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1 A bill to be entitled
2 An act relating to the Department of Highway Safety and
3 Motor Vehicles; amending s. 316.0741, F.S.; redefining the
4 term "hybrid vehicle"; authorizing the driving of a
5 hybrid, low-emission, or energy-efficient vehicle in a
6 high-occupancy-vehicle lane regardless of occupancy;
7 authorizing the department to limit or discontinue such
8 driving under certain circumstances; exempting such
9 vehicles from the payment of certain tolls; amending s.
10 316.1575, F.S.; requiring a person walking or driving a
11 vehicle to stop at a railroad crossing upon the signal of
12 a law enforcement officer; amending s. 316.1895, 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

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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 images or devices
52 on a motor vehicle; creating s. 316.1926, F.S.; creating
53 additional offenses regarding the operation of a motor
54 vehicle; amending s. 316.193, F.S.; lowering the blood-
55 alcohol or breath-alcohol level for which enhanced
56 penalties are imposed against a person who was accompanied
57 in the vehicle by a minor at the time of the offense;
58 clarifying that an ignition interlock device is installed

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59 for a continuous period; amending s. 316.1937, F.S.;

60 revising the conditions under which the court may require

61 the use of an ignition interlock device; amending s.

62 316.2085, F.S.; requiring an operator of a motorcycle or

63 moped to maintain both wheels on the ground at all times;

64 requiring that the license tag of a motorcycle or moped be

65 affixed horizontally; amending s. 316.2397, F.S.;

66 authorizing specified agencies to display blue lights when

67 responding to emergencies; amending s. 316.251, F.S.;

68 conforming a cross-reference; amending s. 316.29545, F.S.;

69 exempting certain investigative vehicles from the

70 prohibition against installing window sunscreening on a

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

72 application of certain federal rules; providing for the

73 department to perform certain duties assigned under

74 federal rules; updating a reference to federal provisions

75 governing out-of-service requirements for commercial

76 vehicles; amending s. 316.3045, F.S.; providing enhanced

77 penalties upon multiple convictions for violating

78 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.;

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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

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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. 320.0894, F.S.; providing for the issuance of
124 Gold Star license plates to certain family members;
125 amending s. 320.27, F.S.; revising the insurance
126 requirements for persons applying for a motor vehicle
127 dealer license; amending s. 320.69, F.S.; authorizing the
128 Department of Highway Safety and Motor Vehicles to adopt
129 rules, including definitions as necessary; creating s.
130 321.26, F.S.; designating the Joseph P. Bertrand Building
131 in Fort Myers; amending s. 322.01, F.S.; defining the term
132 "convenience service"; redefining the terms "conviction,"
133 "hazardous materials," and "out-of-service order";
134 amending s. 322.0255, F.S.; revising eligibility for
135 reimbursement for organizations that conduct motorcycle
136 safety courses; amending s. 322.03, F.S.; deleting
137 provisions exempting certain persons from the requirement
138 to surrender a license issued by another jurisdiction;
139 providing certain exceptions for part-time residents;
140 amending ss. 322.051 and 322.08, F.S.; requiring that an
141 applicant for an identification card or driver's license
142 provide additional information; authorizing use of
143 additional documents to prove identity; revising the fee
144 requirements; revising provisions providing for the
145 expiration of an identification card issued by the

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146 department; deleting provisions authorizing a voluntary
147 contribution; amending s. 322.14, F.S.; requiring that an
148 applicant for a driver's license provide a residence
149 address; amending s. 322.15, F.S.; authorizing a law
150 enforcement officer or authorized representative of the
151 department to collect a person's fingerprints
152 electronically; amending s. 322.17, F.S.; revising the
153 requirements for obtaining a replacement license or
154 permit; deleting provisions authorizing the department to
155 issue address stickers; amending s. 322.18, F.S.; revising
156 provisions providing for the expiration of driver's
157 licenses; providing for the renewal of certain licenses
158 every 8 years and for the renewal of licenses for persons
159 older than a specified age every 6 years; providing for
160 the renewal of licenses using a convenience service;
161 requiring the department to issue new licenses rather than
162 extension stickers; conforming cross-references; repealing
163 s. 322.181(4), F.S., relating to the Florida At-Risk
164 Driver Council; amending s. 322.19, F.S.; deleting
165 provisions authorizing the use of a change-of-address
166 sticker on a driver's license; conforming cross-
167 references; amending s. 322.21, F.S.; increasing the fees
168 charged for obtaining a new or renewal driver's license or
169 identification card; specifying that a portion of the fees
170 be deposited for use by the department; amending s.
171 322.2715, F.S.; clarifying that an ignition interlock
172 device is installed for a continuous period; amending s.
173 322.291, F.S.; imposing additional sanctions against a
174 person who violates requirements with respect to an

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175 ignition interlock device; amending s. 322.36, F.S.;

176 requiring the suspension for a specified period of the

177 driver's license of a person who loans a vehicle to a

178 person whose driver's license is suspended if that vehicle

179 is involved in an accident resulting in bodily injury or

180 death; repealing s. 322.60, F.S., relating to a

181 prohibition against possessing more than one driver's

182 license under certain circumstances; amending s. 322.61,

183 F.S.; clarifying provisions disqualifying a person from

184 operating a commercial motor vehicle following certain

185 traffic violations; providing for permanent

186 disqualification following conviction of a felony

187 involving the manufacture, distribution, or dispensing of

188 a controlled substance; amending s. 322.64, F.S.;

189 providing that refusal to submit to a breath, urine, or

190 blood test disqualifies a person from operating a

191 commercial motor vehicle; providing a period of

192 disqualification if a person has an unlawful blood-alcohol

193 or breath-alcohol level; providing for issuance of a

194 notice of disqualification; revising the requirements for

195 a formal review hearing following a person's

196 disqualification from operating a commercial motor

197 vehicle; amending s. 324.021, F.S.; clarifying that a

198 judgment becomes final by expiration of the time for

199 appeal; amending 501.976, F.S.; conforming a cross-

200 reference; creating the Automobile Lenders Industry Task

201 Force within the Department of Highway Safety and Motor

202 Vehicles; providing duties of the task force; providing

203 for membership and the election of officers; providing for

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

211
212 Be It Enacted by the Legislature of the State of Florida:

213
214 Section 1. Section 316.0741, Florida Statutes, is amended
215 to read:

216 316.0741 High-occupancy-vehicle ~~High-occupancy vehicle~~
217 lanes.--

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

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

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

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

227 2. In the case of a passenger automobile or light truck,
228 has received a certificate of conformity under the Clean Air Act,
229 42 U.S.C. ss. 7401 et seq., and meets or exceeds the equivalent
230 qualifying California standards for a low-emission vehicle.

231 (2) The number of persons that must be in a vehicle to
232 qualify for legal use of the HOV lane and the hours during which

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233 the lane will serve as an HOV lane, if it is not designated as
234 such on a full-time basis, must also be indicated on a traffic
235 control device.

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

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

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

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

259 (5) The department shall issue a decal and registration
260 certificate, to be renewed annually, reflecting the HOV lane
261 designation on ~~such~~ vehicles meeting the criteria in subsection

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

273 (6) Vehicles that have decals by virtue of compliance with
274 the minimum fuel-economy standards under 23 U.S.C. s.
275 166(f) (3) (B), and that are registered for use in high-occupancy
276 toll lanes or express lanes in accordance with Department of
277 Transportation rule, shall be allowed to use any HOV lanes
278 redesignated as high-occupancy toll lanes or express lanes
279 without payment of a toll.

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

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

284 ~~1. An internal combustion or heat engine using combustible~~
285 ~~fuel; and~~

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

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

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

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

293 (7)-(6) The department of Transportation is authorized to
294 ~~may~~ adopt rules ~~necessary~~ to implement and administer this
295 section.

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

298 316.1575 Obedience to traffic control devices at railroad-
299 highway grade crossings.--

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

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

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

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

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

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

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320 316.1895 Establishment of school speed zones, enforcement;
321 designation.--

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

334 Section 4. Section 316.191, Florida Statutes, is amended to
335 read:

336 316.191 Racing on highways.--

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

338 (a) "Conviction" means a determination of guilt that is the
339 result of a plea or trial, regardless of whether or not
340 adjudication is withheld.

341 (b) "Drag race" means the operation of two or more motor
342 vehicles in competition, arising from a challenge to demonstrate
343 superiority of a motor vehicle or driver and the acceptance or
344 competitive response to that challenge, either through a prior
345 arrangement or in immediate response, from a point side by side
346 at accelerating speeds in a competitive attempt to outdistance
347 each other, or the operation of one or more motor vehicles over a
348 common selected course, from the same point to the same point,

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349 for the purpose of comparing the relative speeds or power of
350 acceleration of such motor vehicle or motor vehicles within a
351 certain distance or time limit. A drag race may be prearranged or
352 may occur through a competitive response to conduct on the part
353 of one or more drivers which, under the totality of the
354 circumstances, can reasonably be interpreted as a challenge to
355 participate in a drag race.

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

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

372 (e) ~~(e)~~ "Race Racing" means the use of one or more motor
373 vehicles in competition, arising from a challenge to demonstrate
374 superiority of a motor vehicle or driver and the acceptance or
375 competitive response to that challenge, either through a prior
376 arrangement or in immediate response, in which the competitor
377 attempts an attempt to outgain or outdistance another motor

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378 vehicle, to prevent another motor vehicle from passing, to arrive
379 at a given destination ahead of another motor vehicle or motor
380 vehicles, or to test the physical stamina or endurance of drivers
381 over long-distance driving routes. A race may be prearranged or
382 may occur through a competitive response to conduct on the part
383 of one or more drivers which, under the totality of the
384 circumstances, can reasonably be interpreted as a challenge to
385 race.

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

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

398 1. Drive any motor vehicle, including any motorcycle, in
399 any race;

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

402 3. Drive in any exhibition of speed; or

403 4. Drive in any exhibition of acceleration. or for the
404 purpose of making a speed record on any highway, roadway, or
405 parking lot;

406 (b) A person may not:

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407 ~~1.2.~~ In any manner knowingly participate in, coordinate,
408 facilitate, or collect moneys at any location for any such race,
409 drag race competition, contest, test, or exhibition prohibited
410 under paragraph (a);

411 ~~2.3.~~ Knowingly ride as a passenger in any such race, drag
412 race competition, contest, test, or exhibition prohibited under
413 paragraph (a); or

414 ~~3.4.~~ Knowingly Purposefully cause the movement of traffic
415 to slow or stop for any such race, drag race competition,
416 contest, test, or exhibition prohibited under paragraph (a).

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

419 (3) (a) Any person who violates any provision of this
420 paragraph (2) (a) or paragraph (2) (b) commits a misdemeanor of the
421 second first degree, punishable as provided in s. 775.082 or s.
422 775.083. Any person who violates any provision of this paragraph
423 (2) (a) or paragraph (2) (b) shall pay a fine of not less than \$250
424 \$500 and not more than \$500 \$1,000, and the court shall revoke
425 the driver's license of a person so convicted for 2 years
426 regardless of whether or not adjudication is withheld and the
427 department shall revoke the driver license of a person so
428 convicted for 1 year. A hearing may be requested pursuant to s.
429 322.271.

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

433 (c) ~~(b)~~ Any person who violates any provision of paragraph
434 (2) (a) or paragraph (2) (b) within 5 years after the date of a
435 prior violation that resulted in a conviction for a violation of

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

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

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

459 (f) Any person who violates any provision of paragraph
460 (2) (a) or paragraph (2) (b) and by reason of such violation causes
461 or in any way contributes to causing the death of any human being
462 or unborn quick child commits the crime of manslaughter resulting
463 from the operation of a motor vehicle. In any conviction under
464 this paragraph, the court may not withhold adjudication of guilt

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465 and shall permanently revoke the driver's license of a person so
466 convicted. A hearing may be requested pursuant to s. 322.271. A
467 person so convicted commits:

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

471 2. A felony of the first 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, if:

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

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

478
479 For purposes of this paragraph, the definition of the term
480 "unborn quick child" shall be determined in accordance with the
481 definition of viable fetus as set forth in s. 782.071. A person
482 who is convicted of manslaughter resulting from the operation of
483 a motor vehicle shall be sentenced to a mandatory minimum term of
484 imprisonment of 4 years.

485 (4)(e) In any case charging a violation of paragraph (2)(a)
486 or paragraph (2)(b), the court shall be provided a copy of the
487 driving record of the person charged and may obtain any records
488 from any other source to determine if one or more prior
489 convictions of the person for violation of paragraph (2)(a) or
490 paragraph (2)(b) have occurred within 5 years prior to the
491 charged offense; however, at trial, proof of such prior
492 conviction must be made by a certified copy of any prior judgment
493 of conviction or judgment withholding adjudication of guilt.

