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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; directing the  
9 Department of Transportation to review a specified federal  
10 rule and make a report to the Legislature; exempting  
11 certain vehicles from the payment of certain tolls;  
12 amending s. 316.1575, F.S.; requiring a person walking or  
13 driving a vehicle to stop at a railroad crossing upon the  
14 signal of a law enforcement officer; amending s. 316.1895,  
15 F.S.; requiring the placement of signs in certain school  
16 zones stating that speeding fines are doubled within the  
17 zone; amending s. 316.191, F.S.; providing a definition of  
18 the term "spectator"; prohibiting a person from being a  
19 spectator at an illegal drag race; providing noncriminal  
20 penalties; amending s. 316.193, F.S.; lowering the blood-  
21 alcohol or breath-alcohol level for which enhanced  
22 penalties are imposed against a person convicted of  
23 driving under the influence; clarifying that an ignition  
24 interlock device is installed for a continuous period;  
25 amending s. 316.1937, F.S.; revising the conditions under  
26 which the court may require the use of an ignition  
27 interlock device; amending s. 316.251, F.S.; conforming a  
28 cross-reference; amending s. 316.302, F.S.; revising  
29 references to rules, regulations, and criteria governing

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30 commercial motor vehicles engaged in intrastate commerce;  
31 providing that the Department of Transportation performs  
32 duties assigned to the Field Administrator of the Federal  
33 Motor Carrier Safety Administration under the federal  
34 rules and may enforce those rules; amending ss. 316.613  
35 and 316.614, F.S.; revising the definition of "motor  
36 vehicle" for purposes of child restraint and safety belt  
37 usage requirements; amending s. 316.645, F.S.; authorizing  
38 a police officer to make an arrest upon probable cause of  
39 a violation of laws governing motor vehicle licenses;  
40 amending s. 316.650, F.S.; revising requirements for  
41 traffic citation forms; providing for the electronic  
42 transmission of citation data; amending s. 316.656, F.S.;  
43 lowering the percentage of blood or breath alcohol content  
44 relating to the prohibition against pleading guilty to a  
45 lesser offense of driving under the influence than the  
46 offense charged; amending s. 318.14, F.S.; prohibiting a  
47 person from electing more than five times within 10 years  
48 to attend a basic driver improvement course approved by  
49 the Department of Highway Safety and Motor Vehicles in  
50 lieu of making a court appearance; amending s. 319.001,  
51 F.S.; defining the term "certificate of title" to include  
52 information stored electronically in the department's  
53 database; amending s. 320.01, F.S.; revising the  
54 definition of the term "motorcycle" to exclude a vehicle  
55 in which the operator is enclosed by a cabin; amending s.  
56 320.02, F.S.; deleting the requirement for a motorcycle  
57 endorsement at the time of original registration of a  
58 motorcycle, motor-driven cycle, or moped; repealing s.

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59 320.02(13), F.S., relating to a motor vehicle registration  
60 voluntary contribution for the Election Campaign Financing  
61 Trust Fund; amending s. 320.0706, F.S.; providing that a  
62 violation of requirements for displaying a truck license  
63 plate is a moving violation; amending s. 320.0715, F.S.;  
64 requiring the department to withhold issuing or to suspend  
65 a registration and license plate for a commercial motor  
66 vehicle if the federal identifying number is not provided  
67 or if the motor carrier or vehicle owner has been  
68 prohibited from operating; amending s. 320.08053, F.S.;  
69 removing a requirement that the department create certain  
70 specifications by rule for specialty license plates;  
71 amending s. 320.0894, F.S.; providing for issuance of Gold  
72 Star license plates to certain family members; amending s.  
73 320.131, F.S.; requiring motor vehicle temporary tags to  
74 be affixed on the exterior of the vehicle; revising the  
75 requirement that the department specify media for motor  
76 vehicle temporary tags; revising the requirement that the  
77 department implement a print-on-demand electronic system  
78 for temporary tag issuance; providing for limited use of a  
79 backup manual issuance method during an outage; providing  
80 for rulemaking and certain exemptions; amending s. 320.27,  
81 F.S.; revising the insurance requirements for persons  
82 applying for a motor vehicle dealer license; conforming a  
83 cross-reference; repealing s. 320.96, F.S., relating to a  
84 print-on-demand electronic temporary license plate system;  
85 amending s. 322.01, F.S.; defining the term "convenience  
86 service" for purposes of transactions with the department;  
87 revising the definition of the term "conviction" to

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88 provide for application to offenses committed by a person  
89 holding a commercial driver's license; revising the  
90 definition of the terms "hazardous materials" and "out-of-  
91 service order"; amending s. 322.051, F.S.; revising  
92 requirements for application for issuance or renewal of an  
93 identification card; revising provisions providing for the  
94 expiration of an identification card issued by the  
95 department; amending s. 322.08, F.S.; revising  
96 requirements for application for a driver's license;  
97 removing a provision requiring the application form to  
98 include language permitting a voluntary contribution for  
99 the Election Campaign Financing Trust Fund; amending s.  
100 322.14, F.S.; revising provisions for content of a  
101 driver's license; requiring the license to contain the  
102 licensee's residence address; removing a requirement that  
103 the license contain the licensee's mailing address;  
104 amending s. 322.15, F.S.; authorizing a law enforcement  
105 officer or authorized representative of the department to  
106 collect a person's fingerprints electronically; amending  
107 s. 322.17, F.S.; revising provisions for replacement of an  
108 instruction permit or driver license; removing fee  
109 amounts; requiring payment of specified fee amounts;  
110 removing a provision for a change of address sticker;  
111 conforming cross-references; amending s. 322.18, F.S.;  
112 revising provisions providing for the expiration and  
113 renewal of driver's licenses; providing for the renewal of  
114 certain licenses every 8 years; conforming cross-  
115 references; providing for the renewal of licenses using a  
116 convenience service; requiring the department to issue new

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117 licenses rather than extension stickers; repealing s.  
118 322.181(4), F.S., relating to the Florida At-Risk Driver  
119 Council; amending s. 322.19, F.S.; revising provisions for  
120 a licensee changing address; removing a provision for the  
121 licensee to request a change-of-address sticker;  
122 conforming cross-references; amending s. 322.21, F.S.;  
123 revising fees for issuance of original, renewal, and  
124 replacement driver's licenses and identification cards;  
125 revising fees for specified endorsements; providing for  
126 distribution of revised fees; amending s. 322.2715, F.S.;  
127 providing that the required installation period of an  
128 ignition interlock device for certain DUI offenses be  
129 continuous; amending s. 322.291, F.S.; providing  
130 additional requirements for a third or subsequent  
131 violation of requirements for installation of an ignition  
132 interlock device; requiring treatment and extension of the  
133 duration of the ignition interlock requirement; amending  
134 s. 322.36, F.S.; requiring the suspension for a specified  
135 period of the driver's license of a person who loans a  
136 vehicle to a person whose driver's license is suspended if  
137 that vehicle is involved in an accident resulting in  
138 bodily injury or death; repealing s. 322.60, F.S.,  
139 relating to the prohibition on commercial motor vehicle  
140 drivers possessing more than one license; amending s.  
141 322.61, F.S.; clarifying provisions disqualifying a person  
142 from operating a commercial motor vehicle following  
143 certain traffic violations; providing for permanent  
144 disqualification following conviction of a felony  
145 involving the manufacture, distribution, or dispensing of

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

147 providing that a person's privilege to drive a commercial

148 motor vehicle is disqualified if the person was driving or

149 in actual physical control of a commercial motor vehicle,

150 or any motor vehicle if the person holds a commercial

151 driver's license, with an unlawful blood-alcohol level or

152 breath-alcohol level or refuses to submit to a breath,

153 urine, or blood test; providing for the period of

154 disqualification; providing procedures; providing for

155 issuance of a notice of disqualification; revising the

156 requirements for a formal review hearing following a

157 person's disqualification from operating a commercial

158 motor vehicle; amending s. 324.021, F.S.; clarifying that

159 a judgment becomes final by expiration of the time for

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

161 reference; creating the Automobile Lenders Industry Task

162 Force within the Department of Highway Safety and Motor

163 Vehicles; providing duties of the task force; providing

164 for membership and the election of officers; providing for

165 meetings; providing for reimbursement for travel and per

166 diem expenses for public-sector members; requiring the

167 department to provide administrative support and

168 assistance to the task force; prohibiting the Department

169 of Highway Safety and Motor Vehicles from issuing any new

170 specialty license plates for a specified period;

171 designating the Joseph P. Bertrand Building in Lee County;

172 providing effective dates.

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

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

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

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

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

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

1. That draws propulsion energy from onboard sources of stored energy which are both an internal combustion or heat engine using combustibile fuel and a rechargeable energy-storage system; and

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

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

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

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204 violation, punishable as provided in chapter 318.

205 (4) (a) Notwithstanding any other provision of this section,  
206 an inherently low-emission vehicle (ILEV) that is certified and  
207 labeled in accordance with federal regulations may be driven in  
208 an HOV lane at any time, regardless of its occupancy. In  
209 addition, upon the state's receipt of written notice from the  
210 proper federal regulatory agency authorizing such use, a vehicle  
211 defined as a hybrid vehicle under this section may be driven in  
212 an HOV lane at any time, regardless of its occupancy.

213 (b) All eligible hybrid and all eligible other low-emission  
214 and energy-efficient vehicles driven in an HOV lane must comply  
215 with the minimum fuel economy standards in 23 U.S.C. s.  
216 166(f) (3) (B).

217 (c) Upon issuance of the applicable United States  
218 Environmental Protection Agency final rule pursuant to 23 U.S.C.  
219 s. 166(e), relating to the eligibility of hybrid and other low-  
220 emission and energy-efficient vehicles for operation in an HOV  
221 lane, regardless of occupancy, the Department of Transportation  
222 shall review the rule and recommend to the Legislature any  
223 statutory changes necessary for compliance with the federal rule.  
224 The department shall provide its recommendations no later than 30  
225 days following issuance of the final rule.

226 (5) The department shall issue a decal and registration  
227 certificate, to be renewed annually, reflecting the HOV lane  
228 designation on ~~such~~ vehicles meeting the criteria in subsection  
229 (4) authorizing driving in an HOV lane at any time ~~such use~~. The  
230 department may charge a fee for a decal, not to exceed the costs  
231 of designing, producing, and distributing each decal, or \$5,  
232 whichever is less. The proceeds from sale of the decals shall be



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233 deposited in the Highway Safety Operating Trust Fund. The  
234 department may, for reasons of operation and management of HOV  
235 facilities, limit or discontinue issuance of decals for the use  
236 of HOV facilities by hybrid and low-emission and energy-efficient  
237 vehicles, regardless of occupancy, if it has been determined by  
238 the Department of Transportation that the facilities are degraded  
239 as defined by 23 U.S.C. s. 166(d) (2).

240 (6) Vehicles having decals by virtue of compliance with the  
241 minimum fuel economy standards under 23 U.S.C. s. 166(f) (3) (B),  
242 and which are registered for use in high-occupancy toll lanes or  
243 express lanes in accordance with Department of Transportation  
244 rule, shall be allowed to use any HOV lanes redesignated as high-  
245 occupancy toll lanes or express lanes without payment of a toll.

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

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

250 ~~1. An internal combustion or heat engine using combustible~~  
251 ~~fuel; and~~

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

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

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

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

259 (7) (6) The department may adopt rules necessary to  
260 administer this section.

261 Section 2. Paragraph (b) of subsection (1) of section

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262 316.1575, Florida Statutes, is amended to read:

263 316.1575 Obedience to traffic control devices at railroad-  
264 highway grade crossings.--

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

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

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

276 316.1895 Establishment of school speed zones, enforcement;  
277 designation.--

278 (6) Permanent signs designating school zones and school  
279 zone speed limits shall be uniform in size and color, and shall  
280 have the times during which the restrictive speed limit is  
281 enforced clearly designated thereon. Flashing beacons activated  
282 by a time clock, or other automatic device, or manually activated  
283 may be used as an alternative to posting the times during which  
284 the restrictive school speed limit is enforced. Beginning July 1,  
285 2008, for any newly established school zone or any school zone in  
286 which the signing has been replaced, a sign stating "Speeding  
287 Fines Doubled" shall be installed within the school zone. The  
288 Department of Transportation shall establish adequate standards  
289 for the signs and flashing beacons.

290 Section 4. Paragraph (d) is added to subsection (1) of

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291 section 316.191, Florida Statutes, subsections (3), (4), and (5)  
292 of that section are renumbered as subsections (4), (5), and (6),  
293 respectively, and a new subsection (3) is added to that section,  
294 to read:

295 316.191 Racing on highways.--

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

297 (d) "Spectator" means any person who is knowingly present  
298 at and views a drag race, when such presence is the result of an  
299 affirmative choice to attend or participate in the race. For  
300 purposes of determining whether or not an individual is a  
301 spectator, finders of fact shall consider the relationship  
302 between the racer and the individual, evidence of gambling or  
303 betting on the outcome of the race, and any other factor that  
304 would tend to show knowing attendance or participation.

