786 (6) In addition to any fine administered under subsection
787 (5), a person convicted of a violation of this section shall also
788 pay upon the 10th or subsequent conviction, a fine of not less
789 than \$250 but not more than \$500.

790 Section 15. Subsection (2) of section 316.613, Florida
791 Statutes, is amended to read:

792 316.613 Child restraint requirements.--

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

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

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

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

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

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

806 Section 16. Section 316.645, Florida Statutes, is amended
807 to read:

808 316.645 Arrest authority of officer at scene of a traffic
809 crash.--A police officer who makes an investigation at the scene

606-07358B-08

20081992c3

810 of a traffic crash may arrest any driver of a vehicle involved in
811 the crash when, based upon personal investigation, the officer
812 has reasonable and probable grounds to believe that the person
813 has committed any offense under the provisions of this chapter,
814 chapter 320, or chapter 322 in connection with the crash.

815 Section 17. Subsections (1), (3), (4), (5), (6), and (7) of
816 section 316.650, Florida Statutes, are amended to read:

817 316.650 Traffic citations.--

818 (1)(a) The department shall prepare, and supply to every
819 traffic enforcement agency in this state, an appropriate form
820 traffic citation that contains ~~containing~~ a notice to appear, is
821 ~~(which shall be issued in prenumbered books, meets with citations~~
822 ~~in quintuplicate) and meeting~~ the requirements of this chapter or
823 any laws of this state regulating traffic, and is ~~which form~~
824 ~~shall be~~ consistent with the state traffic court rules and the
825 procedures established by the department. The form shall include
826 a box that ~~which~~ is to be checked by the law enforcement officer
827 when the officer believes that the traffic violation or crash was
828 due to aggressive careless driving as defined in s. 316.1923. The
829 form shall also include a box that ~~which~~ is to be checked by the
830 law enforcement officer when the officer writes a uniform traffic
831 citation for a violation of s. 316.074(1) or s. 316.075(1)(c)1.
832 as a result of the driver failing to stop at a traffic signal.

833 (b) The department shall prepare, and supply to every
834 traffic enforcement agency in the state, an appropriate
835 affidavit-of-compliance form that ~~which~~ shall be issued along
836 with the form traffic citation for any violation of s. 316.610
837 and that indicates ~~which shall indicate~~ the specific defect
838 needing ~~which needs~~ to be corrected. However, such affidavit of

606-07358B-08

20081992c3

839 compliance shall not be issued in the case of a violation of s.
840 316.610 by a commercial motor vehicle as defined in s.
841 316.003(66). Such affidavit-of-compliance form shall be
842 distributed in the same manner and to the same parties as is the
843 form traffic citation.

844 (c) Notwithstanding paragraphs (a) and (b), a traffic
845 enforcement agency may produce uniform traffic citations by
846 electronic means. Such citations must be consistent with the
847 state traffic court rules and the procedures established by the
848 department and must be appropriately numbered and inventoried
849 ~~and may have fewer copies than the quintuplicate form~~. Affidavit-
850 of-compliance forms may also be produced by electronic means.

851 (d) The department must distribute to every traffic
852 enforcement agency and to any others who request it, a traffic
853 infraction reference guide describing the class of the traffic
854 infraction, the penalty for the infraction, the points to be
855 assessed on a driver's record license, and any other information
856 necessary to describe a violation and the penalties therefor.

857 (3) (a) Except for a traffic citation issued pursuant to s.
858 316.1001, each traffic enforcement officer, upon issuing a
859 traffic citation to an alleged violator of any provision of the
860 motor vehicle laws of this state or of any traffic ordinance of
861 any municipality ~~city~~ or town, shall deposit the original ~~and one~~
862 ~~copy of such~~ traffic citation or, in the case of a traffic
863 enforcement agency that ~~which~~ has an automated citation issuance
864 system, the chief administrative officer shall provide by an
865 electronic transmission a replica of the citation data to
866 ~~facsimile with~~ a court having jurisdiction over the alleged

606-07358B-08

20081992c3

867 | offense or with its traffic violations bureau within 5 days after
868 | issuance to the violator.

869 | (b) If a traffic citation is issued pursuant to s.
870 | 316.1001, a traffic enforcement officer may deposit the original
871 | ~~and one copy of such~~ traffic citation or, in the case of a
872 | traffic enforcement agency that has an automated citation system,
873 | may provide by an electronic transmission a replica of the
874 | citation data to ~~facsimile with~~ a court having jurisdiction over
875 | the alleged offense or with its traffic violations bureau within
876 | 45 days after the date of issuance of the citation to the
877 | violator. If the person cited for the violation of s. 316.1001
878 | makes the election provided by s. 318.14(12) and pays the \$25
879 | fine, or such other amount as imposed by the governmental entity
880 | owning the applicable toll facility, plus the amount of the
881 | unpaid toll that is shown on the traffic citation directly to the
882 | governmental entity that issued the citation, or on whose behalf
883 | the citation was issued, in accordance with s. 318.14(12), the
884 | traffic citation will not be submitted to the court, the
885 | disposition will be reported to the department by the
886 | governmental entity that issued the citation, or on whose behalf
887 | the citation was issued, and no points will be assessed against
888 | the person's driver's license.

889 | (4) The chief administrative officer of every traffic
890 | enforcement agency shall require the return to him or her ~~of~~ the
891 | officer-agency ~~department record~~ copy of every traffic citation
892 | issued by an officer under the chief administrative officer's
893 | supervision to an alleged violator of any traffic law or
894 | ordinance and ~~of~~ all copies of every traffic citation that ~~which~~
895 | has been spoiled or upon which any entry has been made and not

606-07358B-08

20081992c3

896 issued to an alleged violator. In the case of a traffic
897 enforcement agency that ~~which~~ has an automated citation issuance
898 system, the chief administrative officer shall require the return
899 of all electronic traffic citation records.

900 (5) Upon the deposit of the original ~~and one copy of such~~
901 traffic citation or upon ~~deposit of~~ an electronic transmission of
902 a replica of citation data ~~facsimile~~ of the traffic citation with
903 respect to traffic enforcement agencies that ~~which~~ have an
904 automated citation issuance system with a court having
905 jurisdiction over the alleged offense or with its traffic
906 violations bureau ~~as aforesaid~~, the original citation, the
907 electronic citation containing a replica of citation data
908 ~~facsimile~~, or a copy of such traffic citation may be disposed of
909 only by trial in the court or other official action by a judge of
910 the court, including forfeiture of the bail, or by the deposit of
911 sufficient bail with, or payment of a fine to, the traffic
912 violations bureau by the person to whom such traffic citation has
913 been issued by the traffic enforcement officer.

914 (6) The chief administrative officer shall transmit, on a
915 form approved by the department, ~~the department record copy of~~
916 ~~the uniform traffic citation to the department~~ within 5 days
917 after submission of the original, groups of issued citations ~~and~~
918 ~~one copy to the court, or citation and transmittal data~~ to the
919 court. Batches of electronic citations containing a replica of
920 citation data may be transmitted to the court ~~department~~ in an
921 electronic ~~automated~~ fashion, in a format ~~form~~ prescribed by the
922 department within 5 days after issuance to the violator. A copy
923 ~~of such transmittal shall also be provided to the court having~~
924 ~~jurisdiction for accountability purposes.~~

606-07358B-08

20081992c3

925 (7) The chief administrative officer shall also maintain or
926 cause to be maintained in connection with every traffic citation
927 issued by an officer under his or her supervision a record of the
928 disposition of the charge by the court or its traffic violations
929 bureau in which the original or copy of the traffic citation or
930 electronic citation was deposited.

931 Section 18. Paragraph (a) of subsection (2) of section
932 316.656, Florida Statutes, is amended to read:

933 316.656 Mandatory adjudication; prohibition against
934 accepting plea to lesser included offense.--

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

940 Section 19. Subsection (9) of section 318.14, Florida
941 Statutes, is amended, and subsection (13) is added to that
942 section, to read:

943 318.14 Noncriminal traffic infractions; exception;
944 procedures.--

945 (9) Any person who does not hold a commercial driver's
946 license and who is cited for an infraction under this section
947 other than a violation of s. 316.183(2), s. 316.187, or s.
948 316.189 when the driver exceeds the posted limit by 30 miles per
949 hour or more, s. 320.0605, s. 320.07(3)(a) or (b), s. 322.065, s.
950 322.15(1), s. 322.61, or s. 322.62 may, in lieu of a court
951 appearance, elect to attend in the location of his or her choice
952 within this state a basic driver improvement course approved by
953 the Department of Highway Safety and Motor Vehicles. In such a

606-07358B-08

20081992c3

954 case, adjudication must be withheld; points, as provided by s.
955 322.27, may not be assessed; and the civil penalty that is
956 imposed by s. 318.18(3) must be reduced by 18 percent; however, a
957 person may not make an election under this subsection if the
958 person has made an election under this subsection in the
959 preceding 12 months. A person may make no more than five
960 elections within 10 years under this subsection. The requirement
961 for community service under s. 318.18(8) is not waived by a plea
962 of nolo contendere or by the withholding of adjudication of guilt
963 by a court.

964 (13) (a) A person cited for a violation of s. 316.1926
965 shall, in addition to any other requirements provided herein, pay
966 a fine of \$1,000. This fine is in lieu of the fine required under
967 318.18(3) (b) if the person is cited for violation of s.
968 316.1926(2).

969 (b) A person cited for a second violation of s. 316.1926
970 shall, in addition to any other requirements provided herein, pay
971 a fine of \$2,500. This fine is in lieu of the fine required under
972 s. 318.18(3) (b) if the person is cited for violation of s.
973 316.1926(2). In addition, the court shall revoke the person's
974 authorization and privilege to operate a motor vehicle for a
975 period of 1 year and order the person to surrender his or her
976 driver's license.

977 (c) A person cited for a third violation of s. 316.1926
978 commits a felony of the third degree, punishable as provided in
979 s. 775.082, s. 775.083, or s. 775.084. Upon conviction, the court
980 shall revoke the person's authorization and privilege to operate
981 a motor vehicle for a period of 10 years, and order the person to
982 surrender his or her driver's license.

606-07358B-08

20081992c3

983 Section 20. Section 318.195, Florida Statutes, is created
984 to read:

985 318.195 Enhanced penalties for moving violations causing
986 injury or death to motorcyclists.--

987 (1) A person who is convicted of a moving violation that
988 causes serious bodily injury, as defined in s. 316.1933(1)(b), to
989 another person on a motorcycle commits a misdemeanor of the
990 second degree, punishable as provided in s. 775.082 or s.
991 775.083, shall pay a fine of not less than \$500, shall serve a
992 minimum of 30 days' imprisonment, and shall be required to attend
993 a driver improvement course. In addition, the court shall revoke
994 the person's driver's license for at least 30 days.

995 (2) A person who is convicted of a moving violation that
996 causes or contributes to causing the death of another person on a
997 motorcycle commits a misdemeanor of the first degree, punishable
998 as provided in s. 775.082 or s. 775.083, shall pay a fine of at
999 least \$1,000, shall serve a minimum term of 90 days'
1000 imprisonment, and, in lieu of s. 322.0261, shall be required to
1001 attend an advanced driver improvement course. In addition, the
1002 court shall revoke the driver's license of a person so convicted
1003 for 1 year.

1004 (3) This section does not prohibit a person from being
1005 charged with, convicted of, or punished for any other violation
1006 of law.

1007 Section 21. Subsection (12) is added to section 319.001,
1008 Florida Statutes, to read:

1009 319.001 Definitions.--As used in this chapter, the term:

1010 (12) "Certificate of title" means the record that is
1011 evidence of ownership of a vehicle, whether a paper certificate

606-07358B-08

20081992c3

1012 authorized by the department or a certificate consisting of
1013 information that is stored in an electronic form in the
1014 department's database.

