

By the Committees on Transportation and Economic Development
Appropriations; Transportation; Transportation

606-08373A-08

20082220c2

1 A bill to be entitled
2 An act relating to a review of the Department of
3 Highway Safety and Motor Vehicles under the Florida
4 Government Accountability Act; reenacting and amending
5 s. 20.24, F.S., relating to the establishment of the
6 department; eliminating an obsolete reference to the
7 Bureau of Motor Vehicle Inspection; creating s.
8 318.195, F.S.; providing that a person who is convicted
9 of a moving violation that causes or contributes to
10 causing serious injury to or the death of a person
11 riding a motorcycle commits a misdemeanor offense;
12 requiring that the offender pay a specified fine, serve
13 a minimum of period of incarceration, and attend a
14 driver improvement course; requiring the court to
15 revoke the person's driver's license for a specified
16 period; providing criminal penalties; providing that
17 the act does not prohibit the offender from being
18 charged with, convicted of, or punished for any other
19 violation of law; amending ss. 320.08056 and 320.08058,
20 F.S.; directing the department to develop a Horse
21 Country license plate; providing an annual use fee for
22 the license plate; providing for the distribution of
23 funds received from the sale of the Horse Country
24 license plate; amending s. 322.01, F.S.; defining the
25 term "convenience service"; amending s. 322.02, F.S.;
26 requiring the department to collect and report to the
27 Legislature information concerning customer service at
28 driver's license offices; amending s. 322.03, F.S.;
29 deleting provisions exempting certain persons from the

606-08373A-08

20082220c2

30 requirement to surrender a license issued by another
31 jurisdiction; providing certain exceptions for part-
32 time residents; amending ss. 322.051 and 322.08, F.S.;
33 requiring that an applicant for an identification card
34 or driver's license provide additional information;
35 authorizing use of additional documents to prove
36 identity; revising the fee requirements; revising
37 provisions providing for the expiration of an
38 identification card issued by the department; deleting
39 provisions authorizing a voluntary contribution;
40 amending s. 322.135, F.S.; increasing the amount of the
41 service fee that may be charged by driver's license
42 agents; amending s. 322.14, F.S.; requiring that an
43 applicant for a driver's license provide a residence
44 address; amending s. 322.17, F.S.; revising the
45 requirements for obtaining a replacement license or
46 permit; deleting provisions authorizing the department
47 to issue address stickers; amending s. 322.18, F.S.;
48 revising provisions providing for the expiration of
49 driver's licenses; providing for the renewal of certain
50 licenses every 8 years and for the renewal of licenses
51 for persons older than a specified age every 6 years;
52 providing for the renewal of licenses using a
53 convenience service; requiring the department to issue
54 new licenses rather than extension stickers; conforming
55 cross-references; repealing s. 322.181(4), F.S.;
56 relating to the Florida At-Risk Driver Council;
57 amending s. 322.19, F.S.; deleting provisions
58 authorizing the use of a change-of-address sticker on a

606-08373A-08

20082220c2

59 driver's license; conforming cross-references; amending
60 s. 322.21, F.S.; increasing the fees charged for
61 obtaining a new or renewal driver's license or
62 identification card; specifying that a portion of the
63 fees be deposited for use by the department; repealing
64 s. 322.60, F.S., relating to a prohibition against
65 possessing more than one driver's license under certain
66 circumstances; amending s. 316.003, F.S.; defining the
67 term "traffic infraction detector"; creating s.
68 316.0083, F.S.; preempting to the state the use of
69 cameras to enforce traffic laws; authorizing the use of
70 traffic infraction detectors and traffic infraction
71 detector enforcement officers by the Department of
72 Highway Safety and Motor Vehicles, the Department of
73 Transportation, counties, and municipalities; providing
74 requirements for notifying a driver of the issuance of
75 a citation; providing that the owner of the motor
76 vehicle involved in a violation is responsible and
77 liable for payment of the fine assessed; providing
78 exceptions; establishing admissibility of evidence as a
79 rebuttable presumption of a violation; providing that
80 submission of a false affidavit constitutes a second-
81 degree misdemeanor; requiring the Department of
82 Transportation to adopt and publish specifications
83 relating to the operation and implementation of traffic
84 infraction detectors; requiring that the specifications
85 conform to certain minimum requirements; requiring the
86 certification of a location by a traffic engineer
87 before a detector is installed; authorizing the

606-08373A-08

20082220c2

88 Department of Transportation to direct the removal of a
89 detector that fails to meet the required
90 specifications; authorizing the department to allow the
91 installation of a detector that does not conform to the
92 required specification upon a showing of good cause;
93 exempting certain existing traffic infraction detectors
94 from the requirements for meeting the department's
95 specifications for a specified period; requiring the
96 qualification of vendors by the Department of
97 Transportation; amending s. 316.640, F.S.; directing
98 the Department of Transportation to develop training
99 and qualifications for traffic infraction detector
100 enforcement officers; amending s. 318.18, F.S.;

101 providing for penalties and distribution of fines for
102 failing to stop at a traffic signal when such violation
103 is enforced by a traffic infraction detector
104 enforcement officer; amending s. 322.27, F.S.;

105 prohibiting the imposition of points against a
106 violator's driver's license for infractions enforced by
107 a traffic infraction detector enforcement officer;

108 directing the Department of Highway Safety and Motor
109 Vehicles and the Department of Transportation to
110 jointly report the efficacy of traffic infraction
111 detectors on or before a specified date; providing an
112 effective date.

113

114 WHEREAS, ss. 11.901-11.920, Florida Statutes, the Florida
115 Government Accountability Act, subjects the Department of
116 Highway Safety and Motor Vehicles and its respective advisory

606-08373A-08

20082220c2

117 | committees to a sunset review process in order to determine
118 | whether the agency should be retained, modified, or abolished,
119 | and

120 | WHEREAS, the Department of Highway Safety and Motor
121 | Vehicles produced a report providing specific information, as
122 | enumerated in s. 11.906, Florida Statutes, and

123 | WHEREAS, upon receipt of the report, the Joint Legislative
124 | Sunset Committee and committees of the Senate and the House of
125 | Representatives assigned to act as sunset review committees
126 | reviewed the report and requested studies by the Office of
127 | Program Policy Analysis and Government Accountability, and

128 | WHEREAS, based on the department's report, studies of the
129 | Office of Program Policy Analysis and Government
130 | Accountability, and public input, the Joint Legislative Sunset
131 | Committee and legislative sunset review committees made
132 | recommendations on the abolition, continuation, or
133 | reorganization of the Department of Highway Safety and Motor
134 | Vehicles and its advisory committees; on the need for the
135 | functions performed by the agency and its advisory committees;
136 | and on the consolidation, transfer, or reorganization of
137 | programs within the Department of Highway Safety and Motor
138 | Vehicles, and

139 | WHEREAS, this Legislature wishes to retain the Department
140 | of Highway Safety and Motor Vehicles and continue the Florida
141 | Highway Patrol Advisory Council, the Automobile Dealer Advisory
142 | Board, the DUI Programs Review Board, and the Medical Advisory
143 | Board, NOW, THEREFORE,

144 |

145 | Be It Enacted by the Legislature of the State of Florida:

606-08373A-08

20082220c2

146

147 Section 1. Section 20.24, Florida Statutes, is reenacted
148 and amended to read:

149 20.24 Department of Highway Safety and Motor
150 Vehicles.--There is created a Department of Highway Safety and
151 Motor Vehicles.