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

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

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

312 316.193 Driving under the influence; penalties.--

313 (4) Any person who is convicted of a violation of  
314 subsection (1) and who has a blood-alcohol level or breath-  
315 alcohol level of 0.15 ~~0.20~~ or higher, or any person who is  
316 convicted of a violation of subsection (1) and who at the time of  
317 the offense was accompanied in the vehicle by a person under the  
318 age of 18 years, shall be punished:

319 (a) By a fine of:

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

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

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

326 (b) By imprisonment for:

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

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

329

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

334 (c) In addition to the penalties in paragraphs (a) and (b),  
335 the court shall order the mandatory placement, at the convicted  
336 person's sole expense, of an ignition interlock device approved  
337 by the department in accordance with s. 316.1938 upon all  
338 vehicles that are individually or jointly leased or owned and  
339 routinely operated by the convicted person for not less than ~~up~~  
340 ~~to~~ 6 continuous months for the first offense and for not less  
341 than at least 2 continuous years for a second offense, when the  
342 convicted person qualifies for a permanent or restricted license.  
343 ~~The installation of such device may not occur before July 1,~~  
344 ~~2003.~~

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

347 316.1937 Ignition interlock devices, requiring; unlawful  
348 acts.--

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

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

366 316.251 Maximum bumper heights.--

367 (2) "New motor vehicles" as defined in s. 319.001 (9) ~~(8)~~,  
368 "antique automobiles" as defined in s. 320.08, "horseless  
369 carriages" as defined in s. 320.086, and "street rods" as defined  
370 in s. 320.0863 shall be excluded from the requirements of this  
371 section.

372 Section 8. Paragraph (b) of subsection (1) and subsections  
373 (6) and (8) of section 316.302, Florida Statutes, are amended to  
374 read:

375 316.302 Commercial motor vehicles; safety regulations;  
376 transporters and shippers of hazardous materials; enforcement.--

377 (1)

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378 (b) Except as otherwise provided in this section, all  
379 owners or drivers of commercial motor vehicles that are engaged  
380 in intrastate commerce are subject to the rules and regulations  
381 contained in 49 C.F.R. parts 382, 385, and 390-397, with the  
382 exception of 49 C.F.R. s. 390.5 as it relates to the definition  
383 of bus, as such rules and regulations existed on October 1, 2007  
384 2005.

385 (6) The state Department of Transportation shall perform  
386 the duties that are assigned to the Field Administrator, Federal  
387 Motor Carrier Safety Administration ~~Regional Federal Highway~~  
388 ~~Administrator~~ under the federal rules, and an agent of that  
389 department, as described in s. 316.545(9), may enforce those  
390 rules.

391 (8) For the purpose of enforcing this section, any law  
392 enforcement officer of the Department of Transportation or duly  
393 appointed agent who holds a current safety inspector  
394 certification from the Commercial Vehicle Safety Alliance may  
395 require the driver of any commercial vehicle operated on the  
396 highways of this state to stop and submit to an inspection of the  
397 vehicle or the driver's records. If the vehicle or driver is  
398 found to be operating in an unsafe condition, or if any required  
399 part or equipment is not present or is not in proper repair or  
400 adjustment, and the continued operation would present an unduly  
401 hazardous operating condition, the officer may require the  
402 vehicle or the driver to be removed from service pursuant to the  
403 North American Standard ~~Uniform~~ Out-of-Service Criteria, until  
404 corrected. However, if continuous operation would not present an  
405 unduly hazardous operating condition, the officer may give  
406 written notice requiring correction of the condition within 14

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407 days.

408 (a) Any member of the Florida Highway Patrol or any law  
409 enforcement officer employed by a sheriff's office or municipal  
410 police department authorized to enforce the traffic laws of this  
411 state pursuant to s. 316.640 who has reason to believe that a  
412 vehicle or driver is operating in an unsafe condition may, as  
413 provided in subsection (10), enforce the provisions of this  
414 section.

415 (b) Any person who fails to comply with an officer's  
416 request to submit to an inspection under this subsection commits  
417 a violation of s. 843.02 if the person resists the officer  
418 without violence or a violation of s. 843.01 if the person  
419 resists the officer with violence.

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

422 316.613 Child restraint requirements.--

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

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

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

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

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

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

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436 Section 10. Paragraph (a) of subsection (3) of section  
437 316.614, Florida Statutes, is amended to read:

438 316.614 Safety belt usage.--

439 (3) As used in this section:

440 (a) "Motor vehicle" means a motor vehicle as defined in s.  
441 316.003 which ~~that~~ is operated on the roadways, streets, and  
442 highways of this state. The term does not include:

443 1. A school bus.

444 2. A bus used for the transportation of persons for  
445 compensation.

446 3. A farm tractor or implement of husbandry.

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

449 5. A motorcycle, moped, or bicycle.

450 Section 11. Section 316.645, Florida Statutes, is amended  
451 to read:

452 316.645 Arrest authority of officer at scene of a traffic  
453 crash.--A police officer who makes an investigation at the scene  
454 of a traffic crash may arrest any driver of a vehicle involved in  
455 the crash when, based upon personal investigation, the officer  
456 has reasonable and probable grounds to believe that the person  
457 has committed any offense under the provisions of this chapter,  
458 chapter 320, or chapter 322 in connection with the crash.

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

461 316.650 Traffic citations.--

462 (1)(a) The department shall prepare~~7~~ and supply to every  
463 traffic enforcement agency in this state~~7~~ an appropriate form  
464 traffic citation that contains ~~containing~~ a notice to appear, is



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465 ~~(which shall be issued in prenumbered books, meets with citations~~  
466 ~~in quintuplicate) and meeting~~ the requirements of this chapter or  
467 any laws of this state regulating traffic, and is ~~which form~~  
468 ~~shall be~~ consistent with the state traffic court rules and the  
469 procedures established by the department. The form shall include  
470 a box that ~~which~~ is to be checked by the law enforcement officer  
471 when the officer believes that the traffic violation or crash was  
472 due to aggressive careless driving as defined in s. 316.1923. The  
473 form shall also include a box that ~~which~~ is to be checked by the  
474 law enforcement officer when the officer writes a uniform traffic  
475 citation for a violation of s. 316.074(1) or s. 316.075(1)(c)1.  
476 as a result of the driver failing to stop at a traffic signal.

477 (b) The department shall prepare, and supply to every  
478 traffic enforcement agency in the state, an appropriate  
479 affidavit-of-compliance form that ~~which~~ shall be issued along  
480 with the form traffic citation for any violation of s. 316.610  
481 and that indicates ~~which shall indicate~~ the specific defect  
482 needing ~~which needs~~ to be corrected. However, such affidavit of  
483 compliance shall not be issued in the case of a violation of s.  
484 316.610 by a commercial motor vehicle as defined in s.  
485 316.003(66). Such affidavit-of-compliance form shall be  
486 distributed in the same manner and to the same parties as is the  
487 form traffic citation.

488 (c) Notwithstanding paragraphs (a) and (b), a traffic  
489 enforcement agency may produce uniform traffic citations by  
490 electronic means. Such citations must be consistent with the  
491 state traffic court rules and the procedures established by the  
492 department and, must be appropriately numbered and inventoried,  
493 ~~and may have fewer copies than the quintuplicate form.~~ Affidavit-

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494 of-compliance forms may also be produced by electronic means.

495 (d) The department must distribute to every traffic  
496 enforcement agency and to any others who request it, a traffic  
497 infraction reference guide describing the class of the traffic  
498 infraction, the penalty for the infraction, the points to be  
499 assessed on a driver's record license, and any other information  
500 necessary to describe a violation and the penalties therefor.

501 (3) (a) Except for a traffic citation issued pursuant to s.  
502 316.1001, each traffic enforcement officer, upon issuing a  
503 traffic citation to an alleged violator of any provision of the  
504 motor vehicle laws of this state or of any traffic ordinance of  
505 any municipality ~~city~~ or town, shall deposit the original ~~and one~~  
506 ~~copy of such~~ traffic citation or, in the case of a traffic  
507 enforcement agency that ~~which~~ has an automated citation issuance  
508 system, the chief administrative officer shall provide by an  
509 electronic transmission a replica of the citation data to  
510 ~~facsimile with~~ a court having jurisdiction over the alleged  
511 offense or with its traffic violations bureau within 5 days after  
512 issuance to the violator.

513 (b) If a traffic citation is issued pursuant to s.  
514 316.1001, a traffic enforcement officer may deposit the original  
515 ~~and one copy of such~~ traffic citation or, in the case of a  
516 traffic enforcement agency that has an automated citation system,  
517 may provide by an electronic transmission a replica of the  
518 citation data to ~~facsimile with~~ a court having jurisdiction over  
519 the alleged offense or with its traffic violations bureau within  
520 45 days after the date of issuance of the citation to the  
521 violator. If the person cited for the violation of s. 316.1001  
522 makes the election provided by s. 318.14(12) and pays the \$25

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523 fine, or such other amount as imposed by the governmental entity  
524 owning the applicable toll facility, plus the amount of the  
525 unpaid toll that is shown on the traffic citation directly to the  
526 governmental entity that issued the citation, or on whose behalf  
527 the citation was issued, in accordance with s. 318.14(12), the  
528 traffic citation will not be submitted to the court, the  
529 disposition will be reported to the department by the  
530 governmental entity that issued the citation, or on whose behalf  
531 the citation was issued, and no points will be assessed against  
532 the person's driver's license.

533 (4) The chief administrative officer of every traffic  
534 enforcement agency shall require the return to him or her ~~of the~~  
535 officer-agency department record copy of every traffic citation  
536 issued by an officer under the chief administrative officer's  
537 supervision to an alleged violator of any traffic law or  
538 ordinance and ~~of~~ all copies of every traffic citation that ~~which~~  
539 has been spoiled or upon which any entry has been made and not  
540 issued to an alleged violator. In the case of a traffic  
541 enforcement agency that ~~which~~ has an automated citation issuance  
542 system, the chief administrative officer shall require the return  
543 of all electronic traffic citation records.

544 (5) Upon the deposit of the original ~~and one copy of such~~  
545 traffic citation or upon ~~deposit of~~ an electronic transmission of  
546 a replica of citation data ~~facsimile~~ of the traffic citation with  
547 respect to traffic enforcement agencies that ~~which~~ have an  
548 automated citation issuance system with a court having  
549 jurisdiction over the alleged offense or with its traffic  
550 violations bureau ~~as aforesaid~~, the original citation, the  
551 electronic citation containing a replica of citation data

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552 ~~facsimile~~, or a copy of such traffic citation may be disposed of  
553 only by trial in the court or other official action by a judge of  
554 the court, including forfeiture of the bail, or by the deposit of  
555 sufficient bail with, or payment of a fine to, the traffic  
556 violations bureau by the person to whom such traffic citation has  
557 been issued by the traffic enforcement officer.

558 (6) The chief administrative officer shall transmit, on a  
559 form approved by the department, ~~the department record copy of~~  
560 ~~the uniform traffic citation to the department~~ within 5 days  
561 after submission of the original, groups of issued citations and  
562 ~~one copy to the court, or citation and transmittal data to the~~  
563 court. Batches of electronic citations containing a replica of  
564 citation data may be transmitted to the court ~~department~~ in an  
565 electronic automated fashion, in a format form prescribed by the  
566 department within 5 days after issuance to the violator. ~~A copy~~  
567 ~~of such transmittal shall also be provided to the court having~~  
568 ~~jurisdiction for accountability purposes.~~

569 (7) The chief administrative officer shall also maintain or  
570 cause to be maintained in connection with every traffic citation  
571 issued by an officer under his or her supervision a record of the  
572 disposition of the charge by the court or its traffic violations  
573 bureau in which the original or copy of the traffic citation or  
574 electronic citation was deposited.

575 Section 13. Paragraph (a) of subsection (2) of section  
576 316.656, Florida Statutes, is amended to read:

577 316.656 Mandatory adjudication; prohibition against  
578 accepting plea to lesser included offense.--

579 (2) (a) No trial judge may accept a plea of guilty to a  
580 lesser offense from a person charged under the provisions of this

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581 act who has been given a breath or blood test to determine blood  
582 or breath alcohol content, the results of which show a blood or  
583 breath alcohol content by weight of 0.15 ~~0.20~~ percent or more.

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

586 318.14 Noncriminal traffic infractions; exception;  
587 procedures.--

588 (9) Any person who does not hold a commercial driver's  
589 license and who is cited for an infraction under this section  
590 other than a violation of s. 316.183(2), s. 316.187, or s.  
591 316.189 when the driver exceeds the posted limit by 30 miles per  
592 hour or more, s. 320.0605, s. 320.07(3)(a) or (b), s. 322.065, s.  
593 322.15(1), s. 322.61, or s. 322.62 may, in lieu of a court  
594 appearance, elect to attend in the location of his or her choice  
595 within this state a basic driver improvement course approved by  
596 the Department of Highway Safety and Motor Vehicles. In such a  
597 case, adjudication must be withheld; points, as provided by s.  
598 322.27, may not be assessed; and the civil penalty that is  
599 imposed by s. 318.18(3) must be reduced by 18 percent; however, a  
600 person may not make an election under this subsection if the  
601 person has made an election under this subsection in the  
602 preceding 12 months. A person may make no more than five  
603 elections within 10 years under this subsection. The requirement  
604 for community service under s. 318.18(8) is not waived by a plea  
605 of nolo contendere or by the withholding of adjudication of guilt  
606 by a court.

