



26 license tags; prohibiting devices and methods that conceal  
27 or obscure the license tag; amending s. 316.2122, F.S.;  
28 authorizing mini truck operation on local roads and urban  
29 minor arterial roads with specified restrictions; amending  
30 s. 319.30, F.S.; revising the definitions of the terms  
31 "certificate of title," "derelict motor vehicle," and  
32 "derelict motor vehicle certificate"; defining the term  
33 "seller"; revising provisions for a derelict motor vehicle  
34 to be dismantled or converted to scrap metal; requiring  
35 derelict vehicle certificate applications received by  
36 salvage motor vehicle dealers and secondary metals  
37 recyclers to contain the identification card number of the  
38 seller or owner; providing that towing operators may not  
39 use a derelict motor vehicle certificate application to  
40 transport, sell, or dispose of a motor vehicle at a  
41 salvage motor vehicle dealer or metal recycler without  
42 obtaining the title or certificate of destruction;  
43 providing penalties; amending s. 320.01, F.S.; revising  
44 the definition of the term "motorcycle"; defining the term  
45 "mini truck"; amending s. 320.08, F.S.; providing an  
46 annual license tax for the operation of tri-vehicles;  
47 creating s. 320.0847, F.S.; providing for issuance of  
48 license plates for low-speed vehicles and mini trucks;  
49 amending s. 320.0848, F.S.; providing that a certifying  
50 physician may sign a parking permit application on behalf

51 of a disabled person unable to physically visit a driver  
52 license or tax collector's office; amending s. 322.01,  
53 F.S.; revising the definition of the term "motorcycle" to  
54 include tri-vehicles; defining the term "tri-vehicle" as  
55 used in provisions for driver's licenses; amending s.  
56 322.0261, F.S.; requiring the department to screen crash  
57 reports to identify a third crash by the same operator  
58 within a specified period after the driver's first crash;  
59 requiring a driver who is convicted of or who pleads nolo  
60 contendere to a traffic offense giving rise to three or  
61 more crashes within a specified period to attend a  
62 department-approved driver improvement course in order to  
63 maintain his or her driving privileges; providing for  
64 content of the driving course; requiring successful  
65 completion of a behind-the-wheel examination; requiring  
66 that the department cancel an operator's driver's license  
67 if the operator fails to complete the course within a  
68 specified time; amending s. 322.03, F.S.; providing for  
69 part-time residents of the state to be issued a license  
70 that is valid within this state only and continue to hold  
71 such license until the next regularly scheduled renewal;  
72 providing a termination date for Florida-only licenses;  
73 amending s. 322.08, F.S.; prohibiting the department from  
74 issuing a driver's license or identification card to an  
75 applicant if the applicant holds a valid driver's license

76 or identification card issued by any state; amending s.  
 77 322.125, F.S.; directing the department to adopt rules  
 78 with respect to its Medical Advisory Board; amending s.  
 79 322.271, F.S.; authorizing the department to modify a  
 80 revocation, cancellation, or suspension order; providing  
 81 that the department may waive the hearing process for  
 82 suspensions and revocations upon request by the driver  
 83 under certain circumstances; amending s. 322.64, F.S.;  
 84 providing for disqualification of a driver of a commercial  
 85 motor vehicle for certain violations; providing effective  
 86 dates.

87

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

89

90 Section 1. Implementation of litigation settlement  
 91 provisions of Collier v. Dickinson.--

92 (1) Any person who held a driver's license, identification  
 93 card, or motor vehicle registration that was valid between June  
 94 1, 2000, and September 30, 2004, is eligible to receive a single  
 95 \$1 credit on a new or renewed motor vehicle registration between  
 96 July 1, 2009, and June 30, 2010.

97 (2) Notwithstanding the provisions of s. 320.08046,  
 98 Florida Statutes, the 58 percent of the surcharge levied under  
 99 s. 320.08046, Florida Statutes, that is to be deposited into the  
 100 General Revenue Fund pursuant to that section shall be used to

101 fund the \$1 credit authorized in subsection (1).

102 (3) Eligible recipients may elect to return their credit.

103 (4) The Department of Highway Safety and Motor Vehicles  
 104 may only allow the credits authorized in subsection (1) if the  
 105 United States District Court for the Southern District of  
 106 Florida grants an order finally approving the settlement  
 107 agreement in Collier, et al. v. Dickinson, et al., case number  
 108 04-21351-DV-JEM.

109 (5) This section takes effect upon this act becoming a law  
 110 and expires July 1, 2011.