152 (1) The head of the Department of Highway Safety and Motor
153 Vehicles is the Governor and Cabinet.

154 (2) The following divisions, and bureaus within the
155 divisions, of the Department of Highway Safety and Motor Vehicles
156 are established:

157 (a) Division of the Florida Highway Patrol.

158 (b) Division of Driver Licenses.

159 (c) Division of Motor Vehicles.

160 ~~1. Bureau of Motor Vehicle Inspection.~~

161 Section 2. Section 318.195, Florida Statutes, is created to
162 read:

163 318.195 Enhanced penalties for moving violations causing
164 injury or death to motorcyclists.--

165 (1) A person who is convicted of a moving violation that
166 causes serious bodily injury, as defined in s. 316.1933, to a
167 person riding on a motorcycle commits a misdemeanor of the second
168 degree, punishable as provided in s. 775.082 or s. 775.083, and
169 shall pay a fine of not less than \$500, serve a minimum of 30
170 days of incarceration, and attend a driver improvement course.
171 The court shall also revoke the person's driver's license for not
172 less than 30 days.

173 (2) A person who is convicted of a moving violation that
174 causes or contributes to causing the death of a person riding on

606-08373A-08

20082220c2

175 a motorcycle commits a misdemeanor of the first degree,
176 punishable as provided in s. 775.082 or s. 775.083, and shall pay
177 a fine of not less than \$1,000, serve a minimum of 90 days of
178 incarceration, and, in lieu of the requirements of s. 322.0261,
179 attend an advanced driver improvement course. The court shall
180 also revoke the person's driver's license for not less than 1
181 year.

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

185 Section 3. Paragraph (mmm) is added to subsection (4) of
186 section 320.08056, Florida Statutes, to read:

187 320.08056 Specialty license plates.--

188 (4) The following license plate annual use fees shall be
189 collected for the appropriate specialty license plates:

190 (mmm) Horse Country license plate, \$25.

191 Section 4. Subsection (65) is added to section 320.08058,
192 Florida Statutes, to read:

193 320.08058 Specialty license plates.--

194 (65) HORSE COUNTRY LICENSE PLATES.--

195 (a) The department shall develop a Horse Country license
196 plate as provided in this subsection. However, the requirements
197 of s. 320.08053 must be met prior to the issuance of the plate.
198 Horse Country license plates must bear the colors and design
199 approved by the department. The word "Florida" must appear at the
200 top of the plate, and the words "Horse Country" must appear at
201 the bottom of the plate.

202 (b) The license plate annual use fees shall be distributed
203 to PCMI Properties, Inc., to fund its activities, programs, and

606-08373A-08

20082220c2

204 projects within the state. Funds must be used in this state. PCMI
205 Properties, Inc., may retain all revenue from the annual use fees
206 until up to \$60,000 of its documented startup costs for
207 developing and establishing the plate have been recovered.
208 Thereafter, revenue from the annual use fees shall be used as
209 follows:

210 1. Up to 25 percent of the annual use fee revenue may be
211 used for promotion and marketing of the plate.

212 2. Funds may be used as necessary for annual audit or
213 compliance affidavit costs.

214 3. The remaining revenue shall be used for programs
215 involved in the rehabilitation of at-risk youth as directed by
216 the Board of Trustees of PCMI Properties, Inc. Such funds may be
217 used to provide educational materials, athletic equipment,
218 transportation, food, medical services, counseling, scholarships,
219 and other direct administrative and program expenses. The funds
220 may also be used as grants for expanding youth rehabilitation
221 programs in the state. Special consideration shall be given to
222 programs using horses and other livestock in efforts to redirect
223 at-risk youth.

224 Section 5. Present subsections (10) through (54) of section
225 322.01, Florida Statutes, are redesignated as subsections (11)
226 through (45), respectively, and a new subsection (10) is added to
227 that section, to read:

228 322.01 Definitions.--As used in this chapter:

229 (10) "Convenience service" means any means whereby an
230 individual conducts a transaction with the department other than
231 in person.

232 Section 6. Present subsections (6) of section 322.02,

606-08373A-08

20082220c2

233 Florida Statutes, is renumbered as subsection (7), and a new
234 subsection (6) is added to that section, to read:

235 322.02 Legislative intent; administration.--

236 (6) The department shall collect and annually report to the
237 legislative transportation committees information collected at
238 each driver's license examination office relating to customer
239 service, including, but not limited to, the average time
240 customers must wait for services at each location.

241 Section 7. Subsection (1) of section 322.03, Florida
242 Statutes, is amended to read:

243 322.03 Drivers must be licensed; penalties.--

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

248 (a) A person who drives a commercial motor vehicle shall
249 not receive a driver's license unless and until he or she
250 surrenders to the department all driver's licenses in his or her
251 possession issued to him or her by any other jurisdiction or
252 makes an affidavit that he or she does not possess a driver's
253 license. Any such person who fails to surrender such licenses or
254 who makes a false affidavit concerning such licenses is guilty of
255 a misdemeanor of the first degree, punishable as provided in s.
256 775.082 or s. 775.083.

257 ~~(b) A person who does not drive a commercial motor vehicle~~
258 ~~is not required to surrender a license issued by another~~
259 ~~jurisdiction, upon a showing to the department that such license~~
260 ~~is necessary because of employment or part-time residence. Any~~
261 ~~person who retains a driver's license because of employment or~~

606-08373A-08

20082220c2

262 ~~part-time residence shall, upon qualifying for a license in this~~
263 ~~state, be issued a driver's license which shall be valid within~~
264 ~~this state only.~~ All surrendered licenses may be returned by the
265 department to the issuing jurisdiction together with information
266 that the licensee is now licensed in a new jurisdiction or may be
267 destroyed by the department, which shall notify the issuing
268 jurisdiction of such destruction. A person may not have more than
269 one valid ~~Florida~~ driver's license at any time.