1015 Section 22. Section 320.0706, Florida Statutes, is amended
1016 to read:

1017 320.0706 Display of license plates on trucks.--The owner of
1018 any commercial truck of gross vehicle weight of 26,001 pounds or
1019 more shall display the registration license plate on both the
1020 front and rear of the truck in conformance with all the
1021 requirements of s. 316.605 that do not conflict with this
1022 section. The owner of a dump truck may place the rear license
1023 plate on the gate no higher than 60 inches to allow for better
1024 visibility. However, the owner of a truck tractor shall ~~be~~
1025 ~~required to~~ display the registration license plate only on the
1026 front of such vehicle. A violation of this section is a moving
1027 violation punishable as provided in chapter 318.

1028 Section 23. Subsection (4) of section 320.0715, Florida
1029 Statutes, is amended to read:

1030 320.0715 International Registration Plan; motor carrier
1031 services; permits; retention of records.--

1032 (4) Each motor carrier registered under the International
1033 Registration Plan shall maintain and keep, for a period of 4
1034 years, pertinent records and papers as may be required by the
1035 department for the reasonable administration of this chapter.

1036 (a) The department shall withhold the registration and
1037 license plate for a commercial motor vehicle unless the
1038 identifying number issued by the federal agency responsible for
1039 motor carrier safety is provided for the motor carrier and the

606-07358B-08

20081992c3

1040 entity responsible for motor carrier safety for each motor
1041 vehicle as part of the application process.

1042 (b) The department may not issue a commercial motor vehicle
1043 registration or license plate to, and may not transfer the
1044 commercial motor vehicle registration or license plate for, a
1045 motor carrier or vehicle owner who has been prohibited from
1046 operating by a federal or state agency responsible for motor
1047 carrier safety.

1048 (c) The department, with notice, shall suspend any
1049 commercial motor vehicle registration and license plate issued to
1050 a motor carrier or vehicle owner who has been prohibited from
1051 operating by a federal or state agency responsible for motor
1052 carrier safety.

1053 Section 24. Subsection (27) of section 320.01, Florida
1054 Statutes, is amended to read:

1055 320.01 Definitions, general.--As used in the Florida
1056 Statutes, except as otherwise provided, the term:

1057 (27) "Motorcycle" means any motor vehicle having a seat or
1058 saddle for the use of the rider and designed to travel on not
1059 more than three wheels in contact with the ground, but excluding
1060 a tractor, ~~or~~ a moped, or a vehicle where the operator is
1061 enclosed by a cabin.

1062 Section 25. Effective July 1, 2008, subsection (1) of
1063 section 320.02, Florida Statutes, as amended by section 28 of
1064 chapter 2006-290, Laws of Florida, is amended to read:

1065 (1) Except as otherwise provided in this chapter, every
1066 owner or person in charge of a motor vehicle that is operated or
1067 driven on the roads of this state shall register the vehicle in
1068 this state. The owner or person in charge shall apply to the

606-07358B-08

20081992c3

1069 department or to its authorized agent for registration of each
1070 such vehicle on a form prescribed by the department. ~~Prior to the~~
1071 ~~original registration of a motorcycle, motor driven cycle, or~~
1072 ~~moped, the owner, if a natural person, must present proof that he~~
1073 ~~or she has a valid motorcycle endorsement as required in chapter~~
1074 ~~322.~~ A registration is not required for any motor vehicle that is
1075 not operated on the roads of this state during the registration
1076 period.

1077 Section 26. Subsection (13) of section 320.02, Florida
1078 Statutes, is repealed.

1079 Section 27. Subsection (3) of section 320.08053, Florida
1080 Statutes, is repealed.

1081 Section 28. Subsection (8) of section 320.08056, Florida
1082 Statutes, is amended to read:

1083 320.08056 Specialty license plates.--

1084 (8) (a) The department must discontinue the issuance of an
1085 approved specialty license plate if the number of valid specialty
1086 plate registrations falls below 1,000 plates for at least 12
1087 consecutive months. A warning letter shall be mailed to the
1088 sponsoring organization following the first month in which the
1089 total number of valid specialty plate registrations is below
1090 1,000 plates. ~~This paragraph does not apply to collegiate license~~
1091 ~~plates established under s. 320.08058(3).~~

1092 (b) The department is authorized to discontinue the
1093 issuance of a specialty license plate and distribution of
1094 associated annual use fee proceeds if the organization no longer
1095 exists, if the organization has stopped providing services that
1096 are authorized to be funded from the annual use fee proceeds, or
1097 pursuant to an organizational recipient's request. Organizations

606-07358B-08

20081992c3

1098 are required to notify the department immediately to stop all
1099 warrants for plate sales if any of the conditions in this section
1100 exist, and must meet the requirements of s. 320.08062 for any
1101 period of operation during a fiscal year.

1102 Section 29. Paragraph (a) of subsection (4) of section
1103 320.0894, Florida Statutes, is amended to read:

1104 320.0894 Motor vehicle license plates to Gold Star family
1105 members.--The department shall develop a special license plate
1106 honoring the family members of servicemembers who have been
1107 killed while serving in the Armed Forces of the United States.
1108 The license plate shall be officially designated as the Gold Star
1109 license plate and shall be developed and issued as provided in
1110 this section.

1111 (4) (a) 1. a. The Gold Star license plate shall be issued only
1112 to family members of a servicemember who resided in Florida at
1113 the time of the death of the servicemember.

1114 b. Any family member, as defined in subparagraph 2., of a
1115 servicemember killed while serving may be issued a Gold Star
1116 license plate upon payment of the license tax and appropriate
1117 fees as provided in paragraph (3) (a) without regard to the state
1118 of residence of the servicemember.

1119 2. To qualify for issuance of a Gold Star license plate,
1120 the applicant must be directly related to a fallen servicemember
1121 as spouse, legal mother or father, or stepparent who is currently
1122 married to the mother or father of the fallen servicemember.

1123 3. A servicemember is deemed to have been killed while in
1124 service as listed by the United States Department of Defense and
1125 may be verified from documentation directly from the Department
1126 of Defense or from its subordinate agencies, such as the Coast

606-07358B-08

20081992c3

1127 Guard, Reserve, or National Guard.

1128 Section 30. Subsection (3) of section 320.27, Florida
1129 Statutes, is amended to read:

1130 320.27 Motor vehicle dealers.--

1131 (3) APPLICATION AND FEE.--The application for the license
1132 shall be in such form as may be prescribed by the department and
1133 shall be subject to such rules with respect thereto as may be so
1134 prescribed by it. Such application shall be verified by oath or
1135 affirmation and shall contain a full statement of the name and
1136 birth date of the person or persons applying therefor; the name
1137 of the firm or copartnership, with the names and places of
1138 residence of all members thereof, if such applicant is a firm or
1139 copartnership; the names and places of residence of the principal
1140 officers, if the applicant is a body corporate or other
1141 artificial body; the name of the state under whose laws the
1142 corporation is organized; the present and former place or places
1143 of residence of the applicant; and prior business in which the
1144 applicant has been engaged and the location thereof. Such
1145 application shall describe the exact location of the place of
1146 business and shall state whether the place of business is owned
1147 by the applicant and when acquired, or, if leased, a true copy of
1148 the lease shall be attached to the application. The applicant
1149 shall certify that the location provides an adequately equipped
1150 office and is not a residence; that the location affords
1151 sufficient unoccupied space upon and within which adequately to
1152 store all motor vehicles offered and displayed for sale; and that
1153 the location is a suitable place where the applicant can in good
1154 faith carry on such business and keep and maintain books,
1155 records, and files necessary to conduct such business, which will

606-07358B-08

20081992c3

1156 | be available at all reasonable hours to inspection by the
1157 | department or any of its inspectors or other employees. The
1158 | applicant shall certify that the business of a motor vehicle
1159 | dealer is the principal business which shall be conducted at that
1160 | location. Such application shall contain a statement that the
1161 | applicant is either franchised by a manufacturer of motor
1162 | vehicles, in which case the name of each motor vehicle that the
1163 | applicant is franchised to sell shall be included, or an
1164 | independent (nonfranchised) motor vehicle dealer. Such
1165 | application shall contain such other relevant information as may
1166 | be required by the department, including evidence that the
1167 | applicant is insured under a garage liability insurance policy or
1168 | a general liability insurance policy coupled with a business
1169 | automobile policy, which shall include, at a minimum, \$25,000
1170 | combined single-limit liability coverage including bodily injury
1171 | and property damage protection and \$10,000 personal injury
1172 | protection. Franchise dealers must submit a garage liability
1173 | insurance policy, and all other dealers must submit a garage
1174 | liability insurance policy or a general liability insurance
1175 | policy coupled with a business automobile policy. Such policy
1176 | shall be for the license period, and evidence of a new or
1177 | continued policy shall be delivered to the department at the
1178 | beginning of each license period. Upon making ~~such~~ initial
1179 | application, the applicant ~~person applying therefor~~ shall pay to
1180 | the department a fee of \$300 in addition to any other fees now
1181 | required by law; upon making a subsequent renewal application,
1182 | the applicant ~~person applying therefor~~ shall pay to the
1183 | department a fee of \$75 in addition to any other fees now
1184 | required by law. Upon making an application for a change of

606-07358B-08

20081992c3

1185 location, the person shall pay a fee of \$50 in addition to any
1186 other fees now required by law. The department shall, in the case
1187 of every application for initial licensure, verify whether
1188 certain facts set forth in the application are true. Each
1189 applicant, general partner in the case of a partnership, or
1190 corporate officer and director in the case of a corporate
1191 applicant, must file a set of fingerprints with the department
1192 for the purpose of determining any prior criminal record or any
1193 outstanding warrants. The department shall submit the
1194 fingerprints to the Department of Law Enforcement for state
1195 processing and forwarding to the Federal Bureau of Investigation
1196 for federal processing. The actual cost of ~~such~~ state and federal
1197 processing shall be borne by the applicant and is ~~to be~~ in
1198 addition to the fee for licensure. The department may issue a
1199 license to an applicant pending the results of the fingerprint
1200 investigation, which license is fully revocable if the department
1201 subsequently determines that any facts set forth in the
1202 application are not true or correctly represented.

1203 Section 31. Section 320.69, Florida Statutes, is amended to
1204 read:

1205 320.69 Rules.--The department has authority to adopt rules
1206 pursuant to ss. 120.536(1) and 120.54 to implement ss. 320.61-
1207 320.70, including the authority to adopt definitions as necessary
1208 the provisions of this law.

1209 Section 32. Section 321.26, Florida Statutes, is created to
1210 read:

1211 321.26 Joseph P. Bertrand Building designation.--

1212 (1) The regional transportation management center in Fort
1213 Myers is designated the "Joseph P. Bertrand Building."

606-07358B-08

20081992c3

1214 (2) The Department of Highway Safety and Motor Vehicles may
1215 erect suitable markers designating the "Joseph P. Bertrand
1216 Building" described in subsection (1).

1217 Section 33. Present subsections (10) through (44) of
1218 section 322.01, Florida Statutes, are redesignated as subsections
1219 (11) through (45), respectively, a new subsection (10) is added
1220 to that section, and present subsections (10), (23), and (29) of
1221 that section are amended, to read:

1222 322.01 Definitions.--As used in this chapter:

1223 (10) "Convenience service" means any means whereby an
1224 individual conducts a transaction with the department other than
1225 in person.

1226 (11)~~(10)~~(a) "Conviction" means a conviction of an offense
1227 relating to the operation of motor vehicles on highways which is
1228 a violation of this chapter or any other such law of this state
1229 or any other state, including an admission or determination of a
1230 noncriminal traffic infraction pursuant to s. 318.14, or a
1231 judicial disposition of an offense committed under any federal
1232 law substantially conforming to the aforesaid state statutory
1233 provisions.

