

1 A bill to be entitled
2 An act relating to highway safety and motor vehicles;
3 amending s. 316.126, F.S.; requiring drivers of vehicles
4 to behave in a specified fashion when approaching
5 emergency vehicles or wreckers; amending s. 316.2085,
6 F.S.; revising requirements for motorcycle and moped
7 license tags; prohibiting devices and methods that conceal
8 or obscure the license tag; amending s. 316.2122, F.S.;
9 authorizing mini truck operation on local roads and urban
10 minor arterial roads with specified restrictions; amending
11 s. 319.40, F.S.; authorizing the Department of Highway
12 Safety and Motor Vehicles to issue an electronic
13 certificate of title in lieu of printing a paper title;
14 authorizing the department to collect and use e-mail
15 addresses in lieu of the United States Postal Service to
16 notify motor vehicle owners and registrants; amending s.
17 320.01, F.S.; revising the definition of "motorcycle";
18 defining the term "mini truck"; amending s. 320.023, F.S.;
19 requiring that voluntary contributions collected by the
20 department be deposited into and distributed from the
21 Motor Vehicle License Clearing Trust Fund; creating s.
22 320.0847, F.S.; providing for issuance of unique license
23 plates for low-speed vehicles and mini trucks; amending s.
24 320.203, F.S.; providing for the disposition of biennial
25 license tax moneys; amending s. 320.95, F.S.; authorizing
26 the department to collect and use e-mail addresses in lieu
27 of the United States Postal Service to notify motor
28 vehicle owners and registrants; amending s. 322.0261,

29 F.S.; requiring the department to screen crash reports to
30 identify a third crash by the same operator within a
31 specified period after the driver's first crash; requiring
32 a driver who is convicted of or who pleads nolo contendere
33 to a traffic offense giving rise to three or more crashes
34 within a specified period to attend a department-approved
35 driver improvement course in order to maintain his or her
36 driving privileges; providing for content of the driving
37 course; requiring successful completion of a behind-the-
38 wheel examination; requiring that the department cancel an
39 operator's driver's license if the operator fails to
40 complete the course within a specified time; amending s.
41 322.03, F.S.; providing for part-time residents of the
42 state to be issued a license that is valid within this
43 state only and continue to hold such license until the
44 next regularly scheduled renewal; providing a termination
45 date for "Florida only" licenses; amending s. 322.051,
46 F.S.; providing for the issuance of a duplicate
47 identification card; amending s. 322.08, F.S.; prohibiting
48 the department from issuing a driver's license or
49 identification card to an applicant if the applicant holds
50 a valid driver's license or identification card issued by
51 any state; authorizing the department to collect and use
52 e-mail addresses in lieu of the United States Postal
53 Service to notify driver's license and identification card
54 holders; amending s. 323.095, F.S.; eliminating a
55 requirement that the department certify instructors of
56 traffic law and substance abuse education courses;

57 | amending s. 322.18, F.S.; authorizing the department to
58 | use e-mail to notify holders of a driver's license of
59 | eligibility for renewal; amending s. 322.201, F.S.;
60 | providing that certain records of the department or the
61 | clerk of the court are admissible in evidence in all
62 | courts of the state; amending s. 322.2615, F.S.;
63 | eliminating the requirement that a copy of the crash
64 | report be submitted to the department within 5 days after
65 | issuing the notice of suspension; defining the term
66 | "lawful breath, blood, or urine test"; amending s.
67 | 322.271, F.S.; authorizing the department to modify a
68 | revocation, cancellation, or suspension order; providing
69 | that the department may waive the hearing process for
70 | suspensions and revocations upon request by the driver
71 | under certain circumstances; amending s. 322.293, F.S.;
72 | correcting a reference; amending s. 322.64, F.S.;
73 | providing for disqualification of a driver of a commercial
74 | motor vehicle for certain violations; amending s. 328.30,
75 | F.S.; providing that the department may issue an
76 | electronic certificate of title in lieu of printing a
77 | paper title; authorizing the department to collect and use
78 | e-mail addresses in lieu of the United States Postal
79 | Service to notify vessel owners and registrants; amending
80 | s. 328.80, F.S.; providing that the department may accept
81 | any vessel application by electronic or telephonic means;
82 | authorizing the department to collect and use e-mail
83 | addresses in lieu of the United States Postal Service to
84 | notify vessel owners and registrants; providing effective

85 | dates.