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

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

516 (c) ~~(b)~~ All costs and fees for the impoundment or
517 immobilization, including the cost of notification, must be paid
518 by the owner of the motor vehicle or, if the motor vehicle is
519 leased or rented, by the person leasing or renting the motor
520 vehicle, unless the impoundment or immobilization order is
521 dismissed. All provisions of s. 713.78 shall apply.

522 (d) ~~(e)~~ Any motor vehicle used in violation of subsection

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

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

541 (6) ~~(5)~~ This section does not apply to licensed or duly
542 authorized racetracks, drag strips, or other designated areas set
543 aside by proper authorities for such purposes.

544 (7) If any provision of this section is deemed
545 unconstitutional by any court, such unconstitutional provision
546 shall be deemed severable and such determination shall not affect
547 the enforceability of all remaining constitutional provisions of
548 this section.

549 Section 5. Whoever willfully displays on a vehicle an image
550 or device of reproductive glands, commits a noncriminal traffic
551 violation, punishable as a moving violation as provided in

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552 chapter 318, Florida Statutes.

553 Section 6. Section 316.1926, Florida Statutes, is created
554 to read:

555 316.1926 Additional offenses.--

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

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

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

565 316.193 Driving under the influence; penalties.--

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

572 (a) By a fine of:

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

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

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

579 (b) By imprisonment for:

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

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

582
583 For the purposes of this subsection, only the instant offense is
584 required to be a violation of subsection (1) by a person who has
585 a blood-alcohol level or breath-alcohol level of 0.15 ~~0.20~~ or
586 higher.

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

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

600 316.1937 Ignition interlock devices, requiring; unlawful
601 acts.--

602 (1) In addition to any other authorized penalties, the
603 court may require that any person who is convicted of driving
604 under the influence in violation of s. 316.193 shall not operate
605 a motor vehicle unless that vehicle is equipped with a
606 functioning ignition interlock device certified by the department
607 as provided in s. 316.1938, and installed in such a manner that
608 the vehicle will not start if the operator's blood alcohol level
609 is in excess of 0.05 percent or as otherwise specified by the

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610 court. The court may require the use of an approved ignition
611 interlock device for a period of not less than 6 continuous
612 months, if the person is permitted to operate a motor vehicle,
613 whether or not the privilege to operate a motor vehicle is
614 restricted, as determined by the court. The court, however, shall
615 order placement of an ignition interlock device in those
616 circumstances required by s. 316.193.

617 Section 9. Subsection (2) of section 316.2085, Florida
618 Statutes, is amended, subsections (3) through (6) of that section
619 are renumbered as subsections (4) through (7), respectively, and
620 a new subsection (3) is added to that section, to read:

621 316.2085 Riding on motorcycles or mopeds.--

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

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

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

634 316.2397 Certain lights prohibited; exceptions.--

635 (1) A ~~No~~ person may not ~~shall~~ drive or move or cause to be
636 moved any vehicle or equipment upon any highway within this state
637 with any lamp or device thereon showing or displaying a red or
638 blue light visible from directly in front thereof except for

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639 certain vehicles hereinafter provided.

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

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

647 316.251 Maximum bumper heights.--

648 (2) "New motor vehicles" as defined in s. 319.001(9) ~~s.~~
649 ~~319.001(8)~~, "antique automobiles" as defined in s. 320.08,
650 "horseless carriages" as defined in s. 320.086, and "street rods"
651 as defined in s. 320.0863 shall be excluded from the requirements
652 of this section.

653 Section 12. Section 316.29545, Florida Statutes, is amended
654 to read:

655 316.29545 Window sunscreening exclusions; medical
656 exemption; certain law enforcement vehicles exempt; certain
657 investigative vehicles exempt.--

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

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668 the make, model, year, vehicle identification number, medical
669 exemption decal number issued for the vehicle, and the name of
670 the person or persons who are the registered owners of the
671 vehicle. A medical exemption certificate shall be nontransferable
672 and shall become null and void upon the sale or transfer of the
673 vehicle identified on the certificate.

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

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

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

690 Section 13. Subsections (1), (6), and (8) of section
691 316.302, Florida Statutes, are amended to read:

692 316.302 Commercial motor vehicles; safety regulations;
693 transporters and shippers of hazardous materials; enforcement.--

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

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

698 (b) Except as otherwise provided in this section, all
699 owners or drivers of commercial motor vehicles that are engaged
700 in intrastate commerce are subject to the rules and regulations
701 contained in 49 C.F.R. parts 382, 385, and 390-397, with the
702 exception of 49 C.F.R. s. 390.5 as it relates to the definition
703 of bus, as such rules and regulations existed on October 1, 2007
704 ~~2005~~.

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

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

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

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

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

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

745 Section 14. Section 316.3045, Florida Statutes, is amended
746 to read:

747 316.3045 Operation of radios or other mechanical
748 soundmaking devices or instruments in vehicles; exemptions.--

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

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

756 (b) Louder than necessary for the convenient hearing by
757 persons inside the vehicle in areas adjoining churches, schools,
758 or hospitals.

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

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

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

779 (5) A violation of this section is a noncriminal traffic
780 infraction, punishable as a nonmoving violation as provided in
781 chapter 318.

782 (6) In addition to any fine administered under subsection

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783 (5), a person convicted of a violation of this section shall also
784 pay upon the 10th or subsequent conviction, a fine of not less
785 than \$250 but not more than \$500.

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

788 316.613 Child restraint requirements.--

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

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

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

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

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

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

802 Section 16. Section 316.645, Florida Statutes, is amended
803 to read:

804 316.645 Arrest authority of officer at scene of a traffic
805 crash.--A police officer who makes an investigation at the scene
806 of a traffic crash may arrest any driver of a vehicle involved in
807 the crash when, based upon personal investigation, the officer
808 has reasonable and probable grounds to believe that the person
809 has committed any offense under the provisions of this chapter,
810 chapter 320, or chapter 322 in connection with the crash.

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

813 316.650 Traffic citations.--

814 (1)(a) The department shall prepare~~7~~ and supply to every
815 traffic enforcement agency in this state~~7~~ an appropriate form
816 traffic citation that contains ~~containing~~ a notice to appear, is
817 ~~(which shall be issued in prenumbered books, meets with citations~~
818 ~~in quintuplicate) and meeting~~ the requirements of this chapter or
819 any laws of this state regulating traffic, and is ~~which form~~
820 ~~shall be~~ consistent with the state traffic court rules and the
821 procedures established by the department. The form shall include
822 a box that ~~which~~ is to be checked by the law enforcement officer
823 when the officer believes that the traffic violation or crash was
824 due to aggressive careless driving as defined in s. 316.1923. The
825 form shall also include a box that ~~which~~ is to be checked by the
826 law enforcement officer when the officer writes a uniform traffic
827 citation for a violation of s. 316.074(1) or s. 316.075(1)(c)1.
828 as a result of the driver failing to stop at a traffic signal.

829 (b) The department shall prepare, and supply to every
830 traffic enforcement agency in the state, an appropriate
831 affidavit-of-compliance form that ~~which~~ shall be issued along
832 with the form traffic citation for any violation of s. 316.610
833 and that indicates ~~which shall indicate~~ the specific defect
834 needing ~~which needs~~ to be corrected. However, such affidavit of
835 compliance shall not be issued in the case of a violation of s.
836 316.610 by a commercial motor vehicle as defined in s.
837 316.003(66). Such affidavit-of-compliance form shall be
838 distributed in the same manner and to the same parties as is the
839 form traffic citation.

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

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

853 (3) (a) Except for a traffic citation issued pursuant to s.
854 316.1001, each traffic enforcement officer, upon issuing a
855 traffic citation to an alleged violator of any provision of the
856 motor vehicle laws of this state or of any traffic ordinance of
857 any municipality ~~city~~ or town, shall deposit the original ~~and one~~
858 ~~copy of such~~ traffic citation or, in the case of a traffic
859 enforcement agency that ~~which~~ has an automated citation issuance
860 system, the chief administrative officer shall provide by an
861 electronic transmission a replica of the citation data to
862 ~~facsimile with~~ a court having jurisdiction over the alleged
863 offense or with its traffic violations bureau within 5 days after
864 issuance to the violator.

865 (b) If a traffic citation is issued pursuant to s.
866 316.1001, a traffic enforcement officer may deposit the original
867 ~~and one copy of such~~ traffic citation or, in the case of a
868 traffic enforcement agency that has an automated citation system,

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

885 (4) The chief administrative officer of every traffic
886 enforcement agency shall require the return to him or her ~~of the~~
887 officer-agency department record copy of every traffic citation
888 issued by an officer under the chief administrative officer's
889 supervision to an alleged violator of any traffic law or
890 ordinance and ~~of~~ all copies of every traffic citation that ~~which~~
891 has been spoiled or upon which any entry has been made and not
892 issued to an alleged violator. In the case of a traffic
893 enforcement agency that ~~which~~ has an automated citation issuance
894 system, the chief administrative officer shall require the return
895 of all electronic traffic citation records.

896 (5) Upon the deposit of the original ~~and one copy of such~~
897 traffic citation or upon ~~deposit of~~ an electronic transmission of

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

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

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

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927 Section 18. Paragraph (a) of subsection (2) of section
928 316.656, Florida Statutes, is amended to read:

929 316.656 Mandatory adjudication; prohibition against
930 accepting plea to lesser included offense.--

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

936 Section 19. Subsection (9) of section 318.14, Florida
937 Statutes, is amended, and subsection (13) is added to that
938 section, to read:

939 318.14 Noncriminal traffic infractions; exception;
940 procedures.--

941 (9) Any person who does not hold a commercial driver's
942 license and who is cited for an infraction under this section
943 other than a violation of s. 316.183(2), s. 316.187, or s.
944 316.189 when the driver exceeds the posted limit by 30 miles per
945 hour or more, s. 320.0605, s. 320.07(3) (a) or (b), s. 322.065, s.
946 322.15(1), s. 322.61, or s. 322.62 may, in lieu of a court
947 appearance, elect to attend in the location of his or her choice
948 within this state a basic driver improvement course approved by
949 the Department of Highway Safety and Motor Vehicles. In such a
950 case, adjudication must be withheld; points, as provided by s.
951 322.27, may not be assessed; and the civil penalty that is
952 imposed by s. 318.18(3) must be reduced by 18 percent; however, a
953 person may not make an election under this subsection if the
954 person has made an election under this subsection in the
955 preceding 12 months. A person may make no more than five

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956 elections within 10 years under this subsection. The requirement
957 for community service under s. 318.18(8) is not waived by a plea
958 of nolo contendere or by the withholding of adjudication of guilt
959 by a court.

960 (13) (a) A person cited for a violation of s. 316.1926
961 shall, in addition to any other requirements provided herein, pay
962 a fine of \$1,000. This fine is in lieu of the fine required under
963 318.18(3) (b) if the person is cited for violation of s.
964 316.1926(2).

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

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

979 Section 20. Section 318.195, Florida Statutes, is created
980 to read:

981 318.195 Enhanced penalties for moving violations causing
982 injury or death to motorcyclists.--

983 (1) A person who is convicted of a moving violation that
984 causes serious bodily injury, as defined in s. 316.1933(1) (b), to

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985 another person on a motorcycle commits a misdemeanor of the
986 second degree, punishable as provided in s. 775.082 or s.
987 775.083, shall pay a fine of not less than \$500, shall serve a
988 minimum of 30 days' imprisonment, and shall be required to attend
989 a driver improvement course. In addition, the court shall revoke
990 the person's driver's license for at least 30 days.

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

1000 (3) This section does not prohibit a person from being
1001 charged with, convicted of, or punished for any other violation
1002 of law.

1003 Section 21. Subsection (12) is added to section 319.001,
1004 Florida Statutes, to read:

1005 319.001 Definitions.--As used in this chapter, the term:

1006 (12) "Certificate of title" means the record that is
1007 evidence of ownership of a vehicle, whether a paper certificate
1008 authorized by the department or a certificate consisting of
1009 information that is stored in an electronic form in the
1010 department's database.

1011 Section 22. Section 320.0706, Florida Statutes, is amended
1012 to read:

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1013 320.0706 Display of license plates on trucks.--The owner of
1014 any commercial truck of gross vehicle weight of 26,001 pounds or
1015 more shall display the registration license plate on both the
1016 front and rear of the truck in conformance with all the
1017 requirements of s. 316.605 that do not conflict with this
1018 section. The owner of a dump truck may place the rear license
1019 plate on the gate no higher than 60 inches to allow for better
1020 visibility. However, the owner of a truck tractor shall ~~be~~
1021 ~~required to~~ display the registration license plate only on the
1022 front of such vehicle. A violation of this section is a moving
1023 violation punishable as provided in chapter 318.

1024 Section 23. Subsection (4) of section 320.0715, Florida
1025 Statutes, is amended to read:

1026 320.0715 International Registration Plan; motor carrier
1027 services; permits; retention of records.--

1028 (4) Each motor carrier registered under the International
1029 Registration Plan shall maintain and keep, for a period of 4
1030 years, pertinent records and papers as may be required by the
1031 department for the reasonable administration of this chapter.