1234 (b) Notwithstanding any other provisions of this chapter,
1235 the definition of "conviction" provided in 49 C.F.R. part 383.5
1236 applies to offenses committed in a commercial motor vehicle or by
1237 a person holding a commercial driver license.

1238 (24)~~(23)~~ "Hazardous materials" means any material that has
1239 been designated as hazardous under 49 U.S.C. 5103 and is required
1240 to be placarded under subpart F of 49 C.F.R. part 172 or any
1241 quantity of a material listed as a select agent or toxin in 42

606-07358B-08

20081992c3

1242 C.F.R. part 73 ~~has the meaning such term has under s. 103 of the~~
1243 ~~Hazardous Materials Transportation Act.~~

1244 ~~(30)(29)~~ "Out-of-service order" means a prohibition issued
1245 by an authorized local, state, or Federal Government official
1246 which precludes a person from driving a commercial motor vehicle
1247 ~~for a period of 72 hours or less.~~

1248 Section 34. Effective July 1, 2008, subsection (5) of
1249 section 322.0255, Florida Statutes, is amended to read:

1250 322.0255 Florida Motorcycle Safety Education Program.--

1251 (5) The only organizations that are eligible for
1252 reimbursement are organizations that executed a contract on or
1253 after July 1, 2008. This reimbursement shall continue for 12
1254 months following the execution of the organization's contract.

1255 The department shall, subject to the availability of funds,
1256 reimburse each organization that provides an approved motorcycle
1257 safety education course for each student who begins the on-cycle
1258 portion of the course. This shall include any student not
1259 required to attend a motorcycle safety education course prior to
1260 licensure as required in s. 322.12. The amount to be reimbursed
1261 per student to each course provider shall be determined by the
1262 department. In order to facilitate such determination, each
1263 course provider shall be required to submit proof satisfactory to
1264 the department of the expected cost per student to be incurred by
1265 such course provider. In no event shall the amount to be
1266 reimbursed per student to any course provider exceed the expected
1267 cost per student. In addition to the amount of any reimbursement,
1268 each course provider that conducts such a course may charge each
1269 student a tuition fee sufficient to defray the cost of conducting
1270 the course. The department shall fund the payments required under

606-07358B-08

20081992c3

1271 | this subsection from the motorcycle safety education fee, as
1272 | provided in ss. 320.08 and 322.025.

1273 | Section 35. Subsection (1) of section 322.03, Florida
1274 | Statutes, is amended to read:

1275 | 322.03 Drivers must be licensed; penalties.--

1276 | (1) Except as otherwise authorized in this chapter, a
1277 | person may not drive any motor vehicle upon a highway in this
1278 | state unless such person has a valid driver's license under the
1279 | provisions of this chapter.

1280 | (a) A person who drives a commercial motor vehicle shall
1281 | not receive a driver's license unless and until he or she
1282 | surrenders to the department all driver's licenses in his or her
1283 | possession issued to him or her by any other jurisdiction or
1284 | makes an affidavit that he or she does not possess a driver's
1285 | license. Any such person who fails to surrender such licenses or
1286 | who makes a false affidavit concerning such licenses is guilty of
1287 | a misdemeanor of the first degree, punishable as provided in s.
1288 | 775.082 or s. 775.083.

1289 | (b) ~~A person who does not drive a commercial motor vehicle~~
1290 | ~~is not required to surrender a license issued by another~~
1291 | ~~jurisdiction, upon a showing to the department that such license~~
1292 | ~~is necessary because of employment or part-time residence. Any~~
1293 | ~~person who retains a driver's license because of employment or~~
1294 | ~~part-time residence shall, upon qualifying for a license in this~~
1295 | ~~state, be issued a driver's license which shall be valid within~~
1296 | ~~this state only.~~ All surrendered licenses may be returned by the
1297 | department to the issuing jurisdiction together with information
1298 | that the licensee is now licensed in a new jurisdiction or may be
1299 | destroyed by the department, which shall notify the issuing

606-07358B-08

20081992c3

1300 jurisdiction of such destruction. A person may not have more than
1301 one valid ~~Florida~~ driver's license at any time.

1302 (c) A part-time resident issued a license pursuant to
1303 paragraph (b) may continue to hold such license until the next
1304 regularly scheduled renewal. Licenses that are identified as
1305 "Valid in Florida only" may not be issued or renewed effective
1306 July 1, 2009. This paragraph expires June 30, 2017.

1307 Section 36. Subsections (1) and (2) of section 322.051,
1308 Florida Statutes, are amended to read:

1309 322.051 Identification cards.--

1310 (1) Any person who is 5 years of age or older, or any
1311 person who has a disability, regardless of age, who applies for a
1312 disabled parking permit under s. 320.0848, may be issued an
1313 identification card by the department upon completion of an
1314 application and payment of an application fee.

1315 (a) Each such application shall include the following
1316 information regarding the applicant:

1317 1. Full name (first, middle or maiden, and last), gender,
1318 proof of social security card number satisfactory to the
1319 department, county of residence, ~~and~~ mailing address, proof of
1320 residential address satisfactory to the department, country of
1321 birth, and a brief description.

1322 2. Proof of birth date satisfactory to the department.

1323 3. Proof of identity satisfactory to the department. Such
1324 proof must include one of the following documents issued to the
1325 applicant:

1326 a. A driver's license record or identification card record
1327 from another jurisdiction that required the applicant to submit a
1328 document for identification which is substantially similar to a

606-07358B-08

20081992c3

1329 document required under sub-subparagraph b., sub-subparagraph c.,
1330 sub-subparagraph d., sub-subparagraph e., sub-subparagraph f., ~~or~~
1331 sub-subparagraph g., or sub-subparagraph h.;

1332 b. A certified copy of a United States birth certificate;

1333 c. A valid, unexpired United States passport;

1334 d. A naturalization certificate issued by the United States
1335 Department of Homeland Security;

1336 e. A valid, unexpired ~~An~~ alien registration receipt card
1337 (green card);

1338 f. Consular Report of Birth Abroad provided by the United
1339 States Department of State;

1340 ~~g.f.~~ An unexpired employment authorization card issued by
1341 the United States Department of Homeland Security; or

1342 ~~h.g.~~ Proof of nonimmigrant classification provided by the
1343 United States Department of Homeland Security, for an original
1344 identification card. In order to prove such nonimmigrant
1345 classification, applicants may produce but are not limited to the
1346 following documents:

1347 (I) A notice of hearing from an immigration court
1348 scheduling a hearing on any proceeding.

1349 (II) A notice from the Board of Immigration Appeals
1350 acknowledging pendency of an appeal.

1351 (III) Notice of the approval of an application for
1352 adjustment of status issued by the United States Bureau of
1353 Citizenship and Immigration Services.

1354 (IV) Any official documentation confirming the filing of a
1355 petition for asylum or refugee status or any other relief issued
1356 by the United States Bureau of Citizenship and Immigration
1357 Services.

606-07358B-08

20081992c3

1358 (V) Notice of action transferring any pending matter from
1359 another jurisdiction to Florida, issued by the United States
1360 Bureau of Citizenship and Immigration Services.

1361 (VI) Order of an immigration judge or immigration officer
1362 granting any relief that authorizes the alien to live and work in
1363 the United States including, but not limited to asylum.

1364 (VII) Evidence that an application is pending for
1365 adjustment of status to that of an alien lawfully admitted for
1366 permanent residence in the United States or conditional permanent
1367 resident status in the United States, if a visa number is
1368 available having a current priority date for processing by the
1369 United States Bureau of Citizenship and Immigration Services.

1370 (VIII) On or after January 1, 2010, an unexpired foreign
1371 passport with an unexpired United States Visa affixed,
1372 accompanied by an approved I-94, documenting the most recent
1373 admittance into the United States.

1374
1375 Presentation of any of the documents described in sub-
1376 subparagraph g. ~~f.~~ or sub-subparagraph h. ~~g.~~ entitles the
1377 applicant to an identification card for a period not to exceed
1378 the expiration date of the document presented or 1 year,
1379 whichever first occurs.

1380 (b) An application for an identification card must be
1381 signed and verified by the applicant in a format designated by
1382 the department before a person authorized to administer oaths and
1383 payment of the applicable fee pursuant to s. 322.21. ~~The fee for~~
1384 ~~an identification card is \$3, including payment for the color~~
1385 ~~photograph or digital image of the applicant.~~

606-07358B-08

20081992c3

1386 (c) Each such applicant may include fingerprints and any
1387 other unique biometric means of identity.

1388 (2) (a) Every identification card:

1389 1. Issued to a person 5 years of age to 14 years of age
1390 shall expire, unless canceled earlier, on the fourth birthday of
1391 the applicant following the date of original issue.

1392 2. Issued to a person 15 years of age and older shall
1393 expire, unless canceled earlier, on the eighth birthday of the
1394 applicant following the date of original issue.

1395
1396 Renewal of an identification card shall be made for the
1397 applicable term enumerated in this paragraph. However, if an
1398 individual is 60 years of age or older, and has an identification
1399 card issued under this section, the card shall not expire unless
1400 done so by cancellation by the department or by the death of the
1401 cardholder. Renewal of any identification card shall be made for
1402 a term which shall expire on the fourth birthday of the applicant
1403 following expiration of the identification card renewed, unless
1404 surrendered earlier. Any application for renewal received later
1405 than 90 days after expiration of the identification card shall be
1406 considered the same as an application for an original
1407 identification card. The renewal fee for an identification card
1408 shall be \$10, of which \$4 shall be deposited into the General
1409 Revenue Fund and \$6 into the Highway Safety Operating Trust Fund.
1410 The department shall, at the end of 4 years and 6 months after
1411 the issuance or renewal of an identification card, destroy any
1412 record of the card if it has expired and has not been renewed,
1413 unless the cardholder is 60 years of age or older.

606-07358B-08

20081992c3

1414 (b) Notwithstanding any other provision of this chapter, if
1415 an applicant establishes his or her identity for an
1416 identification card using a document authorized under sub-
1417 subparagraph (1)(a)3.e., the identification card shall expire on
1418 the eighth ~~fourth~~ birthday of the applicant following the date of
1419 original issue or upon first renewal or duplicate issued after
1420 implementation of this section. After an initial showing of such
1421 documentation, he or she is exempted from having to renew or
1422 obtain a duplicate in person.

1423 (c) Notwithstanding any other provisions of this chapter,
1424 if an applicant establishes his or her identity for an
1425 identification card using an identification document authorized
1426 under sub-subparagraph (1)(a)3.g. ~~(1)(a)3.f.~~ or sub-subparagraph
1427 (1)(a)3.h. ~~(1)(a)3.g.~~, the identification card shall expire 1
1428 year ~~2 years~~ after the date of issuance or upon the expiration
1429 date cited on the United States Department of Homeland Security
1430 documents, whichever date first occurs, and may not be renewed or
1431 obtain a duplicate except in person.

1432 Section 37. Subsections (1), (2), and (6) of section
1433 322.08, Florida Statutes, are amended to read:

1434 322.08 Application for license.--

1435 (1) Each application for a driver's license shall be made
1436 in a format designated by the department and sworn to or affirmed
1437 by the applicant as to the truth of the statements made in the
1438 application.

1439 (2) Each such application shall include the following
1440 information regarding the applicant:

1441 (a) Full name (first, middle or maiden, and last), gender,
1442 proof of social security card number satisfactory to the

606-07358B-08

20081992c3

1443 department, county of residence, and mailing address, proof of
1444 residential address satisfactory to the department, country of
1445 birth, and a brief description.