86 |

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

88 |

89 | Section 1. Subsection (1) of section 316.126, Florida
 90 | Statutes, is amended to read:

91 | 316.126 Operation of vehicles and actions of pedestrians
 92 | on approach of authorized emergency vehicle.--

93 | (1) (a) Upon the immediate approach of an authorized
 94 | emergency vehicle, while en route to meet an existing emergency,
 95 | the driver of every other vehicle shall, when such emergency
 96 | vehicle is giving audible signals by siren, exhaust whistle, or
 97 | other adequate device, or visible signals by the use of
 98 | displayed blue or red lights, yield the right-of-way to the
 99 | emergency vehicle and shall immediately proceed to a position
 100 | parallel to, and as close as reasonable to the closest edge of
 101 | the curb of the roadway, clear of any intersection and shall
 102 | stop and remain in position until the authorized emergency
 103 | vehicle has passed, unless otherwise directed by any law
 104 | enforcement officer.

105 | (b) When an authorized emergency vehicle making use of any
 106 | visual signals is parked or a wrecker displaying amber rotating
 107 | or flashing lights is performing a recovery or loading on the
 108 | roadside, the driver of every other vehicle, as soon as it is
 109 | safe:

110 | 1. Shall vacate the lane closest to the emergency vehicle
 111 | or wrecker when driving on an interstate highway or other
 112 | highway with two or more lanes traveling in the direction of the

113 emergency vehicle or wrecker, except when otherwise directed by
 114 a law enforcement officer. If such movement cannot be safely
 115 accomplished, the driver shall reduce speed as provided in
 116 subparagraph 2.

117 2. Shall slow to a speed that is 20 miles per hour less
 118 than the posted speed limit when the posted speed limit is 25
 119 miles per hour or greater; or travel at 5 miles per hour when
 120 the posted speed limit is 20 miles per hour or less, when
 121 driving on a two-lane road, except when otherwise directed by a
 122 law enforcement officer.

123 (c) The Department of Highway Safety and Motor Vehicles
 124 shall provide an educational awareness campaign informing the
 125 motoring public about the Move Over Act. The department shall
 126 provide information about the Move Over Act in all newly printed
 127 driver's license educational materials after July 1, 2002.

128
 129 This section does ~~shall~~ not relieve the driver of an authorized
 130 emergency vehicle from the duty to drive with due regard for the
 131 safety of all persons using the highway.

132 Section 2. Effective July 1, 2009, subsection (3) of
 133 section 316.2085, Florida Statutes, is amended to read:

134 316.2085 Riding on motorcycles or mopeds.--

135 (3) The license tag of a motorcycle or moped must be
 136 permanently affixed ~~horizontally~~ to the vehicle ~~ground~~ and may
 137 not be adjusted or capable of being flipped up. No device for or
 138 method of concealing or obscuring the legibility of the license
 139 tag of a motorcycle shall be installed or used.

140 Section 3. Effective July 1, 2009, section 316.2122,

141 Florida Statutes, is amended to read:

142 316.2122 Operation of a low-speed vehicle or mini truck on
 143 certain roadways.--The operation of a low-speed vehicle~~7~~ as
 144 defined in s. 320.01(42)~~7~~ or a mini truck as defined in s.
 145 320.01(45) on any road as defined in s. 334.03(15) or (33)~~7~~ is
 146 authorized with the following restrictions:

147 (1) A low-speed vehicle or mini truck may be operated only
 148 on streets where the posted speed limit is 35 miles per hour or
 149 less. This does not prohibit a low-speed vehicle or mini truck
 150 from crossing a road or street at an intersection where the road
 151 or street has a posted speed limit of more than 35 miles per
 152 hour.

153 (2) A low-speed vehicle must be equipped with headlamps,
 154 stop lamps, turn signal lamps, taillamps, reflex reflectors,
 155 parking brakes, rearview mirrors, windshields, seat belts, and
 156 vehicle identification numbers.

157 (3) A low-speed vehicle or mini truck must be registered
 158 and insured in accordance with s. 320.02 and titled pursuant to
 159 chapter 319.

160 (4) Any person operating a low-speed vehicle or mini truck
 161 must have in his or her possession a valid driver's license.

162 (5) A county or municipality may prohibit the operation of
 163 low-speed vehicles or mini trucks on any road under its
 164 jurisdiction if the governing body of the county or municipality
 165 determines that such prohibition is necessary in the interest of
 166 safety.

167 (6) The Department of Transportation may prohibit the
 168 operation of low-speed vehicles or mini trucks on any road under

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169 its jurisdiction if it determines that such prohibition is
 170 necessary in the interest of safety.

171 Section 4. Section 319.40, Florida Statutes, is amended to
 172 read:

173 319.40 Transactions by electronic or telephonic means.--

174 (1) The department is authorized to accept any application
 175 provided for under this chapter by electronic or telephonic
 176 means.

177 (2) The department may issue an electronic certificate of
 178 title in lieu of printing a paper title.

179 (3) The department may collect and use e-mail addresses of
 180 motor vehicle owners and registrants as a notification method in
 181 lieu of the United States Postal Service.