1032 (a) The department shall withhold the registration and
1033 license plate for a commercial motor vehicle unless the
1034 identifying number issued by the federal agency responsible for
1035 motor carrier safety is provided for the motor carrier and the
1036 entity responsible for motor carrier safety for each motor
1037 vehicle as part of the application process.

1038 (b) The department may not issue a commercial motor vehicle
1039 registration or license plate to, and may not transfer the
1040 commercial motor vehicle registration or license plate for, a
1041 motor carrier or vehicle owner who has been prohibited from

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1042 operating by a federal or state agency responsible for motor
1043 carrier safety.

1044 (c) The department, with notice, shall suspend any
1045 commercial motor vehicle registration and license plate issued to
1046 a motor carrier or vehicle owner who has been prohibited from
1047 operating by a federal or state agency responsible for motor
1048 carrier safety.

1049 Section 24. Subsection (27) of section 320.01, Florida
1050 Statutes, is amended to read:

1051 320.01 Definitions, general.--As used in the Florida
1052 Statutes, except as otherwise provided, the term:

1053 (27) "Motorcycle" means any motor vehicle having a seat or
1054 saddle for the use of the rider and designed to travel on not
1055 more than three wheels in contact with the ground, but excluding
1056 a tractor, ~~or a moped,~~ or a vehicle where the operator is
1057 enclosed by a cabin.

1058 Section 25. Effective July 1, 2008, subsection (1) of
1059 section 320.02, Florida Statutes, as amended by section 28 of
1060 chapter 2006-290, Laws of Florida, is amended to read:

1061 (1) Except as otherwise provided in this chapter, every
1062 owner or person in charge of a motor vehicle that is operated or
1063 driven on the roads of this state shall register the vehicle in
1064 this state. The owner or person in charge shall apply to the
1065 department or to its authorized agent for registration of each
1066 such vehicle on a form prescribed by the department. ~~Prior to the~~
1067 ~~original registration of a motorcycle, motor-driven cycle, or~~
1068 ~~moped, the owner, if a natural person, must present proof that he~~
1069 ~~or she has a valid motorcycle endorsement as required in chapter~~
1070 ~~322.~~ A registration is not required for any motor vehicle that is

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1071 not operated on the roads of this state during the registration
1072 period.

1073 Section 26. Subsection (13) of section 320.02, Florida
1074 Statutes, is repealed.

1075 Section 27. Subsection (3) of section 320.08053, Florida
1076 Statutes, is repealed.

1077 Section 28. Paragraph (a) of subsection (4) of section
1078 320.0894, Florida Statutes, is amended to read:

1079 320.0894 Motor vehicle license plates to Gold Star family
1080 members.--The department shall develop a special license plate
1081 honoring the family members of servicemembers who have been
1082 killed while serving in the Armed Forces of the United States.
1083 The license plate shall be officially designated as the Gold Star
1084 license plate and shall be developed and issued as provided in
1085 this section.

1086 (4) (a) 1. a. The Gold Star license plate shall be issued only
1087 to family members of a servicemember who resided in Florida at
1088 the time of the death of the servicemember.

1089 b. Any family member, as defined in subparagraph 2., of a
1090 servicemember killed while serving may be issued a Gold Star
1091 license plate upon payment of the license tax and appropriate
1092 fees as provided in paragraph (3) (a) without regard to the state
1093 of residence of the servicemember.

1094 2. To qualify for issuance of a Gold Star license plate,
1095 the applicant must be directly related to a fallen servicemember
1096 as spouse, legal mother or father, or stepparent who is currently
1097 married to the mother or father of the fallen servicemember.

1098 3. A servicemember is deemed to have been killed while in
1099 service as listed by the United States Department of Defense and

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1100 may be verified from documentation directly from the Department
1101 of Defense or from its subordinate agencies, such as the Coast
1102 Guard, Reserve, or National Guard.

1103 Section 29. Subsection (3) of section 320.27, Florida
1104 Statutes, is amended to read:

1105 320.27 Motor vehicle dealers.--

1106 (3) APPLICATION AND FEE.--The application for the license
1107 shall be in such form as may be prescribed by the department and
1108 shall be subject to such rules with respect thereto as may be so
1109 prescribed by it. Such application shall be verified by oath or
1110 affirmation and shall contain a full statement of the name and
1111 birth date of the person or persons applying therefor; the name
1112 of the firm or copartnership, with the names and places of
1113 residence of all members thereof, if such applicant is a firm or
1114 copartnership; the names and places of residence of the principal
1115 officers, if the applicant is a body corporate or other
1116 artificial body; the name of the state under whose laws the
1117 corporation is organized; the present and former place or places
1118 of residence of the applicant; and prior business in which the
1119 applicant has been engaged and the location thereof. Such
1120 application shall describe the exact location of the place of
1121 business and shall state whether the place of business is owned
1122 by the applicant and when acquired, or, if leased, a true copy of
1123 the lease shall be attached to the application. The applicant
1124 shall certify that the location provides an adequately equipped
1125 office and is not a residence; that the location affords
1126 sufficient unoccupied space upon and within which adequately to
1127 store all motor vehicles offered and displayed for sale; and that
1128 the location is a suitable place where the applicant can in good

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1129 faith carry on such business and keep and maintain books,
1130 records, and files necessary to conduct such business, which will
1131 be available at all reasonable hours to inspection by the
1132 department or any of its inspectors or other employees. The
1133 applicant shall certify that the business of a motor vehicle
1134 dealer is the principal business which shall be conducted at that
1135 location. Such application shall contain a statement that the
1136 applicant is either franchised by a manufacturer of motor
1137 vehicles, in which case the name of each motor vehicle that the
1138 applicant is franchised to sell shall be included, or an
1139 independent (nonfranchised) motor vehicle dealer. Such
1140 application shall contain such other relevant information as may
1141 be required by the department, including evidence that the
1142 applicant is insured under a garage liability insurance policy or
1143 a general liability insurance policy coupled with a business
1144 automobile policy, which shall include, at a minimum, \$25,000
1145 combined single-limit liability coverage including bodily injury
1146 and property damage protection and \$10,000 personal injury
1147 protection. Franchise dealers must submit a garage liability
1148 insurance policy, and all other dealers must submit a garage
1149 liability insurance policy or a general liability insurance
1150 policy coupled with a business automobile policy. Such policy
1151 shall be for the license period, and evidence of a new or
1152 continued policy shall be delivered to the department at the
1153 beginning of each license period. Upon making ~~such~~ initial
1154 application, the applicant ~~person applying therefor~~ shall pay to
1155 the department a fee of \$300 in addition to any other fees now
1156 required by law; upon making a subsequent renewal application,
1157 the applicant ~~person applying therefor~~ shall pay to the

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1158 department a fee of \$75 in addition to any other fees now
1159 required by law. Upon making an application for a change of
1160 location, the person shall pay a fee of \$50 in addition to any
1161 other fees now required by law. The department shall, in the case
1162 of every application for initial licensure, verify whether
1163 certain facts set forth in the application are true. Each
1164 applicant, general partner in the case of a partnership, or
1165 corporate officer and director in the case of a corporate
1166 applicant, must file a set of fingerprints with the department
1167 for the purpose of determining any prior criminal record or any
1168 outstanding warrants. The department shall submit the
1169 fingerprints to the Department of Law Enforcement for state
1170 processing and forwarding to the Federal Bureau of Investigation
1171 for federal processing. The actual cost of ~~such~~ state and federal
1172 processing shall be borne by the applicant and is ~~to be~~ in
1173 addition to the fee for licensure. The department may issue a
1174 license to an applicant pending the results of the fingerprint
1175 investigation, which license is fully revocable if the department
1176 subsequently determines that any facts set forth in the
1177 application are not true or correctly represented.

1178 Section 30. Section 320.69, Florida Statutes, is amended to
1179 read:

1180 320.69 Rules.--The department has authority to adopt rules
1181 pursuant to ss. 120.536(1) and 120.54 to implement ss. 320.61-
1182 320.70, including the authority to adopt definitions as necessary
1183 ~~the provisions of this law.~~

1184 Section 31. Section 321.26, Florida Statutes, is created to
1185 read:

1186 321.26 Joseph P. Bertrand Building designation.--

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1187 (1) The regional transportation management center in Fort
1188 Myers is designated the "Joseph P. Bertrand Building."

1189 (2) The Department of Highway Safety and Motor Vehicles may
1190 erect suitable markers designating the "Joseph P. Bertrand
1191 Building" described in subsection (1).

1192 Section 32. Present subsections (10) through (44) of
1193 section 322.01, Florida Statutes, are redesignated as subsections
1194 (11) through (45), respectively, a new subsection (10) is added
1195 to that section, and present subsections (10), (23), and (29) of
1196 that section are amended, to read:

1197 322.01 Definitions.--As used in this chapter:

1198 (10) "Convenience service" means any means whereby an
1199 individual conducts a transaction with the department other than
1200 in person.

1201 (11)-(10)(a) "Conviction" means a conviction of an offense
1202 relating to the operation of motor vehicles on highways which is
1203 a violation of this chapter or any other such law of this state
1204 or any other state, including an admission or determination of a
1205 noncriminal traffic infraction pursuant to s. 318.14, or a
1206 judicial disposition of an offense committed under any federal
1207 law substantially conforming to the aforesaid state statutory
1208 provisions.

1209 (b) Notwithstanding any other provisions of this chapter,
1210 the definition of "conviction" provided in 49 C.F.R. part 383.5
1211 applies to offenses committed in a commercial motor vehicle or by
1212 a person holding a commercial driver license.

1213 (24)-(23) "Hazardous materials" means any material that has
1214 been designated as hazardous under 49 U.S.C. 5103 and is required
1215 to be placarded under subpart F of 49 C.F.R. part 172 or any

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1216 quantity of a material listed as a select agent or toxin in 42
1217 C.F.R. part 73 ~~has the meaning such term has under s. 103 of the~~
1218 ~~Hazardous Materials Transportation Act.~~

1219 ~~(30)-(29)~~ "Out-of-service order" means a prohibition issued
1220 by an authorized local, state, or Federal Government official
1221 which precludes a person from driving a commercial motor vehicle
1222 ~~for a period of 72 hours or less.~~

1223 Section 33. Effective July 1, 2008, subsection (5) of
1224 section 322.0255, Florida Statutes, is amended to read:

1225 322.0255 Florida Motorcycle Safety Education Program.--

1226 (5) The only organizations that are eligible for
1227 reimbursement are organizations that executed a contract on or
1228 after July 1, 2008. This reimbursement shall continue for 12
1229 months following the execution of the organization's contract.

1230 The department shall, subject to the availability of funds,
1231 reimburse each organization that provides an approved motorcycle
1232 safety education course for each student who begins the on-cycle
1233 portion of the course. This shall include any student not
1234 required to attend a motorcycle safety education course prior to
1235 licensure as required in s. 322.12. The amount to be reimbursed
1236 per student to each course provider shall be determined by the
1237 department. In order to facilitate such determination, each
1238 course provider shall be required to submit proof satisfactory to
1239 the department of the expected cost per student to be incurred by
1240 such course provider. In no event shall the amount to be
1241 reimbursed per student to any course provider exceed the expected
1242 cost per student. In addition to the amount of any reimbursement,
1243 each course provider that conducts such a course may charge each
1244 student a tuition fee sufficient to defray the cost of conducting

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1245 the course. The department shall fund the payments required under
1246 this subsection from the motorcycle safety education fee, as
1247 provided in ss. 320.08 and 322.025.

1248 Section 34. Subsection (1) of section 322.03, Florida
1249 Statutes, is amended to read:

1250 322.03 Drivers must be licensed; penalties.--

1251 (1) Except as otherwise authorized in this chapter, a
1252 person may not drive any motor vehicle upon a highway in this
1253 state unless such person has a valid driver's license under the
1254 provisions of this chapter.

1255 (a) A person who drives a commercial motor vehicle shall
1256 not receive a driver's license unless and until he or she
1257 surrenders to the department all driver's licenses in his or her
1258 possession issued to him or her by any other jurisdiction or
1259 makes an affidavit that he or she does not possess a driver's
1260 license. Any such person who fails to surrender such licenses or
1261 who makes a false affidavit concerning such licenses is guilty of
1262 a misdemeanor of the first degree, punishable as provided in s.
1263 775.082 or s. 775.083.

1264 (b) ~~A person who does not drive a commercial motor vehicle~~
1265 ~~is not required to surrender a license issued by another~~
1266 ~~jurisdiction, upon a showing to the department that such license~~
1267 ~~is necessary because of employment or part-time residence. Any~~
1268 ~~person who retains a driver's license because of employment or~~
1269 ~~part-time residence shall, upon qualifying for a license in this~~
1270 ~~state, be issued a driver's license which shall be valid within~~
1271 ~~this state only.~~ All surrendered licenses may be returned by the
1272 department to the issuing jurisdiction together with information
1273 that the licensee is now licensed in a new jurisdiction or may be

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1274 destroyed by the department, which shall notify the issuing
1275 jurisdiction of such destruction. A person may not have more than
1276 one valid ~~Florida~~ driver's license at any time.