1446 (b) Proof of birth date satisfactory to the department.

1447 (c) Proof of identity satisfactory to the department. Such
1448 proof must include one of the following documents issued to the
1449 applicant:

1450 1. A driver's license record or identification card record
1451 from another jurisdiction that required the applicant to submit a
1452 document for identification which is substantially similar to a
1453 document required under subparagraph 2., subparagraph 3.,
1454 subparagraph 4., subparagraph 5., subparagraph 6., ~~or~~
1455 subparagraph 7., or subparagraph 8.;

1456 2. A certified copy of a United States birth certificate;

1457 3. A valid, unexpired United States passport;

1458 4. A naturalization certificate issued by the United States
1459 Department of Homeland Security;

1460 5. A valid, unexpired ~~An~~ alien registration receipt card
1461 (green card);

1462 6. Consular Report of Birth Abroad provided by the United
1463 States Department of State;

1464 ~~7.6.~~ An unexpired employment authorization card issued by
1465 the United States Department of Homeland Security; or

1466 ~~8.7.~~ Proof of nonimmigrant classification provided by the
1467 United States Department of Homeland Security, for an original
1468 driver's license. In order to prove nonimmigrant classification,
1469 an applicant may produce the following documents, including, but
1470 not limited to:

606-07358B-08

20081992c3

1471 a. A notice of hearing from an immigration court scheduling
1472 a hearing on any proceeding.

1473 b. A notice from the Board of Immigration Appeals
1474 acknowledging pendency of an appeal.

1475 c. A notice of the approval of an application for
1476 adjustment of status issued by the United States Bureau of
1477 Citizenship and Immigration Services.

1478 d. Any official documentation confirming the filing of a
1479 petition for asylum or refugee status or any other relief issued
1480 by the United States Bureau of Citizenship and Immigration
1481 Services.

1482 e. A notice of action transferring any pending matter from
1483 another jurisdiction to this state issued by the United States
1484 Bureau of Citizenship and Immigration Services.

1485 f. An order of an immigration judge or immigration officer
1486 granting any relief that authorizes the alien to live and work in
1487 the United States, including, but not limited to, asylum.

1488 g. Evidence that an application is pending for adjustment
1489 of status to that of an alien lawfully admitted for permanent
1490 residence in the United States or conditional permanent resident
1491 status in the United States, if a visa number is available having
1492 a current priority date for processing by the United States
1493 Bureau of Citizenship and Immigration Services.

1494 h. On or after January 1, 2010, an unexpired foreign
1495 passport with an unexpired United States Visa affixed,
1496 accompanied by an approved I-94, documenting the most recent
1497 admittance into the United States.

1498

606-07358B-08

20081992c3

1499 Presentation of any of the documents in subparagraph 7. ~~6.~~ or
1500 subparagraph 8. ~~7.~~ entitles the applicant to a driver's license
1501 or temporary permit for a period not to exceed the expiration
1502 date of the document presented or 1 year, whichever occurs first.

1503 (d) Whether the applicant has previously been licensed to
1504 drive, and, if so, when and by what state, and whether any such
1505 license or driving privilege has ever been disqualified, revoked,
1506 or suspended, or whether an application has ever been refused,
1507 and, if so, the date of and reason for such disqualification,
1508 suspension, revocation, or refusal.

1509 (e) Each such application may include fingerprints and
1510 other unique biometric means of identity.

1511 (6) The application form for a driver's license or
1512 duplicate thereof shall include language permitting the
1513 following:

1514 ~~(a) A voluntary contribution of \$5 per applicant, which~~
1515 ~~contribution shall be transferred into the Election Campaign~~
1516 ~~Financing Trust Fund.~~

1517 (a) ~~(b)~~ A voluntary contribution of \$1 per applicant, which
1518 contribution shall be deposited into the Florida Organ and Tissue
1519 Donor Education and Procurement Trust Fund for organ and tissue
1520 donor education and for maintaining the organ and tissue donor
1521 registry.

1522 (b) ~~(e)~~ A voluntary contribution of \$1 per applicant, which
1523 contribution shall be distributed to the Florida Council of the
1524 Blind.

1525 (c) ~~(d)~~ A voluntary contribution of \$2 per applicant, which
1526 shall be distributed to the Hearing Research Institute,
1527 Incorporated.

606-07358B-08

20081992c3

1528 (d)~~(e)~~ A voluntary contribution of \$1 per applicant, which
1529 shall be distributed to the Juvenile Diabetes Foundation
1530 International.

1531 (e)~~(f)~~ A voluntary contribution of \$1 per applicant, which
1532 shall be distributed to the Children's Hearing Help Fund.
1533

1534 A statement providing an explanation of the purpose of the trust
1535 funds shall also be included. For the purpose of applying the
1536 service charge provided in s. 215.20, contributions received
1537 under paragraphs (b), (c), (d), and (e) ~~(e), (d), (e), and (f)~~
1538 and under s. 322.18(9)(a) are not income of a revenue nature.

1539 Section 38. Paragraph (a) of subsection (1) of section
1540 322.14, Florida Statutes, is amended to read:

1541 322.14 Licenses issued to drivers.--

1542 (1)(a) The department shall, upon successful completion of
1543 all required examinations and payment of the required fee, issue
1544 to every applicant qualifying therefor, a driver's license as
1545 applied for, which license shall bear thereon a color photograph
1546 or digital image of the licensee; the name of the state; a
1547 distinguishing number assigned to the licensee; and the
1548 licensee's full name, date of birth, and residence ~~mailing~~
1549 address; a brief description of the licensee, including, but not
1550 limited to, the licensee's gender and height; and the dates of
1551 issuance and expiration of the license. A space shall be provided
1552 upon which the licensee shall affix his or her usual signature.
1553 No license shall be valid until it has been so signed by the
1554 licensee except that the signature of said licensee shall not be
1555 required if it appears thereon in facsimile or if the licensee is
1556 not present within the state at the time of issuance. Applicants

606-07358B-08

20081992c3

1557 | qualifying to receive a Class A, Class B, or Class C driver's
1558 | license must appear in person within the state for issuance of a
1559 | color photographic or digital imaged driver's license pursuant to
1560 | s. 322.142.

1561 | Section 39. Section 322.15, Florida Statutes, is amended to
1562 | read:

1563 | 322.15 License to be carried and exhibited on demand;
1564 | fingerprint to be imprinted upon a citation.--

1565 | (1) Every licensee shall have his or her driver's license,
1566 | which must be fully legible with no portion of such license
1567 | faded, altered, mutilated, or defaced, in his or her immediate
1568 | possession at all times when operating a motor vehicle and shall
1569 | display the same upon the demand of a law enforcement officer or
1570 | an authorized representative of the department.

1571 | (2) Upon the failure of any person to display a driver's
1572 | license as required by subsection (1), the law enforcement
1573 | officer or authorized representative of the department stopping
1574 | the person shall require the person to imprint his or her
1575 | fingerprints ~~fingerprint~~ upon any citation issued by the officer
1576 | or authorized representative, or the officer or authorized
1577 | representative shall collect the fingerprints electronically.

1578 | (3) In relation to violations of subsection (1) or s.
1579 | 322.03(5), persons who cannot supply proof of a valid driver's
1580 | license for the reason that the license was suspended for failure
1581 | to comply with that citation shall be issued a suspension
1582 | clearance by the clerk of the court for that citation upon
1583 | payment of the applicable penalty and fee for that citation. If
1584 | proof of a valid driver's license is not provided to the clerk of

606-07358B-08

20081992c3

1585 the court within 30 days, the person's driver's license shall
1586 again be suspended for failure to comply.

1587 (4) A violation of subsection (1) is a noncriminal traffic
1588 infraction, punishable as a nonmoving violation as provided in
1589 chapter 318.

1590 Section 40. Section 322.17, Florida Statutes, is amended to
1591 read:

1592 322.17 Replacement licenses and permits ~~Duplicate and~~
1593 ~~replacement certificates.--~~

1594 (1) (a) In the event that an instruction permit or driver's
1595 license issued under the provisions of this chapter is lost or
1596 destroyed, the person to whom the same was issued may, upon
1597 payment of the appropriate fee pursuant to s. 322.21 ~~\$10~~, obtain
1598 a replacement ~~duplicate, or substitute thereof~~, upon furnishing
1599 proof satisfactory to the department that such permit or license
1600 has been lost or destroyed, and further furnishing the full name,
1601 date of birth, sex, residence and mailing address, proof of birth
1602 satisfactory to the department, and proof of identity
1603 satisfactory to the department. ~~Five dollars of the fee levied in~~
1604 ~~this paragraph shall go to the Highway Safety Operating Trust~~
1605 ~~Fund of the department.~~

1606 (b) In the event that an instruction permit or driver's
1607 license issued under the provisions of this chapter is stolen,
1608 the person to whom the same was issued may, at no charge, obtain
1609 a replacement ~~duplicate, or substitute thereof~~, upon furnishing
1610 proof satisfactory to the department that such permit or license
1611 was stolen and further furnishing the full name, date of birth,
1612 sex, residence and mailing address, proof of birth satisfactory

606-07358B-08

20081992c3

1613 to the department, and proof of identity satisfactory to the
1614 department.

1615 (2) Upon the surrender of the original license and the
1616 payment of the appropriate fees pursuant to s. 322.21 a ~~\$10~~
1617 ~~replacement fee~~, the department shall issue a replacement license
1618 to make a change in name, address, or restrictions. ~~Upon written~~
1619 ~~request by the licensee and notification of a change in address,~~
1620 ~~and the payment of a \$10 fee, the department shall issue an~~
1621 ~~address sticker which shall be affixed to the back of the license~~
1622 ~~by the licensee. Nine dollars of the fee levied in this~~
1623 ~~subsection shall go to the Highway Safety Operating Trust Fund of~~
1624 ~~the department.~~

1625 (3) Notwithstanding any other provisions of this chapter,
1626 if a licensee establishes his or her identity for a driver's
1627 license using an identification document authorized under s.
1628 322.08(2)(c)7. or 8. ~~s. 322.08(2)(c)6. or 7.~~, the licensee may
1629 not obtain a duplicate or replacement instruction permit or
1630 driver's license except in person and upon submission of an
1631 identification document authorized under s. 322.08(2)(c)7. or 8.
1632 ~~s. 322.08(2)(c)6. or 7.~~

1633 Section 41. Section 322.18, Florida Statutes, is amended to
1634 read:

1635 322.18 Original applications, licenses, and renewals;
1636 expiration of licenses; delinquent licenses.--

1637 (1)(a) Except as provided in paragraph (b), the department
1638 may issue an original driver's license only after the applicant
1639 successfully passes the required examinations and presents the
1640 application to the department.

606-07358B-08

20081992c3

1641 (b) The department may waive the driver's license
1642 examination requirement if the applicant is otherwise qualified
1643 and surrenders a valid license issued by another state, a
1644 province of Canada, or the United States Armed Forces which is of
1645 an equal or lesser classification as provided in s. 322.12.

1646 (2) Each applicant who is entitled to the issuance of a
1647 driver's license, as provided in this section, shall be issued a
1648 driver's license, as follows:

1649 (a) An applicant who has not attained 80 years of age
1650 applying for an original issuance shall be issued a driver's
1651 license that ~~which~~ expires at midnight on the licensee's birthday
1652 which next occurs on or after the eighth ~~sixth~~ anniversary of the
1653 date of issue. An applicant who is at least 80 years of age
1654 applying for an original issuance shall be issued a driver's
1655 license that expires at midnight on the licensee's birthday that
1656 next occurs on or after the sixth anniversary of the date of
1657 issue.