607 Section 15. Subsections (1) through (11) of section  
608 319.001, Florida Statutes, are renumbered as subsections (2)  
609 through (12), respectively, and a new subsection (1) is added to

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610 that section to read:

611 319.001 Definitions.--As used in this chapter, the term:

612 (1) "Certificate of title" means the record that is  
613 evidence of ownership of a vehicle, whether a paper certificate  
614 authorized by the department or a certificate consisting of  
615 information that is stored in an electronic form in the  
616 department's database.

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

619 320.01 Definitions, general.--As used in the Florida  
620 Statutes, except as otherwise provided, the term:

621 (27) "Motorcycle" means any motor vehicle having a seat or  
622 saddle for the use of the rider and designed to travel on not  
623 more than three wheels in contact with the ground, but excluding  
624 a tractor, ~~or a moped,~~ or a vehicle in which the operator is  
625 enclosed by a cabin.

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

629 320.02 Registration required; application for registration;  
630 forms.--

631 (1) Except as otherwise provided in this chapter, every  
632 owner or person in charge of a motor vehicle that is operated or  
633 driven on the roads of this state shall register the vehicle in  
634 this state. The owner or person in charge shall apply to the  
635 department or to its authorized agent for registration of each  
636 such vehicle on a form prescribed by the department. ~~Prior to the~~  
637 ~~original registration of a motorcycle, motor-driven cycle, or~~  
638 ~~moped, the owner, if a natural person, must present proof that he~~

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639 ~~or she has a valid motorcycle endorsement as required in chapter~~  
640 ~~322.~~ A registration is not required for any motor vehicle that is  
641 not operated on the roads of this state during the registration  
642 period.

643 Section 18. Subsection (13) of section 320.02, Florida  
644 Statutes, is repealed.

645 Section 19. Section 320.0706, Florida Statutes, is amended  
646 to read:

647 320.0706 Display of license plates on trucks.--The owner of  
648 any commercial truck of gross vehicle weight of 26,001 pounds or  
649 more shall display the registration license plate on both the  
650 front and rear of the truck in conformance with all the  
651 requirements of s. 316.605 that do not conflict with this  
652 section. The owner of a dump truck may place the rear license  
653 plate on the gate no higher than 60 inches to allow for better  
654 visibility. However, the owner of a truck tractor shall be  
655 required to display the registration license plate only on the  
656 front of such vehicle. A violation of this section is a  
657 noncriminal traffic infraction, punishable as a moving violation  
658 as provided in chapter 318.

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

661 320.0715 International Registration Plan; motor carrier  
662 services; permits; retention of records.--

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

667 (a) The department shall withhold registrations and license

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668 plates for commercial motor vehicles unless the identifying  
669 number issued by the federal agency responsible for motor carrier  
670 safety is provided for the motor carrier and the entity  
671 responsible for motor carrier safety for each motor vehicle as  
672 part of the application process.

673 (b) The department may not issue a commercial motor vehicle  
674 registration or license plate to, and may not transfer the  
675 commercial motor vehicle registration or license plate for, a  
676 motor carrier or vehicle owner who has been prohibited from  
677 operating by a federal or state agency responsible for motor  
678 carrier safety.

679 (c) The department, with notice, shall suspend any  
680 commercial motor vehicle registration and license plate issued to  
681 a motor carrier or vehicle owner who has been prohibited from  
682 operating by a federal or state agency responsible for motor  
683 carrier safety.

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

686 320.08053 Requirements for requests to establish specialty  
687 license plates.--

688 ~~(3) The department shall adopt rules providing viewpoint-~~  
689 ~~neutral specifications for the design of specialty license plates~~  
690 ~~that promote or enhance the readability of all specialty license~~  
691 ~~plates and that discourage counterfeiting. The rules shall~~  
692 ~~provide uniform specifications requiring inclusion of the word~~  
693 ~~"Florida" in the same location on each specialty license plate,~~  
694 ~~in such a size and location that is clearly identifiable on the~~  
695 ~~specialty license plate when mounted on a vehicle, and shall~~  
696 ~~provide specifications for the size and location of any words or~~



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697 ~~logos appearing on a specialty license plate.~~

698 Section 22. Paragraph (a) of subsection (4) of section  
699 320.0894, Florida Statutes, is amended to read:

700 320.0894 Motor vehicle license plates to Gold Star family  
701 members.--The department shall develop a special license plate  
702 honoring the family members of servicemembers who have been  
703 killed while serving in the Armed Forces of the United States.  
704 The license plate shall be officially designated as the Gold Star  
705 license plate and shall be developed and issued as provided in  
706 this section.

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

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

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

719 3. A servicemember is deemed to have been killed while in  
720 service as listed by the United States Department of Defense and  
721 may be verified from documentation directly from the Department  
722 of Defense or from its subordinate agencies, such as the Coast  
723 Guard, Reserve, or National Guard.

724 Section 23. Effective upon this act becoming a law,  
725 subsections (4) and (8) of section 320.131, Florida Statutes, are

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726 amended, and subsection (9) is added to that section, to read:

727 320.131 Temporary tags.--

728 (4) (a) Temporary tags shall be conspicuously displayed in  
729 the rear license plate bracket or, ~~attached to the inside of the~~  
730 ~~rear window in an upright position so as to be clearly visible~~  
731 ~~from the rear of the vehicle.~~ on vehicles requiring front display  
732 of license plates, ~~temporary tags shall be displayed~~ on the front  
733 of the vehicle in the location where the metal license plate  
734 would normally be displayed.

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

741 (8) The department shall ~~may~~ administer an electronic  
742 system for licensed motor vehicle dealers to use for ~~in~~ issuing  
743 temporary tags ~~license plates~~. ~~Upon issuing a temporary license~~  
744 ~~plate, the dealer shall access the electronic system and enter~~  
745 ~~the appropriate vehicle and owner information within the~~  
746 ~~timeframe specified by department rule.~~ If a dealer fails to  
747 comply with the department's requirements for issuing temporary  
748 tags ~~license plates~~ using the electronic system, the department  
749 may deny, suspend, or revoke a license under s. 320.27(9)(b)16.  
750 upon proof that the licensee has failed to comply with the  
751 department's requirements. The department may adopt rules to  
752 administer this section.

753 (9) (a) The department shall implement a secure print-on-  
754 demand electronic temporary tag registration, record retention,

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755 and issue system required for use by every department-authorized  
756 issuer of temporary tags by the end of the 2007-2008 fiscal year.  
757 Such system shall enable the department to issue, on demand, a  
758 temporary tag number in response to a request from the issuer by  
759 way of a secure electronic exchange of data and enable the issuer  
760 to print the temporary tag that has all required information. A  
761 motor vehicle dealer licensed under this chapter may charge a fee  
762 to comply with this subsection.

763 (b) To ensure the continuation of operations for issuers if  
764 a system outage occurs, the department shall allow the limited  
765 use of a backup manual issuance method during an outage which  
766 requires recordkeeping of information as determined by the  
767 department and requires the timely electronic reporting of this  
768 information to the department.

769 (c) The department may adopt rules necessary to administer  
770 this subsection. Such rules may include exemptions from the  
771 requirements of this subsection as required to administer the  
772 program, as well as exemptions for issuers who do not require a  
773 dealer license under this chapter because of the type or size of  
774 vehicle being sold.

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

777 320.27 Motor vehicle dealers.--

778 (3) APPLICATION AND FEE.--The application for the license  
779 shall be in such form as may be prescribed by the department and  
780 shall be subject to such rules with respect thereto as may be so  
781 prescribed by it. Such application shall be verified by oath or  
782 affirmation and shall contain a full statement of the name and  
783 birth date of the person or persons applying therefor; the name

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784 of the firm or copartnership, with the names and places of  
785 residence of all members thereof, if such applicant is a firm or  
786 copartnership; the names and places of residence of the principal  
787 officers, if the applicant is a body corporate or other  
788 artificial body; the name of the state under whose laws the  
789 corporation is organized; the present and former place or places  
790 of residence of the applicant; and prior business in which the  
791 applicant has been engaged and the location thereof. Such  
792 application shall describe the exact location of the place of  
793 business and shall state whether the place of business is owned  
794 by the applicant and when acquired, or, if leased, a true copy of  
795 the lease shall be attached to the application. The applicant  
796 shall certify that the location provides an adequately equipped  
797 office and is not a residence; that the location affords  
798 sufficient unoccupied space upon and within which adequately to  
799 store all motor vehicles offered and displayed for sale; and that  
800 the location is a suitable place where the applicant can in good  
801 faith carry on such business and keep and maintain books,  
802 records, and files necessary to conduct such business, which will  
803 be available at all reasonable hours to inspection by the  
804 department or any of its inspectors or other employees. The  
805 applicant shall certify that the business of a motor vehicle  
806 dealer is the principal business which shall be conducted at that  
807 location. Such application shall contain a statement that the  
808 applicant is either franchised by a manufacturer of motor  
809 vehicles, in which case the name of each motor vehicle that the  
810 applicant is franchised to sell shall be included, or an  
811 independent (nonfranchised) motor vehicle dealer. Such  
812 application shall contain such other relevant information as may

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813 be required by the department, including evidence that the  
814 applicant is insured under a garage liability insurance policy or  
815 a general liability insurance policy coupled with a business  
816 automobile policy, which shall include, at a minimum, \$25,000  
817 combined single-limit liability coverage including bodily injury  
818 and property damage protection and \$10,000 personal injury  
819 protection. Franchise dealers must submit a garage liability  
820 insurance policy, and all other dealers must submit a garage  
821 liability insurance policy or a general liability insurance  
822 policy coupled with a business automobile policy. Such policy  
823 shall be for the license period, and evidence of a new or  
824 continued policy shall be delivered to the department at the  
825 beginning of each license period. Upon making ~~such~~ initial  
826 application, the applicant ~~person applying therefor~~ shall pay to  
827 the department a fee of \$300 in addition to any other fees now  
828 required by law; upon making a subsequent renewal application,  
829 the applicant ~~person applying therefor~~ shall pay to the  
830 department a fee of \$75 in addition to any other fees now  
831 required by law. Upon making an application for a change of  
832 location, the person shall pay a fee of \$50 in addition to any  
833 other fees now required by law. The department shall, in the case  
834 of every application for initial licensure, verify whether  
835 certain facts set forth in the application are true. Each  
836 applicant, general partner in the case of a partnership, or  
837 corporate officer and director in the case of a corporate  
838 applicant, must file a set of fingerprints with the department  
839 for the purpose of determining any prior criminal record or any  
840 outstanding warrants. The department shall submit the  
841 fingerprints to the Department of Law Enforcement for state

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842 processing and forwarding to the Federal Bureau of Investigation  
843 for federal processing. The actual cost of ~~such~~ state and federal  
844 processing shall be borne by the applicant and is ~~to be~~ in  
845 addition to the fee for licensure. The department may issue a  
846 license to an applicant pending the results of the fingerprint  
847 investigation, which license is fully revocable if the department  
848 subsequently determines that any facts set forth in the  
849 application are not true or correctly represented.

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

851 (b) The department may deny, suspend, or revoke any license  
852 issued hereunder or under the provisions of s. 320.77 or s.  
853 320.771 upon proof that a licensee has committed, with sufficient  
854 frequency so as to establish a pattern of wrongdoing on the part  
855 of a licensee, violations of one or more of the following  
856 activities:

857 1. Representation that a demonstrator is a new motor  
858 vehicle, or the attempt to sell or the sale of a demonstrator as  
859 a new motor vehicle without written notice to the purchaser that  
860 the vehicle is a demonstrator. For the purposes of this section,  
861 a "demonstrator," a "new motor vehicle," and a "used motor  
862 vehicle" shall be defined as under s. 320.60.

863 2. Unjustifiable refusal to comply with a licensee's  
864 responsibility under the terms of the new motor vehicle warranty  
865 issued by its respective manufacturer, distributor, or importer.  
866 However, if such refusal is at the direction of the manufacturer,  
867 distributor, or importer, such refusal shall not be a ground  
868 under this section.

869 3. Misrepresentation or false, deceptive, or misleading  
870 statements with regard to the sale or financing of motor vehicles

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871 which any motor vehicle dealer has, or causes to have,  
872 advertised, printed, displayed, published, distributed,  
873 broadcast, televised, or made in any manner with regard to the  
874 sale or financing of motor vehicles.

875 4. Failure by any motor vehicle dealer to provide a  
876 customer or purchaser with an odometer disclosure statement and a  
877 copy of any bona fide written, executed sales contract or  
878 agreement of purchase connected with the purchase of the motor  
879 vehicle purchased by the customer or purchaser.

880 5. Failure of any motor vehicle dealer to comply with the  
881 terms of any bona fide written, executed agreement, pursuant to  
882 the sale of a motor vehicle.

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

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

887 8. Failure to continually meet the requirements of the  
888 licensure law.

889 9. Representation to a customer or any advertisement to the  
890 public representing or suggesting that a motor vehicle is a new  
891 motor vehicle if such vehicle lawfully cannot be titled in the  
892 name of the customer or other member of the public by the seller  
893 using a manufacturer's statement of origin as permitted in s.  
894 319.23(1).