182 Section 5. Effective July 1, 2009, subsection (27) of
 183 section 320.01, Florida Statutes, is amended, and subsection
 184 (45) is added to that section, to read:

185 320.01 Definitions, general.--As used in the Florida
 186 Statutes, except as otherwise provided, the term:

187 (27) "Motorcycle" means any motor vehicle having a seat or
 188 saddle for the use of the rider and designed to travel on not
 189 more than three wheels in contact with the ground, ~~but~~ excluding
 190 ~~a tractor, a moped, or~~ a vehicle in which the operator is
 191 enclosed by a cabin unless it meets the requirements set forth
 192 by the National Highway Traffic Safety Administration for a
 193 motorcycle. The term "motorcycle" does not include a tractor or
 194 a moped.

195 (45) "Mini truck" means any four-wheeled, reduced-
 196 dimension truck that does not have a National Highway Traffic

197 Safety Administration truck classification, with a top speed of
 198 55 miles per hour, and which is equipped with headlamps, stop
 199 lamps, turn signal lamps, taillamps, reflex reflectors, parking
 200 brakes, rearview mirrors, windshields, and seat belts.

201 Section 6. Paragraph (c) of subsection (5) of section
 202 320.023, Florida Statutes, is amended to read:

203 320.023 Requests to establish voluntary checkoff on motor
 204 vehicle registration application.--

205 (5) A voluntary contribution collected and distributed
 206 under this chapter, or any interest earned from those
 207 contributions, may not be used for commercial or for-profit
 208 activities nor for general or administrative expenses, except as
 209 authorized by law.

210 (c) Any voluntary contributions authorized by law must be
 211 deposited into and distributed from the Motor Vehicle License
 212 Clearing Trust Fund ~~shall only be distributed to an organization~~
 213 ~~under an appropriation by the Legislature.~~

214 Section 7. Effective July 1, 2009, section 320.0847,
 215 Florida Statutes, is created to read:

216 320.0847 Mini truck and low-speed vehicle license
 217 plates.--

218 (1) The department shall issue a license plate of unique
 219 design to the owner or lessee of any vehicle registered as a
 220 low-speed vehicle as defined in s. 320.01(42) or a mini truck as
 221 defined in s. 320.01(45) upon payment of the appropriate license
 222 taxes and fees prescribed in s. 320.08.

223 (2) The license plate for a low-speed vehicle or mini
 224 truck shall comply with the provisions of s. 320.06.

225 Section 8. Subsection (1) of section 320.203, Florida
 226 Statutes, is amended to read:

227 320.203 Disposition of biennial license tax moneys.--

228 (1) Notwithstanding ss. 320.08(1), (2), (3), (4) (a) or
 229 (b), (6), (7), (8), (9), (10), or (11), 320.08058, and 328.76
 230 and pursuant to s. 216.351, after the provisions of s.
 231 320.20(1), (2), (3), ~~and (4)~~, and (5) are fulfilled, an amount
 232 equal to 50 percent of revenues collected from the biennial
 233 registrations created in s. 320.07 shall be retained in the
 234 Motor Vehicle License Clearing Trust Fund, authorized in s.
 235 215.32(2)(b)2.f., until July 1. After July 1 of the subsequent
 236 fiscal year, an amount equal to 50 percent of revenues collected
 237 from the biennial registrations created in s. 320.07 shall be
 238 distributed according to ss. 320.08(1), (2), (3), (4) (a) or (b),
 239 (6), (7), (8), (9), (10), or (11), 320.08058, 328.76, and
 240 320.20(1), (2), (3), ~~and (4)~~, and (5).

241 Section 9. Section 320.95, Florida Statutes, is amended to
 242 read:

243 320.95 Transactions by electronic or telephonic means.--

244 (1) The department may ~~is authorized to~~ accept any
 245 application provided for under this chapter by electronic or
 246 telephonic means.

247 (2) The department may collect and use e-mail addresses of
 248 motor vehicle owners and registrants as a notification method in
 249 lieu of the United States Postal Service.

250 Section 10. Section 322.0261, Florida Statutes, is amended
 251 to read:

252 322.0261 Driver improvement course; requirement to

253 maintain driving privileges; failure to complete; department
 254 approval of course.--

255 (1) The department shall screen crash reports received
 256 under s. 316.066 or s. 324.051 to identify crashes involving the
 257 following:

258 (a) A crash involving death or a bodily injury requiring
 259 transport to a medical facility; ~~or~~

260 (b) A second crash by the same operator within the
 261 previous 2-year period involving property damage in an apparent
 262 amount of at least \$500; or

263 (c) A third crash by the same operator within 36 months
 264 after the first crash.