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

275 Section 8. Subsections (1) and (2) of section 322.051,
276 Florida Statutes, are amended to read:

277 322.051 Identification cards.--

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

283 (a) Each such application shall include the following
284 information regarding the applicant:

285 1. Full name (first, middle or maiden, and last), gender,
286 proof of social security card number satisfactory to the
287 department, county of residence, and mailing address, proof of
288 residential address satisfactory to the department, country of
289 birth, and a brief description.

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

606-08373A-08

20082220c2

291 3. Proof of identity satisfactory to the department. Such
292 proof must include one of the following documents issued to the
293 applicant:

294 a. A driver's license record or identification card record
295 from another jurisdiction that required the applicant to submit a
296 document for identification which is substantially similar to a
297 document required under sub-subparagraph b., sub-subparagraph c.,
298 sub-subparagraph d., sub-subparagraph e., sub-subparagraph f., ~~or~~
299 sub-subparagraph g., or sub-subparagraph h.;

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

301 c. A valid, unexpired United States passport;

302 d. A naturalization certificate issued by the United States
303 Department of Homeland Security;

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

306 f. Consular Report of Birth Abroad provided by the United
307 States Department of State;

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

310 ~~h.g.~~ Proof of nonimmigrant classification provided by the
311 United States Department of Homeland Security, for an original
312 identification card. In order to prove such nonimmigrant
313 classification, applicants may produce but are not limited to the
314 following documents:

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

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

319 (III) Notice of the approval of an application for

606-08373A-08

20082220c2

320 adjustment of status issued by the United States Bureau of
321 Citizenship and Immigration Services.

322 (IV) Any official documentation confirming the filing of a
323 petition for asylum or refugee status or any other relief issued
324 by the United States Bureau of Citizenship and Immigration
325 Services.

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

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

332 (VII) Evidence that an application is pending for
333 adjustment of status to that of an alien lawfully admitted for
334 permanent residence in the United States or conditional permanent
335 resident status in the United States, if a visa number is
336 available having a current priority date for processing by the
337 United States Bureau of Citizenship and Immigration Services.

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

342
343 Presentation of any of the documents described in sub-
344 subparagraph g. ~~f.~~ or sub-subparagraph h. ~~g.~~ entitles the
345 applicant to an identification card for a period not to exceed
346 the expiration date of the document presented or 1 year,
347 whichever first occurs.

348 (b) An application for an identification card must be

606-08373A-08

20082220c2

349 signed and verified by the applicant in a format designated by
350 the department before a person authorized to administer oaths and
351 payment of the applicable fee pursuant to s. 322.21. ~~The fee for~~
352 ~~an identification card is \$3, including payment for the color~~
353 ~~photograph or digital image of the applicant.~~

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

356 (2) (a) Every identification card:

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

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

363
364 Renewal of an identification card shall be made for the
365 applicable term enumerated in this paragraph. ~~However, if an~~
366 ~~individual is 60 years of age or older, and has an identification~~
367 ~~card issued under this section, the card shall not expire unless~~
368 ~~done so by cancellation by the department or by the death of the~~
369 ~~cardholder. Renewal of any identification card shall be made for~~
370 ~~a term which shall expire on the fourth birthday of the applicant~~
371 ~~following expiration of the identification card renewed, unless~~
372 ~~surrendered earlier. Any application for renewal received later~~
373 ~~than 90 days after expiration of the identification card shall be~~
374 ~~considered the same as an application for an original~~
375 ~~identification card. The renewal fee for an identification card~~
376 ~~shall be \$10, of which \$4 shall be deposited into the General~~
377 ~~Revenue Fund and \$6 into the Highway Safety Operating Trust Fund.~~

606-08373A-08

20082220c2

378 ~~The department shall, at the end of 4 years and 6 months after~~
379 ~~the issuance or renewal of an identification card, destroy any~~
380 ~~record of the card if it has expired and has not been renewed,~~
381 ~~unless the cardholder is 60 years of age or older.~~

382 (b) Notwithstanding any other provision of this chapter, if
383 an applicant establishes his or her identity for an
384 identification card using a document authorized under sub-
385 subparagraph (1)(a)3.e., the identification card shall expire on
386 the eighth ~~fourth~~ birthday of the applicant following the date of
387 original issue or upon first renewal or duplicate issued after
388 implementation of this section. After an initial showing of such
389 documentation, he or she is exempted from having to renew or
390 obtain a duplicate in person.

391 (c) Notwithstanding any other provisions of this chapter,
392 if an applicant establishes his or her identity for an
393 identification card using an identification document authorized
394 under sub-subparagraph (1)(a)3.g. ~~(1)(a)3.f.~~ or sub-subparagraph
395 (1)(a)3.h. ~~(1)(a)3.g.~~, the identification card shall expire 1
396 year ~~2 years~~ after the date of issuance or upon the expiration
397 date cited on the United States Department of Homeland Security
398 documents, whichever date first occurs, and may not be renewed or
399 obtain a duplicate except in person.

400 Section 9. Subsections (1), (2), and (6) of section 322.08,
401 Florida Statutes, are amended to read:

402 322.08 Application for license.--

403 (1) Each application for a driver's license shall be made
404 in a format designated by the department and sworn to or affirmed
405 by the applicant as to the truth of the statements made in the
406 application.

606-08373A-08

20082220c2

407 (2) Each such application shall include the following
408 information regarding the applicant:

409 (a) Full name (first, middle or maiden, and last), gender,
410 proof of social security card number satisfactory to the
411 department, county of residence, ~~and~~ mailing address, proof of
412 residential address satisfactory to the department, country of
413 birth, and a brief description.

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

415 (c) Proof of identity satisfactory to the department. Such
416 proof must include one of the following documents issued to the
417 applicant:

418 1. A driver's license record or identification card record
419 from another jurisdiction that required the applicant to submit a
420 document for identification which is substantially similar to a
421 document required under subparagraph 2., subparagraph 3.,
422 subparagraph 4., subparagraph 5., subparagraph 6., ~~or~~
423 subparagraph 7., or subparagraph 8.;

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

425 3. A valid, unexpired United States passport;

426 4. A naturalization certificate issued by the United States
427 Department of Homeland Security;

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

430 6. Consular Report of Birth Abroad provided by the United
431 States Department of State;

432 ~~7.6.~~ An unexpired employment authorization card issued by
433 the United States Department of Homeland Security; or

434 ~~8.7.~~ Proof of nonimmigrant classification provided by the
435 United States Department of Homeland Security, for an original

606-08373A-08

20082220c2

436 driver's license. In order to prove nonimmigrant classification,
437 an applicant may produce the following documents, including, but
438 not limited to:

439 a. A notice of hearing from an immigration court scheduling
440 a hearing on any proceeding.

441 b. A notice from the Board of Immigration Appeals
442 acknowledging pendency of an appeal.