895 10. Requirement by any motor vehicle dealer that a customer  
896 or purchaser accept equipment on his or her motor vehicle which  
897 was not ordered by the customer or purchaser.

898 11. Requirement by any motor vehicle dealer that any  
899 customer or purchaser finance a motor vehicle with a specific

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900 financial institution or company.

901 12. Requirement by any motor vehicle dealer that the  
902 purchaser of a motor vehicle contract with the dealer for  
903 physical damage insurance.

904 13. Perpetration of a fraud upon any person as a result of  
905 dealing in motor vehicles, including, without limitation, the  
906 misrepresentation to any person by the licensee of the licensee's  
907 relationship to any manufacturer, importer, or distributor.

908 14. Violation of any of the provisions of s. 319.35 by any  
909 motor vehicle dealer.

910 15. Sale by a motor vehicle dealer of a vehicle offered in  
911 trade by a customer prior to consummation of the sale, exchange,  
912 or transfer of a newly acquired vehicle to the customer, unless  
913 the customer provides written authorization for the sale of the  
914 trade-in vehicle prior to delivery of the newly acquired vehicle.

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

917 17. Violation of chapter 319, this chapter, or ss. 559.901-  
918 559.9221, which has to do with dealing in or repairing motor  
919 vehicles or mobile homes. Additionally, in the case of used motor  
920 vehicles, the willful violation of the federal law and rule in 15  
921 U.S.C. s. 2304, 16 C.F.R. part 455, pertaining to the consumer  
922 sales window form.

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

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

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



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929 Section 26. Subsections (10) through (44) of section  
930 322.01, Florida Statutes, are renumbered as subsections (11)  
931 through (45), respectively, present subsections (10), (23), and  
932 (29) are amended, and a new subsection (10) is added to that  
933 section, to read:

934 322.01 Definitions.--As used in this chapter:

935 (10) "Convenience service" means any means whereby an  
936 individual conducts a transaction with the department other than  
937 in person.

938 (11)~~(10)~~(a) "Conviction" means a conviction of an offense  
939 relating to the operation of motor vehicles on highways which is  
940 a violation of this chapter or any other such law of this state  
941 or any other state, including an admission or determination of a  
942 noncriminal traffic infraction pursuant to s. 318.14, or a  
943 judicial disposition of an offense committed under any federal  
944 law substantially conforming to the aforesaid state statutory  
945 provisions.

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

950 (24)~~(23)~~ "Hazardous materials" means any material that has  
951 been designated as hazardous under 49 U.S.C. s. 5103 and is  
952 required to be placarded under subpart F of 49 C.F.R. part 172 or  
953 any quantity of a material listed as a select agent or toxin in  
954 42 C.F.R. part 73 ~~has the meaning such term has under s. 103 of~~  
955 ~~the Hazardous Materials Transportation Act.~~

956 (30)~~(29)~~ "Out-of-service order" means a prohibition issued  
957 by an authorized local, state, or Federal Government official

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958 which precludes a person from driving a commercial motor vehicle  
959 ~~for a period of 72 hours or less.~~

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

962 322.051 Identification cards.--

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

968 (a) Each such application shall include the following  
969 information regarding the applicant:

970 1. Full name (first, middle or maiden, and last), gender,  
971 proof of social security card number satisfactory to the  
972 department, county of residence, and mailing address, proof of  
973 residential address satisfactory to the department, country of  
974 birth, and a brief description.

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

976 3. Proof of identity satisfactory to the department. Such  
977 proof must include one of the following documents issued to the  
978 applicant:

979 a. A driver's license record or identification card record  
980 from another jurisdiction that required the applicant to submit a  
981 document for identification which is substantially similar to a  
982 document required under sub-subparagraph b., sub-subparagraph c.,  
983 sub-subparagraph d., sub-subparagraph e., sub-subparagraph f., ~~or~~  
984 sub-subparagraph g., or sub-subparagraph h.;

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

986 c. A valid, unexpired United States passport;

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987 d. A naturalization certificate issued by the United States  
988 Department of Homeland Security;

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

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

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

995 ~~h.g.~~ Proof of nonimmigrant classification provided by the  
996 United States Department of Homeland Security, for an original  
997 identification card. In order to prove such nonimmigrant  
998 classification, applicants may produce but are not limited to the  
999 following documents:

1000 (I) A notice of hearing from an immigration court  
1001 scheduling a hearing on any proceeding.

1002 (II) A notice from the Board of Immigration Appeals  
1003 acknowledging pendency of an appeal.

1004 (III) Notice of the approval of an application for  
1005 adjustment of status issued by the United States Bureau of  
1006 Citizenship and Immigration Services.

1007 (IV) Any official documentation confirming the filing of a  
1008 petition for asylum or refugee status or any other relief issued  
1009 by the United States Bureau of Citizenship and Immigration  
1010 Services.

1011 (V) Notice of action transferring any pending matter from  
1012 another jurisdiction to Florida, issued by the United States  
1013 Bureau of Citizenship and Immigration Services.

1014 (VI) Order of an immigration judge or immigration officer  
1015 granting any relief that authorizes the alien to live and work in

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1016 the United States including, but not limited to asylum.

1017 (VII) Evidence that an application is pending for  
1018 adjustment of status to that of an alien lawfully admitted for  
1019 permanent residence in the United States or conditional permanent  
1020 resident status in the United States, if a visa number is  
1021 available having a current priority date for processing by the  
1022 United States Bureau of Citizenship and Immigration Services.

1023 (VIII) On or after January 1, 2010, an unexpired foreign  
1024 passport with an unexpired United States Visa affixed,  
1025 accompanied by an approved I-94, documenting the most recent  
1026 admittance into the United States.

1027  
1028 Presentation of any of the documents described in sub-  
1029 subparagraph g. ~~f.~~ or sub-subparagraph h. ~~g.~~ entitles the  
1030 applicant to an identification card for a period not to exceed  
1031 the expiration date of the document presented or 1 year,  
1032 whichever first occurs.

1033 (b) An application for an identification card must be  
1034 signed and verified by the applicant in a format designated by  
1035 the department before a person authorized to administer oaths and  
1036 payment of the applicable fee pursuant to s. 322.21. ~~The fee for~~  
1037 ~~an identification card is \$3, including payment for the color~~  
1038 ~~photograph or digital image of the applicant.~~

1039 (c) Each such applicant may include fingerprints and any  
1040 other unique biometric means of identity.

1041 (2) (a) Every identification card:

1042 1. Issued to a person 5 years of age to 14 years of age  
1043 shall expire, unless canceled earlier, on the fourth birthday of  
1044 the applicant following the date of original issue.

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1045 2. Issued to a person 15 years of age and older shall  
1046 expire, unless canceled earlier, on the eighth birthday of the  
1047 applicant following the date of original issue.

1048  
1049 Renewal of an identification card shall be made for the  
1050 applicable term enumerated in this paragraph. However, if an  
1051 individual is 60 years of age or older, and has an identification  
1052 card issued under this section, the card shall not expire unless  
1053 done so by cancellation by the department or by the death of the  
1054 cardholder. Renewal of any identification card shall be made for  
1055 a term which shall expire on the fourth birthday of the applicant  
1056 following expiration of the identification card renewed, unless  
1057 surrendered earlier. Any application for renewal received later  
1058 than 90 days after expiration of the identification card shall be  
1059 considered the same as an application for an original  
1060 identification card. The renewal fee for an identification card  
1061 shall be \$10, of which \$4 shall be deposited into the General  
1062 Revenue Fund and \$6 into the Highway Safety Operating Trust Fund.  
1063 The department shall, at the end of 4 years and 6 months after  
1064 the issuance or renewal of an identification card, destroy any  
1065 record of the card if it has expired and has not been renewed,  
1066 unless the cardholder is 60 years of age or older.

1067 (b) Notwithstanding any other provision of this chapter, if  
1068 an applicant establishes his or her identity for an  
1069 identification card using a document authorized under sub-  
1070 subparagraph (1)(a)3.e., the identification card shall expire on  
1071 the eighth ~~fourth~~ birthday of the applicant following the date of  
1072 original issue or upon first renewal or duplicate issued after  
1073 implementation of this section. After an initial showing of such

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1074 documentation, he or she is exempted from having to renew or  
1075 obtain a duplicate in person.

1076 (c) Notwithstanding any other provisions of this chapter,  
1077 if an applicant establishes his or her identity for an  
1078 identification card using an identification document authorized  
1079 under sub-subparagraph (1)(a)3.g. ~~(1)(a)3.f.~~ or sub-subparagraph  
1080 (1)(a)3.h. ~~(1)(a)3.g.~~, the identification card shall expire 1  
1081 year ~~2 years~~ after the date of issuance or upon the expiration  
1082 date cited on the United States Department of Homeland Security  
1083 documents, whichever date first occurs, and may not be renewed or  
1084 obtain a duplicate except in person.

1085 Section 28. Subsections (1), (2), and (6) of section  
1086 322.08, Florida Statutes, are amended to read:

1087 322.08 Application for license.--

1088 (1) Each application for a driver's license shall be made  
1089 in a format designated by the department and sworn to or affirmed  
1090 by the applicant as to the truth of the statements made in the  
1091 application.

1092 (2) Each such application shall include the following  
1093 information regarding the applicant:

1094 (a) Full name (first, middle or maiden, and last), gender,  
1095 proof of social security card number satisfactory to the  
1096 department, county of residence, ~~and~~ mailing address, proof of  
1097 residential address satisfactory to the department, country of  
1098 birth, and a brief description.

1099 (b) Proof of birth date satisfactory to the department.

1100 (c) Proof of identity satisfactory to the department. Such  
1101 proof must include one of the following documents issued to the  
1102 applicant:

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1103 1. A driver's license record or identification card record  
1104 from another jurisdiction that required the applicant to submit a  
1105 document for identification which is substantially similar to a  
1106 document required under subparagraph 2., subparagraph 3.,  
1107 subparagraph 4., subparagraph 5., subparagraph 6., ~~or~~  
1108 subparagraph 7., or subparagraph 8.;

1109 2. A certified copy of a United States birth certificate;

1110 3. A valid, unexpired United States passport;

1111 4. A naturalization certificate issued by the United States  
1112 Department of Homeland Security;

1113 5. A valid, unexpired ~~An~~ alien registration receipt card  
1114 (green card);

1115 6. A Consular Report of Birth Abroad provided by the United  
1116 States Department of State;

1117 ~~7.6.~~ An unexpired employment authorization card issued by  
1118 the United States Department of Homeland Security; or

1119 ~~8.7.~~ Proof of nonimmigrant classification provided by the  
1120 United States Department of Homeland Security, for an original  
1121 driver's license. In order to prove nonimmigrant classification,  
1122 an applicant may produce the following documents, including, but  
1123 not limited to:

1124 a. A notice of hearing from an immigration court scheduling  
1125 a hearing on any proceeding.

1126 b. A notice from the Board of Immigration Appeals  
1127 acknowledging pendency of an appeal.

1128 c. A notice of the approval of an application for  
1129 adjustment of status issued by the United States Bureau of  
1130 Citizenship and Immigration Services.

1131 d. Any official documentation confirming the filing of a

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1132 petition for asylum or refugee status or any other relief issued  
1133 by the United States Bureau of Citizenship and Immigration  
1134 Services.

1135 e. A notice of action transferring any pending matter from  
1136 another jurisdiction to this state issued by the United States  
1137 Bureau of Citizenship and Immigration Services.

1138 f. An order of an immigration judge or immigration officer  
1139 granting any relief that authorizes the alien to live and work in  
1140 the United States, including, but not limited to, asylum.

1141 g. Evidence that an application is pending for adjustment  
1142 of status to that of an alien lawfully admitted for permanent  
1143 residence in the United States or conditional permanent resident  
1144 status in the United States, if a visa number is available having  
1145 a current priority date for processing by the United States  
1146 Bureau of Citizenship and Immigration Services.

1147 h. On or after January 1, 2010, an unexpired foreign  
1148 passport with an unexpired United States Visa affixed,  
1149 accompanied by an approved I-94, documenting the most recent  
1150 admittance into the United States.

1151  
1152 Presentation of any of the documents in subparagraph 7. ~~6.~~ or  
1153 subparagraph 8. ~~7.~~ entitles the applicant to a driver's license  
1154 or temporary permit for a period not to exceed the expiration  
1155 date of the document presented or 1 year, whichever occurs first.

1156 (d) Whether the applicant has previously been licensed to  
1157 drive, and, if so, when and by what state, and whether any such  
1158 license or driving privilege has ever been disqualified, revoked,  
1159 or suspended, or whether an application has ever been refused,  
1160 and, if so, the date of and reason for such disqualification,



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1161 suspension, revocation, or refusal.

1162 (e) Each such application may include fingerprints and  
1163 other unique biometric means of identity.

1164 (6) The application form for a driver's license or  
1165 duplicate thereof shall include language permitting the  
1166 following:

1167 ~~(a) A voluntary contribution of \$5 per applicant, which~~  
1168 ~~contribution shall be transferred into the Election Campaign~~  
1169 ~~Financing Trust Fund.~~

1170 (a) ~~(b)~~ A voluntary contribution of \$1 per applicant, which  
1171 contribution shall be deposited into the Florida Organ and Tissue  
1172 Donor Education and Procurement Trust Fund for organ and tissue  
1173 donor education and for maintaining the organ and tissue donor  
1174 registry.