1277 (c) A part-time resident issued a license pursuant to
1278 paragraph (b) may continue to hold such license until the next
1279 regularly scheduled renewal. Licenses that are identified as
1280 "Valid in Florida only" may not be issued or renewed effective
1281 July 1, 2009. This paragraph expires June 30, 2017.

1282 Section 35. Subsections (1) and (2) of section 322.051,
1283 Florida Statutes, are amended to read:

1284 322.051 Identification cards.--

1285 (1) Any person who is 5 years of age or older, or any
1286 person who has a disability, regardless of age, who applies for a
1287 disabled parking permit under s. 320.0848, may be issued an
1288 identification card by the department upon completion of an
1289 application and payment of an application fee.

1290 (a) Each such application shall include the following
1291 information regarding the applicant:

1292 1. Full name (first, middle or maiden, and last), gender,
1293 proof of social security card number satisfactory to the
1294 department, county of residence, ~~and~~ mailing address, proof of
1295 residential address satisfactory to the department, country of
1296 birth, and a brief description.

1297 2. Proof of birth date satisfactory to the department.

1298 3. Proof of identity satisfactory to the department. Such
1299 proof must include one of the following documents issued to the
1300 applicant:

1301 a. A driver's license record or identification card record
1302 from another jurisdiction that required the applicant to submit a

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1303 document for identification which is substantially similar to a
1304 document required under sub-subparagraph b., sub-subparagraph c.,
1305 sub-subparagraph d., sub-subparagraph e., sub-subparagraph f., ~~or~~
1306 sub-subparagraph g., or sub-subparagraph h.;

1307 b. A certified copy of a United States birth certificate;

1308 c. A valid, unexpired United States passport;

1309 d. A naturalization certificate issued by the United States
1310 Department of Homeland Security;

1311 e. A valid, unexpired ~~An~~ alien registration receipt card
1312 (green card);

1313 f. Consular Report of Birth Abroad provided by the United
1314 States Department of State;

1315 ~~g.f.~~ An unexpired employment authorization card issued by
1316 the United States Department of Homeland Security; or

1317 ~~h.g.~~ Proof of nonimmigrant classification provided by the
1318 United States Department of Homeland Security, for an original
1319 identification card. In order to prove such nonimmigrant
1320 classification, applicants may produce but are not limited to the
1321 following documents:

1322 (I) A notice of hearing from an immigration court
1323 scheduling a hearing on any proceeding.

1324 (II) A notice from the Board of Immigration Appeals
1325 acknowledging pendency of an appeal.

1326 (III) Notice of the approval of an application for
1327 adjustment of status issued by the United States Bureau of
1328 Citizenship and Immigration Services.

1329 (IV) Any official documentation confirming the filing of a
1330 petition for asylum or refugee status or any other relief issued

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1331 by the United States Bureau of Citizenship and Immigration
1332 Services.

1333 (V) Notice of action transferring any pending matter from
1334 another jurisdiction to Florida, issued by the United States
1335 Bureau of Citizenship and Immigration Services.

1336 (VI) Order of an immigration judge or immigration officer
1337 granting any relief that authorizes the alien to live and work in
1338 the United States including, but not limited to asylum.

1339 (VII) Evidence that an application is pending for
1340 adjustment of status to that of an alien lawfully admitted for
1341 permanent residence in the United States or conditional permanent
1342 resident status in the United States, if a visa number is
1343 available having a current priority date for processing by the
1344 United States Bureau of Citizenship and Immigration Services.

1345 (VIII) On or after January 1, 2010, an unexpired foreign
1346 passport with an unexpired United States Visa affixed,
1347 accompanied by an approved I-94, documenting the most recent
1348 admittance into the United States.

1349
1350 Presentation of any of the documents described in sub-
1351 subparagraph g. ~~f.~~ or sub-subparagraph h. ~~g.~~ entitles the
1352 applicant to an identification card for a period not to exceed
1353 the expiration date of the document presented or 1 year,
1354 whichever first occurs.

1355 (b) An application for an identification card must be
1356 signed and verified by the applicant in a format designated by
1357 the department before a person authorized to administer oaths and
1358 payment of the applicable fee pursuant to s. 322.21. ~~The fee for~~

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1359 ~~an identification card is \$3, including payment for the color~~
1360 ~~photograph or digital image of the applicant.~~

1361 (c) Each such applicant may include fingerprints and any
1362 other unique biometric means of identity.

1363 (2) (a) Every identification card:

1364 1. Issued to a person 5 years of age to 14 years of age
1365 shall expire, unless canceled earlier, on the fourth birthday of
1366 the applicant following the date of original issue.

1367 2. Issued to a person 15 years of age and older shall
1368 expire, unless canceled earlier, on the eighth birthday of the
1369 applicant following the date of original issue.

1370
1371 Renewal of an identification card shall be made for the
1372 applicable term enumerated in this paragraph. However, if an
1373 individual is 60 years of age or older, and has an identification
1374 card issued under this section, the card shall not expire unless
1375 done so by cancellation by the department or by the death of the
1376 cardholder. Renewal of any identification card shall be made for
1377 a term which shall expire on the fourth birthday of the applicant
1378 following expiration of the identification card renewed, unless
1379 surrendered earlier. Any application for renewal received later
1380 than 90 days after expiration of the identification card shall be
1381 considered the same as an application for an original
1382 identification card. The renewal fee for an identification card
1383 shall be \$10, of which \$4 shall be deposited into the General
1384 Revenue Fund and \$6 into the Highway Safety Operating Trust Fund.
1385 The department shall, at the end of 4 years and 6 months after
1386 the issuance or renewal of an identification card, destroy any

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1387 ~~record of the card if it has expired and has not been renewed,~~
1388 ~~unless the cardholder is 60 years of age or older.~~

1389 (b) Notwithstanding any other provision of this chapter, if
1390 an applicant establishes his or her identity for an
1391 identification card using a document authorized under sub-
1392 subparagraph (1)(a)3.e., the identification card shall expire on
1393 the eighth ~~fourth~~ birthday of the applicant following the date of
1394 original issue or upon first renewal or duplicate issued after
1395 implementation of this section. After an initial showing of such
1396 documentation, he or she is exempted from having to renew or
1397 obtain a duplicate in person.

1398 (c) Notwithstanding any other provisions of this chapter,
1399 if an applicant establishes his or her identity for an
1400 identification card using an identification document authorized
1401 under sub-subparagraph (1)(a)3.g. ~~(1)(a)3.f.~~ or sub-subparagraph
1402 (1)(a)3.h. ~~(1)(a)3.g.~~, the identification card shall expire 1
1403 year ~~2 years~~ after the date of issuance or upon the expiration
1404 date cited on the United States Department of Homeland Security
1405 documents, whichever date first occurs, and may not be renewed or
1406 obtain a duplicate except in person.

1407 Section 36. Subsections (1), (2), and (6) of section
1408 322.08, Florida Statutes, are amended to read:

1409 322.08 Application for license.--

1410 (1) Each application for a driver's license shall be made
1411 in a format designated by the department and sworn to or affirmed
1412 by the applicant as to the truth of the statements made in the
1413 application.

1414 (2) Each such application shall include the following
1415 information regarding the applicant:

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1416 (a) Full name (first, middle or maiden, and last), gender,
1417 proof of social security card number satisfactory to the
1418 department, county of residence, ~~and~~ mailing address, proof of
1419 residential address satisfactory to the department, country of
1420 birth, and a brief description.

1421 (b) Proof of birth date satisfactory to the department.

1422 (c) Proof of identity satisfactory to the department. Such
1423 proof must include one of the following documents issued to the
1424 applicant:

1425 1. A driver's license record or identification card record
1426 from another jurisdiction that required the applicant to submit a
1427 document for identification which is substantially similar to a
1428 document required under subparagraph 2., subparagraph 3.,
1429 subparagraph 4., subparagraph 5., subparagraph 6., ~~or~~
1430 subparagraph 7., or subparagraph 8.;

1431 2. A certified copy of a United States birth certificate;

1432 3. A valid, unexpired United States passport;

1433 4. A naturalization certificate issued by the United States
1434 Department of Homeland Security;

1435 5. A valid, unexpired ~~An~~ alien registration receipt card
1436 (green card);

1437 6. Consular Report of Birth Abroad provided by the United
1438 States Department of State;

1439 ~~7.6.~~ An unexpired employment authorization card issued by
1440 the United States Department of Homeland Security; or

1441 ~~8.7.~~ Proof of nonimmigrant classification provided by the
1442 United States Department of Homeland Security, for an original
1443 driver's license. In order to prove nonimmigrant classification,

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1444 an applicant may produce the following documents, including, but
1445 not limited to:

1446 a. A notice of hearing from an immigration court scheduling
1447 a hearing on any proceeding.

1448 b. A notice from the Board of Immigration Appeals
1449 acknowledging pendency of an appeal.

1450 c. A notice of the approval of an application for
1451 adjustment of status issued by the United States Bureau of
1452 Citizenship and Immigration Services.

1453 d. Any official documentation confirming the filing of a
1454 petition for asylum or refugee status or any other relief issued
1455 by the United States Bureau of Citizenship and Immigration
1456 Services.

1457 e. A notice of action transferring any pending matter from
1458 another jurisdiction to this state issued by the United States
1459 Bureau of Citizenship and Immigration Services.

1460 f. An order of an immigration judge or immigration officer
1461 granting any relief that authorizes the alien to live and work in
1462 the United States, including, but not limited to, asylum.

1463 g. Evidence that an application is pending for adjustment
1464 of status to that of an alien lawfully admitted for permanent
1465 residence in the United States or conditional permanent resident
1466 status in the United States, if a visa number is available having
1467 a current priority date for processing by the United States
1468 Bureau of Citizenship and Immigration Services.

1469 h. On or after January 1, 2010, an unexpired foreign
1470 passport with an unexpired United States Visa affixed,
1471 accompanied by an approved I-94, documenting the most recent
1472 admittance into the United States.

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1473
1474 Presentation of any of the documents in subparagraph 7. ~~6.~~ or
1475 subparagraph 8. ~~7.~~ entitles the applicant to a driver's license
1476 or temporary permit for a period not to exceed the expiration
1477 date of the document presented or 1 year, whichever occurs first.

1478 (d) Whether the applicant has previously been licensed to
1479 drive, and, if so, when and by what state, and whether any such
1480 license or driving privilege has ever been disqualified, revoked,
1481 or suspended, or whether an application has ever been refused,
1482 and, if so, the date of and reason for such disqualification,
1483 suspension, revocation, or refusal.

1484 (e) Each such application may include fingerprints and
1485 other unique biometric means of identity.

1486 (6) The application form for a driver's license or
1487 duplicate thereof shall include language permitting the
1488 following:

1489 ~~(a) A voluntary contribution of \$5 per applicant, which~~
1490 ~~contribution shall be transferred into the Election Campaign~~
1491 ~~Financing Trust Fund.~~

1492 (a) ~~(b)~~ A voluntary contribution of \$1 per applicant, which
1493 contribution shall be deposited into the Florida Organ and Tissue
1494 Donor Education and Procurement Trust Fund for organ and tissue
1495 donor education and for maintaining the organ and tissue donor
1496 registry.

1497 (b) ~~(e)~~ A voluntary contribution of \$1 per applicant, which
1498 contribution shall be distributed to the Florida Council of the
1499 Blind.

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1500 (c)~~(d)~~ A voluntary contribution of \$2 per applicant, which
1501 shall be distributed to the Hearing Research Institute,
1502 Incorporated.

1503 (d)~~(e)~~ A voluntary contribution of \$1 per applicant, which
1504 shall be distributed to the Juvenile Diabetes Foundation
1505 International.

1506 (e)~~(f)~~ A voluntary contribution of \$1 per applicant, which
1507 shall be distributed to the Children's Hearing Help Fund.
1508

1509 A statement providing an explanation of the purpose of the trust
1510 funds shall also be included. For the purpose of applying the
1511 service charge provided in s. 215.20, contributions received
1512 under paragraphs (b), (c), (d), and (e) ~~(c), (d), (e), and (f)~~
1513 and under s. 322.18(9)(a) are not income of a revenue nature.