443 c. A notice of the approval of an application for
444 adjustment of status issued by the United States Bureau of
445 Citizenship and Immigration Services.

446 d. Any official documentation confirming the filing of a
447 petition for asylum or refugee status or any other relief issued
448 by the United States Bureau of Citizenship and Immigration
449 Services.

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

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

456 g. Evidence that an application is pending for adjustment
457 of status to that of an alien lawfully admitted for permanent
458 residence in the United States or conditional permanent resident
459 status in the United States, if a visa number is available having
460 a current priority date for processing by the United States
461 Bureau of Citizenship and Immigration Services.

462 h. On or after January 1, 2010, an unexpired foreign
463 passport with an unexpired United State Visa affixed, accompanied
464 by an approved I-94, documenting the most recent admittance into

606-08373A-08

20082220c2

465 the United States.

466

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

471 (d) Whether the applicant has previously been licensed to
472 drive, and, if so, when and by what state, and whether any such
473 license or driving privilege has ever been disqualified, revoked,
474 or suspended, or whether an application has ever been refused,
475 and, if so, the date of and reason for such disqualification,
476 suspension, revocation, or refusal.

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

479 (6) The application form for a driver's license or
480 duplicate thereof shall include language permitting the
481 following:

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

485 (a) ~~(b)~~ A voluntary contribution of \$1 per applicant, which
486 contribution shall be deposited into the Florida Organ and Tissue
487 Donor Education and Procurement Trust Fund for organ and tissue
488 donor education and for maintaining the organ and tissue donor
489 registry.

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

493 (c) ~~(d)~~ A voluntary contribution of \$2 per applicant, which

606-08373A-08

20082220c2

494 shall be distributed to the Hearing Research Institute,
495 Incorporated.

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

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

501

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

507 Section 10. Paragraph (c) of subsection (1) of section
508 322.135, Florida Statutes, is amended to read:

509 322.135 Driver's license agents.--

510 (1) The department may, upon application, authorize any or
511 all of the tax collectors in the several counties of the state,
512 subject to the requirements of law, in accordance with rules of
513 the department, to serve as its agent for the provision of
514 specified driver's license services.

515 (c) A fee of up to \$10.50 may ~~\$5.25 is to~~ be charged, in
516 addition to the fees set forth in this chapter, for any driver's
517 license issued or renewed by a tax collector.

518 Section 11. Paragraph (a) of subsection (1) of section
519 322.14, Florida Statutes, is amended to read:

520 322.14 Licenses issued to drivers.--

521 (1)(a) The department shall, upon successful completion of
522 all required examinations and payment of the required fee, issue

606-08373A-08

20082220c2

523 to every applicant qualifying therefor, a driver's license as
524 applied for, which license shall bear thereon a color photograph
525 or digital image of the licensee; the name of the state; a
526 distinguishing number assigned to the licensee; and the
527 licensee's full name, date of birth, and residence ~~mailing~~
528 address; a brief description of the licensee, including, but not
529 limited to, the licensee's gender and height; and the dates of
530 issuance and expiration of the license. A space shall be provided
531 upon which the licensee shall affix his or her usual signature.
532 No license shall be valid until it has been so signed by the
533 licensee except that the signature of said licensee shall not be
534 required if it appears thereon in facsimile or if the licensee is
535 not present within the state at the time of issuance. Applicants
536 qualifying to receive a Class A, Class B, or Class C driver's
537 license must appear in person within the state for issuance of a
538 color photographic or digital imaged driver's license pursuant to
539 s. 322.142.

540 Section 12. Section 322.17, Florida Statutes, is amended to
541 read:

542 322.17 Replacement licenses and permits ~~Duplicate and~~
543 ~~replacement certificates.--~~

544 (1) (a) In the event that an instruction permit or driver's
545 license issued under the provisions of this chapter is lost or
546 destroyed, the person to whom the same was issued may, upon
547 payment of the appropriate fee pursuant to s. 322.21 ~~\$10~~, obtain
548 a replacement ~~duplicate, or substitute thereof,~~ upon furnishing
549 proof satisfactory to the department that such permit or license
550 has been lost or destroyed, and further furnishing the full name,
551 date of birth, sex, residence and mailing address, proof of birth

606-08373A-08

20082220c2

552 satisfactory to the department, and proof of identity
553 satisfactory to the department. ~~Five dollars of the fee levied in~~
554 ~~this paragraph shall go to the Highway Safety Operating Trust~~
555 ~~Fund of the department.~~

556 (b) In the event that an instruction permit or driver's
557 license issued under the provisions of this chapter is stolen,
558 the person to whom the same was issued may, at no charge, obtain
559 a replacement duplicate, ~~or substitute thereof~~, upon furnishing
560 proof satisfactory to the department that such permit or license
561 was stolen and further furnishing the full name, date of birth,
562 sex, residence and mailing address, proof of birth satisfactory
563 to the department, and proof of identity satisfactory to the
564 department.

565 (2) Upon the surrender of the original license and the
566 payment of the appropriate fees pursuant to s. 322.21 ~~a \$10~~
567 ~~replacement fee~~, the department shall issue a replacement license
568 to make a change in name, address, or restrictions. ~~Upon written~~
569 ~~request by the licensee and notification of a change in address,~~
570 ~~and the payment of a \$10 fee, the department shall issue an~~
571 ~~address sticker which shall be affixed to the back of the license~~
572 ~~by the licensee. Nine dollars of the fee levied in this~~
573 ~~subsection shall go to the Highway Safety Operating Trust Fund of~~
574 ~~the department.~~

575 (3) Notwithstanding any other provisions of this chapter,
576 if a licensee establishes his or her identity for a driver's
577 license using an identification document authorized under s.
578 322.08(2)(c)7. or 8. ~~s. 322.08(2)(c)6. or 7.~~, the licensee may
579 not obtain a duplicate or replacement instruction permit or
580 driver's license except in person and upon submission of an

606-08373A-08

20082220c2

581 identification document authorized under s. 322.08(2)(c)7. or 8.
582 ~~s. 322.08(2)(c)6. or 7.~~

583 Section 13. Section 322.18, Florida Statutes, is amended to
584 read:

585 322.18 Original applications, licenses, and renewals;
586 expiration of licenses; delinquent licenses.--

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

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

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

599 (a) An applicant who has not attained 80 years of age
600 applying for an original issuance shall be issued a driver's
601 license that ~~which~~ expires at midnight on the licensee's birthday
602 which next occurs on or after the eighth ~~sixth~~ anniversary of the
603 date of issue. An applicant who is at least 80 years of age
604 applying for an original issuance shall be issued a driver's
605 license that expires at midnight on the licensee's birthday that
606 next occurs on or after the sixth anniversary of the date of
607 issue.