1658 (b) An applicant who has not attained 80 years of age
1659 applying for a renewal issuance ~~or renewal extension~~ shall be
1660 issued a driver's license that ~~or renewal extension sticker~~ which
1661 expires at midnight on the licensee's birthday that ~~which~~ next
1662 occurs 8 ~~4~~ years after the month of expiration of the license
1663 being renewed, ~~except that a driver whose driving record reflects~~
1664 ~~no convictions for the preceding 3 years shall be issued a~~
1665 ~~driver's license or renewal extension sticker which expires at~~
1666 ~~midnight on the licensee's birthday which next occurs 6 years~~
1667 ~~after the month of expiration of the license being renewed. An~~
1668 applicant who is at least 80 years of age applying for a renewal
1669 issuance shall be issued a driver's license that expires at

606-07358B-08

20081992c3

1670 midnight on the licensee's birthday that next occurs 6 years
1671 after the month of expiration of the license being renewed.

1672 (c) Notwithstanding any other provision of this chapter, if
1673 an applicant establishes his or her identity for a driver's
1674 license using a document authorized under s. 322.08(2)(c)5., the
1675 driver's license shall expire in accordance with paragraph (b).
1676 After an initial showing of such documentation, he or she is
1677 exempted from having to renew or obtain a duplicate in person.

1678 (d) Notwithstanding any other provision of this chapter, if
1679 an applicant establishes his or her identity for a driver's
1680 license using a document authorized in s. 322.08(2)(c)7. or 8. ~~s.~~
1681 ~~322.08(2)(c)6. or 7.~~, the driver's license shall expire 1 year ~~2~~
1682 ~~years~~ after the date of issuance or upon the expiration date
1683 cited on the United States Department of Homeland Security
1684 documents, whichever date first occurs.

1685 (e) Notwithstanding any other provision of this chapter, an
1686 applicant applying for an original or renewal issuance of a
1687 commercial driver's license as defined in s. 322.01(7), with a
1688 hazardous-materials endorsement, pursuant to s. 322.57(1)(e),
1689 shall be issued a driver's license that expires at midnight on
1690 the licensee's birthday that next occurs 4 years after the month
1691 of expiration of the license being issued or renewed.

1692 (3) If a license expires on a Saturday, Sunday, or legal
1693 holiday, it shall be valid until midnight of the next regular
1694 working day and may be renewed on that day without payment of a
1695 delinquent fee.

1696 (4) (a) Except as otherwise provided in this chapter, all
1697 licenses shall be renewable every 8 ~~4~~ years ~~or 6 years, depending~~
1698 ~~upon the terms of issuance~~ and shall be issued or renewed

606-07358B-08

20081992c3

1699 | ~~extended~~ upon application, payment of the fees required by s.
1700 | 322.21, and successful passage of any required examination,
1701 | unless the department has reason to believe that the licensee is
1702 | no longer qualified to receive a license.

1703 | (b) Notwithstanding any other provision of this chapter, if
1704 | an applicant establishes his or her identity for a driver's
1705 | license using a document authorized under s. 322.08(2)(c)5., the
1706 | license, upon an initial showing of such documentation, is
1707 | exempted from having to renew or obtain a duplicate in person,
1708 | unless the renewal or duplication coincides with the periodic
1709 | reexamination of a driver as required pursuant to s. 322.121.

1710 | (c) Notwithstanding any other provision of this chapter, if
1711 | a licensee establishes his or her identity for a driver's license
1712 | using an identification document authorized under s.
1713 | 322.08(2)(c)7. or 8. ~~s. 322.08(2)(c)6. or 7.~~, the licensee may
1714 | not renew the driver's license except in person and upon
1715 | submission of an identification document authorized under s.
1716 | 322.08(2)(c)7. or 8. ~~s. 322.08(2)(c)6. or 7.~~ A driver's license
1717 | renewed under this paragraph expires 1 year ~~4 years~~ after the
1718 | date of issuance or upon the expiration date cited on the United
1719 | States Department of Homeland Security documents, whichever date
1720 | first occurs.

1721 | (5) All renewal driver's licenses may be issued after the
1722 | applicant licensee has been determined to be eligible by the
1723 | department.

1724 | (a) A licensee who is otherwise eligible for renewal and
1725 | who is at least 80 ~~over 79~~ years of age:

1726 | 1. Must submit to and pass a vision test administered at
1727 | any driver's license office; or

606-07358B-08

20081992c3

1728 2. If the licensee applies for a renewal using a
1729 convenience service ~~an extension by mail~~ as provided in
1730 subsection (8), he or she must submit to a vision test
1731 administered by a physician licensed under chapter 458 or chapter
1732 459, or an optometrist licensed under chapter 463, must send the
1733 results of that test to the department on a form obtained from
1734 the department and signed by such health care practitioner, and
1735 must meet vision standards that are equivalent to the standards
1736 for passing the departmental vision test. The physician or
1737 optometrist may submit the results of a vision test by a
1738 department-approved electronic means.

1739 (b) A licensee who is at least 80 ~~over 79~~ years of age may
1740 not submit an application for renewal ~~extension~~ under subsection
1741 (8) by a convenience service ~~electronic or telephonic means,~~
1742 unless the results of a vision test have been electronically
1743 submitted in advance by the physician or optometrist.

1744 (6) If the licensee does not receive a renewal notice, the
1745 licensee or applicant may apply to the department, under oath, at
1746 any driver's license examining office. Such application shall be
1747 on a form prepared and furnished by the department. The
1748 department shall make such forms available to the various
1749 examining offices throughout the state. Upon receipt of such
1750 application, the department shall issue a license or temporary
1751 permit to the applicant or shall advise the applicant that no
1752 license or temporary permit will be issued and advise the
1753 applicant of the reason for his or her ineligibility.

1754 (7) An expired Florida driver's license may be renewed any
1755 time within 12 months after the expiration date, with
1756 reexamination, if required, upon payment of the required

606-07358B-08

20081992c3

1757 delinquent fee or taking and passing the written examination. If
1758 the final date upon which a license may be renewed under this
1759 section falls upon a Saturday, Sunday, or legal holiday, the
1760 renewal period shall be extended to midnight of the next regular
1761 working day. The department may refuse to issue any license if:

1762 (a) It has reason to believe the licensee is no longer
1763 qualified to receive a license.

1764 (b) Its records reflect that the applicant's driving
1765 privilege is under suspension or revocation.

1766 (8) The department shall issue 8-year renewals using a
1767 convenience service ~~4-year and 6-year license extensions by mail,~~
1768 ~~electronic, or telephonic means~~ without reexamination to drivers
1769 who have not attained 80 years of age. The department shall issue
1770 6-year renewals using a convenience service when the applicant
1771 has satisfied the requirements of subsection (5).

1772 (a) If the department determines from its records that the
1773 holder of a license about to expire is eligible for renewal, the
1774 department shall mail a renewal notice to the licensee at his or
1775 her last known address, not less than 30 days prior to the
1776 licensee's birthday. The renewal notice shall direct the licensee
1777 to appear at a driver license office for in-person renewal or to
1778 transmit the completed renewal notice and the fees required by s.
1779 322.21 to the department using a convenience service ~~by mail,~~
1780 ~~electronically, or telephonically within the 30 days preceding~~
1781 ~~the licensee's birthday for a license extension.~~ License
1782 ~~extensions shall not be available to drivers directed to appear~~
1783 ~~for in-person renewal.~~

1784 (b) Upon receipt of a properly completed renewal notice,
1785 payment of the required fees, and upon determining that the

606-07358B-08

20081992c3

1786 licensee is still eligible for renewal, the department shall send
1787 a new license ~~extension sticker~~ to the licensee ~~to affix to the~~
1788 ~~expiring license as evidence that the license term has been~~
1789 ~~extended.~~

1790 (c) The department shall issue one renewal using a
1791 convenience service license extensions ~~for two consecutive~~
1792 ~~license expirations only.~~ Upon expiration of two consecutive
1793 ~~license extension periods, in-person renewal with reexamination~~
1794 ~~as provided in s. 322.121 shall be required.~~ A person who is out
1795 of this state when his or her license expires may be issued a 90-
1796 day temporary driving permit without reexamination. At the end of
1797 the 90-day period, the person must either return to this state or
1798 apply for a license where the person is located, except for a
1799 member of the Armed Forces as provided in s. 322.121(6).

1800 ~~(d) In-person renewal at a driver license office shall not~~
1801 ~~be available to drivers whose records indicate they were directed~~
1802 ~~to apply for a license extension.~~

1803 (d)(e) Any person who knowingly possesses any forged,
1804 stolen, fictitious, counterfeit, or unlawfully issued license
1805 extension sticker, unless possession by such person has been duly
1806 authorized by the department, commits a misdemeanor of the second
1807 degree, punishable as provided in s. 775.082 or s. 775.083.

1808 (e)(f) The department shall develop a plan for the
1809 equitable distribution of license ~~extensions and~~ renewals and the
1810 orderly implementation of this section.

1811 (9) (a) The application form for a renewal issuance ~~or~~
1812 ~~renewal extension~~ shall include language permitting a voluntary
1813 contribution of \$1 per applicant, to be quarterly distributed by
1814 the department to Prevent Blindness Florida, a not-for-profit

606-07358B-08

20081992c3

1815 organization, to prevent blindness and preserve the sight of the
1816 residents of this state. A statement providing an explanation of
1817 the purpose of the funds shall be included with the application
1818 form.

1819 (b) Prior to the department distributing the funds
1820 collected pursuant to paragraph (a), Prevent Blindness Florida
1821 must submit a report to the department that identifies how such
1822 funds were used during the preceding year.

1823 Section 42. Subsection (4) of section 322.181, Florida
1824 Statutes, is repealed.

1825 Section 43. Subsections (2) and (4) of section 322.19,
1826 Florida Statutes, are amended to read:

1827 322.19 Change of address or name.--

1828 (2) Whenever any person, after applying for or receiving a
1829 driver's license, changes the residence or mailing address in the
1830 application or license, the person must, within 10 calendar days,
1831 ~~either obtain a replacement license that reflects the change or~~
1832 ~~request in writing a change of address sticker.~~ A The written
1833 request to the department must include the old and new addresses
1834 and the driver's license number.

1835 (4) Notwithstanding any other provision of this chapter, if
1836 a licensee established his or her identity for a driver's license
1837 using an identification document authorized under s.

1838 322.08(2)(c)7. or 8. s. 322.08(2)(c)6. or 7., the licensee may
1839 not change his or her name or address except in person and upon
1840 submission of an identification document authorized under s.

1841 322.08(2)(c)7. or 8. s. 322.08(2)(c)6. or 7.

1842 Section 44. Subsection (1) of section 322.21, Florida
1843 Statutes, is amended to read:

606-07358B-08

20081992c3

1844 322.21 License fees; procedure for handling and collecting
1845 fees.--

1846 (1) Except as otherwise provided herein, the fee for:

1847 (a) An original or renewal commercial driver's license is
1848 \$67 ~~\$50~~, which shall include the fee for driver education
1849 provided by s. 1003.48; however, if an applicant has completed
1850 training and is applying for employment or is currently employed
1851 in a public or nonpublic school system that requires the
1852 commercial license, the fee shall be the same as for a Class E
1853 driver's license. A delinquent fee of \$1 shall be added for a
1854 renewal made not more than 12 months after the license expiration
1855 date. Of the \$67 fee, \$50 shall be deposited into the General
1856 Revenue Fund. The remaining \$17 shall be deposited into the
1857 Highway Safety Operating Trust Fund for the general operations of
1858 the department.

1859 (b) An original Class E driver's license is \$27 ~~\$20~~, which
1860 shall include the fee for driver's education provided by s.
1861 1003.48; however, if an applicant has completed training and is
1862 applying for employment or is currently employed in a public or
1863 nonpublic school system that requires a commercial driver
1864 license, the fee shall be the same as for a Class E license. Of
1865 the \$27 fee, \$20 shall be deposited into the General Revenue
1866 Fund. The remaining \$7 shall be deposited into the Highway Safety
1867 Operating Trust Fund for the general operations of the
1868 department.