1514 Section 37. Paragraph (a) of subsection (1) of section
1515 322.14, Florida Statutes, is amended to read:

1516 322.14 Licenses issued to drivers.--

1517 (1)(a) The department shall, upon successful completion of
1518 all required examinations and payment of the required fee, issue
1519 to every applicant qualifying therefor, a driver's license as
1520 applied for, which license shall bear thereon a color photograph
1521 or digital image of the licensee; the name of the state; a
1522 distinguishing number assigned to the licensee; and the
1523 licensee's full name, date of birth, and residence ~~mailing~~
1524 address; a brief description of the licensee, including, but not
1525 limited to, the licensee's gender and height; and the dates of
1526 issuance and expiration of the license. A space shall be provided
1527 upon which the licensee shall affix his or her usual signature.
1528 No license shall be valid until it has been so signed by the

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1529 licensee except that the signature of said licensee shall not be
1530 required if it appears thereon in facsimile or if the licensee is
1531 not present within the state at the time of issuance. Applicants
1532 qualifying to receive a Class A, Class B, or Class C driver's
1533 license must appear in person within the state for issuance of a
1534 color photographic or digital imaged driver's license pursuant to
1535 s. 322.142.

1536 Section 38. Section 322.15, Florida Statutes, is amended to
1537 read:

1538 322.15 License to be carried and exhibited on demand;
1539 fingerprint to be imprinted upon a citation.--

1540 (1) Every licensee shall have his or her driver's license,
1541 which must be fully legible with no portion of such license
1542 faded, altered, mutilated, or defaced, in his or her immediate
1543 possession at all times when operating a motor vehicle and shall
1544 display the same upon the demand of a law enforcement officer or
1545 an authorized representative of the department.

1546 (2) Upon the failure of any person to display a driver's
1547 license as required by subsection (1), the law enforcement
1548 officer or authorized representative of the department stopping
1549 the person shall require the person to imprint his or her
1550 fingerprints ~~fingerprint~~ upon any citation issued by the officer
1551 or authorized representative, or the officer or authorized
1552 representative shall collect the fingerprints electronically.

1553 (3) In relation to violations of subsection (1) or s.
1554 322.03(5), persons who cannot supply proof of a valid driver's
1555 license for the reason that the license was suspended for failure
1556 to comply with that citation shall be issued a suspension
1557 clearance by the clerk of the court for that citation upon

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1558 payment of the applicable penalty and fee for that citation. If
1559 proof of a valid driver's license is not provided to the clerk of
1560 the court within 30 days, the person's driver's license shall
1561 again be suspended for failure to comply.

1562 (4) A violation of subsection (1) is a noncriminal traffic
1563 infraction, punishable as a nonmoving violation as provided in
1564 chapter 318.

1565 Section 39. Section 322.17, Florida Statutes, is amended to
1566 read:

1567 322.17 Replacement licenses and permits ~~Duplicate and~~
1568 ~~replacement certificates.--~~

1569 (1) (a) In the event that an instruction permit or driver's
1570 license issued under the provisions of this chapter is lost or
1571 destroyed, the person to whom the same was issued may, upon
1572 payment of the appropriate fee pursuant to s. 322.21 ~~\$10~~, obtain
1573 a replacement ~~duplicate, or substitute thereof,~~ upon furnishing
1574 proof satisfactory to the department that such permit or license
1575 has been lost or destroyed, and further furnishing the full name,
1576 date of birth, sex, residence and mailing address, proof of birth
1577 satisfactory to the department, and proof of identity
1578 satisfactory to the department. ~~Five dollars of the fee levied in~~
1579 ~~this paragraph shall go to the Highway Safety Operating Trust~~
1580 ~~Fund of the department.~~

1581 (b) In the event that an instruction permit or driver's
1582 license issued under the provisions of this chapter is stolen,
1583 the person to whom the same was issued may, at no charge, obtain
1584 a replacement ~~duplicate, or substitute thereof,~~ upon furnishing
1585 proof satisfactory to the department that such permit or license
1586 was stolen and further furnishing the full name, date of birth,

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1587 sex, residence and mailing address, proof of birth satisfactory
1588 to the department, and proof of identity satisfactory to the
1589 department.

1590 (2) Upon the surrender of the original license and the
1591 payment of the appropriate fees pursuant to s. 322.21 a ~~\$10~~
1592 ~~replacement fee~~, the department shall issue a replacement license
1593 to make a change in name, address, or restrictions. ~~Upon written~~
1594 ~~request by the licensee and notification of a change in address,~~
1595 ~~and the payment of a \$10 fee, the department shall issue an~~
1596 ~~address sticker which shall be affixed to the back of the license~~
1597 ~~by the licensee. Nine dollars of the fee levied in this~~
1598 ~~subsection shall go to the Highway Safety Operating Trust Fund of~~
1599 ~~the department.~~

1600 (3) Notwithstanding any other provisions of this chapter,
1601 if a licensee establishes his or her identity for a driver's
1602 license using an identification document authorized under s.
1603 322.08(2)(c)7. or 8. ~~s. 322.08(2)(c)6. or 7.~~, the licensee may
1604 not obtain a duplicate or replacement instruction permit or
1605 driver's license except in person and upon submission of an
1606 identification document authorized under s. 322.08(2)(c)7. or 8.
1607 ~~s. 322.08(2)(c)6. or 7.~~

1608 Section 40. Section 322.18, Florida Statutes, is amended to
1609 read:

1610 322.18 Original applications, licenses, and renewals;
1611 expiration of licenses; delinquent licenses.--

1612 (1)(a) Except as provided in paragraph (b), the department
1613 may issue an original driver's license only after the applicant
1614 successfully passes the required examinations and presents the
1615 application to the department.

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1616 (b) The department may waive the driver's license
1617 examination requirement if the applicant is otherwise qualified
1618 and surrenders a valid license issued by another state, a
1619 province of Canada, or the United States Armed Forces which is of
1620 an equal or lesser classification as provided in s. 322.12.

1621 (2) Each applicant who is entitled to the issuance of a
1622 driver's license, as provided in this section, shall be issued a
1623 driver's license, as follows:

1624 (a) An applicant who has not attained 80 years of age
1625 applying for an original issuance shall be issued a driver's
1626 license that ~~which~~ expires at midnight on the licensee's birthday
1627 which next occurs on or after the eighth ~~sixth~~ anniversary of the
1628 date of issue. An applicant who is at least 80 years of age
1629 applying for an original issuance shall be issued a driver's
1630 license that expires at midnight on the licensee's birthday that
1631 next occurs on or after the sixth anniversary of the date of
1632 issue.

1633 (b) An applicant who has not attained 80 years of age
1634 applying for a renewal issuance ~~or renewal extension~~ shall be
1635 issued a driver's license that ~~or renewal extension sticker~~ which
1636 expires at midnight on the licensee's birthday that ~~which~~ next
1637 occurs 8 4 years after the month of expiration of the license
1638 being renewed, ~~except that a driver whose driving record reflects~~
1639 ~~no convictions for the preceding 3 years shall be issued a~~
1640 ~~driver's license or renewal extension sticker which expires at~~
1641 ~~midnight on the licensee's birthday which next occurs 6 years~~
1642 ~~after the month of expiration of the license being renewed. An~~
1643 applicant who is at least 80 years of age applying for a renewal
1644 issuance shall be issued a driver's license that expires at

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1645 midnight on the licensee's birthday that next occurs 6 years
1646 after the month of expiration of the license being renewed.

1647 (c) Notwithstanding any other provision of this chapter, if
1648 an applicant establishes his or her identity for a driver's
1649 license using a document authorized under s. 322.08(2)(c)5., the
1650 driver's license shall expire in accordance with paragraph (b).
1651 After an initial showing of such documentation, he or she is
1652 exempted from having to renew or obtain a duplicate in person.

1653 (d) Notwithstanding any other provision of this chapter, if
1654 an applicant establishes his or her identity for a driver's
1655 license using a document authorized in s. 322.08(2)(c)7. or 8. ~~s.~~
1656 ~~322.08(2)(e)6. or 7.~~, the driver's license shall expire 1 year 2
1657 ~~years~~ after the date of issuance or upon the expiration date
1658 cited on the United States Department of Homeland Security
1659 documents, whichever date first occurs.

1660 (e) Notwithstanding any other provision of this chapter, an
1661 applicant applying for an original or renewal issuance of a
1662 commercial driver's license as defined in s. 322.01(7), with a
1663 hazardous-materials endorsement, pursuant to s. 322.57(1)(e),
1664 shall be issued a driver's license that expires at midnight on
1665 the licensee's birthday that next occurs 4 years after the month
1666 of expiration of the license being issued or renewed.

1667 (3) If a license expires on a Saturday, Sunday, or legal
1668 holiday, it shall be valid until midnight of the next regular
1669 working day and may be renewed on that day without payment of a
1670 delinquent fee.

1671 (4) (a) Except as otherwise provided in this chapter, all
1672 licenses shall be renewable every 8 4 years ~~or 6 years, depending~~
1673 ~~upon the terms of issuance~~ and shall be issued or renewed

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1674 ~~extended~~ upon application, payment of the fees required by s.
1675 322.21, and successful passage of any required examination,
1676 unless the department has reason to believe that the licensee is
1677 no longer qualified to receive a license.

1678 (b) 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 under s. 322.08(2)(c)5., the
1681 license, upon an initial showing of such documentation, is
1682 exempted from having to renew or obtain a duplicate in person,
1683 unless the renewal or duplication coincides with the periodic
1684 reexamination of a driver as required pursuant to s. 322.121.

1685 (c) Notwithstanding any other provision of this chapter, if
1686 a licensee establishes his or her identity for a driver's license
1687 using an identification document authorized under s.
1688 322.08(2)(c)7. or 8. ~~s. 322.08(2)(c)6. or 7.~~, the licensee may
1689 not renew the driver's license except in person and upon
1690 submission of an identification document authorized under s.
1691 322.08(2)(c)7. or 8. ~~s. 322.08(2)(c)6. or 7.~~ A driver's license
1692 renewed under this paragraph expires 1 year ~~4 years~~ after the
1693 date of issuance or upon the expiration date cited on the United
1694 States Department of Homeland Security documents, whichever date
1695 first occurs.

1696 (5) All renewal driver's licenses may be issued after the
1697 applicant licensee has been determined to be eligible by the
1698 department.

1699 (a) A licensee who is otherwise eligible for renewal and
1700 who is at least 80 ~~over 79~~ years of age:

1701 1. Must submit to and pass a vision test administered at
1702 any driver's license office; or

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1703 2. If the licensee applies for a renewal using a
1704 convenience service ~~an extension by mail~~ as provided in
1705 subsection (8), he or she must submit to a vision test
1706 administered by a physician licensed under chapter 458 or chapter
1707 459, or an optometrist licensed under chapter 463, must send the
1708 results of that test to the department on a form obtained from
1709 the department and signed by such health care practitioner, and
1710 must meet vision standards that are equivalent to the standards
1711 for passing the departmental vision test. The physician or
1712 optometrist may submit the results of a vision test by a
1713 department-approved electronic means.

1714 (b) A licensee who is at least 80 ~~over 79~~ years of age may
1715 not submit an application for renewal ~~extension~~ under subsection
1716 (8) by a convenience service ~~electronic or telephonic means,~~
1717 unless the results of a vision test have been electronically
1718 submitted in advance by the physician or optometrist.

1719 (6) If the licensee does not receive a renewal notice, the
1720 licensee or applicant may apply to the department, under oath, at
1721 any driver's license examining office. Such application shall be
1722 on a form prepared and furnished by the department. The
1723 department shall make such forms available to the various
1724 examining offices throughout the state. Upon receipt of such
1725 application, the department shall issue a license or temporary
1726 permit to the applicant or shall advise the applicant that no
1727 license or temporary permit will be issued and advise the
1728 applicant of the reason for his or her ineligibility.

1729 (7) An expired Florida driver's license may be renewed any
1730 time within 12 months after the expiration date, with
1731 reexamination, if required, upon payment of the required

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1732 delinquent fee or taking and passing the written examination. If
1733 the final date upon which a license may be renewed under this
1734 section falls upon a Saturday, Sunday, or legal holiday, the
1735 renewal period shall be extended to midnight of the next regular
1736 working day. The department may refuse to issue any license if:

1737 (a) It has reason to believe the licensee is no longer
1738 qualified to receive a license.

1739 (b) Its records reflect that the applicant's driving
1740 privilege is under suspension or revocation.

1741 (8) The department shall issue 8-year renewals using a
1742 convenience service ~~4-year and 6-year license extensions by mail,~~
1743 ~~electronic, or telephonic means without reexamination to drivers~~
1744 ~~who have not attained 80 years of age. The department shall issue~~
1745 6-year renewals using a convenience service when the applicant
1746 has satisfied the requirements of subsection (5).