608 (b) An applicant who has not attained 80 years of age
609 applying for a renewal issuance ~~or renewal extension~~ shall be

606-08373A-08

20082220c2

610 issued a driver's license that ~~or renewal extension sticker which~~
611 expires at midnight on the licensee's birthday that ~~which~~ next
612 occurs 8 ~~4~~ years after the month of expiration of the license
613 being renewed, ~~except that a driver whose driving record reflects~~
614 ~~no convictions for the preceding 3 years shall be issued a~~
615 ~~driver's license or renewal extension sticker which expires at~~
616 ~~midnight on the licensee's birthday which next occurs 6 years~~
617 ~~after the month of expiration of the license being renewed. An~~
618 applicant who is at least 80 years of age applying for a renewal
619 issuance shall be issued a driver's license that expires at
620 midnight on the licensee's birthday that next occurs 6 years
621 after the month of expiration of the license being renewed.

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

628 (d) Notwithstanding any other provision of this chapter, if
629 an applicant establishes his or her identity for a driver's
630 license using a document authorized in s. 322.08(2)(c)7. or 8. ~~s.~~
631 ~~322.08(2)(c)6. or 7.~~, the driver's license shall expire 1 year ~~2~~
632 ~~years~~ after the date of issuance or upon the expiration date
633 cited on the United States Department of Homeland Security
634 documents, whichever date first occurs.

635 (e) Notwithstanding any other provision of this chapter, an
636 applicant applying for an original or renewal issuance of a
637 commercial driver's license as defined in s. 322.01(7), with a
638 hazardous-materials endorsement, pursuant to s. 322.57(1)(e),

606-08373A-08

20082220c2

639 shall be issued a driver's license that expires at midnight on
640 the licensee's birthday that next occurs 4 years after the month
641 of expiration of the license being issued or renewed.

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

646 (4) (a) Except as otherwise provided in this chapter, all
647 licenses shall be renewable every 8 4 years ~~or 6 years, depending~~
648 ~~upon the terms of issuance~~ and shall be issued or renewed
649 ~~extended~~ upon application, payment of the fees required by s.
650 322.21, and successful passage of any required examination,
651 unless the department has reason to believe that the licensee is
652 no longer qualified to receive a license.

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

660 (c) Notwithstanding any other provision of this chapter, if
661 a licensee establishes his or her identity for a driver's license
662 using an identification document authorized under s.
663 322.08(2)(c)7. or 8. ~~s. 322.08(2)(c)6. or 7.~~, the licensee may
664 not renew the driver's license except in person and upon
665 submission of an identification document authorized under s.
666 322.08(2)(c)7. or 8. ~~s. 322.08(2)(c)6. or 7.~~ A driver's license
667 renewed under this paragraph expires 1 year ~~4 years~~ after the

606-08373A-08

20082220c2

668 date of issuance or upon the expiration date cited on the United
669 States Department of Homeland Security documents, whichever date
670 first occurs.

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

674 (a) A licensee who is otherwise eligible for renewal and
675 who is at least 80 ~~ever 79~~ years of age:

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

678 2. If the licensee applies for a renewal using a
679 convenience service ~~an extension by mail~~ as provided in
680 subsection (8), he or she must submit to a vision test
681 administered by a physician licensed under chapter 458 or chapter
682 459, or an optometrist licensed under chapter 463, must send the
683 results of that test to the department on a form obtained from
684 the department and signed by such health care practitioner, and
685 must meet vision standards that are equivalent to the standards
686 for passing the departmental vision test. The physician or
687 optometrist may submit the results of a vision test by a
688 department-approved electronic means.

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

694 (6) If the licensee does not receive a renewal notice, the
695 licensee or applicant may apply to the department, under oath, at
696 any driver's license examining office. Such application shall be

606-08373A-08

20082220c2

697 on a form prepared and furnished by the department. The
698 department shall make such forms available to the various
699 examining offices throughout the state. Upon receipt of such
700 application, the department shall issue a license or temporary
701 permit to the applicant or shall advise the applicant that no
702 license or temporary permit will be issued and advise the
703 applicant of the reason for his or her ineligibility.

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

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

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

716 (8) The department shall issue 8-year renewals using a
717 convenience service ~~4-year and 6-year license extensions by mail,~~
718 ~~electronic, or telephonic means~~ without reexamination to drivers
719 who have not attained 80 years of age. The department shall issue
720 6-year renewals using a convenience service when the applicant
721 has satisfied the requirements of subsection (5).

722 (a) If the department determines from its records that the
723 holder of a license about to expire is eligible for renewal, the
724 department shall mail a renewal notice to the licensee at his or
725 her last known address, not less than 30 days prior to the

606-08373A-08

20082220c2

726 licensee's birthday. The renewal notice shall direct the licensee
727 to appear at a driver license office for in-person renewal or to
728 transmit the completed renewal notice and the fees required by s.
729 322.21 to the department using a convenience service ~~by mail,~~
730 ~~electronically, or telephonically within the 30 days preceding~~
731 ~~the licensee's birthday for a license extension. License~~
732 ~~extensions shall not be available to drivers directed to appear~~
733 ~~for in-person renewal.~~

734 (b) Upon receipt of a properly completed renewal notice,
735 payment of the required fees, and upon determining that the
736 licensee is still eligible for renewal, the department shall send
737 a new license extension sticker to the licensee ~~to affix to the~~
738 ~~expiring license as evidence that the license term has been~~
739 ~~extended.~~

740 (c) The department shall issue one renewal using a
741 convenience service license extensions ~~for two consecutive~~
742 ~~license expirations only. Upon expiration of two consecutive~~
743 ~~license extension periods, in-person renewal with reexamination~~
744 ~~as provided in s. 322.121 shall be required. A person who is out~~
745 ~~of this state when his or her license expires may be issued a 90-~~
746 ~~day temporary driving permit without reexamination. At the end of~~
747 ~~the 90-day period, the person must either return to this state or~~
748 ~~apply for a license where the person is located, except for a~~
749 ~~member of the Armed Forces as provided in s. 322.121(6).~~

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

753 (d)(e) Any person who knowingly possesses any forged,
754 stolen, fictitious, counterfeit, or unlawfully issued license

606-08373A-08

20082220c2

755 extension sticker, unless possession by such person has been duly
756 authorized by the department, commits a misdemeanor of the second
757 degree, punishable as provided in s. 775.082 or s. 775.083.

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

761 (9) (a) The application form for a renewal issuance ~~or~~
762 ~~renewal extension~~ shall include language permitting a voluntary
763 contribution of \$1 per applicant, to be quarterly distributed by
764 the department to Prevent Blindness Florida, a not-for-profit
765 organization, to prevent blindness and preserve the sight of the
766 residents of this state. A statement providing an explanation of
767 the purpose of the funds shall be included with the application
768 form.