1869 (c) The renewal or extension of a Class E driver's license
1870 or of a license restricted to motorcycle use only is \$20 ~~\$15~~,
1871 except that a delinquent fee of \$1 shall be added for a renewal
1872 or extension made not more than 12 months after the license

606-07358B-08

20081992c3

1873 expiration date. The fee provided in this paragraph shall include
1874 the fee for driver's education provided by s. 1003.48. Of the \$20
1875 fee, \$15 shall be deposited into the General Revenue Fund. The
1876 remaining \$5 shall be deposited into the Highway Safety Operating
1877 Trust Fund for the general operations of the department.

1878 (d) An original driver's license restricted to motorcycle
1879 use only is \$27 ~~\$20~~, which shall include the fee for driver's
1880 education provided by s. 1003.48. Of the \$27 fee, \$20 shall be
1881 deposited into the General Revenue Fund. The remaining \$7 shall
1882 be deposited into the Highway Safety Operating Trust Fund for the
1883 general operations of the department.

1884 (e) A replacement driver's license, issued pursuant to s.
1885 322.17 is \$10. Of the \$10 fee, \$3 shall be deposited into the
1886 General Revenue Fund. The remaining \$7 shall be deposited into
1887 the Highway Safety Operating Trust Fund for the general
1888 operations of the department.

1889 (f) An original or renewal identification card issued
1890 pursuant to s. 322.051 is \$10. Of the \$10 fee, \$4 shall be
1891 deposited into the General Revenue Fund. The remaining \$6 shall
1892 be deposited in the Highway Safety Operating Trust Fund for the
1893 general operations of the department.

1894 (g) ~~(e)~~ Each endorsement required by s. 322.57 is \$7 ~~\$5~~. Of
1895 the \$7 fee, \$5 shall be deposited into the General Revenue Fund.
1896 The remaining \$2 shall be deposited into the Highway Safety
1897 Operating Trust Fund for the general operations of the
1898 department.

1899 (h) ~~(f)~~ A hazardous-materials endorsement, as required by s.
1900 322.57(1)(d), shall be set by the department by rule and shall
1901 reflect the cost of the required criminal history check,

606-07358B-08

20081992c3

1902 including the cost of the state and federal fingerprint check,
1903 and the cost to the department of providing and issuing the
1904 license. The fee shall not exceed \$100. This fee shall be
1905 deposited in the Highway Safety Operating Trust Fund. The
1906 department may adopt rules to administer this section.

1907 Section 45. Subsection (3) of section 322.2715, Florida
1908 Statutes, is amended to read:

1909 322.2715 Ignition interlock device.--

1910 (3) If the person is convicted of:

1911 (a) A first offense of driving under the influence under s.
1912 316.193 and has an unlawful blood-alcohol level or breath-alcohol
1913 level as specified in s. 316.193(4), or if a person is convicted
1914 of a violation of s. 316.193 and was at the time of the offense
1915 accompanied in the vehicle by a person younger than 18 years of
1916 age, the person shall have the ignition interlock device
1917 installed for not less than 6 continuous months for the first
1918 offense and for not less than ~~at least 2~~ continuous years for a
1919 second offense.

1920 (b) A second offense of driving under the influence, the
1921 ignition interlock device shall be installed for a period of not
1922 less than 1 continuous year.

1923 (c) A third offense of driving under the influence which
1924 occurs within 10 years after a prior conviction for a violation
1925 of s. 316.193, the ignition interlock device shall be installed
1926 for a period of not less than 2 continuous years.

1927 (d) A third offense of driving under the influence which
1928 occurs more than 10 years after the date of a prior conviction,
1929 the ignition interlock device shall be installed for a period of
1930 not less than 2 continuous years.

606-07358B-08

20081992c3

1931 Section 46. Section 322.291, Florida Statutes, is amended
1932 to read:

1933 322.291 Driver improvement schools or DUI programs;
1934 required in certain suspension and revocation cases.--Except as
1935 provided in s. 322.03(2), any person:

1936 (1) Whose driving privilege has been revoked:

1937 (a) Upon conviction for:

1938 1. Driving, or being in actual physical control of, any
1939 vehicle while under the influence of alcoholic beverages, any
1940 chemical substance set forth in s. 877.111, or any substance
1941 controlled under chapter 893, in violation of s. 316.193;

1942 2. Driving with an unlawful blood- or breath-alcohol level;

1943 3. Manslaughter resulting from the operation of a motor
1944 vehicle;

1945 4. Failure to stop and render aid as required under the
1946 laws of this state in the event of a motor vehicle crash
1947 resulting in the death or personal injury of another;

1948 5. Reckless driving; or

1949 (b) As an habitual offender;

1950 (c) Upon direction of the court, if the court feels that
1951 the seriousness of the offense and the circumstances surrounding
1952 the conviction warrant the revocation of the licensee's driving
1953 privilege; or

1954 (2) Whose license was suspended under the point system, was
1955 suspended for driving with an unlawful blood-alcohol level of
1956 0.10 percent or higher before January 1, 1994, was suspended for
1957 driving with an unlawful blood-alcohol level of 0.08 percent or
1958 higher after December 31, 1993, was suspended for a violation of

606-07358B-08

20081992c3

1959 | s. 316.193(1), or was suspended for refusing to submit to a
1960 | lawful breath, blood, or urine test as provided in s. 322.2615
1961 |
1962 | shall, before the driving privilege may be reinstated, present to
1963 | the department proof of enrollment in a department-approved
1964 | advanced driver improvement course operating pursuant to s.
1965 | 318.1451 or a substance abuse education course conducted by a DUI
1966 | program licensed pursuant to s. 322.292, which shall include a
1967 | psychosocial evaluation and treatment, if referred. Additionally,
1968 | for a third or subsequent violation involving the required use of
1969 | an ignition interlock device, the person shall be required to
1970 | complete treatment as determined by a licensed treatment agency
1971 | following a referral by a DUI program and have the duration of
1972 | the requirement to use an ignition interlock device extended for
1973 | a least 1 month or up to the time required to complete treatment.
1974 | If the person fails to complete such course or evaluation within
1975 | 90 days after reinstatement, or subsequently fails to complete
1976 | treatment, if referred, the DUI program shall notify the
1977 | department of the failure. Upon receipt of the notice, the
1978 | department shall cancel the offender's driving privilege,
1979 | notwithstanding the expiration of the suspension or revocation of
1980 | the driving privilege. The department may temporarily reinstate
1981 | the driving privilege upon verification from the DUI program that
1982 | the offender has completed the education course and evaluation
1983 | requirement and has reentered and is currently participating in
1984 | treatment. If the DUI program notifies the department of the
1985 | second failure to complete treatment, the department shall
1986 | reinstate the driving privilege only after notice of completion
1987 | of treatment from the DUI program.

606-07358B-08

20081992c3

1988 Section 47. Section 322.36, Florida Statutes, is amended to
1989 read:

1990 322.36 Permitting unauthorized operator to drive.--A No
1991 person may not ~~shall~~ authorize or knowingly permit a motor
1992 vehicle owned by him or her or under his or her dominion or
1993 control to be operated upon any highway or public street except
1994 by a person who is ~~persons~~ duly authorized to operate a motor
1995 vehicle ~~vehicles~~ under ~~the provisions of~~ this chapter. Any person
1996 who violates ~~violating~~ this section commits ~~provision is guilty~~
1997 ~~of~~ a misdemeanor of the second degree, punishable as provided in
1998 s. 775.082 or s. 775.083. If a person violates this section by
1999 knowingly loaning a vehicle to a person whose driver's license is
2000 suspended and if that vehicle is involved in an accident
2001 resulting in bodily injury or death, the driver's license of the
2002 person violating this section shall be suspended for 1 year.

2003 Section 48. Section 322.60, Florida Statutes, is repealed.

2004 Section 49. Subsections (1), (2), (3), (4), (5), and (6) of
2005 section 322.61, Florida Statutes, are amended to read:

2006 322.61 Disqualification from operating a commercial motor
2007 vehicle.--

2008 (1) A person who, for offenses occurring within a 3-year
2009 period, is convicted of two of the following serious traffic
2010 violations or any combination thereof, arising in separate
2011 incidents committed in a commercial motor vehicle shall, in
2012 addition to any other applicable penalties, be disqualified from
2013 operating a commercial motor vehicle for a period of 60 days. A
2014 holder of a commercial driver's license ~~person~~ who, for offenses
2015 occurring within a 3-year period, is convicted of two of the
2016 following serious traffic violations, or any combination thereof,

606-07358B-08

20081992c3

2017 arising in separate incidents committed in a noncommercial motor
2018 vehicle shall, in addition to any other applicable penalties, be
2019 disqualified from operating a commercial motor vehicle for a
2020 period of 60 days if such convictions result in the suspension,
2021 revocation, or cancellation of the licenseholder's driving
2022 privilege:

2023 (a) A violation of any state or local law relating to motor
2024 vehicle traffic control, other than a parking violation, a weight
2025 violation, or a vehicle equipment violation, arising in
2026 connection with a crash resulting in death or personal injury to
2027 any person;

2028 (b) Reckless driving, as defined in s. 316.192;

2029 (c) Careless driving, as defined in s. 316.1925;

2030 (d) Fleeing or attempting to elude a law enforcement
2031 officer, as defined in s. 316.1935;

2032 (e) Unlawful speed of 15 miles per hour or more above the
2033 posted speed limit;

2034 (f) Driving a commercial motor vehicle, owned by such
2035 person, which is not properly insured;

2036 (g) Improper lane change, as defined in s. 316.085;

2037 (h) Following too closely, as defined in s. 316.0895;

2038 (i) Driving a commercial vehicle without obtaining a
2039 commercial driver's license;

2040 (j) Driving a commercial vehicle without the proper class
2041 of commercial driver's license or without the proper endorsement;
2042 or

2043 (k) Driving a commercial vehicle without a commercial
2044 driver's license in possession, as required by s. 322.03. Any
2045 individual who provides proof to the clerk of the court or

606-07358B-08

20081992c3

2046 designated official in the jurisdiction where the citation was
2047 issued, by the date the individual must appear in court or pay
2048 any fine for such a violation, that the individual held a valid
2049 commercial driver's license on the date the citation was issued
2050 is not guilty of this offense.

2051 (2) (a) Any person who, for offenses occurring within a 3-
2052 year period, is convicted of three serious traffic violations
2053 specified in subsection (1) or any combination thereof, arising
2054 in separate incidents committed in a commercial motor vehicle
2055 shall, in addition to any other applicable penalties, including
2056 but not limited to the penalty provided in subsection (1), be
2057 disqualified from operating a commercial motor vehicle for a
2058 period of 120 days.

2059 (b) A holder of a commercial driver's license ~~person~~ who,
2060 for offenses occurring within a 3-year period, is convicted of
2061 three serious traffic violations specified in subsection (1) or
2062 any combination thereof arising in separate incidents committed
2063 in a noncommercial motor vehicle shall, in addition to any other
2064 applicable penalties, including, but not limited to, the penalty
2065 provided in subsection (1), be disqualified from operating a
2066 commercial motor vehicle for a period of 120 days if such
2067 convictions result in the suspension, revocation, or cancellation
2068 of the licenseholder's driving privilege.