1747 (a) If the department determines from its records that the
1748 holder of a license about to expire is eligible for renewal, the
1749 department shall mail a renewal notice to the licensee at his or
1750 her last known address, not less than 30 days prior to the
1751 licensee's birthday. The renewal notice shall direct the licensee
1752 to appear at a driver license office for in-person renewal or to
1753 transmit the completed renewal notice and the fees required by s.
1754 322.21 to the department using a convenience service ~~by mail,~~
1755 ~~electronically, or telephonically within the 30 days preceding~~
1756 ~~the licensee's birthday for a license extension. License~~
1757 ~~extensions shall not be available to drivers directed to appear~~
1758 ~~for in-person renewal.~~

1759 (b) Upon receipt of a properly completed renewal notice,
1760 payment of the required fees, and upon determining that the

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1761 licensee is still eligible for renewal, the department shall send
1762 a new license ~~extension sticker~~ to the licensee ~~to affix to the~~
1763 ~~expiring license as evidence that the license term has been~~
1764 ~~extended.~~

1765 (c) The department shall issue one renewal using a
1766 convenience service license ~~extensions for two consecutive~~
1767 ~~license expirations only.~~ Upon ~~expiration of two consecutive~~
1768 ~~license extension periods, in-person renewal with reexamination~~
1769 ~~as provided in s. 322.121 shall be required.~~ A person who is out
1770 of this state when his or her license expires may be issued a 90-
1771 day temporary driving permit without reexamination. At the end of
1772 the 90-day period, the person must either return to this state or
1773 apply for a license where the person is located, except for a
1774 member of the Armed Forces as provided in s. 322.121(6).

1775 ~~(d) In-person renewal at a driver license office shall not~~
1776 ~~be available to drivers whose records indicate they were directed~~
1777 ~~to apply for a license extension.~~

1778 ~~(d)(e)~~ Any person who knowingly possesses any forged,
1779 stolen, fictitious, counterfeit, or unlawfully issued license
1780 extension sticker, unless possession by such person has been duly
1781 authorized by the department, commits a misdemeanor of the second
1782 degree, punishable as provided in s. 775.082 or s. 775.083.

1783 ~~(e)(f)~~ The department shall develop a plan for the
1784 equitable distribution of license ~~extensions and~~ renewals and the
1785 orderly implementation of this section.

1786 (9) (a) The application form for a renewal issuance ~~or~~
1787 ~~renewal extension~~ shall include language permitting a voluntary
1788 contribution of \$1 per applicant, to be quarterly distributed by
1789 the department to Prevent Blindness Florida, a not-for-profit

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1790 organization, to prevent blindness and preserve the sight of the
1791 residents of this state. A statement providing an explanation of
1792 the purpose of the funds shall be included with the application
1793 form.

1794 (b) Prior to the department distributing the funds
1795 collected pursuant to paragraph (a), Prevent Blindness Florida
1796 must submit a report to the department that identifies how such
1797 funds were used during the preceding year.

1798 Section 41. Subsection (4) of section 322.181, Florida
1799 Statutes, is repealed.

1800 Section 42. Subsections (2) and (4) of section 322.19,
1801 Florida Statutes, are amended to read:

1802 322.19 Change of address or name.--

1803 (2) Whenever any person, after applying for or receiving a
1804 driver's license, changes the residence or mailing address in the
1805 application or license, the person must, within 10 calendar days,
1806 ~~either obtain a replacement license that reflects the change or~~
1807 ~~request in writing a change of address sticker. A~~ The written
1808 request to the department must include the old and new addresses
1809 and the driver's license number.

1810 (4) Notwithstanding any other provision of this chapter, if
1811 a licensee established his or her identity for a driver's license
1812 using an identification document authorized under s.
1813 322.08(2)(c)7. or 8. s. 322.08(2)(c)6. or 7., the licensee may
1814 not change his or her name or address except in person and upon
1815 submission of an identification document authorized under s.
1816 322.08(2)(c)7. or 8. s. 322.08(2)(c)6. or 7.

1817 Section 43. Subsection (1) of section 322.21, Florida
1818 Statutes, is amended to read:

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1819 322.21 License fees; procedure for handling and collecting
1820 fees.--

1821 (1) Except as otherwise provided herein, the fee for:

1822 (a) An original or renewal commercial driver's license is
1823 \$67 ~~\$50~~, which shall include the fee for driver education
1824 provided by s. 1003.48; however, if an applicant has completed
1825 training and is applying for employment or is currently employed
1826 in a public or nonpublic school system that requires the
1827 commercial license, the fee shall be the same as for a Class E
1828 driver's license. A delinquent fee of \$1 shall be added for a
1829 renewal made not more than 12 months after the license expiration
1830 date. Of the \$67 fee, \$50 shall be deposited into the General
1831 Revenue Fund. The remaining \$17 shall be deposited into the
1832 Highway Safety Operating Trust Fund for the general operations of
1833 the department.

1834 (b) An original Class E driver's license is \$27 ~~\$20~~, which
1835 shall include the fee for driver's education provided by s.
1836 1003.48; however, if an applicant has completed training and is
1837 applying for employment or is currently employed in a public or
1838 nonpublic school system that requires a commercial driver
1839 license, the fee shall be the same as for a Class E license. Of
1840 the \$27 fee, \$20 shall be deposited into the General Revenue
1841 Fund. The remaining \$7 shall be deposited into the Highway Safety
1842 Operating Trust Fund for the general operations of the
1843 department.

1844 (c) The renewal or extension of a Class E driver's license
1845 or of a license restricted to motorcycle use only is \$20 ~~\$15~~,
1846 except that a delinquent fee of \$1 shall be added for a renewal
1847 or extension made not more than 12 months after the license

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1848 expiration date. The fee provided in this paragraph shall include
1849 the fee for driver's education provided by s. 1003.48. Of the \$20
1850 fee, \$15 shall be deposited into the General Revenue Fund. The
1851 remaining \$5 shall be deposited into the Highway Safety Operating
1852 Trust Fund for the general operations of the department.

1853 (d) An original driver's license restricted to motorcycle
1854 use only is \$27 ~~\$20~~, which shall include the fee for driver's
1855 education provided by s. 1003.48. Of the \$27 fee, \$20 shall be
1856 deposited into the General Revenue Fund. The remaining \$7 shall
1857 be deposited into the Highway Safety Operating Trust Fund for the
1858 general operations of the department.

1859 (e) A replacement driver's license, issued pursuant to s.
1860 322.17 is \$10. Of the \$10 fee, \$3 shall be deposited into the
1861 General Revenue Fund. The remaining \$7 shall be deposited into
1862 the Highway Safety Operating Trust Fund for the general
1863 operations of the department.

1864 (f) An original or renewal identification card issued
1865 pursuant to s. 322.051 is \$10. Of the \$10 fee, \$4 shall be
1866 deposited into the General Revenue Fund. The remaining \$6 shall
1867 be deposited in the Highway Safety Operating Trust Fund for the
1868 general operations of the department.

1869 (g) ~~(e)~~ Each endorsement required by s. 322.57 is \$7 ~~\$5~~. Of
1870 the \$7 fee, \$5 shall be deposited into the General Revenue Fund.
1871 The remaining \$2 shall be deposited into the Highway Safety
1872 Operating Trust Fund for the general operations of the
1873 department.

1874 (h) ~~(f)~~ A hazardous-materials endorsement, as required by s.
1875 322.57(1) (d), shall be set by the department by rule and shall
1876 reflect the cost of the required criminal history check,

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1877 including the cost of the state and federal fingerprint check,
1878 and the cost to the department of providing and issuing the
1879 license. The fee shall not exceed \$100. This fee shall be
1880 deposited in the Highway Safety Operating Trust Fund. The
1881 department may adopt rules to administer this section.

1882 Section 44. Subsection (3) of section 322.2715, Florida
1883 Statutes, is amended to read:

1884 322.2715 Ignition interlock device.--

1885 (3) If the person is convicted of:

1886 (a) A first offense of driving under the influence under s.
1887 316.193 and has an unlawful blood-alcohol level or breath-alcohol
1888 level as specified in s. 316.193(4), or if a person is convicted
1889 of a violation of s. 316.193 and was at the time of the offense
1890 accompanied in the vehicle by a person younger than 18 years of
1891 age, the person shall have the ignition interlock device
1892 installed for not less than 6 continuous months for the first
1893 offense and for not less than ~~at least~~ 2 continuous years for a
1894 second offense.

1895 (b) A second offense of driving under the influence, the
1896 ignition interlock device shall be installed for a period of not
1897 less than 1 continuous year.

1898 (c) A third offense of driving under the influence which
1899 occurs within 10 years after a prior conviction for a violation
1900 of s. 316.193, the ignition interlock device shall be installed
1901 for a period of not less than 2 continuous years.

1902 (d) A third offense of driving under the influence which
1903 occurs more than 10 years after the date of a prior conviction,
1904 the ignition interlock device shall be installed for a period of
1905 not less than 2 continuous years.

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1906 Section 45. Section 322.291, Florida Statutes, is amended
1907 to read:

1908 322.291 Driver improvement schools or DUI programs;
1909 required in certain suspension and revocation cases.--Except as
1910 provided in s. 322.03(2), any person:

1911 (1) Whose driving privilege has been revoked:

1912 (a) Upon conviction for:

1913 1. Driving, or being in actual physical control of, any
1914 vehicle while under the influence of alcoholic beverages, any
1915 chemical substance set forth in s. 877.111, or any substance
1916 controlled under chapter 893, in violation of s. 316.193;

1917 2. Driving with an unlawful blood- or breath-alcohol level;

1918 3. Manslaughter resulting from the operation of a motor
1919 vehicle;

1920 4. Failure to stop and render aid as required under the
1921 laws of this state in the event of a motor vehicle crash
1922 resulting in the death or personal injury of another;

1923 5. Reckless driving; or

1924 (b) As an habitual offender;

1925 (c) Upon direction of the court, if the court feels that
1926 the seriousness of the offense and the circumstances surrounding
1927 the conviction warrant the revocation of the licensee's driving
1928 privilege; or

1929 (2) Whose license was suspended under the point system, was
1930 suspended for driving with an unlawful blood-alcohol level of
1931 0.10 percent or higher before January 1, 1994, was suspended for
1932 driving with an unlawful blood-alcohol level of 0.08 percent or
1933 higher after December 31, 1993, was suspended for a violation of

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1934 s. 316.193(1), or was suspended for refusing to submit to a
1935 lawful breath, blood, or urine test as provided in s. 322.2615
1936
1937 shall, before the driving privilege may be reinstated, present to
1938 the department proof of enrollment in a department-approved
1939 advanced driver improvement course operating pursuant to s.
1940 318.1451 or a substance abuse education course conducted by a DUI
1941 program licensed pursuant to s. 322.292, which shall include a
1942 psychosocial evaluation and treatment, if referred. Additionally,
1943 for a third or subsequent violation involving the required use of
1944 an ignition interlock device, the person shall be required to
1945 complete treatment as determined by a licensed treatment agency
1946 following a referral by a DUI program and have the duration of
1947 the requirement to use an ignition interlock device extended for
1948 a least 1 month or up to the time required to complete treatment.
1949 If the person fails to complete such course or evaluation within
1950 90 days after reinstatement, or subsequently fails to complete
1951 treatment, if referred, the DUI program shall notify the
1952 department of the failure. Upon receipt of the notice, the
1953 department shall cancel the offender's driving privilege,
1954 notwithstanding the expiration of the suspension or revocation of
1955 the driving privilege. The department may temporarily reinstate
1956 the driving privilege upon verification from the DUI program that
1957 the offender has completed the education course and evaluation
1958 requirement and has reentered and is currently participating in
1959 treatment. If the DUI program notifies the department of the
1960 second failure to complete treatment, the department shall
1961 reinstate the driving privilege only after notice of completion
1962 of treatment from the DUI program.

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1963 Section 46. Section 322.36, Florida Statutes, is amended to
1964 read:

1965 322.36 Permitting unauthorized operator to drive.--A No
1966 person may not shall authorize or knowingly permit a motor
1967 vehicle owned by him or her or under his or her dominion or
1968 control to be operated upon any highway or public street except
1969 by a person who is persons duly authorized to operate a motor
1970 vehicle vehicles under ~~the provisions of~~ this chapter. Any person
1971 who violates violating this section commits provision is guilty
1972 of a misdemeanor of the second degree, punishable as provided in
1973 s. 775.082 or s. 775.083. If a person violates this section by
1974 knowingly loaning a vehicle to a person whose driver's license is
1975 suspended and if that vehicle is involved in an accident
1976 resulting in bodily injury or death, the driver's license of the
1977 person violating this section shall be suspended for 1 year.