265 (2) With respect to an operator convicted of, or who
 266 pleaded nolo contendere to, a traffic offense giving rise to a
 267 crash identified in paragraph (1)(a) or paragraph (1)(b)
 268 ~~pursuant to subsection (1)~~, the department shall require that
 269 the operator, in addition to other applicable penalties, attend
 270 a department-approved driver improvement course in order to
 271 maintain his or her driving privileges. If the operator fails to
 272 complete the course within 90 days after ~~of~~ receiving notice
 273 from the department, the operator's driver's license shall be
 274 canceled by the department until the course is successfully
 275 completed.

276 (3) With respect to an operator convicted of, or who
 277 pleaded nolo contendere to, a traffic offense giving rise to a
 278 crash identified in paragraph (1)(c), the department shall
 279 require that the operator, in addition to other applicable
 280 penalties, attend a department-approved driver improvement

281 course in order to maintain his or her driving privileges. The
282 course must include behind-the-wheel instruction and an
283 assessment of the operator's ability to safely operate a motor
284 vehicle. Successful completion of a behind-the-wheel examination
285 is required in order to receive completion credit for the
286 course. If the operator fails to complete the course within 90
287 days after receiving notice from the department, the operator's
288 driver's license shall be canceled by the department until the
289 course is successfully completed.

290 (4)~~(3)~~ The department shall identify any operator
291 convicted of, or who pleaded nolo contendere to, a second
292 violation of s. 316.074(1) or s. 316.075(1)(c)1., which
293 violation occurred within 12 months after the first violation,
294 and shall require that operator, in addition to other applicable
295 penalties, to attend a department-approved driver improvement
296 course in order to maintain driving privileges. If the operator
297 fails to complete the course within 90 days after receiving
298 notice from the department, the operator's driver license shall
299 be canceled by the department until the course is successfully
300 completed.

301 (5)~~(4)~~ In determining whether to approve a driver
302 improvement course for the purposes of this section, the
303 department shall consider course content designed to promote
304 safety, driver awareness, crash avoidance techniques, and other
305 factors or criteria to improve driver performance from a safety
306 viewpoint.

307 Section 11. Effective July 1, 2009, subsection (1) of
308 section 322.03, Florida Statutes, is amended to read:

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309 | 322.03 Drivers must be licensed; penalties.--

310 | (1) Except as otherwise authorized in this chapter, a
 311 | person may not drive any motor vehicle upon a highway in this
 312 | state unless such person has a valid driver's license issued
 313 | ~~under the provisions of~~ this chapter.

314 | (a) A person who drives a commercial motor vehicle may
 315 | ~~shall~~ not receive a driver's license unless and until he or she
 316 | surrenders to the department all driver's licenses in his or her
 317 | possession issued to him or her by any other jurisdiction or
 318 | makes an affidavit that he or she does not possess a driver's
 319 | license. Any such person who fails to surrender such licenses or
 320 | who makes a false affidavit concerning such licenses commits is
 321 | ~~guilty of~~ a misdemeanor of the first degree, punishable as
 322 | provided in s. 775.082 or s. 775.083.

323 | (b) ~~A person who does not drive a commercial motor vehicle~~
 324 | ~~is not required to surrender a license issued by another~~
 325 | ~~jurisdiction, upon a showing to the department that such license~~
 326 | ~~is necessary because of employment or part-time residence. Any~~
 327 | ~~person who retains a driver's license because of employment or~~
 328 | ~~part-time residence shall, upon qualifying for a license in this~~
 329 | ~~state, be issued a driver's license which shall be valid within~~
 330 | ~~this state only.~~ All surrendered licenses may be returned by the
 331 | department to the issuing jurisdiction together with information
 332 | that the licensee is now licensed in a new jurisdiction or may
 333 | be destroyed by the department, which shall notify the issuing
 334 | jurisdiction of such destruction. A person may not have more
 335 | than one valid ~~Florida~~ driver's license at any time.

336 | (c) Part-time residents of this state issued a license

337 that is valid within this state only under paragraph (b) as that
 338 paragraph existed before June 30, 2009, may continue to hold
 339 such license until the next issuance of a Florida driver's
 340 license or identification card. Licenses that are identified as
 341 "Valid in Florida Only" may not be issued or renewed effective
 342 July 1, 2009. This paragraph expires June 30, 2017.

343 Section 12. Subsection (3) of section 322.051, Florida
 344 Statutes, is amended to read:

345 322.051 Identification cards.--

346 (3) If an identification card issued under this section is
 347 lost, destroyed, or mutilated or a new name is acquired, the
 348 person to whom it was issued may obtain a duplicate upon
 349 furnishing satisfactory proof of such fact to the department and
 350 upon payment of the applicable fee under s. 322.21 ~~a fee of \$10~~
 351 ~~for such duplicate, \$2.50 of which shall be deposited into the~~
 352 ~~General Revenue Fund and \$7.50 into the Highway Safety Operating~~
 353 ~~Trust Fund.~~ The fee must ~~shall~~ include payment for the color
 354 photograph or digital image of the applicant. Any person who
 355 loses an identification card and who, after obtaining a
 356 duplicate, finds the original card shall immediately surrender
 357 the original card to the department. The same documentary
 358 evidence must ~~shall~~ be furnished for a duplicate as for an
 359 original identification card.