2069 (3) (a) Except as provided in subsection (4), any person who
2070 is convicted of one of the ~~following~~ offenses listed in paragraph
2071 (b) while operating a commercial motor vehicle shall, in addition
2072 to any other applicable penalties, be disqualified from operating
2073 a commercial motor vehicle for a period of 1 year:

606-07358B-08

20081992c3

2074 (b) Except as provided in subsection (4), any holder of a
2075 commercial driver's license who is convicted of one of the
2076 offenses listed in this paragraph while operating a noncommercial
2077 motor vehicle shall, in addition to any other applicable
2078 penalties, be disqualified from operating a commercial motor
2079 vehicle for a period of 1 year:

2080 1.(a) Driving a ~~commercial~~ motor vehicle while he or she is
2081 under the influence of alcohol or a controlled substance;

2082 2.(b) Driving a commercial motor vehicle while the alcohol
2083 concentration of his or her blood, breath, or urine is .04
2084 percent or higher;

2085 3.(c) Leaving the scene of a crash involving a ~~commercial~~
2086 motor vehicle driven by such person;

2087 4.(d) Using a ~~commercial~~ motor vehicle in the commission of
2088 a felony;

2089 5.(e) Driving a commercial motor vehicle while in
2090 possession of a controlled substance;

2091 6.(f) Refusing to submit to a test to determine his or her
2092 alcohol concentration while driving a ~~commercial~~ motor vehicle;

2093 7.(g) Driving a commercial vehicle while the
2094 licenseholder's commercial driver's license is suspended,
2095 revoked, or canceled or while the licenseholder is disqualified
2096 from driving a commercial vehicle; or

2097 8.(h) Causing a fatality through the negligent operation of
2098 a commercial motor vehicle.

2099 (4) Any person who is transporting hazardous materials as
2100 defined in s. 322.01(24) ~~in a vehicle that is required to be~~
2101 ~~placarded in accordance with Title 49 C.F.R. part 172, subpart F~~
2102 shall, upon conviction of an offense specified in subsection (3),

606-07358B-08

20081992c3

2103 | be disqualified from operating a commercial motor vehicle for a
2104 | period of 3 years. The penalty provided in this subsection shall
2105 | be in addition to any other applicable penalty.

2106 | (5) Any person who is convicted of two violations specified
2107 | in subsection (3) which were committed while operating a
2108 | commercial motor vehicle, or any combination thereof, arising in
2109 | separate incidents shall be permanently disqualified from
2110 | operating a commercial motor vehicle. Any holder of a commercial
2111 | driver's license who is convicted of two violations specified in
2112 | subsection (3) which were committed while operating a
2113 | noncommercial motor vehicle, or any combination thereof, arising
2114 | in separate incidents shall be permanently disqualified from
2115 | operating a commercial motor vehicle. The penalty provided in
2116 | this subsection is ~~shall be~~ in addition to any other applicable
2117 | penalty.

2118 | (6) Notwithstanding subsections (3), (4), and (5), any
2119 | person who uses a commercial motor vehicle in the commission of
2120 | any felony involving the manufacture, distribution, or dispensing
2121 | of a controlled substance, including possession with intent to
2122 | manufacture, distribute, or dispense a controlled substance,
2123 | shall, upon conviction of such felony, be permanently
2124 | disqualified from operating a commercial motor vehicle.
2125 | Notwithstanding subsections (3), (4), and (5), any holder of a
2126 | commercial driver's license who uses a noncommercial motor
2127 | vehicle in the commission of any felony involving the
2128 | manufacture, distribution, or dispensing of a controlled
2129 | substance, including possession with intent to manufacture,
2130 | distribute, or dispense a controlled substance, shall, upon
2131 | conviction of such felony, be permanently disqualified from

606-07358B-08

20081992c3

2132 operating a commercial motor vehicle. The penalty provided in
2133 this subsection ~~is shall be~~ in addition to any other applicable
2134 penalty.

2135 Section 50. Section 322.64, Florida Statutes, is amended to
2136 read:

2137 322.64 Holder of commercial driver's license; persons
2138 operating a commercial motor vehicle; driving with unlawful
2139 blood-alcohol level; refusal to submit to breath, urine, or blood
2140 test.--

2141 (1)(a) A law enforcement officer or correctional officer
2142 shall, on behalf of the department, disqualify from operating any
2143 commercial motor vehicle a person who while operating or in
2144 actual physical control of a commercial motor vehicle is arrested
2145 for a violation of s. 316.193, relating to unlawful blood-alcohol
2146 level or breath-alcohol level, or a person who has refused to
2147 submit to a breath, urine, or blood test authorized by s. 322.63
2148 arising out of the operation or actual physical control of a
2149 commercial motor vehicle. A law enforcement officer or
2150 correctional officer shall, on behalf of the department,
2151 disqualify the holder of a commercial driver's license from
2152 operating any commercial motor vehicle if the licenseholder,
2153 while operating or in actual physical control of a motor vehicle,
2154 is arrested for a violation of s. 316.193, relating to unlawful
2155 blood-alcohol level or breath-alcohol level, or refused to submit
2156 to a breath, urine, or blood test authorized by s. 322.63. Upon
2157 disqualification of the person, the officer shall take the
2158 person's driver's license and issue the person a 10-day temporary
2159 permit for the operation of noncommercial vehicles only if the
2160 person is otherwise eligible for the driving privilege and shall

606-07358B-08

20081992c3

2161 | issue the person a notice of disqualification. If the person has
2162 | been given a blood, breath, or urine test, the results of which
2163 | are not available to the officer at the time of the arrest, the
2164 | agency employing the officer shall transmit such results to the
2165 | department within 5 days after receipt of the results. If the
2166 | department then determines that the person ~~was arrested for a~~
2167 | ~~violation of s. 316.193 and that the person~~ had a blood-alcohol
2168 | level or breath-alcohol level of 0.08 or higher, the department
2169 | shall disqualify the person from operating a commercial motor
2170 | vehicle pursuant to subsection (3).

2171 | (b) The disqualification under paragraph (a) shall be
2172 | pursuant to, and the notice of disqualification shall inform the
2173 | driver of, the following:

2174 | 1.a. The driver refused to submit to a lawful breath,
2175 | blood, or urine test and he or she is disqualified from operating
2176 | a commercial motor vehicle for a period of 1 year, for a first
2177 | refusal, or permanently, if he or she has previously been
2178 | disqualified as a result of a refusal to submit to such a test;
2179 | or

2180 | b. The driver was driving or in actual physical control of
2181 | a commercial motor vehicle, or any motor vehicle if the driver
2182 | holds a commercial driver's license, had an unlawful blood-
2183 | alcohol level or breath-alcohol level of 0.08 or higher, and his
2184 | or her driving privilege shall be disqualified for a period of 6
2185 | months for a first offense or for a period of 1 year if his or
2186 | her driving privilege has been previously disqualified under this
2187 | section. ~~violated s. 316.193 by driving with an unlawful blood-~~
2188 | ~~alcohol level and he or she is disqualified from operating a~~
2189 | ~~commercial motor vehicle for a period of 6 months for a first~~

606-07358B-08

20081992c3

2190 ~~offense or for a period of 1 year if he or she has previously~~
2191 ~~been disqualified, or his or her driving privilege has been~~
2192 ~~previously suspended, for a violation of s. 316.193.~~

2193 2. The disqualification period for operating commercial
2194 vehicles shall commence on the date of ~~arrest or~~ issuance of the
2195 notice of disqualification, ~~whichever is later.~~

2196 3. The driver may request a formal or informal review of
2197 the disqualification by the department within 10 days after the
2198 date of ~~arrest or~~ issuance of the notice of disqualification,
2199 ~~whichever is later.~~

2200 4. The temporary permit issued at the time of ~~arrest or~~
2201 disqualification expires ~~will expire~~ at midnight of the 10th day
2202 following the date of disqualification.

2203 5. The driver may submit to the department any materials
2204 relevant to the disqualification ~~arrest.~~

2205 (2) Except as provided in paragraph (1) (a), the law
2206 enforcement officer shall forward to the department, within 5
2207 days after the date of the ~~arrest or the~~ issuance of the notice
2208 of disqualification, ~~whichever is later,~~ a copy of the notice of
2209 disqualification, the driver's license of the person disqualified
2210 ~~arrested,~~ and a ~~report of the arrest, including, if applicable,~~
2211 an affidavit stating the officer's grounds for belief that the
2212 person disqualified ~~arrested~~ was operating or in actual physical
2213 control of a commercial motor vehicle, or holds a commercial
2214 driver's license, and had an unlawful blood-alcohol or breath-
2215 alcohol level in violation of s. 316.193; the results of any
2216 breath or blood or urine test or an affidavit stating that a
2217 breath, blood, or urine test was requested by a law enforcement
2218 officer or correctional officer and that the person arrested

606-07358B-08

20081992c3

2219 refused to submit; a copy of the notice of disqualification
2220 ~~citation~~ issued to the person ~~arrested~~; and the officer's
2221 description of the person's field sobriety test, if any. The
2222 failure of the officer to submit materials within the 5-day
2223 period specified in this subsection or subsection (1) does ~~shall~~
2224 not affect the department's ability to consider any evidence
2225 submitted at or prior to the hearing. The officer may also submit
2226 a copy of a videotape of the field sobriety test or the attempt
2227 to administer such test and a copy of the crash report, if any.

2228 (3) If the department determines that the person arrested
2229 should be disqualified from operating a commercial motor vehicle
2230 pursuant to this section and if the notice of disqualification
2231 has not already been served upon the person by a law enforcement
2232 officer or correctional officer as provided in subsection (1),
2233 the department shall issue a notice of disqualification and,
2234 unless the notice is mailed pursuant to s. 322.251, a temporary
2235 permit which expires 10 days after the date of issuance if the
2236 driver is otherwise eligible.

2237 (4) If the person disqualified ~~arrested~~ requests an
2238 informal review pursuant to subparagraph (1)(b)3., the department
2239 shall conduct the informal review by a hearing officer employed
2240 by the department. Such informal review hearing shall consist
2241 solely of an examination by the department of the materials
2242 submitted by a law enforcement officer or correctional officer
2243 and by the person disqualified ~~arrested~~, and the presence of an
2244 officer or witness is not required.

2245 (5) After completion of the informal review, notice of the
2246 department's decision sustaining, amending, or invalidating the
2247 disqualification must be provided to the person. Such notice must

606-07358B-08

20081992c3

2248 | be mailed to the person at the last known address shown on the
2249 | department's records, and to the address provided in the law
2250 | enforcement officer's report if such address differs from the
2251 | address of record, within 21 days after the expiration of the
2252 | temporary permit issued pursuant to subsection (1) or subsection
2253 | (3).

2254 | (6) (a) If the person disqualified ~~arrested~~ requests a
2255 | formal review, the department must schedule a hearing to be held
2256 | within 30 days after such request is received by the department
2257 | and must notify the person of the date, time, and place of the
2258 | hearing.

2259 | (b) Such formal review hearing shall be held before a
2260 | hearing officer employed by the department, and the hearing
2261 | officer shall be authorized to administer oaths, examine
2262 | witnesses and take testimony, receive relevant evidence, issue
2263 | subpoenas for the officers and witnesses identified in documents
2264 | as provided in subsection (2), regulate the course and conduct of
2265 | the hearing, and make a ruling on the disqualification. The
2266 | department and the person disqualified ~~arrested~~ may subpoena
2267 | witnesses, and the party requesting the presence of a witness
2268 | shall be responsible for the payment of any witness fees. If the
2269 | person who requests a formal review hearing fails to appear and
2270 | the hearing officer finds such failure to be without just cause,
2271 | the right to a formal hearing is waived ~~and the department shall~~
2272 | ~~conduct an informal review of the disqualification under~~
2273 | ~~subsection (4)~~.