769 (b) Prior to the department distributing the funds
770 collected pursuant to paragraph (a), Prevent Blindness Florida
771 must submit a report to the department that identifies how such
772 funds were used during the preceding year.

773 Section 14. Subsection (4) of section 322.181, Florida
774 Statutes, is repealed.

775 Section 15. Subsections (2) and (4) of section 322.19,
776 Florida Statutes, are amended to read:

777 322.19 Change of address or name.--

778 (2) Whenever any person, after applying for or receiving a
779 driver's license, changes the residence or mailing address in the
780 application or license, the person must, within 10 calendar days,
781 ~~either obtain a replacement license that reflects the change or~~
782 ~~request in writing a change of address sticker.~~ A The written
783 request to the department must include the old and new addresses

606-08373A-08

20082220c2

784 and the driver's license number.

785 (4) Notwithstanding any other provision of this chapter, if
786 a licensee established his or her identity for a driver's license
787 using an identification document authorized under s.
788 322.08(2)(c)7. or 8. ~~s. 322.08(2)(c)6. or 7.~~, the licensee may
789 not change his or her name or address except in person and upon
790 submission of an identification document authorized under s.
791 322.08(2)(c)7. or 8. ~~s. 322.08(2)(c)6. or 7.~~

792 Section 16. Subsection (1) of section 322.21, Florida
793 Statutes, is amended to read:

794 322.21 License fees; procedure for handling and collecting
795 fees.--

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

797 (a) An original or renewal commercial driver's license is
798 \$67 ~~\$50~~, which shall include the fee for driver education
799 provided by s. 1003.48; however, if an applicant has completed
800 training and is applying for employment or is currently employed
801 in a public or nonpublic school system that requires the
802 commercial license, the fee shall be the same as for a Class E
803 driver's license. A delinquent fee of \$1 shall be added for a
804 renewal made not more than 12 months after the license expiration
805 date. Of the \$67 fee, \$50 shall be deposited into the General
806 Revenue Fund. The remaining \$17 shall be deposited into the
807 Highway Safety Operating Trust Fund for the general operations of
808 the department.

809 (b) An original Class E driver's license is \$27 ~~\$20~~, which
810 shall include the fee for driver's education provided by s.
811 1003.48; however, if an applicant has completed training and is
812 applying for employment or is currently employed in a public or

606-08373A-08

20082220c2

813 nonpublic school system that requires a commercial driver
814 license, the fee shall be the same as for a Class E license. Of
815 the \$27 fee, \$20 shall be deposited into the General Revenue
816 Fund. The remaining \$7 shall be deposited into the Highway Safety
817 Operating Trust Fund for the general operations of the
818 department.

819 (c) The renewal or extension of a Class E driver's license
820 or of a license restricted to motorcycle use only is \$20 ~~\$15~~,
821 except that a delinquent fee of \$1 shall be added for a renewal
822 or extension made not more than 12 months after the license
823 expiration date. The fee provided in this paragraph shall include
824 the fee for driver's education provided by s. 1003.48. Of the \$20
825 fee, \$15 shall be deposited into the General Revenue Fund. The
826 remaining \$5 shall be deposited into the Highway Safety Operating
827 Trust Fund for the general operations of the department.

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

834 (e) A replacement driver's license, issued pursuant to s.
835 322.17 is \$10. Of the \$10 fee, \$3 shall be deposited into the
836 General Revenue Fund. The remaining \$7 shall be deposited into
837 the Highway Safety Operating Trust Fund for the general
838 operations of the department.

839 (f) An original or renewal identification card issued
840 pursuant to s. 322.051 is \$10. Of the \$10 fee, \$4 shall be
841 deposited into the General Revenue Fund. The remaining \$6 shall

606-08373A-08

20082220c2

842 be deposited in the Highway Safety Operating Trust Fund for the
843 general operations of the department.

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

849 (h) ~~(f)~~ A hazardous-materials endorsement, as required by s.
850 322.57(1) (d), shall be set by the department by rule and shall
851 reflect the cost of the required criminal history check,
852 including the cost of the state and federal fingerprint check,
853 and the cost to the department of providing and issuing the
854 license. The fee shall not exceed \$100. This fee shall be
855 deposited in the Highway Safety Operating Trust Fund. The
856 department may adopt rules to administer this section.

857 Section 17. Section 322.60, Florida Statutes, is repealed.

858 Section 18. Subsection (86) is added to section 316.003,
859 Florida Statutes, to read:

860 316.003 Definitions.--The following words and phrases, when
861 used in this chapter, shall have the meanings respectively
862 ascribed to them in this section, except where the context
863 otherwise requires:

864 (86) TRAFFIC INFRACTION DETECTOR.--A device using a vehicle
865 sensor or sensors installed to work in conjunction with a traffic
866 control signal and a camera or cameras that are synchronized to
867 automatically record two or more sequenced photographic or
868 electronic images or streaming video of only the rear of a motor
869 vehicle at the time the vehicle fails to stop behind the stop bar
870 or clearly marked stop line when facing a traffic control signal

606-08373A-08

20082220c2

871 | steady red light.

872 | Section 19. Section 316.0083, Florida Statutes, is created
873 | to read:

874 | 316.0083 Regulation and use of cameras for enforcement of
875 | provisions of this chapter.--

876 | (1) The regulation and use of cameras for enforcing the
877 | provisions of this chapter are expressly preempted to the state.

878 | (2) The department, the Department of Transportation,
879 | counties, and municipalities may use traffic infraction detectors
880 | to enforce s. 316.074(1) or s. 316.075(1)(c)1. when a driver
881 | fails to stop at a traffic signal.

882 | (3)(a) For purposes of administering this section, the
883 | department, the Department of Transportation, counties, and
884 | municipalities may by rule or ordinance authorize a traffic
885 | infraction detector enforcement officer to issue a uniform
886 | traffic citation for a violation of s. 316.074(1) or s.
887 | 316.075(1)(c)1. If the driver of the motor vehicle receives a
888 | uniform traffic citation for a violation of s. 316.074(1) or s.
889 | 316.075(1)(c)1. issued by a law enforcement officer, then a
890 | uniform traffic citation may not be issued by a traffic
891 | infraction detector enforcement officer. The term "traffic
892 | infraction detector enforcement officer" means the designee of
893 | the department, the Department of Transportation, a county, or a
894 | municipality who is authorized to enforce s. 316.074(1) or s.
895 | 316.075(1)(c)1. when a driver fails to stop at a traffic signal.
896 | The department, the Department of Transportation, counties, and
897 | municipalities may designate traffic infraction detector
898 | enforcement officers pursuant to s. 316.640(1).