360 Section 13. Subsection (6) of section 322.08, Florida
 361 Statutes, is redesignated as subsection (8), and new subsections
 362 (6) and (7) are added to that section, to read:

363 322.08 Application for license.--

364 (6) The department may not issue a driver's license or

365 identification card, as described in s. 322.051, to an applicant
 366 if the applicant holds a valid driver's license or
 367 identification card issued by any state.

368 (7) The department may collect and use e-mail addresses of
 369 driver's license or identification card holders as a
 370 notification method in lieu of the United States Postal Service.

371 Section 14. Subsection (1) of section 322.095, Florida
 372 Statutes, is amended to read:

373 322.095 Traffic law and substance abuse education program
 374 for driver's license applicants.--

375 (1) The Department of Highway Safety and Motor Vehicles
 376 must approve traffic law and substance abuse education courses
 377 that must be completed by applicants for a Florida driver's
 378 license. The curricula for the courses must provide instruction
 379 on the physiological and psychological consequences of the abuse
 380 of alcohol and other drugs, the societal and economic costs of
 381 alcohol and drug abuse, the effects of alcohol and drug abuse on
 382 the driver of a motor vehicle, and the laws of this state
 383 relating to the operation of a motor vehicle. ~~All instructors~~
 384 ~~teaching the courses shall be certified by the department.~~

385 Section 15. Paragraph (a) of subsection (8) of section
 386 322.18, Florida Statutes, is amended to read:

387 322.18 Original applications, licenses, and renewals;
 388 expiration of licenses; delinquent licenses.--

389 (8) The department shall issue 8-year renewals using a
 390 convenience service without reexamination to drivers who have
 391 not attained 80 years of age. The department shall issue 6-year
 392 renewals using a convenience service when the applicant has

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393 satisfied the requirements of subsection (5).

394 (a) If the department determines from its records that the
395 holder of a license about to expire is eligible for renewal, the
396 department shall mail or e-mail a renewal notice to the licensee
397 at his or her last known address, not less than 30 days prior to
398 the licensee's birthday. The renewal notice shall direct the
399 licensee to appear at a driver license office for in-person
400 renewal or to transmit the completed renewal notice and the fees
401 required by s. 322.21 to the department using a convenience
402 service.

403 Section 16. Section 322.201, Florida Statutes, is amended
404 to read:

405 322.201 Records as evidence.--A copy, computer copy, or
406 transcript of all abstracts of crash reports and all abstracts
407 of court records of convictions received by the department and
408 the complete driving record of any individual duly certified by
409 ~~machine imprint~~ of the department or by ~~machine imprint~~ of the
410 clerk of a court shall be received as evidence in all courts of
411 this state without further authentication, provided the same is
412 otherwise admissible in evidence. Further, any court or the
413 office of the clerk of any court of this state which is
414 electronically connected by a terminal device to the computer
415 data center of the department may use as evidence in any case
416 the information obtained by this device from the records of the
417 department without need of such certification; however, if a
418 genuine issue as to the authenticity of such information is
419 raised by a party or by the court, the court in its sound
420 discretion may require that a record certified by the department

421 be submitted for admission into evidence. For such computer
 422 copies generated by a terminal device of a court or clerk of
 423 court, entry in a driver's record that the notice required by s.
 424 322.251 was given shall constitute sufficient evidence that such
 425 notice was given.

426 Section 17. Effective July 1, 2009, subsection (2) of
 427 section 322.2615, Florida Statutes, is amended, and subsection
 428 (17) is added to that section, to read:

429 322.2615 Suspension of license; right to review.--

430 (2) Except as provided in paragraph (1)(a), the law
 431 enforcement officer shall forward to the department, within 5
 432 days after issuing the notice of suspension, the driver's
 433 license; an affidavit stating the officer's grounds for belief
 434 that the person was driving or in actual physical control of a
 435 motor vehicle while under the influence of alcoholic beverages
 436 or chemical or controlled substances; the results of any breath
 437 or blood test or an affidavit stating that a breath, blood, or
 438 urine test was requested by a law enforcement officer or
 439 correctional officer and that the person refused to submit; the
 440 officer's description of the person's field sobriety test, if
 441 any; and the notice of suspension; ~~and a copy of the crash~~
 442 ~~report, if any.~~ The failure of the officer to submit materials
 443 within the 5-day period specified in this subsection and in
 444 subsection (1) does not affect the department's ability to
 445 consider any evidence submitted at or prior to the hearing. The
 446 officer may also submit a copy of the crash report or a copy of
 447 a videotape of the field sobriety test or the attempt to
 448 administer such test. Materials submitted to the department by a

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449 law enforcement agency or correctional agency shall be
 450 considered self-authenticating and shall be in the record for
 451 consideration by the hearing officer. Notwithstanding s.
 452 316.066(7), the crash report shall be considered by the hearing
 453 officer.