1175 (b) ~~(e)~~ A voluntary contribution of \$1 per applicant, which  
1176 contribution shall be distributed to the Florida Council of the  
1177 Blind.

1178 (c) ~~(d)~~ A voluntary contribution of \$2 per applicant, which  
1179 shall be distributed to the Hearing Research Institute,  
1180 Incorporated.

1181 (d) ~~(e)~~ A voluntary contribution of \$1 per applicant, which  
1182 shall be distributed to the Juvenile Diabetes Foundation  
1183 International.

1184 (e) ~~(f)~~ A voluntary contribution of \$1 per applicant, which  
1185 shall be distributed to the Children's Hearing Help Fund.

1186  
1187 A statement providing an explanation of the purpose of the trust  
1188 funds shall also be included. For the purpose of applying the  
1189 service charge provided in s. 215.20, contributions received

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1190 under paragraphs (b), (c), (d), and (e) ~~(c), (d), (e), and (f)~~  
1191 and under s. 322.18(9)(a) are not income of a revenue nature.

1192 Section 29. Paragraph (a) of subsection (1) of section  
1193 322.14, Florida Statutes, is amended to read:

1194 322.14 Licenses issued to drivers.--

1195 (1)(a) The department shall, upon successful completion of  
1196 all required examinations and payment of the required fee, issue  
1197 to every applicant qualifying therefor, a driver's license as  
1198 applied for, which license shall bear thereon a color photograph  
1199 or digital image of the licensee; the name of the state; a  
1200 distinguishing number assigned to the licensee; and the  
1201 licensee's full name, date of birth, and residence ~~mailing~~  
1202 address; a brief description of the licensee, including, but not  
1203 limited to, the licensee's gender and height; and the dates of  
1204 issuance and expiration of the license. A space shall be provided  
1205 upon which the licensee shall affix his or her usual signature.  
1206 No license shall be valid until it has been so signed by the  
1207 licensee except that the signature of said licensee shall not be  
1208 required if it appears thereon in facsimile or if the licensee is  
1209 not present within the state at the time of issuance. Applicants  
1210 qualifying to receive a Class A, Class B, or Class C driver's  
1211 license must appear in person within the state for issuance of a  
1212 color photographic or digital imaged driver's license pursuant to  
1213 s. 322.142.

1214 Section 30. Section 322.15, Florida Statutes, is amended to  
1215 read:

1216 322.15 License to be carried and exhibited on demand;  
1217 fingerprint to be imprinted upon a citation.--

1218 (1) Every licensee shall have his or her driver's license,

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1219 which must be fully legible with no portion of such license  
1220 faded, altered, mutilated, or defaced, in his or her immediate  
1221 possession at all times when operating a motor vehicle and shall  
1222 display the same upon the demand of a law enforcement officer or  
1223 an authorized representative of the department.

1224 (2) Upon the failure of any person to display a driver's  
1225 license as required by subsection (1), the law enforcement  
1226 officer or authorized representative of the department stopping  
1227 the person shall require the person to imprint his or her  
1228 fingerprints ~~fingerpr~~ upon any citation issued by the officer  
1229 or authorized representative, or the officer or authorized  
1230 representative shall collect the fingerprints electronically.

1231 (3) In relation to violations of subsection (1) or s.  
1232 322.03(5), persons who cannot supply proof of a valid driver's  
1233 license for the reason that the license was suspended for failure  
1234 to comply with that citation shall be issued a suspension  
1235 clearance by the clerk of the court for that citation upon  
1236 payment of the applicable penalty and fee for that citation. If  
1237 proof of a valid driver's license is not provided to the clerk of  
1238 the court within 30 days, the person's driver's license shall  
1239 again be suspended for failure to comply.

1240 (4) A violation of subsection (1) is a noncriminal traffic  
1241 infraction, punishable as a nonmoving violation as provided in  
1242 chapter 318.

1243 Section 31. Section 322.17, Florida Statutes, is amended to  
1244 read:

1245 322.17 Replacement licenses and permits ~~Duplicate and~~  
1246 ~~replacement certificates.--~~

1247 (1) (a) In the event that an instruction permit or driver's

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1248 license issued under the provisions of this chapter is lost or  
1249 destroyed, the person to whom the same was issued may, upon  
1250 payment of the appropriate fee pursuant to s. 322.21 ~~\$10~~, obtain  
1251 a replacement ~~duplicate, or substitute thereof~~, upon furnishing  
1252 proof satisfactory to the department that such permit or license  
1253 has been lost or destroyed, and further furnishing the full name,  
1254 date of birth, sex, residence and mailing address, proof of birth  
1255 satisfactory to the department, and proof of identity  
1256 satisfactory to the department. ~~Five dollars of the fee levied in~~  
1257 ~~this paragraph shall go to the Highway Safety Operating Trust~~  
1258 ~~Fund of the department.~~

1259 (b) In the event that an instruction permit or driver's  
1260 license issued under the provisions of this chapter is stolen,  
1261 the person to whom the same was issued may, at no charge, obtain  
1262 a replacement ~~duplicate, or substitute thereof~~, upon furnishing  
1263 proof satisfactory to the department that such permit or license  
1264 was stolen and further furnishing the full name, date of birth,  
1265 sex, residence and mailing address, proof of birth satisfactory  
1266 to the department, and proof of identity satisfactory to the  
1267 department.

1268 (2) Upon the surrender of the original license and the  
1269 payment of the appropriate fees pursuant to s. 322.21 ~~a \$10~~  
1270 ~~replacement fee~~, the department shall issue a replacement license  
1271 to make a change in name, address, or restrictions. ~~Upon written~~  
1272 ~~request by the licensee and notification of a change in address,~~  
1273 ~~and the payment of a \$10 fee, the department shall issue an~~  
1274 ~~address sticker which shall be affixed to the back of the license~~  
1275 ~~by the licensee. Nine dollars of the fee levied in this~~  
1276 ~~subsection shall go to the Highway Safety Operating Trust Fund of~~

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1277 ~~the department.~~

1278 (3) Notwithstanding any other provisions of this chapter,  
1279 if a licensee establishes his or her identity for a driver's  
1280 license using an identification document authorized under s.  
1281 322.08(2)(c) 7.6. or 8.7., the licensee may not obtain a duplicate  
1282 or replacement instruction permit or driver's license except in  
1283 person and upon submission of an identification document  
1284 authorized under s. 322.08(2)(c) 7.6. or 8.7.

1285 Section 32. Subsections (2), (4), (5), (8), and (9) of  
1286 section 322.18, Florida Statutes, are amended to read:

1287 322.18 Original applications, licenses, and renewals;  
1288 expiration of licenses; delinquent licenses.--

1289 (2) Each applicant who is entitled to the issuance of a  
1290 driver's license, as provided in this section, shall be issued a  
1291 driver's license, as follows:

1292 (a) An applicant who has not attained 80 years of age  
1293 applying for an original issuance shall be issued a driver's  
1294 license that ~~which~~ expires at midnight on the licensee's birthday  
1295 which next occurs on or after the eighth ~~sixth~~ anniversary of the  
1296 date of issue. An applicant who is at least 80 years of age  
1297 applying for an original issuance shall be issued a driver's  
1298 license that expires at midnight on the licensee's birthday that  
1299 next occurs on or after the sixth anniversary of the date of  
1300 issue.

1301 (b) An applicant who has not attained 80 years of age  
1302 applying for a renewal issuance ~~or renewal extension~~ shall be  
1303 issued a driver's license that ~~or renewal extension sticker~~ which  
1304 expires at midnight on the licensee's birthday that ~~which~~ next  
1305 occurs 8 4 years after the month of expiration of the license

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1306 being renewed. An applicant who is at least 80 years of age  
1307 applying for a renewal issuance shall be issued a driver's  
1308 license that, ~~except that a driver whose driving record reflects~~  
1309 ~~no convictions for the preceding 3 years shall be issued a~~  
1310 ~~driver's license or renewal extension sticker which expires at~~  
1311 midnight on the licensee's birthday that ~~which~~ next occurs 6  
1312 years after the month of expiration of the license being renewed.

1313 (c) Notwithstanding any other provision of this chapter, if  
1314 an applicant establishes his or her identity for a driver's  
1315 license using a document authorized under s. 322.08(2)(c)5., the  
1316 driver's license shall expire in accordance with paragraph (b).  
1317 After an initial showing of such documentation, he or she is  
1318 exempted from having to renew or obtain a duplicate in person.

1319 (d) Notwithstanding any other provision of this chapter, if  
1320 an applicant establishes his or her identity for a driver's  
1321 license using a document authorized in s. 322.08(2)(c) 7.6 or  
1322 8.7, the driver's license shall expire 1 year ~~2 years~~ after the  
1323 date of issuance or upon the expiration date cited on the United  
1324 States Department of Homeland Security documents, whichever date  
1325 first occurs.

1326 (e) Notwithstanding any other provision of this chapter, an  
1327 applicant applying for an original or renewal issuance of a  
1328 commercial driver's license as defined in s. 322.01(7), with a  
1329 hazardous-materials endorsement, pursuant to s. 322.57(1)(e),  
1330 shall be issued a driver's license that expires at midnight on  
1331 the licensee's birthday that next occurs 4 years after the month  
1332 of expiration of the license being issued or renewed.

1333 (4) (a) Except as otherwise provided in this chapter, all  
1334 licenses shall be renewable every 8 ~~4~~ years ~~or 6 years, depending~~

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1335 ~~upon the terms of issuance~~ and shall be issued or renewed  
1336 ~~extended~~ upon application, payment of the fees required by s.  
1337 322.21, and successful passage of any required examination,  
1338 unless the department has reason to believe that the licensee is  
1339 no longer qualified to receive a license.

1340 (b) Notwithstanding any other provision of this chapter, if  
1341 an applicant establishes his or her identity for a driver's  
1342 license using a document authorized under s. 322.08(2)(c)5., the  
1343 license, upon an initial showing of such documentation, is  
1344 exempted from having to renew or obtain a duplicate in person,  
1345 unless the renewal or duplication coincides with the periodic  
1346 reexamination of a driver as required pursuant to s. 322.121.

1347 (c) Notwithstanding any other provision of this chapter, if  
1348 a licensee establishes his or her identity for a driver's license  
1349 using an identification document authorized under s.  
1350 322.08(2)(c)~~7.6.~~ or ~~8.7.~~, the licensee may not renew the driver's  
1351 license except in person and upon submission of an identification  
1352 document authorized under s. 322.08(2)(c)~~7.6.~~ or ~~8.7.~~ A driver's  
1353 license renewed under this paragraph expires 1 year ~~4 years~~ after  
1354 the date of issuance or upon the expiration date cited on the  
1355 United States Department of Homeland Security documents,  
1356 whichever date first occurs.

1357 (5) All renewal driver's licenses may be issued after the  
1358 applicant licensee has been determined to be eligible by the  
1359 department.

1360 (a) A licensee who is otherwise eligible for renewal and  
1361 who is at least 80 ~~over 79~~ years of age:

1362 1. Must submit to and pass a vision test administered at  
1363 any driver's license office; or

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1364 2. If the licensee applies for a renewal using a  
1365 convenience service ~~an extension by mail~~ as provided in  
1366 subsection (8), he or she must submit to a vision test  
1367 administered by a physician licensed under chapter 458 or chapter  
1368 459, or an optometrist licensed under chapter 463, must send the  
1369 results of that test to the department on a form obtained from  
1370 the department and signed by such health care practitioner, and  
1371 must meet vision standards that are equivalent to the standards  
1372 for passing the departmental vision test. The physician or  
1373 optometrist may submit the results of a vision test by a  
1374 department-approved electronic means.

1375 (b) A licensee who is at least 80 ~~over 79~~ years of age may  
1376 not submit an application for renewal ~~extension~~ under subsection  
1377 (8) by a convenience service ~~electronic or telephonic means,~~  
1378 unless the results of a vision test have been electronically  
1379 submitted in advance by the physician or optometrist.

1380 (8) The department shall issue 8-year renewals using a  
1381 convenience service ~~4-year and 6-year license extensions by mail,~~  
1382 ~~electronic, or telephonic means~~ without reexamination to drivers  
1383 who have not attained 80 years of age. The department shall issue  
1384 6-year renewals using a convenience service when the applicant  
1385 has satisfied the requirements of subsection (5).

1386 (a) If the department determines from its records that the  
1387 holder of a license about to expire is eligible for renewal, the  
1388 department shall mail a renewal notice to the licensee at his or  
1389 her last known address, not less than 30 days prior to the  
1390 licensee's birthday. The renewal notice shall direct the licensee  
1391 to appear at a driver license office for in-person renewal or to  
1392 transmit the completed renewal notice and the fees required by s.



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1393 322.21 to the department using a convenience service ~~by mail,~~  
1394 ~~electronically, or telephonically within the 30 days preceding~~  
1395 ~~the licensee's birthday for a license extension. License~~  
1396 ~~extensions shall not be available to drivers directed to appear~~  
1397 ~~for in-person renewal.~~

1398 (b) Upon receipt of a properly completed renewal notice,  
1399 payment of the required fees, and upon determining that the  
1400 licensee is still eligible for renewal, the department shall send  
1401 a new license extension sticker to the licensee ~~to affix to the~~  
1402 ~~expiring license~~ as evidence that the license term has been  
1403 extended.