899 | (b) A citation issued under this section shall be issued by

606-08373A-08

20082220c2

900 mailing the citation by first-class mail or certified mail,
901 return receipt requested, to the address of the registered owner
902 of the motor vehicle involved in the violation. Mailing the
903 citation to this address constitutes notification. In the case of
904 joint ownership of a motor vehicle, the traffic citation shall be
905 mailed to the first name appearing on the registration, unless
906 the first name appearing on the registration is a business
907 organization, in which case the second name appearing on the
908 registration may be used. The citation must be mailed to the
909 registered owner of the motor vehicle involved in the violation
910 within 7 days after the date of the violation. Notice of and
911 instructions for accessing a secure website displaying a 10-
912 second video of the violation shall be provided with the
913 citation.

914 (c) The owner of the motor vehicle involved in the
915 violation is responsible and liable for paying the citation
916 issued for a violation of s. 316.074(1) or s. 316.075(1)(c)1.
917 when the driver failed to stop at a traffic signal, unless the
918 owner can establish that the motor vehicle was, at the time of
919 the violation, in the care, custody, or control of another
920 person. In order to establish such facts, the owner of the motor
921 vehicle shall, within 14 days after the date of issuance of the
922 citation, furnish to the appropriate governmental entity an
923 affidavit setting forth:

924 1. The name, address, date of birth, and, if known, the
925 driver's license number of the person who leased, rented, or
926 otherwise had care, custody, or control of the motor vehicle at
927 the time of the alleged violation;

928 2. If the vehicle was stolen at the time of the alleged

606-08373A-08

20082220c2

929 offense, the police report indicating that the vehicle was
930 stolen; or

931 3. If a citation for a violation of s. 316.074(1) or s.
932 316.075(1)(c)1. was issued at the location of the violation by a
933 law enforcement officer, the serial number of the uniform traffic
934 citation.

935
936 Upon receipt of an affidavit, the person designated as having
937 care, custody, and control of the motor vehicle at the time of
938 the violation may be issued a citation for a violation of s.
939 316.074(1) or s. 316.075(1)(c)1. when the driver failed to stop
940 at a traffic signal. The affidavit is admissible in a proceeding
941 pursuant to this section for the purpose of providing proof that
942 the person identified in the affidavit was in actual care,
943 custody, or control of the motor vehicle. The owner of a leased
944 vehicle for which a citation is issued for a violation of s.
945 316.074(1) or s. 316.075(1)(c)1. when the driver failed to stop
946 at a traffic signal is not responsible for paying the citation
947 and is not required to submit an affidavit as specified in this
948 subsection if the motor vehicle involved in the violation is
949 registered in the name of the lessee of such motor vehicle.

950 (d) A written report of a traffic infraction detector
951 enforcement officer, along with photographic or electronic images
952 or streaming video evidence that a violation of s. 316.074(1) or
953 s. 316.075(1)(c)1. when the driver failed to stop at a traffic
954 signal has occurred, is admissible in any proceeding to enforce
955 this section and raises a rebuttable presumption that the motor
956 vehicle named in the report or shown in the photographic or
957 electronic images or streaming video evidence was used in

606-08373A-08

20082220c2

958 violation of s. 316.074(1) or s. 316.075(1)(c)1. when the driver
959 failed to stop at a traffic signal.

960 (4) The submission of a false affidavit is a misdemeanor of
961 the second degree, punishable as provided in s. 775.082 or s.
962 775.083.

963 (5) This section supplements the enforcement of s.
964 316.074(1) or s. 316.075(1)(c)1. by law enforcement officers when
965 a driver fails to stop at a traffic signal, and this section does
966 not prohibit a law enforcement officer from issuing a citation
967 for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when a
968 driver fails to stop at a traffic signal in accordance with
969 normal traffic-enforcement techniques.

970 (6) (a) The Department of Transportation shall, on or before
971 October 1, 2008, adopt and publish minimum specifications for the
972 operation and implementation of traffic infraction detectors on
973 the streets and highways of the state. The minimum specifications
974 shall, insofar as is practicable, conform to the Traffic
975 Engineering Manual of the Department of Transportation and shall
976 be revised from time to time to include changes necessary to
977 conform to any uniform national system or to meet local or state
978 needs. The specifications shall include, but need not be limited
979 to, the size and purpose of stop bars, the duration time of
980 signal phases, signage and other public awareness requirements,
981 the amount of before and after photographic or electronic imaging
982 or streaming video needed, yellow light duration time, and
983 location of the rear tires in relation to the stop bar. The
984 Department of Transportation shall require mandatory reporting of
985 all accidents at the intersections using traffic infraction
986 detectors and shall provide information relating to those

606-08373A-08

20082220c2

987 accidents to the Legislature by March 1, 2010. The Department of
988 Transportation may call upon representatives of local authorities
989 to assist in preparing or revising the uniform specifications of
990 traffic infraction detectors.

991 (b) All traffic infraction detectors operated or
992 implemented in this state by any public body or official must
993 conform to the specifications for operation and implementation of
994 traffic infraction detectors published by the Department of
995 Transportation pursuant to this subsection.

996 (c) A public body or official may not operate or implement
997 a traffic infraction detector in this state unless it conforms to
998 the specifications published by the Department of Transportation.
999 A public body may not sell a traffic infraction detector to any
1000 nongovernmental entity or person.

1001 (d) Before installing a traffic infraction detector at an
1002 intersection, a Florida municipal, county, or Department of
1003 Transportation traffic engineer must review and certify that all
1004 other applicable safety-related engineering measures have been
1005 considered. Any manufacturer or vendor that operates or
1006 implements a traffic infraction detector without such
1007 certification is ineligible to bid or furnish traffic infraction
1008 detectors to any public body or official for such period of time
1009 as may be established by the Department of Transportation;
1010 however, such period of time may not be less than 1 year
1011 following the date of notification of ineligibility.

1012 (e) The Department of Transportation may, after a hearing
1013 pursuant to 14 days' notice, direct the removal of any traffic
1014 infraction detector wherever located which purportedly fails to
1015 meet the specifications of this subsection. The public agency

606-08373A-08

20082220c2

1016 operating or implementing a traffic infraction detector shall
1017 immediately remove the traffic infraction detector upon the
1018 direction of the Department of Transportation and may not, for a
1019 period of 5 years, install any replacement traffic infraction
1020 detector unless written prior approval is received from the
1021 Department of Transportation. Any additional violation by a
1022 public body or official is cause for withholding state funds for
1023 traffic control purposes until such public body or official
1024 demonstrates to the Department of Transportation that it is
1025 complying with this subsection.

1026 (f) The Department of Transportation may authorize the
1027 installation of traffic infraction detectors that are not in
1028 conformity with the published specifications upon a showing of
1029 good cause.