454 (17) Notwithstanding s. 316.1932, the term "lawful breath,
 455 blood, or urine test" means any breath, blood, or urine test
 456 approved by the Department of Law Enforcement.

457 Section 18. Subsection (2) of section 322.271, Florida
 458 Statutes, is amended to read:

459 322.271 Authority to modify revocation, cancellation, or
 460 suspension order.--

461 (2) ~~(a)~~ At ~~Upon~~ such hearing, the person whose license has
 462 been suspended, canceled, or revoked may show that such
 463 suspension, cancellation, or revocation ~~of his or her license~~
 464 causes a serious hardship and precludes the person from ~~person's~~
 465 carrying out his or her normal business occupation, trade, or
 466 employment and that the use of the person's license in the
 467 normal course of his or her business is necessary to the proper
 468 support of the person or his or her family.

469 (a) Except as otherwise provided in this subsection, the
 470 department shall require proof of the successful completion of
 471 the applicable department-approved driver training course
 472 operating pursuant to s. 318.1451 or DUI program substance abuse
 473 education course and evaluation as provided in s. 316.193(5).
 474 Letters of recommendation from respected business persons in the
 475 community, law enforcement officers, or judicial officers may
 476 also be required to determine whether the ~~such~~ person should be

477 permitted to operate a motor vehicle on a restricted basis for
 478 business or employment use only and in determining whether such
 479 person can be trusted to so operate a motor vehicle. If a
 480 driver's license has been suspended under the point system or
 481 under ~~pursuant to~~ s. 322.2615, the department shall require
 482 proof of enrollment in the applicable department-approved driver
 483 training course or licensed DUI program substance abuse
 484 education course, including evaluation and treatment, if
 485 referred, and may require letters of recommendation described in
 486 this paragraph ~~subsection~~ to determine if the driver should be
 487 reinstated on a restricted basis. If the ~~such~~ person fails to
 488 complete the approved course within 90 days after reinstatement
 489 or subsequently fails to complete treatment, ~~if applicable,~~ the
 490 department shall cancel his or her driver's license until the
 491 course and treatment, if applicable, is successfully completed,
 492 notwithstanding the terms of the court order or any suspension
 493 or revocation of the driving privilege. The department may
 494 temporarily reinstate the driving privilege on a restricted
 495 basis upon verification from the DUI program that the offender
 496 has reentered and is currently participating in treatment and
 497 has completed the DUI education course and evaluation
 498 requirement. If the DUI program notifies the department of the
 499 second failure to complete treatment, the department shall
 500 reinstate the driving privilege only after notice of completion
 501 of treatment from the DUI program. The privilege of driving on a
 502 limited or restricted basis for business or employment use may
 503 ~~shall~~ not be granted to a person who has been convicted of a
 504 violation of s. 316.193 until completion of the DUI program

505 substance abuse education course and evaluations as provided in
 506 s. 316.193(5). Except as provided in paragraph (c) ~~(b)~~, the
 507 privilege of driving on a limited or restricted basis for
 508 business or employment use may ~~shall~~ not be granted to a person
 509 whose license is revoked pursuant to s. 322.28 or suspended
 510 pursuant to s. 322.2615 and who has been convicted of a
 511 violation of s. 316.193 two or more times or whose license has
 512 been suspended two or more times for refusal to submit to a test
 513 pursuant to s. 322.2615 or former s. 322.261.

514 (b) The department may waive the hearing process for
 515 suspensions and revocations upon request by the driver if the
 516 driver has enrolled or completed the applicable driver training
 517 course approved under s. 318.1451 or the DUI program substance
 518 abuse education course and evaluation provided in s. 316.193(5).
 519 However, the department may not waive the hearing for
 520 suspensions or revocations that involve death or serious bodily
 521 injury, multiple convictions for violations of s. 316.193
 522 pursuant to s. 322.27(5), or a second or subsequent suspension
 523 or revocation pursuant to the same provision of this chapter.
 524 This paragraph does not preclude the department from requiring a
 525 hearing for any suspension or revocation that it determines is
 526 warranted based on the severity of the offense.