1978 Section 47. Section 322.60, Florida Statutes, is repealed.

1979 Section 48. Subsections (1), (2), (3), (4), (5), and (6) of
1980 section 322.61, Florida Statutes, are amended to read:

1981 322.61 Disqualification from operating a commercial motor
1982 vehicle.--

1983 (1) A person who, for offenses occurring within a 3-year
1984 period, is convicted of two of the following serious traffic
1985 violations or any combination thereof, arising in separate
1986 incidents committed in a commercial motor vehicle shall, in
1987 addition to any other applicable penalties, be disqualified from
1988 operating a commercial motor vehicle for a period of 60 days. A
1989 holder of a commercial driver's license person who, for offenses
1990 occurring within a 3-year period, is convicted of two of the
1991 following serious traffic violations, or any combination thereof,

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1992 arising in separate incidents committed in a noncommercial motor
1993 vehicle shall, in addition to any other applicable penalties, be
1994 disqualified from operating a commercial motor vehicle for a
1995 period of 60 days if such convictions result in the suspension,
1996 revocation, or cancellation of the licenseholder's driving
1997 privilege:

1998 (a) A violation of any state or local law relating to motor
1999 vehicle traffic control, other than a parking violation, a weight
2000 violation, or a vehicle equipment violation, arising in
2001 connection with a crash resulting in death or personal injury to
2002 any person;

2003 (b) Reckless driving, as defined in s. 316.192;

2004 (c) Careless driving, as defined in s. 316.1925;

2005 (d) Fleeing or attempting to elude a law enforcement
2006 officer, as defined in s. 316.1935;

2007 (e) Unlawful speed of 15 miles per hour or more above the
2008 posted speed limit;

2009 (f) Driving a commercial motor vehicle, owned by such
2010 person, which is not properly insured;

2011 (g) Improper lane change, as defined in s. 316.085;

2012 (h) Following too closely, as defined in s. 316.0895;

2013 (i) Driving a commercial vehicle without obtaining a
2014 commercial driver's license;

2015 (j) Driving a commercial vehicle without the proper class
2016 of commercial driver's license or without the proper endorsement;
2017 or

2018 (k) Driving a commercial vehicle without a commercial
2019 driver's license in possession, as required by s. 322.03. Any
2020 individual who provides proof to the clerk of the court or

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2021 designated official in the jurisdiction where the citation was
2022 issued, by the date the individual must appear in court or pay
2023 any fine for such a violation, that the individual held a valid
2024 commercial driver's license on the date the citation was issued
2025 is not guilty of this offense.

2026 (2) (a) Any person who, for offenses occurring within a 3-
2027 year period, is convicted of three serious traffic violations
2028 specified in subsection (1) or any combination thereof, arising
2029 in separate incidents committed in a commercial motor vehicle
2030 shall, in addition to any other applicable penalties, including
2031 but not limited to the penalty provided in subsection (1), be
2032 disqualified from operating a commercial motor vehicle for a
2033 period of 120 days.

2034 (b) A holder of a commercial driver's license ~~person~~ who,
2035 for offenses occurring within a 3-year period, is convicted of
2036 three serious traffic violations specified in subsection (1) or
2037 any combination thereof arising in separate incidents committed
2038 in a noncommercial motor vehicle shall, in addition to any other
2039 applicable penalties, including, but not limited to, the penalty
2040 provided in subsection (1), be disqualified from operating a
2041 commercial motor vehicle for a period of 120 days if such
2042 convictions result in the suspension, revocation, or cancellation
2043 of the licenseholder's driving privilege.

2044 (3) (a) Except as provided in subsection (4), any person who
2045 is convicted of one of the ~~following~~ offenses listed in paragraph
2046 (b) while operating a commercial motor vehicle shall, in addition
2047 to any other applicable penalties, be disqualified from operating
2048 a commercial motor vehicle for a period of 1 year:

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2049 (b) Except as provided in subsection (4), any holder of a
2050 commercial driver's license who is convicted of one of the
2051 offenses listed in this paragraph while operating a noncommercial
2052 motor vehicle shall, in addition to any other applicable
2053 penalties, be disqualified from operating a commercial motor
2054 vehicle for a period of 1 year:

2055 1.(a) Driving a ~~commercial~~ motor vehicle while he or she is
2056 under the influence of alcohol or a controlled substance;

2057 2.(b) Driving a commercial motor vehicle while the alcohol
2058 concentration of his or her blood, breath, or urine is .04
2059 percent or higher;

2060 3.(e) Leaving the scene of a crash involving a ~~commercial~~
2061 motor vehicle driven by such person;

2062 4.(d) Using a ~~commercial~~ motor vehicle in the commission of
2063 a felony;

2064 5.(e) Driving a commercial motor vehicle while in
2065 possession of a controlled substance;

2066 6.(f) Refusing to submit to a test to determine his or her
2067 alcohol concentration while driving a ~~commercial~~ motor vehicle;

2068 7.(g) Driving a commercial vehicle while the
2069 licenseholder's commercial driver's license is suspended,
2070 revoked, or canceled or while the licenseholder is disqualified
2071 from driving a commercial vehicle; or

2072 8.(h) Causing a fatality through the negligent operation of
2073 a commercial motor vehicle.

2074 (4) Any person who is transporting hazardous materials as
2075 defined in s. 322.01(24) ~~in a vehicle that is required to be~~
2076 ~~placarded in accordance with Title 49 C.F.R. part 172, subpart F~~
2077 shall, upon conviction of an offense specified in subsection (3),

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2078 be disqualified from operating a commercial motor vehicle for a
2079 period of 3 years. The penalty provided in this subsection shall
2080 be in addition to any other applicable penalty.

2081 (5) Any person who is convicted of two violations specified
2082 in subsection (3) which were committed while operating a
2083 commercial motor vehicle, or any combination thereof, arising in
2084 separate incidents shall be permanently disqualified from
2085 operating a commercial motor vehicle. Any holder of a commercial
2086 driver's license who is convicted of two violations specified in
2087 subsection (3) which were committed while operating a
2088 noncommercial motor vehicle, or any combination thereof, arising
2089 in separate incidents shall be permanently disqualified from
2090 operating a commercial motor vehicle. The penalty provided in
2091 this subsection is ~~shall be~~ in addition to any other applicable
2092 penalty.

2093 (6) Notwithstanding subsections (3), (4), and (5), any
2094 person who uses a commercial motor vehicle in the commission of
2095 any felony involving the manufacture, distribution, or dispensing
2096 of a controlled substance, including possession with intent to
2097 manufacture, distribute, or dispense a controlled substance,
2098 shall, upon conviction of such felony, be permanently
2099 disqualified from operating a commercial motor vehicle.
2100 Notwithstanding subsections (3), (4), and (5), any holder of a
2101 commercial driver's license who uses a noncommercial motor
2102 vehicle in the commission of any felony involving the
2103 manufacture, distribution, or dispensing of a controlled
2104 substance, including possession with intent to manufacture,
2105 distribute, or dispense a controlled substance, shall, upon
2106 conviction of such felony, be permanently disqualified from

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2107 operating a commercial motor vehicle. The penalty provided in
2108 this subsection is ~~shall be~~ in addition to any other applicable
2109 penalty.

2110 Section 49. Section 322.64, Florida Statutes, is amended to
2111 read:

2112 322.64 Holder of commercial driver's license; persons
2113 operating a commercial motor vehicle; driving with unlawful
2114 blood-alcohol level; refusal to submit to breath, urine, or blood
2115 test.--

2116 (1) (a) A law enforcement officer or correctional officer
2117 shall, on behalf of the department, disqualify from operating any
2118 commercial motor vehicle a person who while operating or in
2119 actual physical control of a commercial motor vehicle is arrested
2120 for a violation of s. 316.193, relating to unlawful blood-alcohol
2121 level or breath-alcohol level, or a person who has refused to
2122 submit to a breath, urine, or blood test authorized by s. 322.63
2123 arising out of the operation or actual physical control of a
2124 commercial motor vehicle. A law enforcement officer or
2125 correctional officer shall, on behalf of the department,
2126 disqualify the holder of a commercial driver's license from
2127 operating any commercial motor vehicle if the licenseholder,
2128 while operating or in actual physical control of a motor vehicle,
2129 is arrested for a violation of s. 316.193, relating to unlawful
2130 blood-alcohol level or breath-alcohol level, or refused to submit
2131 to a breath, urine, or blood test authorized by s. 322.63. Upon
2132 disqualification of the person, the officer shall take the
2133 person's driver's license and issue the person a 10-day temporary
2134 permit for the operation of noncommercial vehicles only if the
2135 person is otherwise eligible for the driving privilege and shall

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2136 issue the person a notice of disqualification. If the person has
2137 been given a blood, breath, or urine test, the results of which
2138 are not available to the officer at the time of the arrest, the
2139 agency employing the officer shall transmit such results to the
2140 department within 5 days after receipt of the results. If the
2141 department then determines that the person ~~was arrested for a~~
2142 ~~violation of s. 316.193 and that the person~~ had a blood-alcohol
2143 level or breath-alcohol level of 0.08 or higher, the department
2144 shall disqualify the person from operating a commercial motor
2145 vehicle pursuant to subsection (3).

2146 (b) The disqualification under paragraph (a) shall be
2147 pursuant to, and the notice of disqualification shall inform the
2148 driver of, the following:

2149 1.a. The driver refused to submit to a lawful breath,
2150 blood, or urine test and he or she is disqualified from operating
2151 a commercial motor vehicle for a period of 1 year, for a first
2152 refusal, or permanently, if he or she has previously been
2153 disqualified as a result of a refusal to submit to such a test;
2154 or

2155 b. The driver was driving or in actual physical control of
2156 a commercial motor vehicle, or any motor vehicle if the driver
2157 holds a commercial driver's license, had an unlawful blood-
2158 alcohol level or breath-alcohol level of 0.08 or higher, and his
2159 or her driving privilege shall be disqualified for a period of 1
2160 year for a first offense or permanently if his or her driving
2161 privilege has been previously disqualified under this section.
2162 ~~violated s. 316.193 by driving with an unlawful blood-alcohol~~
2163 ~~level and he or she is disqualified from operating a commercial~~
2164 ~~motor vehicle for a period of 6 months for a first offense or for~~

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2165 ~~a period of 1 year if he or she has previously been disqualified,~~
2166 ~~or his or her driving privilege has been previously suspended,~~
2167 ~~for a violation of s. 316.193.~~

2168 2. The disqualification period for operating commercial
2169 vehicles shall commence on the date of ~~arrest or~~ issuance of the
2170 notice of disqualification, ~~whichever is later.~~

2171 3. The driver may request a formal or informal review of
2172 the disqualification by the department within 10 days after the
2173 date of ~~arrest or~~ issuance of the notice of disqualification,
2174 ~~whichever is later.~~

2175 4. The temporary permit issued at the time of ~~arrest or~~
2176 disqualification expires ~~will expire~~ at midnight of the 10th day
2177 following the date of disqualification.

2178 5. The driver may submit to the department any materials
2179 relevant to the disqualification ~~arrest.~~

2180 (2) Except as provided in paragraph (1)(a), the law
2181 enforcement officer shall forward to the department, within 5
2182 days after the date of the ~~arrest or the~~ issuance of the notice
2183 of disqualification, ~~whichever is later,~~ a copy of the notice of
2184 disqualification, the driver's license of the person disqualified
2185 ~~arrested,~~ and ~~a report of the arrest, including, if applicable,~~
2186 an affidavit stating the officer's grounds for belief that the
2187 person disqualified ~~arrested~~ was operating or in actual physical
2188 control of a commercial motor vehicle, or holds a commercial
2189 driver's license, and had an unlawful blood-alcohol or breath-
2190 alcohol level ~~in violation of s. 316.193;~~ the results of any
2191 breath or blood or urine test or an affidavit stating that a
2192 breath, blood, or urine test was requested by a law enforcement
2193 officer or correctional officer and that the person arrested

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2194 refused to submit; a copy of the notice of disqualification
2195 ~~citation~~ issued to the person ~~arrested~~; and the officer's
2196 description of the person's field sobriety test, if any. The
2197 failure of the officer to submit materials within the 5-day
2198 period specified in this subsection or subsection (1) does ~~shall~~
2199 not affect the department's ability to consider any evidence
2200 submitted at or prior to the hearing. The officer may also submit
2201 a copy of a videotape of the field sobriety test or the attempt
2202 to administer such test and a copy of the crash report, if any.

2203 (3) If the department determines that the person arrested
2204 should be disqualified from operating a commercial motor vehicle
2205 pursuant to this section and if the notice of disqualification
2206 has not already been served upon the person by a law enforcement
2207 officer or correctional officer as provided in subsection (1),
2208 the department shall issue a notice of disqualification and,
2209 unless the notice is mailed pursuant to s. 322.251, a temporary
2210 permit which expires 10 days after the date of issuance if the
2211 driver is otherwise eligible.

2212 (4) If the person disqualified ~~arrested~~ requests an
2213 informal review pursuant to subparagraph (1)(b)3., the department
2214 shall conduct the informal review by a hearing officer employed
2215 by the department. Such informal review hearing shall consist
2216 solely of an examination by the department of the materials
2217 submitted by a law enforcement officer or correctional officer
2218 and by the person disqualified ~~arrested~~, and the presence of an
2219 officer or witness is not required.