2274 | (c) A party may seek enforcement of a subpoena under
2275 | paragraph (b) by filing a petition for enforcement in the circuit
2276 | court of the judicial circuit in which the person failing to

606-07358B-08

20081992c3

2277 | comply with the subpoena resides. A failure to comply with an
2278 | order of the court shall result in a finding of contempt of
2279 | court. However, a person shall not be in contempt while a
2280 | subpoena is being challenged.

2281 | (d) The department must, within 7 days after a formal
2282 | review hearing, send notice to the person of the hearing
2283 | officer's decision as to whether sufficient cause exists to
2284 | sustain, amend, or invalidate the disqualification.

2285 | (7) In a formal review hearing under subsection (6) or an
2286 | informal review hearing under subsection (4), the hearing officer
2287 | shall determine by a preponderance of the evidence whether
2288 | sufficient cause exists to sustain, amend, or invalidate the
2289 | disqualification. The scope of the review shall be limited to the
2290 | following issues:

2291 | (a) If the person was disqualified from operating a
2292 | commercial motor vehicle for driving with an unlawful blood-
2293 | alcohol level ~~in violation of s. 316.193:~~

2294 | 1. Whether the arresting law enforcement officer had
2295 | probable cause to believe that the person was driving or in
2296 | actual physical control of a commercial motor vehicle, or any
2297 | motor vehicle if the driver holds a commercial driver's license,
2298 | in this state while he or she had any alcohol, chemical
2299 | substances, or controlled substances in his or her body.

2300 | ~~2. Whether the person was placed under lawful arrest for a~~
2301 | ~~violation of s. 316.193.~~

2302 | ~~2.3.~~ Whether the person had an unlawful blood-alcohol level
2303 | or breath-alcohol level of 0.08 or higher as provided in s.
2304 | 316.193.

606-07358B-08

20081992c3

2305 (b) If the person was disqualified from operating a
2306 commercial motor vehicle for refusal to submit to a breath,
2307 blood, or urine test:

2308 1. Whether the law enforcement officer had probable cause
2309 to believe that the person was driving or in actual physical
2310 control of a commercial motor vehicle, or any motor vehicle if
2311 the driver holds a commercial driver's license, in this state
2312 while he or she had any alcohol, chemical substances, or
2313 controlled substances in his or her body.

2314 2. Whether the person refused to submit to the test after
2315 being requested to do so by a law enforcement officer or
2316 correctional officer.

2317 3. Whether the person was told that if he or she refused to
2318 submit to such test he or she would be disqualified from
2319 operating a commercial motor vehicle for a period of 1 year or,
2320 in the case of a second refusal, permanently.

2321 (8) Based on the determination of the hearing officer
2322 pursuant to subsection (7) for both informal hearings under
2323 subsection (4) and formal hearings under subsection (6), the
2324 department shall:

2325 (a) Sustain the disqualification for a period of 1 year for
2326 a first refusal, or permanently if such person has been
2327 previously disqualified from operating a commercial motor vehicle
2328 as a result of a refusal to submit to such tests. The
2329 disqualification period commences on the date of the arrest or
2330 issuance of the notice of disqualification, whichever is later.

2331 (b) Sustain the disqualification:

2332 1. For a period of 1 year if the person was driving or in
2333 actual physical control of a commercial motor vehicle, or any

606-07358B-08

20081992c3

2334 motor vehicle if the driver holds a commercial driver's license,
2335 and had an unlawful blood-alcohol level or breath-alcohol level
2336 of 0.08 or higher; or ~~6 months for a violation of s. 316.193 or~~
2337 for a period of 1 year

2338 2. Permanently if the person has been previously
2339 disqualified from operating a commercial motor vehicle or his or
2340 her driving privilege has been previously suspended for driving
2341 or being in actual physical control of a commercial motor
2342 vehicle, or any motor vehicle if the driver holds a commercial
2343 driver's license, and had an unlawful blood-alcohol level or
2344 breath-alcohol level of 0.08 or higher ~~as a result of a~~
2345 ~~violation of s. 316.193.~~

2346
2347 The disqualification period commences on the date of the arrest
2348 or issuance of the notice of disqualification, ~~whichever is~~
2349 ~~later.~~

2350 (9) A request for a formal review hearing or an informal
2351 review hearing shall not stay the disqualification. If the
2352 department fails to schedule the formal review hearing to be held
2353 within 30 days after receipt of the request therefor, the
2354 department shall invalidate the disqualification. If the
2355 scheduled hearing is continued at the department's initiative,
2356 the department shall issue a temporary driving permit limited to
2357 noncommercial vehicles which is ~~shall be~~ valid until the hearing
2358 is conducted if the person is otherwise eligible for the driving
2359 privilege. Such permit shall not be issued to a person who sought
2360 and obtained a continuance of the hearing. The permit issued
2361 under this subsection shall authorize driving for business
2362 purposes ~~or employment use~~ only.

606-07358B-08

20081992c3

2363 (10) A person who is disqualified from operating a
2364 commercial motor vehicle under subsection (1) or subsection (3)
2365 is eligible for issuance of a license for business or employment
2366 purposes only under s. 322.271 if the person is otherwise
2367 eligible for the driving privilege. However, such business or
2368 employment purposes license shall not authorize the driver to
2369 operate a commercial motor vehicle.

2370 (11) The formal review hearing may be conducted upon a
2371 review of the reports of a law enforcement officer or a
2372 correctional officer, including documents relating to the
2373 administration of a breath test or blood test or the refusal to
2374 take either test. However, as provided in subsection (6), the
2375 driver may subpoena the officer or any person who administered or
2376 analyzed a breath or blood test.

2377 (12) The formal review hearing and the informal review
2378 hearing are exempt from the provisions of chapter 120. The
2379 department is authorized to adopt rules for the conduct of
2380 reviews under this section.

2381 (13) A person may appeal any decision of the department
2382 sustaining the disqualification from operating a commercial motor
2383 vehicle by a petition for writ of certiorari to the circuit court
2384 in the county wherein such person resides or wherein a formal or
2385 informal review was conducted pursuant to s. 322.31. However, an
2386 appeal shall not stay the disqualification. This subsection shall
2387 not be construed to provide for a de novo appeal.

2388 (14) The decision of the department under this section
2389 shall not be considered in any trial for a violation of s.
2390 316.193, s. 322.61, or s. 322.62, nor shall any written statement
2391 submitted by a person in his or her request for departmental

606-07358B-08

20081992c3

2392 | review under this section be admissible into evidence against him
2393 | or her in any such trial. The disposition of any related criminal
2394 | proceedings shall not affect a disqualification imposed pursuant
2395 | to this section.

2396 | (15) This section does not preclude the suspension of the
2397 | driving privilege pursuant to s. 322.2615. The driving privilege
2398 | of a person who has been disqualified from operating a commercial
2399 | motor vehicle also may be suspended for a violation of s.
2400 | 316.193.

2401 | Section 51. Subsection (10) of section 324.021, Florida
2402 | Statutes, is amended to read:

2403 | 324.021 Definitions; minimum insurance required.--The
2404 | following words and phrases when used in this chapter shall, for
2405 | the purpose of this chapter, have the meanings respectively
2406 | ascribed to them in this section, except in those instances where
2407 | the context clearly indicates a different meaning:

2408 | (10) JUDGMENT.--Any judgment becomes ~~which shall have~~
2409 | ~~become~~ final by expiration without appeal of the time within
2410 | which an appeal might have been perfected, or by final
2411 | affirmation on appeal, rendered by a court of competent
2412 | jurisdiction of any state or of the United States upon a cause of
2413 | action arising out of the ownership, maintenance, or use of any
2414 | motor vehicle for damages, including damages for care and loss of
2415 | services because of bodily injury to or death of any person, or
2416 | for damages because of injury to or destruction of property,
2417 | including the loss of use thereof, or upon a cause of action on
2418 | an agreement of settlement for such damage.

2419 | Section 52. Subsection (19) of section 501.976, Florida
2420 | Statutes, is amended to read:

606-07358B-08

20081992c3

2421 501.976 Actionable, unfair, or deceptive acts or
2422 practices.--It is an unfair or deceptive act or practice,
2423 actionable under the Florida Deceptive and Unfair Trade Practices
2424 Act, for a dealer to:

2425 (19) Fail to disclose damage to a new motor vehicle, as
2426 defined in s. 319.001(9) ~~s. 319.001(8)~~, of which the dealer had
2427 actual knowledge, if the dealer's actual cost of repairs exceeds
2428 the threshold amount, excluding replacement items.

2429
2430 In any civil litigation resulting from a violation of this
2431 section, when evaluating the reasonableness of an award of
2432 attorney's fees to a private person, the trial court shall
2433 consider the amount of actual damages in relation to the time
2434 spent.

2435 Section 53. (1) The Automobile Lenders Industry Task Force
2436 is created within the Department of Highway Safety and Motor
2437 Vehicles. The task force shall make recommendations on proposed
2438 legislation and proposed department rules, shall present issues
2439 concerning the motor vehicle lending industry to the department
2440 for its consideration, shall consider any matters relating to the
2441 motor vehicle lending industry which are presented to it by the
2442 department, and shall submit a final report, including
2443 legislative proposals to the Governor, the President of the
2444 Senate, the Speaker of the House of Representatives and
2445 appropriate committees within the Legislature by June 30, 2009,
2446 when the task force shall cease to exist.

2447 (2) The task force shall be composed of 12 members
2448 appointed by each of the following organizations: one
2449 representative of the Department of Highway Safety and Motor

606-07358B-08

20081992c3

2450 Vehicles; one representative of the independent motor vehicle
2451 industry, appointed by the Florida Independent Automobile Dealers
2452 Association; one representative of the franchise motor vehicle
2453 industry, appointed by the Florida Automobile Dealers
2454 Association; one representative of credit unions, appointed by
2455 the Florida Credit Union League; one representative of the
2456 banking industry, appointed by the Florida Bankers Association;
2457 one representative of the insurance industry, appointed by the
2458 Florida Insurance Council; one state attorney, appointed by the
2459 Florida State Attorneys Association; one representative of the
2460 Office of Financial Regulation of the Department of Financial
2461 Services; one representative of a law enforcement agency,
2462 appointed by the Florida Auto Theft Intelligence Unit; one
2463 representative of the auto repair industry, appointed by the
2464 Florida Automotive Services Association; one representative of
2465 the towing industry, appointed by the Professional Wrecker
2466 Operators of Florida; and one representative of independent motor
2467 vehicle finance companies, appointed by the Florida Financial
2468 Services Association.

2469 (3) (a) The task force shall elect a chair and vice chair at
2470 its initial meeting, which shall be held by July 15, 2008.

2471 (b) The task force shall meet at least four times in
2472 different areas of the state, including one meeting in
2473 Tallahassee. Meetings may be called by the chair or by a simple
2474 majority of the members. The task force shall conduct all
2475 meetings pursuant to general law and shall keep minutes of its
2476 meetings. Meetings may be held in locations around the state in
2477 department facilities or in other appropriate locations. The

606-07358B-08

20081992c3

2478 department shall provide administrative support to the task
2479 force.

2480 (3) Members from the private sector are not entitled to per
2481 diem or reimbursement for travel expenses. However, members from
2482 the public sector are entitled to reimbursement, if any, from
2483 their respective agency. The task force may request assistance
2484 from the Department of Highway Safety and Motor Vehicles as
2485 necessary.

2486 Section 54. Except for specialty license plates approved
2487 before or during the 2008 Legislative session, the Department of
2488 Highway Safety and Motor Vehicles may not issue any new specialty
2489 license plates pursuant to ss. 320.08056 and 320.08058, Florida
2490 Statutes, between July 1, 2008, and July 1, 2011.

2491 Section 55. Except as otherwise expressly provided in this
2492 act and except for this section, which shall take effect July 1,
2493 2008, this act shall take effect October 1, 2008.