1404 (c) The department shall issue one renewal using a  
1405 convenience service license extensions ~~for two consecutive~~  
1406 ~~license expirations only. Upon expiration of two consecutive~~  
1407 ~~license extension periods, in-person renewal with reexamination~~  
1408 ~~as provided in s. 322.121 shall be required. A person who is out~~  
1409 ~~of this state when his or her license expires may be issued a 90-~~  
1410 ~~day temporary driving permit without reexamination. At the end of~~  
1411 ~~the 90-day period, the person must either return to this state or~~  
1412 ~~apply for a license where the person is located, except for a~~  
1413 ~~member of the Armed Forces as provided in s. 322.121(6).~~

1414 ~~(d) In-person renewal at a driver license office shall not~~  
1415 ~~be available to drivers whose records indicate they were directed~~  
1416 ~~to apply for a license extension.~~

1417 (d)(e) Any person who knowingly possesses any forged,  
1418 stolen, fictitious, counterfeit, or unlawfully issued license  
1419 extension sticker, unless possession by such person has been duly  
1420 authorized by the department, commits a misdemeanor of the second  
1421 degree, punishable as provided in s. 775.082 or s. 775.083.

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1422        ~~(e)(f)~~ The department shall develop a plan for the  
1423 equitable distribution of license ~~extensions and~~ renewals and the  
1424 orderly implementation of this section.

1425        (9) (a) The application form for a renewal issuance ~~or~~  
1426 ~~renewal extension~~ shall include language permitting a voluntary  
1427 contribution of \$1 per applicant, to be quarterly distributed by  
1428 the department to Prevent Blindness Florida, a not-for-profit  
1429 organization, to prevent blindness and preserve the sight of the  
1430 residents of this state. A statement providing an explanation of  
1431 the purpose of the funds shall be included with the application  
1432 form.

1433        (b) Prior to the department distributing the funds  
1434 collected pursuant to paragraph (a), Prevent Blindness Florida  
1435 must submit a report to the department that identifies how such  
1436 funds were used during the preceding year.

1437        Section 33. Subsection (4) of section 322.181, Florida  
1438 Statutes, is repealed.

1439        Section 34. Subsections (2) and (4) of section 322.19,  
1440 Florida Statutes, are amended to read:

1441        322.19 Change of address or name.--

1442        (2) Whenever any person, after applying for or receiving a  
1443 driver's license, changes the residence or mailing address in the  
1444 application or license, the person must, within 10 calendar days,  
1445 ~~either obtain a replacement license that reflects the change or~~  
1446 ~~request in writing a change-of-address sticker.~~ A The written  
1447 request to the department must include the old and new addresses  
1448 and the driver's license number.

1449        (4) Notwithstanding any other provision of this chapter, if  
1450 a licensee established his or her identity for a driver's license

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1451 using an identification document authorized under s.  
1452 322.08(2)(c) 7.6. or 8.7., the licensee may not change his or her  
1453 name or address except in person and upon submission of an  
1454 identification document authorized under s. 322.08(2)(c) 7.6. or  
1455 8.7.

1456 Section 35. Subsection (1) of section 322.21, Florida  
1457 Statutes, is amended to read:

1458 322.21 License fees; procedure for handling and collecting  
1459 fees.--

1460 (1) Except as otherwise provided herein, the fee for:

1461 (a) An original or renewal commercial driver's license is  
1462 \$67 ~~\$50~~, which shall include the fee for driver education  
1463 provided by s. 1003.48; however, if an applicant has completed  
1464 training and is applying for employment or is currently employed  
1465 in a public or nonpublic school system that requires the  
1466 commercial license, the fee shall be the same as for a Class E  
1467 driver's license. A delinquent fee of \$1 shall be added for a  
1468 renewal made not more than 12 months after the license expiration  
1469 date.

1470 (b) An original Class E driver's license is \$27 ~~\$20~~, which  
1471 shall include the fee for driver's education provided by s.  
1472 1003.48; however, if an applicant has completed training and is  
1473 applying for employment or is currently employed in a public or  
1474 nonpublic school system that requires a commercial driver  
1475 license, the fee shall be the same as for a Class E license.

1476 (c) The renewal or extension of a Class E driver's license  
1477 or of a license restricted to motorcycle use only is \$20 ~~\$15~~,  
1478 except that a delinquent fee of \$1 shall be added for a renewal  
1479 or extension made not more than 12 months after the license

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1480 expiration date. The fee provided in this paragraph shall include  
1481 the fee for driver's education provided by s. 1003.48.

1482 (d) An original driver's license restricted to motorcycle  
1483 use only is \$27 ~~\$20~~, which shall include the fee for driver's  
1484 education provided by s. 1003.48.

1485 (e) A replacement driver's license issued pursuant to s.  
1486 322.17 is \$10. Of this amount \$7 shall be deposited into the  
1487 Highway Safety Operating Trust Fund and \$3 shall be deposited  
1488 into the General Revenue Fund.

1489 (f) An original, renewal, or replacement identification  
1490 card issued pursuant to s. 322.051 is \$10. Funds collected from  
1491 these fees shall be distributed as follows:

1492 1. For an original identification card issued pursuant to  
1493 s. 322.051 the fee shall be \$10. This amount shall be deposited  
1494 into the General Revenue Fund.

1495 2. For a renewal identification card issued pursuant to s.  
1496 322.051 the fee shall be \$10. Of this amount, \$6 shall be  
1497 deposited into the Highway Safety Operating Trust Fund and \$4  
1498 shall be deposited into the General Revenue Fund.

1499 3. For a replacement identification card issued pursuant to  
1500 s. 322.051 the fee shall be \$10. Of this amount, \$9 shall be  
1501 deposited into the Highway Safety Operating Trust Fund and \$1  
1502 shall be deposited into the General Revenue Fund.

1503 (g) ~~(e)~~ Each endorsement required by s. 322.57 is \$7 ~~\$5~~.

1504 (h) ~~(f)~~ A hazardous-materials endorsement, as required by s.  
1505 322.57(1) (d), shall be set by the department by rule and shall  
1506 reflect the cost of the required criminal history check,  
1507 including the cost of the state and federal fingerprint check,  
1508 and the cost to the department of providing and issuing the

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1509 license. The fee shall not exceed \$100. This fee shall be  
1510 deposited in the Highway Safety Operating Trust Fund. The  
1511 department may adopt rules to administer this section.

1512 Section 36. Subsection (3) of section 322.2715, Florida  
1513 Statutes is amended to read:

1514 322.2715 Ignition interlock device.--

1515 (3) If the person is convicted of:

1516 (a) A first offense of driving under the influence under s.  
1517 316.193 and has an unlawful blood-alcohol level or breath-alcohol  
1518 level as specified in s. 316.193(4), or if a person is convicted  
1519 of a violation of s. 316.193 and was at the time of the offense  
1520 accompanied in the vehicle by a person younger than 18 years of  
1521 age, the person shall have the ignition interlock device  
1522 installed for not less than 6 continuous months for the first  
1523 offense and for not less than ~~at least~~ 2 continuous years for a  
1524 second offense.

1525 (b) A second offense of driving under the influence, the  
1526 ignition interlock device shall be installed for a period of not  
1527 less than 1 continuous year.

1528 (c) A third offense of driving under the influence which  
1529 occurs within 10 years after a prior conviction for a violation  
1530 of s.316.193, the ignition interlock device shall be installed  
1531 for a period of not less than 2 continuous years.

1532 (d) A third offense of driving under the influence which  
1533 occurs more than 10 years after the date of a prior conviction,  
1534 the ignition interlock device shall be installed for a period of  
1535 not less than 2 continuous years.

1536 Section 37. Section 322.291, Florida Statutes is amended to  
1537 read:

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1538 322.291 Driver improvement schools or DUI programs;  
1539 required in certain suspension and revocation cases.--Except as  
1540 provided in s. 322.03(2), any person:

1541 (1) Whose driving privilege has been revoked:

1542 (a) Upon conviction for:

1543 1. Driving, or being in actual physical control of, any  
1544 vehicle while under the influence of alcoholic beverages, any  
1545 chemical substance set forth in s. 877.111, or any substance  
1546 controlled under chapter 893, in violation of s. 316.193;

1547 2. Driving with an unlawful blood- or breath-alcohol level;

1548 3. Manslaughter resulting from the operation of a motor  
1549 vehicle;

1550 4. Failure to stop and render aid as required under the  
1551 laws of this state in the event of a motor vehicle crash  
1552 resulting in the death or personal injury of another;

1553 5. Reckless driving; or

1554 (b) As a ~~an~~ habitual offender;

1555 (c) Upon direction of the court, if the court feels that  
1556 the seriousness of the offense and the circumstances surrounding  
1557 the conviction warrant the revocation of the licensee's driving  
1558 privilege; or

1559 (2) Whose license was suspended under the point system, was  
1560 suspended for driving with an unlawful blood-alcohol level of  
1561 0.10 percent or higher before January 1, 1994, was suspended for  
1562 driving with an unlawful blood-alcohol level of 0.08 percent or  
1563 higher after December 31, 1993, was suspended for a violation of  
1564 s. 316.193(1), or was suspended for refusing to submit to a  
1565 lawful breath, blood, or urine test as provided in s. 322.2615  
1566

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1567 shall, before the driving privilege may be reinstated, present to  
1568 the department proof of enrollment in a department-approved  
1569 advanced driver improvement course operating pursuant to s.  
1570 318.1451 or a substance abuse education course conducted by a DUI  
1571 program licensed pursuant to s. 322.292, which shall include a  
1572 psychosocial evaluation and treatment, if referred. Additionally,  
1573 for a third or subsequent violation of requirements for  
1574 installation of an ignition interlock device, a person must  
1575 complete treatment as determined by a licensed treatment agency  
1576 following a referral by a DUI program and have the duration of  
1577 the ignition interlock device requirement extended by at least 1  
1578 month up to the time period required to complete treatment. If  
1579 the person fails to complete such course or evaluation within 90  
1580 days after reinstatement, or subsequently fails to complete  
1581 treatment, if referred, the DUI program shall notify the  
1582 department of the failure. Upon receipt of the notice, the  
1583 department shall cancel the offender's driving privilege,  
1584 notwithstanding the expiration of the suspension or revocation of  
1585 the driving privilege. The department may temporarily reinstate  
1586 the driving privilege upon verification from the DUI program that  
1587 the offender has completed the education course and evaluation  
1588 requirement and has reentered and is currently participating in  
1589 treatment. If the DUI program notifies the department of the  
1590 second failure to complete treatment, the department shall  
1591 reinstate the driving privilege only after notice of completion  
1592 of treatment from the DUI program.

1593 Section 38. Section 322.36, Florida Statutes, is amended to  
1594 read:

1595 322.36 Permitting unauthorized operator to drive.--A ~~No~~

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1596 person may not ~~shall~~ authorize or knowingly permit a motor  
1597 vehicle owned by him or her or under his or her dominion or  
1598 control to be operated upon any highway or public street except  
1599 by a person who is ~~persons~~ duly authorized to operate a motor  
1600 vehicle ~~vehicles~~ under ~~the provisions of~~ this chapter. Any person  
1601 who violates ~~violating~~ this section commits ~~provision is guilty~~  
1602 ~~of~~ a misdemeanor of the second degree, punishable as provided in  
1603 s. 775.082 or s. 775.083. If a person violates this section by  
1604 knowingly loaning a vehicle to a person whose driver's license is  
1605 suspended and if that vehicle is involved in an accident  
1606 resulting in bodily injury or death, the driver's license of the  
1607 person violating this section shall be suspended for 1 year.

1608 Section 39. Section 322.60, Florida Statutes, is repealed.

1609 Section 40. Subsections (1) through (6) of section 322.61,  
1610 Florida Statutes, are amended to read:

1611 322.61 Disqualification from operating a commercial motor  
1612 vehicle.--

1613 (1) A person who, for offenses occurring within a 3-year  
1614 period, is convicted of two of the following serious traffic  
1615 violations or any combination thereof, arising in separate  
1616 incidents committed in a commercial motor vehicle shall, in  
1617 addition to any other applicable penalties, be disqualified from  
1618 operating a commercial motor vehicle for a period of 60 days. A  
1619 holder of a commercial driver's license ~~person~~ who, for offenses  
1620 occurring within a 3-year period, is convicted of two of the  
1621 following serious traffic violations, or any combination thereof,  
1622 arising in separate incidents committed in a noncommercial motor  
1623 vehicle shall, in addition to any other applicable penalties, be  
1624 disqualified from operating a commercial motor vehicle for a



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1625 period of 60 days if such convictions result in the suspension,  
1626 revocation, or cancellation of the licenseholder's driving  
1627 privilege:

1628 (a) A violation of any state or local law relating to motor  
1629 vehicle traffic control, other than a parking violation, a weight  
1630 violation, or a vehicle equipment violation, arising in  
1631 connection with a crash resulting in death or personal injury to  
1632 any person;

1633 (b) Reckless driving, as defined in s. 316.192;

1634 (c) Careless driving, as defined in s. 316.1925;

1635 (d) Fleeing or attempting to elude a law enforcement  
1636 officer, as defined in s. 316.1935;

1637 (e) Unlawful speed of 15 miles per hour or more above the  
1638 posted speed limit;

1639 (f) Driving a commercial motor vehicle, owned by such  
1640 person, which is not properly insured;

1641 (g) Improper lane change, as defined in s. 316.085;

1642 (h) Following too closely, as defined in s. 316.0895;

1643 (i) Driving a commercial vehicle without obtaining a  
1644 commercial driver's license;

1645 (j) Driving a commercial vehicle without the proper class  
1646 of commercial driver's license or without the proper endorsement;  
1647 or

1648 (k) Driving a commercial vehicle without a commercial  
1649 driver's license in possession, as required by s. 322.03. Any  
1650 individual who provides proof to the clerk of the court or  
1651 designated official in the jurisdiction where the citation was  
1652 issued, by the date the individual must appear in court or pay  
1653 any fine for such a violation, that the individual held a valid

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1654 commercial driver's license on the date the citation was issued  
1655 is not guilty of this offense.