2220 (5) After completion of the informal review, notice of the
2221 department's decision sustaining, amending, or invalidating the
2222 disqualification must be provided to the person. Such notice must

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2223 be mailed to the person at the last known address shown on the
2224 department's records, and to the address provided in the law
2225 enforcement officer's report if such address differs from the
2226 address of record, within 21 days after the expiration of the
2227 temporary permit issued pursuant to subsection (1) or subsection
2228 (3).

2229 (6) (a) If the person disqualified ~~arrested~~ requests a
2230 formal review, the department must schedule a hearing to be held
2231 within 30 days after such request is received by the department
2232 and must notify the person of the date, time, and place of the
2233 hearing.

2234 (b) Such formal review hearing shall be held before a
2235 hearing officer employed by the department, and the hearing
2236 officer shall be authorized to administer oaths, examine
2237 witnesses and take testimony, receive relevant evidence, issue
2238 subpoenas for the officers and witnesses identified in documents
2239 as provided in subsection (2), regulate the course and conduct of
2240 the hearing, and make a ruling on the disqualification. The
2241 department and the person disqualified ~~arrested~~ may subpoena
2242 witnesses, and the party requesting the presence of a witness
2243 shall be responsible for the payment of any witness fees. If the
2244 person who requests a formal review hearing fails to appear and
2245 the hearing officer finds such failure to be without just cause,
2246 the right to a formal hearing is waived ~~and the department shall~~
2247 ~~conduct an informal review of the disqualification under~~
2248 ~~subsection (4)~~.

2249 (c) A party may seek enforcement of a subpoena under
2250 paragraph (b) by filing a petition for enforcement in the circuit
2251 court of the judicial circuit in which the person failing to

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2252 comply with the subpoena resides. A failure to comply with an
2253 order of the court shall result in a finding of contempt of
2254 court. However, a person shall not be in contempt while a
2255 subpoena is being challenged.

2256 (d) The department must, within 7 days after a formal
2257 review hearing, send notice to the person of the hearing
2258 officer's decision as to whether sufficient cause exists to
2259 sustain, amend, or invalidate the disqualification.

2260 (7) In a formal review hearing under subsection (6) or an
2261 informal review hearing under subsection (4), the hearing officer
2262 shall determine by a preponderance of the evidence whether
2263 sufficient cause exists to sustain, amend, or invalidate the
2264 disqualification. The scope of the review shall be limited to the
2265 following issues:

2266 (a) If the person was disqualified from operating a
2267 commercial motor vehicle for driving with an unlawful blood-
2268 alcohol level ~~in violation of s. 316.193:~~

2269 1. Whether the arresting law enforcement officer had
2270 probable cause to believe that the person was driving or in
2271 actual physical control of a commercial motor vehicle, or any
2272 motor vehicle if the driver holds a commercial driver's license,
2273 in this state while he or she had any alcohol, chemical
2274 substances, or controlled substances in his or her body.

2275 ~~2. Whether the person was placed under lawful arrest for a~~
2276 ~~violation of s. 316.193.~~

2277 ~~2.3.~~ Whether the person had an unlawful blood-alcohol level
2278 or breath-alcohol level of 0.08 or higher as provided in s.
2279 316.193.

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2280 (b) If the person was disqualified from operating a
2281 commercial motor vehicle for refusal to submit to a breath,
2282 blood, or urine test:

2283 1. Whether the law enforcement officer had probable cause
2284 to believe that the person was driving or in actual physical
2285 control of a commercial motor vehicle, or any motor vehicle if
2286 the driver holds a commercial driver's license, in this state
2287 while he or she had any alcohol, chemical substances, or
2288 controlled substances in his or her body.

2289 2. Whether the person refused to submit to the test after
2290 being requested to do so by a law enforcement officer or
2291 correctional officer.

2292 3. Whether the person was told that if he or she refused to
2293 submit to such test he or she would be disqualified from
2294 operating a commercial motor vehicle for a period of 1 year or,
2295 in the case of a second refusal, permanently.

2296 (8) Based on the determination of the hearing officer
2297 pursuant to subsection (7) for both informal hearings under
2298 subsection (4) and formal hearings under subsection (6), the
2299 department shall:

2300 (a) Sustain the disqualification for a period of 1 year for
2301 a first refusal, or permanently if such person has been
2302 previously disqualified from operating a commercial motor vehicle
2303 as a result of a refusal to submit to such tests. The
2304 disqualification period commences on the date of the arrest or
2305 issuance of the notice of disqualification, whichever is later.

2306 (b) Sustain the disqualification:

2307 1. For a period of 1 year if the person was driving or in
2308 actual physical control of a commercial motor vehicle, or any

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2309 motor vehicle if the driver holds a commercial driver's license,
2310 and had an unlawful blood-alcohol level or breath-alcohol level
2311 of 0.08 or higher; or ~~6 months for a violation of s. 316.193 or~~
2312 ~~for a period of 1 year~~

2313 2. Permanently if the person has been previously
2314 disqualified from operating a commercial motor vehicle or his or
2315 her driving privilege has been previously suspended for driving
2316 or being in actual physical control of a commercial motor
2317 vehicle, or any motor vehicle if the driver holds a commercial
2318 driver's license, and had an unlawful blood-alcohol level or
2319 breath-alcohol level of 0.08 or higher ~~as a result of a~~
2320 ~~violation of s. 316.193.~~

2321
2322 The disqualification period commences on the date of the arrest
2323 or issuance of the notice of disqualification, ~~whichever is~~
2324 ~~later.~~

2325 (9) A request for a formal review hearing or an informal
2326 review hearing shall not stay the disqualification. If the
2327 department fails to schedule the formal review hearing to be held
2328 within 30 days after receipt of the request therefor, the
2329 department shall invalidate the disqualification. If the
2330 scheduled hearing is continued at the department's initiative,
2331 the department shall issue a temporary driving permit limited to
2332 noncommercial vehicles which is ~~shall be~~ valid until the hearing
2333 is conducted if the person is otherwise eligible for the driving
2334 privilege. Such permit shall not be issued to a person who sought
2335 and obtained a continuance of the hearing. The permit issued
2336 under this subsection shall authorize driving for business
2337 purposes ~~or employment use~~ only.

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2338 (10) A person who is disqualified from operating a
2339 commercial motor vehicle under subsection (1) or subsection (3)
2340 is eligible for issuance of a license for business or employment
2341 purposes only under s. 322.271 if the person is otherwise
2342 eligible for the driving privilege. However, such business or
2343 employment purposes license shall not authorize the driver to
2344 operate a commercial motor vehicle.

2345 (11) The formal review hearing may be conducted upon a
2346 review of the reports of a law enforcement officer or a
2347 correctional officer, including documents relating to the
2348 administration of a breath test or blood test or the refusal to
2349 take either test. However, as provided in subsection (6), the
2350 driver may subpoena the officer or any person who administered or
2351 analyzed a breath or blood test.

2352 (12) The formal review hearing and the informal review
2353 hearing are exempt from the provisions of chapter 120. The
2354 department is authorized to adopt rules for the conduct of
2355 reviews under this section.

2356 (13) A person may appeal any decision of the department
2357 sustaining the disqualification from operating a commercial motor
2358 vehicle by a petition for writ of certiorari to the circuit court
2359 in the county wherein such person resides or wherein a formal or
2360 informal review was conducted pursuant to s. 322.31. However, an
2361 appeal shall not stay the disqualification. This subsection shall
2362 not be construed to provide for a de novo appeal.

2363 (14) The decision of the department under this section
2364 shall not be considered in any trial for a violation of s.
2365 316.193, s. 322.61, or s. 322.62, nor shall any written statement
2366 submitted by a person in his or her request for departmental

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2367 review under this section be admissible into evidence against him
2368 or her in any such trial. The disposition of any related criminal
2369 proceedings shall not affect a disqualification imposed pursuant
2370 to this section.

2371 (15) This section does not preclude the suspension of the
2372 driving privilege pursuant to s. 322.2615. The driving privilege
2373 of a person who has been disqualified from operating a commercial
2374 motor vehicle also may be suspended for a violation of s.
2375 316.193.

2376 Section 50. Subsection (10) of section 324.021, Florida
2377 Statutes, is amended to read:

2378 324.021 Definitions; minimum insurance required.--The
2379 following words and phrases when used in this chapter shall, for
2380 the purpose of this chapter, have the meanings respectively
2381 ascribed to them in this section, except in those instances where
2382 the context clearly indicates a different meaning:

2383 (10) JUDGMENT.--Any judgment becomes ~~which shall have~~
2384 ~~become~~ final by expiration without appeal of the time within
2385 which an appeal might have been perfected, or by final
2386 affirmation on appeal, rendered by a court of competent
2387 jurisdiction of any state or of the United States upon a cause of
2388 action arising out of the ownership, maintenance, or use of any
2389 motor vehicle for damages, including damages for care and loss of
2390 services because of bodily injury to or death of any person, or
2391 for damages because of injury to or destruction of property,
2392 including the loss of use thereof, or upon a cause of action on
2393 an agreement of settlement for such damage.

2394 Section 51. Subsection (19) of section 501.976, Florida
2395 Statutes, is amended to read:

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2396 501.976 Actionable, unfair, or deceptive acts or
2397 practices.--It is an unfair or deceptive act or practice,
2398 actionable under the Florida Deceptive and Unfair Trade Practices
2399 Act, for a dealer to:

2400 (19) Fail to disclose damage to a new motor vehicle, as
2401 defined in s. 319.001(9) ~~s. 319.001(8)~~, of which the dealer had
2402 actual knowledge, if the dealer's actual cost of repairs exceeds
2403 the threshold amount, excluding replacement items.

2404

2405 In any civil litigation resulting from a violation of this
2406 section, when evaluating the reasonableness of an award of
2407 attorney's fees to a private person, the trial court shall
2408 consider the amount of actual damages in relation to the time
2409 spent.

2410 Section 52. (1) The Automobile Lenders Industry Task Force
2411 is created within the Department of Highway Safety and Motor
2412 Vehicles. The task force shall make recommendations on proposed
2413 legislation and proposed department rules, shall present issues
2414 concerning the motor vehicle lending industry to the department
2415 for its consideration, shall consider any matters relating to the
2416 motor vehicle lending industry which are presented to it by the
2417 department, and shall submit a final report, including
2418 legislative proposals to the Governor, the President of the
2419 Senate, the Speaker of the House of Representatives and
2420 appropriate committees within the Legislature by June 30, 2009,
2421 when the task force shall cease to exist.

2422 (2) The task force shall be composed of 12 members
2423 appointed by each of the following organizations: one
2424 representative of the Department of Highway Safety and Motor

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2425 Vehicles; one representative of the independent motor vehicle
2426 industry, appointed by the Florida Independent Automobile Dealers
2427 Association; one representative of the franchise motor vehicle
2428 industry, appointed by the Florida Automobile Dealers
2429 Association; one representative of credit unions, appointed by
2430 the Florida Credit Union League; one representative of the
2431 banking industry, appointed by the Florida Bankers Association;
2432 one representative of the insurance industry, appointed by the
2433 Florida Insurance Council; one state attorney, appointed by the
2434 Florida State Attorneys Association; one representative of the
2435 Office of Financial Regulation of the Department of Financial
2436 Services; one representative of a law enforcement agency,
2437 appointed by the Florida Auto Theft Intelligence Unit; one
2438 representative of the auto repair industry, appointed by the
2439 Florida Automotive Services Association; one representative of
2440 the towing industry, appointed by the Professional Wrecker
2441 Operators of Florida; and one representative of independent motor
2442 vehicle finance companies, appointed by the Florida Financial
2443 Services Association.

2444 (3) (a) The task force shall elect a chair and vice chair at
2445 its initial meeting, which shall be held by October 1, 2008.

2446 (b) The task force shall meet at least four times in
2447 different areas of the state, including one meeting in
2448 Tallahassee. Meetings may be called by the chair or by a simple
2449 majority of the members. The task force shall conduct all
2450 meetings pursuant to general law and shall keep minutes of its
2451 meetings. Meetings may be held in locations around the state in
2452 department facilities or in other appropriate locations. The

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2453 department shall provide administrative support to the task
2454 force.

2455 (3) Members from the private sector are not entitled to per
2456 diem or reimbursement for travel expenses. However, members from
2457 the public sector are entitled to reimbursement, if any, from
2458 their respective agency. The task force may request assistance
2459 from the Department of Highway Safety and Motor Vehicles as
2460 necessary.

2461 Section 53. Except for specialty license plates which are
2462 approved before or during the 2008 Legislative session, or which
2463 have bills filed during the 2008 session, the Department of
2464 Highway Safety and Motor Vehicles may not issue any new specialty
2465 license plates pursuant to ss. 320.08056 and 320.08058, Florida
2466 Statutes, between July 1, 2008, and July 1, 2011.

2467 Section 54. Except as otherwise expressly provided in this
2468 act and except for this section, which shall take effect July 1,
2469 2008, this act shall take effect October 1, 2008.