527 (c) ~~(b)~~ A person whose license has been revoked for a
 528 period of 5 years or less pursuant to s. 322.28(2)(a) may, ~~upon~~
 529 ~~the expiration of~~ 12 months after the date the ~~said~~ revocation
 530 was imposed, petition the department for reinstatement of his or
 531 her driving privilege on a restricted basis. A person whose
 532 license has been revoked for ~~a period of~~ more than 5 years under

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533 s. 322.28(2)(a) may, ~~upon the expiration of~~ 24 months after the
534 date the revocation was imposed, petition the department for
535 reinstatement of his or her driving privilege on a restricted
536 basis. Reinstatement under ~~of the driving privilege pursuant to~~
537 this subsection is ~~shall be~~ restricted to business or employment
538 purposes only. In addition, the department shall require such
539 persons upon reinstatement to have not driven and to have been
540 drug free for at least 12 months immediately before the ~~prior to~~
541 ~~such~~ reinstatement, to be supervised by a DUI program licensed
542 by the department, and to report to the program at least three
543 times a year as required by the program for the duration of the
544 revocation period for supervision. Such supervision includes
545 ~~shall include~~ evaluation, education, referral into treatment,
546 and other activities required by the department. Such persons
547 shall assume reasonable costs of supervision. If the ~~such~~ person
548 fails to comply with the required supervision, the program shall
549 report the failure to the department, and the department shall
550 cancel the ~~such~~ person's driving privilege. This paragraph does
551 not apply to any person whose driving privilege has been
552 permanently revoked.

553 (d) ~~(e)~~ For the purpose of this section, a previous
554 conviction of driving under the influence, driving while
555 intoxicated, driving with an unlawful blood-alcohol level, or
556 any other similar alcohol-related or drug-related offense
557 outside this state or a previous conviction of former s.
558 316.1931, former s. 316.028, or former s. 860.01 is ~~shall be~~
559 considered a previous conviction for violation of s. 316.193.

560 (e) ~~(d)~~ The department, based upon review of the licensee's

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561 application for reinstatement, may require use of an ignition
562 interlock device pursuant to s. 322.2715.

563 Section 19. Subsection (2) of section 322.293, Florida
564 Statutes, is amended to read:

565 322.293 DUI Programs Coordination Trust Fund; assessment;
566 disposition.--

567 (2) Each DUI program shall assess \$12 against each person
568 enrolling in a DUI program at the time of enrollment, including
569 persons who transfer to or from a program in another state. In
570 addition, second and third offenders and those offenders under
571 permanent driver's-license revocation who are evaluated for
572 eligibility for license restrictions under s. 322.271(2) (c) ~~(b)~~
573 and (4) shall be assessed \$12 upon enrollment in the program and
574 upon each subsequent anniversary date while they are in the
575 program, for the duration of the license period.

576 Section 20. Subsection (1), paragraph (b) of subsection
577 (7), and subsection (8) of section 322.64, Florida Statutes, are
578 amended to read:

579 322.64 Holder of commercial driver's license; persons
580 operating a commercial motor vehicle; driving with unlawful
581 blood-alcohol level; refusal to submit to breath, urine, or
582 blood test.--

583 (1) (a) A law enforcement officer or correctional officer
584 shall, on behalf of the department, disqualify from operating
585 any commercial motor vehicle a person who while operating or in
586 actual physical control of a commercial motor vehicle is
587 arrested for a violation of s. 316.193, relating to unlawful
588 blood-alcohol level or breath-alcohol level, or a person who has

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589 refused to submit to a breath, urine, or blood test authorized
590 by s. 322.63 or s. 316.1932 arising out of the operation or
591 actual physical control of a commercial motor vehicle. A law
592 enforcement officer or correctional officer shall, on behalf of
593 the department, disqualify the holder of a commercial driver's
594 license from operating any commercial motor vehicle if the
595 licenseholder, while operating or in actual physical control of
596 a motor vehicle, is arrested for a violation of s. 316.193,
597 relating to unlawful blood-alcohol level or breath-alcohol
598 level, or refused to submit to a breath, urine, or blood test
599 authorized by s. 322.63 or s. 316.1932. Upon disqualification of
600 the person, the officer shall take the person's driver's license
601 and issue the person a 10-day temporary permit for the operation
602 of noncommercial vehicles only if the person is otherwise
603 eligible for the driving privilege and shall issue the person a
604 notice of disqualification. If the person has been given a
605 blood, breath, or urine test, the results of which are not
606 available to the officer at the time of the arrest, the agency
607 employing the officer shall transmit such results to the
608 department within 5 days after receipt of the results. If the
609 department then determines that the person had a blood-alcohol
610 level or breath-alcohol level of 0.08 or higher, the department
611 shall disqualify the person from operating a commercial motor
612 vehicle pursuant to subsection (3).