1656 (2) (a) Any person who, for offenses occurring within a 3-  
1657 year period, is convicted of three serious traffic violations  
1658 specified in subsection (1) or any combination thereof, arising  
1659 in separate incidents committed in a commercial motor vehicle  
1660 shall, in addition to any other applicable penalties, including  
1661 but not limited to the penalty provided in subsection (1), be  
1662 disqualified from operating a commercial motor vehicle for a  
1663 period of 120 days.

1664 (b) A holder of a commercial driver's license ~~person~~ who,  
1665 for offenses occurring within a 3-year period, is convicted of  
1666 three serious traffic violations specified in subsection (1) or  
1667 any combination thereof arising in separate incidents committed  
1668 in a noncommercial motor vehicle shall, in addition to any other  
1669 applicable penalties, including, but not limited to, the penalty  
1670 provided in subsection (1), be disqualified from operating a  
1671 commercial motor vehicle for a period of 120 days if such  
1672 convictions result in the suspension, revocation, or cancellation  
1673 of the licenseholder's driving privilege.

1674 (3) (a) Except as provided in subsection (4), any person who  
1675 is convicted of one of the ~~following~~ offenses listed in paragraph  
1676 (b) while operating a commercial motor vehicle shall, in addition  
1677 to any other applicable penalties, be disqualified from operating  
1678 a commercial motor vehicle for a period of 1 year:

1679 (b) Except as provided in subsection (4), any holder of a  
1680 commercial driver's license who is convicted of one of the  
1681 offenses listed in this paragraph while operating a noncommercial  
1682 motor vehicle shall, in addition to any other applicable

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1683 penalties, be disqualified from operating a commercial motor  
1684 vehicle for a period of 1 year:

1685 1.(a) Driving a ~~commercial~~ motor vehicle while he or she is  
1686 under the influence of alcohol or a controlled substance;

1687 2.(b) Driving a commercial motor vehicle while the alcohol  
1688 concentration of his or her blood, breath, or urine is .04  
1689 percent or higher;

1690 3.(e) Leaving the scene of a crash involving a ~~commercial~~  
1691 motor vehicle driven by such person;

1692 4.(d) Using a ~~commercial~~ motor vehicle in the commission of  
1693 a felony;

1694 5.(e) Driving a commercial motor vehicle while in  
1695 possession of a controlled substance;

1696 6.(f) Refusing to submit to a test to determine his or her  
1697 alcohol concentration while driving a ~~commercial~~ motor vehicle;

1698 7.(g) Driving a commercial vehicle while the  
1699 licenseholder's commercial driver's license is suspended,  
1700 revoked, or canceled or while the licenseholder is disqualified  
1701 from driving a commercial vehicle; or

1702 8.(h) Causing a fatality through the negligent operation of  
1703 a commercial motor vehicle.

1704 (4) Any person who is transporting hazardous materials as  
1705 defined in s. 322.01(24) ~~in a vehicle that is required to be~~  
1706 ~~placarded in accordance with Title 49 C.F.R. part 172, subpart F~~  
1707 shall, upon conviction of an offense specified in subsection (3),  
1708 be disqualified from operating a commercial motor vehicle for a  
1709 period of 3 years. The penalty provided in this subsection shall  
1710 be in addition to any other applicable penalty.

1711 (5) Any person who is convicted of two violations specified

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1712 in subsection (3) which were committed while operating a  
1713 commercial motor vehicle, or any combination thereof, arising in  
1714 separate incidents shall be permanently disqualified from  
1715 operating a commercial motor vehicle. Any holder of a commercial  
1716 driver's license who is convicted of two violations specified in  
1717 subsection (3) which were committed while operating a  
1718 noncommercial motor vehicle, or any combination thereof, arising  
1719 in separate incidents shall be permanently disqualified from  
1720 operating a commercial motor vehicle. The penalty provided in  
1721 this subsection is ~~shall be~~ in addition to any other applicable  
1722 penalty.

1723 (6) Notwithstanding subsections (3), (4), and (5), any  
1724 person who uses a commercial motor vehicle in the commission of  
1725 any felony involving the manufacture, distribution, or dispensing  
1726 of a controlled substance, including possession with intent to  
1727 manufacture, distribute, or dispense a controlled substance,  
1728 shall, upon conviction of such felony, be permanently  
1729 disqualified from operating a commercial motor vehicle.

1730 Notwithstanding subsections (3), (4), and (5), any holder of a  
1731 commercial driver's license who uses a noncommercial motor  
1732 vehicle in the commission of any felony involving the  
1733 manufacture, distribution, or dispensing of a controlled  
1734 substance, including possession with intent to manufacture,  
1735 distribute, or dispense a controlled substance, shall, upon  
1736 conviction of such felony, be permanently disqualified from  
1737 operating a commercial motor vehicle. The penalty provided in  
1738 this subsection is ~~shall be~~ in addition to any other applicable  
1739 penalty.

1740 Section 41. Section 322.64, Florida Statutes, is amended to

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1741 read:

1742 322.64 Holder of commercial driver's license; persons  
1743 operating a commercial motor vehicle; driving with unlawful  
1744 blood-alcohol level; refusal to submit to breath, urine, or blood  
1745 test.--

1746 (1) (a) A law enforcement officer or correctional officer  
1747 shall, on behalf of the department, disqualify from operating any  
1748 commercial motor vehicle a person who while operating or in  
1749 actual physical control of a commercial motor vehicle is arrested  
1750 for a violation of s. 316.193, relating to unlawful blood-alcohol  
1751 level or breath-alcohol level, or a person who has refused to  
1752 submit to a breath, urine, or blood test authorized by s. 322.63  
1753 arising out of the operation or actual physical control of a  
1754 commercial motor vehicle. A law enforcement officer or  
1755 correctional officer shall, on behalf of the department,  
1756 disqualify the holder of a commercial driver's license from  
1757 operating any commercial motor vehicle if the licenseholder,  
1758 while operating or in actual physical control of a motor vehicle,  
1759 is arrested for a violation of s. 316.193, relating to unlawful  
1760 blood-alcohol level or breath-alcohol level, or refused to submit  
1761 to a breath, urine, or blood test authorized by s. 322.63. Upon  
1762 disqualification of the person, the officer shall take the  
1763 person's driver's license and issue the person a 10-day temporary  
1764 permit for the operation of noncommercial vehicles only if the  
1765 person is otherwise eligible for the driving privilege and shall  
1766 issue the person a notice of disqualification. If the person has  
1767 been given a blood, breath, or urine test, the results of which  
1768 are not available to the officer at the time of the arrest, the  
1769 agency employing the officer shall transmit such results to the

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1770 department within 5 days after receipt of the results. If the  
1771 department then determines that the person ~~was arrested for a~~  
1772 ~~violation of s. 316.193 and that the person~~ had a blood-alcohol  
1773 level or breath-alcohol level of 0.08 or higher, the department  
1774 shall disqualify the person from operating a commercial motor  
1775 vehicle pursuant to subsection (3).

1776 (b) The disqualification under paragraph (a) shall be  
1777 pursuant to, and the notice of disqualification shall inform the  
1778 driver of, the following:

1779 1.a. The driver refused to submit to a lawful breath,  
1780 blood, or urine test and he or she is disqualified from operating  
1781 a commercial motor vehicle for a period of 1 year, for a first  
1782 refusal, or permanently, if he or she has previously been  
1783 disqualified as a result of a refusal to submit to such a test;  
1784 or

1785 b. The driver was driving or in actual physical control of  
1786 a commercial motor vehicle, or any motor vehicle if the driver  
1787 holds a commercial driver's license, had an unlawful blood-  
1788 alcohol level or breath-alcohol level of 0.08 or higher, and his  
1789 or her driving privilege shall be disqualified for a period of 1  
1790 year for a first offense or permanently disqualified if his or  
1791 her driving privilege has been previously disqualified under this  
1792 section. ~~violated s. 316.193 by driving with an unlawful blood-~~  
1793 ~~alcohol level and he or she is disqualified from operating a~~  
1794 ~~commercial motor vehicle for a period of 6 months for a first~~  
1795 ~~offense or for a period of 1 year if he or she has previously~~  
1796 ~~been disqualified, or his or her driving privilege has been~~  
1797 ~~previously suspended, for a violation of s. 316.193.~~

1798 2. The disqualification period for operating commercial

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1799 vehicles shall commence on the date of ~~arrest or~~ issuance of the  
1800 notice of disqualification, ~~whichever is later.~~

1801 3. The driver may request a formal or informal review of  
1802 the disqualification by the department within 10 days after the  
1803 date of ~~arrest or~~ issuance of the notice of disqualification,  
1804 ~~whichever is later.~~

1805 4. The temporary permit issued at the time of ~~arrest or~~  
1806 disqualification expires ~~will expire~~ at midnight of the 10th day  
1807 following the date of disqualification.

1808 5. The driver may submit to the department any materials  
1809 relevant to the disqualification ~~arrest.~~

1810 (2) Except as provided in paragraph (1) (a), the law  
1811 enforcement officer shall forward to the department, within 5  
1812 days after the date of the ~~arrest or the~~ issuance of the notice  
1813 of disqualification, ~~whichever is later,~~ a copy of the notice of  
1814 disqualification, the driver's license of the person disqualified  
1815 ~~arrested,~~ and ~~a report of the arrest, including, if applicable,~~  
1816 an affidavit stating the officer's grounds for belief that the  
1817 person disqualified arrested was operating or in actual physical  
1818 control of a commercial motor vehicle, or holds a commercial  
1819 driver's license, and had an unlawful blood-alcohol or breath-  
1820 alcohol level in violation of s. 316.193; the results of any  
1821 breath or blood or urine test or an affidavit stating that a  
1822 breath, blood, or urine test was requested by a law enforcement  
1823 officer or correctional officer and that the person arrested  
1824 refused to submit; a copy of the notice of disqualification  
1825 ~~citation~~ issued to the person ~~arrested;~~ and the officer's  
1826 description of the person's field sobriety test, if any. The  
1827 failure of the officer to submit materials within the 5-day

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1828 period specified in this subsection or subsection (1) does ~~shall~~  
1829 not affect the department's ability to consider any evidence  
1830 submitted at or prior to the hearing. The officer may also submit  
1831 a copy of a videotape of the field sobriety test or the attempt  
1832 to administer such test and a copy of the crash report, if any.

1833 (3) If the department determines that the person arrested  
1834 should be disqualified from operating a commercial motor vehicle  
1835 pursuant to this section and if the notice of disqualification  
1836 has not already been served upon the person by a law enforcement  
1837 officer or correctional officer as provided in subsection (1),  
1838 the department shall issue a notice of disqualification and,  
1839 unless the notice is mailed pursuant to s. 322.251, a temporary  
1840 permit which expires 10 days after the date of issuance if the  
1841 driver is otherwise eligible.

1842 (4) If the person disqualified ~~arrested~~ requests an  
1843 informal review pursuant to subparagraph (1)(b)3., the department  
1844 shall conduct the informal review by a hearing officer employed  
1845 by the department. Such informal review hearing shall consist  
1846 solely of an examination by the department of the materials  
1847 submitted by a law enforcement officer or correctional officer  
1848 and by the person disqualified ~~arrested~~, and the presence of an  
1849 officer or witness is not required.

1850 (5) After completion of the informal review, notice of the  
1851 department's decision sustaining, amending, or invalidating the  
1852 disqualification must be provided to the person. Such notice must  
1853 be mailed to the person at the last known address shown on the  
1854 department's records, and to the address provided in the law  
1855 enforcement officer's report if such address differs from the  
1856 address of record, within 21 days after the expiration of the



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1857 temporary permit issued pursuant to subsection (1) or subsection  
1858 (3).

1859 (6) (a) If the person disqualified ~~arrested~~ requests a  
1860 formal review, the department must schedule a hearing to be held  
1861 within 30 days after such request is received by the department  
1862 and must notify the person of the date, time, and place of the  
1863 hearing.