1030 (g) Any traffic infraction detector acquired under a
1031 contract entered into by a county or municipality on or before
1032 April 1, 2008, is not required to meet the specifications for
1033 operation and implementation of traffic infraction detectors
1034 published by the Department of Transportation pursuant to this
1035 subsection until July 1, 2013.

1036 (7) Any manufacturer or vendor desiring to bid for the
1037 performance of operating or implementing a traffic infraction
1038 detector must first be qualified by the Department of
1039 Transportation and without such qualification is ineligible to
1040 bid or furnish traffic infraction detectors to any public body or
1041 official in this state. A manufacturer or vendor may not receive
1042 a fee based upon the number of citations issued.

1043 Section 20. Paragraph (b) of subsection (1) of section
1044 316.640, Florida Statutes, is amended to read:

606-08373A-08

20082220c2

1045 316.640 Enforcement.--The enforcement of the traffic laws
1046 of this state is vested as follows:

1047 (1) STATE.--

1048 (b)1. The Department of Transportation has authority to
1049 enforce on all the streets and highways of this state all laws
1050 applicable within its authority.

1051 2.a. The Department of Transportation shall develop
1052 training and qualifications standards for toll enforcement
1053 officers whose sole authority is to enforce the payment of tolls
1054 pursuant to s. 316.1001. Nothing in this subparagraph shall be
1055 construed to permit the carrying of firearms or other weapons,
1056 nor shall a toll enforcement officer have arrest authority.

1057 b. For the purpose of enforcing s. 316.1001, governmental
1058 entities, as defined in s. 334.03, which own or operate a toll
1059 facility may employ independent contractors or designate
1060 employees as toll enforcement officers; however, any such toll
1061 enforcement officer must successfully meet the training and
1062 qualifications standards for toll enforcement officers
1063 established by the Department of Transportation.

1064 3.a The Department of Transportation shall develop training
1065 and qualifications standards for traffic infraction detector
1066 enforcement officers whose sole authority is to enforce s.
1067 316.074(1) or s. 316.075(1)(c)1. when a driver fails to stop at a
1068 traffic signal pursuant to s. 316.0083. This subparagraph does
1069 not authorize the carrying of firearms or other weapons by a
1070 traffic infraction enforcement officer and does not authorize a
1071 traffic infraction detector enforcement officer to make arrests.

1072 b. For the purpose of enforcing s. 316.0083, the
1073 department, the Department of Transportation, counties, and

606-08373A-08

20082220c2

1074 municipalities may designate employees as traffic infraction
1075 detector enforcement officers; however, any such traffic
1076 infraction detector enforcement officer must successfully meet
1077 the training and qualifications standards for traffic infraction
1078 detector enforcement officers established by the Department of
1079 Transportation.

1080 Section 21. Subsection (15) of section 318.18, Florida
1081 Statutes, is amended to read:

1082 318.18 Amount of penalties.--The penalties required for a
1083 noncriminal disposition pursuant to s. 318.14 or a criminal
1084 offense listed in s. 318.17 are as follows:

1085 (15) (a) One hundred twenty-five dollars for a violation of
1086 s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
1087 stop at a traffic signal and when enforced by a law enforcement
1088 officer. Sixty dollars shall be distributed as provided in s.
1089 318.21, and the remaining \$65 shall be remitted to the Department
1090 of Revenue for deposit into the Administrative Trust Fund of the
1091 Department of Health.

1092 (b) Sixty dollars for each violation of s. 316.074(1) or s.
1093 316.075(1)(c)1. when a driver has failed to stop at a traffic
1094 signal and when enforced by a traffic infraction detector
1095 enforcement officer and, notwithstanding any other provision of
1096 law, all sixty dollars shall be distributed in the same manner as
1097 the applicable municipal or county parking ordinance.

1098
1099 Except for s. 318.121 and 318.1215, no other fees may be charged
1100 by any entity for a violation of s. 316.074(1) or s.
1101 316.075(1)(c)1. when enforced by a traffic infraction detector
1102 enforcement officer.

606-08373A-08

20082220c2

1103 Section 22. Paragraph (d) of subsection (3) of section
1104 322.27, Florida Statutes, is amended to read:

1105 322.27 Authority of department to suspend or revoke
1106 license.--

1107 (3) There is established a point system for evaluation of
1108 convictions of violations of motor vehicle laws or ordinances,
1109 and violations of applicable provisions of s. 403.413(6) (b) when
1110 such violations involve the use of motor vehicles, for the
1111 determination of the continuing qualification of any person to
1112 operate a motor vehicle. The department is authorized to suspend
1113 the license of any person upon showing of its records or other
1114 good and sufficient evidence that the licensee has been convicted
1115 of violation of motor vehicle laws or ordinances, or applicable
1116 provisions of s. 403.413(6) (b), amounting to 12 or more points as
1117 determined by the point system. The suspension shall be for a
1118 period of not more than 1 year.

1119 (d) The point system shall have as its basic element a
1120 graduated scale of points assigning relative values to
1121 convictions of the following violations:

- 1122 1. Reckless driving, willful and wanton--4 points.
1123 2. Leaving the scene of a crash resulting in property
1124 damage of more than \$50--6 points.
1125 3. Unlawful speed resulting in a crash--6 points.
1126 4. Passing a stopped school bus--4 points.
1127 5. Unlawful speed:
1128 a. Not in excess of 15 miles per hour of lawful or posted
1129 speed--3 points.
1130 b. In excess of 15 miles per hour of lawful or posted
1131 speed--4 points.

606-08373A-08

20082220c2

1132 6. A violation of a traffic control signal device as
1133 provided in s. 316.074(1) or s. 316.075(1)(c)1.--4 points.
1134 However, no points shall be imposed for a violation of s.
1135 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to stop
1136 at a traffic signal and when enforced by a traffic infraction
1137 detector enforcement officer.

1138 7. All other moving violations (including parking on a
1139 highway outside the limits of a municipality)--3 points. However,
1140 no points shall be imposed for a violation of s. 316.0741 or s.
1141 316.2065(12).

1142 8. Any moving violation covered above, excluding unlawful
1143 speed, resulting in a crash--4 points.

1144 9. Any conviction under s. 403.413(6)(b)--3 points.

1145 10. Any conviction under s. 316.0775(2)--4 points.

1146 Section 23. The Department of Highway Safety and Motor
1147 Vehicles and the Department of Transportation shall jointly
1148 submit a report on the efficacy of traffic infraction detectors
1149 in enhancing public safety to the Governor, the President of the
1150 Senate, and the Speaker of the House of Representatives on or
1151 before January 1, 2013.

1152 Section 24. This act shall take effect October 1, 2008.