613 (b) The disqualification under paragraph (a) shall be
614 pursuant to, and the notice of disqualification shall inform the
615 driver of, the following:

616 1.a. The driver refused to submit to a lawful breath,

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617 blood, or urine test and he or she is disqualified from
618 operating a commercial motor vehicle for a period of 1 year, for
619 a first refusal, or permanently, if he or she has previously
620 been disqualified under this section ~~as a result of a refusal to~~
621 ~~submit to such a test~~; or

622 b. The driver was driving or in actual physical control of
623 a commercial motor vehicle, or any motor vehicle if the driver
624 holds a commercial driver's license, had an unlawful blood-
625 alcohol level or breath-alcohol level of 0.08 or higher, and his
626 or her driving privilege shall be disqualified for a period of 1
627 year for a first offense or permanently disqualified if his or
628 her driving privilege has been previously disqualified under
629 this section.

630 2. The disqualification period for operating commercial
631 vehicles shall commence on the date of issuance of the notice of
632 disqualification.

633 3. The driver may request a formal or informal review of
634 the disqualification by the department within 10 days after the
635 date of issuance of the notice of disqualification.

636 4. The temporary permit issued at the time of
637 disqualification expires at midnight of the 10th day following
638 the date of disqualification.

639 5. The driver may submit to the department any materials
640 relevant to the disqualification.

641 (7) In a formal review hearing under subsection (6) or an
642 informal review hearing under subsection (4), the hearing
643 officer shall determine by a preponderance of the evidence
644 whether sufficient cause exists to sustain, amend, or invalidate

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645 the disqualification. The scope of the review shall be limited
646 to the following issues:

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

650 1. Whether the law enforcement officer had probable cause
651 to believe that the person was driving or in actual physical
652 control of a commercial motor vehicle, or any motor vehicle if
653 the driver holds a commercial driver's license, in this state
654 while he or she had any alcohol, chemical substances, or
655 controlled substances in his or her body.

656 2. Whether the person refused to submit to the test after
657 being requested to do so by a law enforcement officer or
658 correctional officer.

659 3. Whether the person was told that if he or she refused
660 to submit to such test he or she would be disqualified from
661 operating a commercial motor vehicle for a period of 1 year or,
662 if previously disqualified under this section ~~in the case of a~~
663 ~~second refusal~~, permanently.

664 (8) Based on the determination of the hearing officer
665 pursuant to subsection (7) for both informal hearings under
666 subsection (4) and formal hearings under subsection (6), the
667 department shall:

668 (a) Sustain the disqualification for a period of 1 year
669 for a first refusal, or permanently if such person has been
670 previously disqualified from operating a commercial motor
671 vehicle under this section ~~as a result of a refusal to submit to~~
672 ~~such tests~~. The disqualification period commences on the date of

673 the ~~arrest or~~ issuance of the notice of disqualification,
 674 ~~whichever is later.~~

675 (b) Sustain the disqualification:

676 1. For a period of 1 year if the person was driving or in
 677 actual physical control of a commercial motor vehicle, or any
 678 motor vehicle if the driver holds a commercial driver's license,
 679 and had an unlawful blood-alcohol level or breath-alcohol level
 680 of 0.08 or higher; or

681 2. Permanently if the person has been previously
 682 disqualified from operating a commercial motor vehicle under
 683 this section or his or her driving privilege has been previously
 684 suspended for driving or being in actual physical control of a
 685 commercial motor vehicle, or any motor vehicle if the driver
 686 holds a commercial driver's license, and had an unlawful blood-
 687 alcohol level or breath-alcohol level of 0.08 or higher.

688
 689 The disqualification period commences on the date of the ~~arrest~~
 690 ~~or~~ issuance of the notice of disqualification.

691 Section 21. Section 328.30, Florida Statutes, is amended
 692 to read:

693 328.30 Transactions by electronic or telephonic means.--

694 (1) The department may ~~is authorized to~~ accept any
 695 application provided for under this chapter by electronic or
 696 telephonic means.

697 (2) The department may issue an electronic certificate of
 698 title in lieu of printing a paper title.

699 (3) The department may collect and use e-mail addresses of
 700 vessel owners and registrants as a notification method in lieu

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701 of the United States Postal Service.

702 Section 22. Section 328.80, Florida Statutes, is amended
703 to read:

704 328.80 Transactions by electronic or telephonic means.--

705 (1) The department may ~~commission is authorized to~~ accept
706 any application provided for under this chapter by electronic or
707 telephonic means.

708 (2) The department may collect and use e-mail addresses of
709 vessel owners and registrants as a notification method in lieu
710 of the United States Postal Service.

711 Section 23. Except as otherwise expressly provided in this
712 act, this act shall take effect January 1, 2010.