1864 (b) Such formal review hearing shall be held before a  
1865 hearing officer employed by the department, and the hearing  
1866 officer shall be authorized to administer oaths, examine  
1867 witnesses and take testimony, receive relevant evidence, issue  
1868 subpoenas for the officers and witnesses identified in documents  
1869 as provided in subsection (2), regulate the course and conduct of  
1870 the hearing, and make a ruling on the disqualification. The  
1871 department and the person disqualified ~~arrested~~ may subpoena  
1872 witnesses, and the party requesting the presence of a witness  
1873 shall be responsible for the payment of any witness fees. If the  
1874 person who requests a formal review hearing fails to appear and  
1875 the hearing officer finds such failure to be without just cause,  
1876 the right to a formal hearing is waived ~~and the department shall~~  
1877 ~~conduct an informal review of the disqualification under~~  
1878 ~~subsection (4)~~.

1879 (c) A party may seek enforcement of a subpoena under  
1880 paragraph (b) by filing a petition for enforcement in the circuit  
1881 court of the judicial circuit in which the person failing to  
1882 comply with the subpoena resides. A failure to comply with an  
1883 order of the court shall result in a finding of contempt of  
1884 court. However, a person shall not be in contempt while a  
1885 subpoena is being challenged.

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1886 (d) The department must, within 7 days after a formal  
1887 review hearing, send notice to the person of the hearing  
1888 officer's decision as to whether sufficient cause exists to  
1889 sustain, amend, or invalidate the disqualification.

1890 (7) In a formal review hearing under subsection (6) or an  
1891 informal review hearing under subsection (4), the hearing officer  
1892 shall determine by a preponderance of the evidence whether  
1893 sufficient cause exists to sustain, amend, or invalidate the  
1894 disqualification. The scope of the review shall be limited to the  
1895 following issues:

1896 (a) If the person was disqualified from operating a  
1897 commercial motor vehicle for driving with an unlawful blood-  
1898 alcohol level ~~in violation of s. 316.193:~~

1899 1. Whether the arresting law enforcement officer had  
1900 probable cause to believe that the person was driving or in  
1901 actual physical control of a commercial motor vehicle, or any  
1902 motor vehicle if the driver holds a commercial driver's license,  
1903 in this state while he or she had any alcohol, chemical  
1904 substances, or controlled substances in his or her body.

1905 ~~2. Whether the person was placed under lawful arrest for a~~  
1906 ~~violation of s. 316.193.~~

1907 ~~2.3.~~ Whether the person had an unlawful blood-alcohol level  
1908 or breath-alcohol level of 0.08 or higher as provided in s.  
1909 316.193.

1910 (b) If the person was disqualified from operating a  
1911 commercial motor vehicle for refusal to submit to a breath,  
1912 blood, or urine test:

1913 1. Whether the law enforcement officer had probable cause  
1914 to believe that the person was driving or in actual physical

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1915 control of a commercial motor vehicle, or any motor vehicle if  
1916 the driver holds a commercial driver's license, in this state  
1917 while he or she had any alcohol, chemical substances, or  
1918 controlled substances in his or her body.

1919 2. Whether the person refused to submit to the test after  
1920 being requested to do so by a law enforcement officer or  
1921 correctional officer.

1922 3. Whether the person was told that if he or she refused to  
1923 submit to such test he or she would be disqualified from  
1924 operating a commercial motor vehicle for a period of 1 year or,  
1925 in the case of a second refusal, permanently.

1926 (8) Based on the determination of the hearing officer  
1927 pursuant to subsection (7) for both informal hearings under  
1928 subsection (4) and formal hearings under subsection (6), the  
1929 department shall:

1930 (a) Sustain the disqualification for a period of 1 year for  
1931 a first refusal, or permanently if such person has been  
1932 previously disqualified from operating a commercial motor vehicle  
1933 as a result of a refusal to submit to such tests. The  
1934 disqualification period commences on the date of the arrest or  
1935 issuance of the notice of disqualification, whichever is later.

1936 (b) Sustain the disqualification:

1937 1. For a period of 1 year if the person was driving or in  
1938 actual physical control of a commercial motor vehicle, or any  
1939 motor vehicle if the driver holds a commercial driver's license,  
1940 and had an unlawful blood-alcohol level or breath-alcohol level  
1941 of 0.08 or higher; or ~~6 months for a violation of s. 316.193 or~~  
1942 for a period of 1 year

1943 2. Permanently if the person has been previously

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1944 disqualified from operating a commercial motor vehicle or his or  
1945 her driving privilege has been previously suspended for driving  
1946 or being in actual physical control of a commercial motor  
1947 vehicle, or any motor vehicle if the driver holds a commercial  
1948 driver's license, and had an unlawful blood-alcohol level or  
1949 breath-alcohol level of 0.08 or higher ~~as a result of a violation~~  
1950 ~~of s. 316.193.~~

1951  
1952 The disqualification period commences on the date of the arrest  
1953 or issuance of the notice of disqualification, ~~whichever is~~  
1954 ~~later.~~

1955 (9) A request for a formal review hearing or an informal  
1956 review hearing shall not stay the disqualification. If the  
1957 department fails to schedule the formal review hearing to be held  
1958 within 30 days after receipt of the request therefor, the  
1959 department shall invalidate the disqualification. If the  
1960 scheduled hearing is continued at the department's initiative,  
1961 the department shall issue a temporary driving permit limited to  
1962 noncommercial vehicles which is ~~shall be~~ valid until the hearing  
1963 is conducted if the person is otherwise eligible for the driving  
1964 privilege. Such permit shall not be issued to a person who sought  
1965 and obtained a continuance of the hearing. The permit issued  
1966 under this subsection shall authorize driving for business  
1967 purposes ~~or employment use~~ only.

1968 (10) A person who is disqualified from operating a  
1969 commercial motor vehicle under subsection (1) or subsection (3)  
1970 is eligible for issuance of a license for business or employment  
1971 purposes only under s. 322.271 if the person is otherwise  
1972 eligible for the driving privilege. However, such business or

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1973 employment purposes license shall not authorize the driver to  
1974 operate a commercial motor vehicle.

1975 (11) The formal review hearing may be conducted upon a  
1976 review of the reports of a law enforcement officer or a  
1977 correctional officer, including documents relating to the  
1978 administration of a breath test or blood test or the refusal to  
1979 take either test. However, as provided in subsection (6), the  
1980 driver may subpoena the officer or any person who administered or  
1981 analyzed a breath or blood test.

1982 (12) The formal review hearing and the informal review  
1983 hearing are exempt from the provisions of chapter 120. The  
1984 department is authorized to adopt rules for the conduct of  
1985 reviews under this section.

1986 (13) A person may appeal any decision of the department  
1987 sustaining the disqualification from operating a commercial motor  
1988 vehicle by a petition for writ of certiorari to the circuit court  
1989 in the county wherein such person resides or wherein a formal or  
1990 informal review was conducted pursuant to s. 322.31. However, an  
1991 appeal shall not stay the disqualification. This subsection shall  
1992 not be construed to provide for a de novo appeal.

1993 (14) The decision of the department under this section  
1994 shall not be considered in any trial for a violation of s.  
1995 316.193, s. 322.61, or s. 322.62, nor shall any written statement  
1996 submitted by a person in his or her request for departmental  
1997 review under this section be admissible into evidence against him  
1998 or her in any such trial. The disposition of any related criminal  
1999 proceedings shall not affect a disqualification imposed pursuant  
2000 to this section.

2001 (15) This section does not preclude the suspension of the

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2002 driving privilege pursuant to s. 322.2615. The driving privilege  
2003 of a person who has been disqualified from operating a commercial  
2004 motor vehicle also may be suspended for a violation of s.  
2005 316.193.

2006 Section 42. Subsection (10) of section 324.021, Florida  
2007 Statutes, is amended to read:

2008 324.021 Definitions; minimum insurance required.--The  
2009 following words and phrases when used in this chapter shall, for  
2010 the purpose of this chapter, have the meanings respectively  
2011 ascribed to them in this section, except in those instances where  
2012 the context clearly indicates a different meaning:

2013 (10) JUDGMENT.--Any judgment becoming ~~which shall have~~  
2014 ~~become~~ final by expiration without appeal of the time within  
2015 which an appeal might have been perfected, or by final  
2016 affirmation on appeal, rendered by a court of competent  
2017 jurisdiction of any state or of the United States upon a cause of  
2018 action arising out of the ownership, maintenance, or use of any  
2019 motor vehicle for damages, including damages for care and loss of  
2020 services because of bodily injury to or death of any person, or  
2021 for damages because of injury to or destruction of property,  
2022 including the loss of use thereof, or upon a cause of action on  
2023 an agreement of settlement for such damage.

2024 Section 43. Subsection (19) of section 501.976, Florida  
2025 Statutes, is amended to read:

2026 501.976 Actionable, unfair, or deceptive acts or  
2027 practices.--It is an unfair or deceptive act or practice,  
2028 actionable under the Florida Deceptive and Unfair Trade Practices  
2029 Act, for a dealer to:

2030 (19) Fail to disclose damage to a new motor vehicle, as

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2031 defined in s. 319.001~~(9)(8)~~, of which the dealer had actual  
2032 knowledge, if the dealer's actual cost of repairs exceeds the  
2033 threshold amount, excluding replacement items.

2034

2035 In any civil litigation resulting from a violation of this  
2036 section, when evaluating the reasonableness of an award of  
2037 attorney's fees to a private person, the trial court shall  
2038 consider the amount of actual damages in relation to the time  
2039 spent.

2040 Section 44. (1) The Automobile Lenders Industry Task Force  
2041 is created within the Department of Highway Safety and Motor  
2042 Vehicles. The task force shall make recommendations on proposed  
2043 legislation and proposed department rules, shall present issues  
2044 concerning the motor vehicle lending industry to the department  
2045 for its consideration, shall consider any matters relating to the  
2046 motor vehicle lending industry which are presented to it by the  
2047 department, and shall submit a final report, including  
2048 legislative proposals to the Governor, the President of the  
2049 Senate, the Speaker of the House of Representatives, and  
2050 appropriate committees within the Legislature by June 30, 2009,  
2051 when the task force shall cease to exist.

2052 (2) The task force shall be composed of 12 members  
2053 appointed by each of the following organizations: one  
2054 representative of the Department of Highway Safety and Motor  
2055 Vehicles; one representative of the independent motor vehicle  
2056 industry, appointed by the Florida Independent Automobile Dealers  
2057 Association; one representative of the franchise motor vehicle  
2058 industry, appointed by the Florida Automobile Dealers  
2059 Association; one representative of credit unions, appointed by

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2060 the Florida Credit Union League; one representative of the  
2061 banking industry, appointed by the Florida Bankers Association;  
2062 one representative of the insurance industry, appointed by the  
2063 Florida Insurance Council; one state attorney, appointed by the  
2064 Florida State Attorneys Association; one representative of the  
2065 Office of Financial Regulation of the Department of Financial  
2066 Services; one representative of a law enforcement agency,  
2067 appointed by the Florida Auto Theft Intelligence Unit; one  
2068 representative of the auto repair industry, appointed by the  
2069 Florida Automotive Services Association; one representative of  
2070 the towing industry, appointed by the Professional Wrecker  
2071 Operators of Florida; and one representative of independent motor  
2072 vehicle finance companies, appointed by the Florida Financial  
2073 Services Association.

2074 (3) (a) The task force shall elect a chair and vice chair at  
2075 its initial meeting, which shall be held by October 1, 2008.

2076 (b) The task force shall meet at least four times in  
2077 different areas of the state, including one meeting in  
2078 Tallahassee. Meetings may be called by the chair or by a simple  
2079 majority of the members. The task force shall conduct all  
2080 meetings pursuant to general law and shall keep minutes of its  
2081 meetings. Meetings may be held in locations around the state in  
2082 department facilities or in other appropriate locations. The  
2083 department shall provide administrative support to the task  
2084 force.

2085 (4) Members from the private sector are not entitled to per  
2086 diem or reimbursement for travel expenses. However, members from  
2087 the public sector are entitled to reimbursement, if any, from  
2088 their respective agency. The task force may request assistance



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2089 from the Department of Highway Safety and Motor Vehicles as  
2090 necessary.

2091 Section 45. Except for a specialty license plate proposal  
2092 which has submitted a letter of intent to the Department of  
2093 Highway Safety and Motor Vehicles prior to May 2, 2008, and which  
2094 has submitted a valid survey, marketing strategy, and application  
2095 fee as required by s. 320.08053, Florida Statutes, prior to the  
2096 effective date of this act, or which was included in a bill filed  
2097 during the 2008 Legislative Session, the Department of Highway  
2098 Safety and Motor Vehicles may not issue any new specialty license  
2099 plates pursuant to ss. 320.08056 and 320.08058, Florida Statutes,  
2100 between July 1, 2008, and July 1, 2011.

2101 Section 46. Joseph P. Bertrand Building designated;  
2102 Department of Highway Safety and Motor Vehicles to erect suitable  
2103 markers.--

2104 (1) The Regional Transportation Management Center in the  
2105 City of Fort Myers in Lee County is designated the "Joseph P.  
2106 Bertrand Building."

2107 (2) The Department of Highway Safety and Motor Vehicles is  
2108 directed to erect suitable markers designating the "Joseph P.  
2109 Bertrand Building" as described in subsection (1).

2110 Section 47. Except as otherwise expressly provided in this  
2111 act and except for this section, which shall take effect upon  
2112 this act becoming a law, this act shall take effect October 1,  
2113 2008.