111 Section 2. Section 20.24, Florida Statutes, is reenacted  
 112 and amended to read:

113 20.24 Department of Highway Safety and Motor  
 114 Vehicles.--There is created a Department of Highway Safety and  
 115 Motor Vehicles.

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

118 (2) The following divisions, and bureaus within the  
 119 divisions, of the Department of Highway Safety and Motor  
 120 Vehicles are established:

121 (a) Division of the Florida Highway Patrol.

122 (b) Division of Driver Licenses.

123 (c) Division of Motor Vehicles.

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

125 Section 3. Section 320.08046, Florida Statutes, reads:

126           320.08046 Surcharge on license tax; General Revenue  
127 Fund.--There is levied on each license tax imposed under s.  
128 320.08, except those set forth in s. 320.08(11), a surcharge in  
129 the amount of \$1, which shall be collected in the same manner as  
130 the license tax. Of the proceeds of the license tax surcharge,  
131 58 percent shall be deposited into the General Revenue Fund and  
132 42 percent shall be deposited into the Grants and Donations  
133 Trust Fund in the Department of Juvenile Justice to fund the  
134 community juvenile justice partnership grants program.

135           Section 4. Effective September 1, 2009, subsection (22) of  
136 section 316.003, Florida Statutes, is amended, and subsection  
137 (86) is added to that section, to read:

138           316.003 Definitions.--The following words and phrases,  
139 when used in this chapter, shall have the meanings respectively  
140 ascribed to them in this section, except where the context  
141 otherwise requires:

142           (22) MOTORCYCLE.--Any motor vehicle having a seat or  
143 saddle for the use of the rider and designed to travel on not  
144 more than three wheels in contact with the ground, but excluding  
145 a tractor, ~~or a moped,~~ or tri-vehicle.

146           (86) TRI-VEHICLE.--An enclosed three-wheeled passenger  
147 vehicle that is designed to operate with three wheels in contact  
148 with the ground; has a minimum unladen weight of 900 pounds; has  
149 a single, completely enclosed, occupant compartment; is produced  
150 by its manufacturer in a minimum quantity of 300 in any calendar

151 year; and is equipped with:

152 (a) Seats that are certified by the vehicle manufacturer  
153 to meet the requirements of Federal Motor Vehicle Safety  
154 Standard No. 207, Seating Systems, Title 49, C.F.R. s. 571.207.

155 (b) A steering wheel used to maneuver the vehicle.

156 (c) A propulsion unit located either forward or aft of the  
157 enclosed occupant compartment.

158 (d) A seat belt for each vehicle occupant certified to  
159 meet the requirements of Federal Motor Vehicle Safety Standard  
160 No. 209, Seat Belt Assemblies, Title 49, C.F.R. s. 571.209.

161 (e) A windshield and appropriate windshield wipers meeting  
162 the requirements of Federal Motor Vehicle Safety Standard No.  
163 205, Glazing Materials, Title 49, C.F.R. s. 571.205 and Federal  
164 Motor Vehicle Safety Standard No. 212, Windshield Wiper  
165 Assemblies, Title 49, C.F.R. s. 571.212.

166 (f) A vehicle structure certified by the vehicle  
167 manufacturer to meet the requirements of Federal Motor Vehicle  
168 Safety Standard No. 216, Roof Crush Resistance, Title 49, C.F.R.  
169 s. 571.216.

170 Section 5. Effective September 1, 2009, subsection (1) of  
171 section 316.0741, Florida Statutes, is amended to read:

172 316.0741 High-occupancy-vehicle lanes.--

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

174 (a) "High-occupancy-vehicle lane" or "HOV lane" means a  
175 lane of a public roadway designated for use by vehicles in which

176 | there is more than one occupant unless otherwise authorized by  
 177 | federal law.

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

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

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

188 | 2. That, in the case of a tri-vehicle, is an inherently  
 189 | low-emission vehicle (ILEV) in accordance with subsection (4).

190 | Section 6. Subsection (1) of section 316.126, Florida  
 191 | Statutes, is amended to read:

192 | 316.126 Operation of vehicles and actions of pedestrians  
 193 | on approach of authorized emergency vehicle.--

194 | (1)(a) Upon the immediate approach of an authorized  
 195 | emergency vehicle, while en route to meet an existing emergency,  
 196 | the driver of every other vehicle shall, when such emergency  
 197 | vehicle is giving audible signals by siren, exhaust whistle, or  
 198 | other adequate device, or visible signals by the use of  
 199 | displayed blue or red lights, yield the right-of-way to the  
 200 | emergency vehicle and shall immediately proceed to a position



201 parallel to, and as close as reasonable to the closest edge of  
202 the curb of the roadway, clear of any intersection and shall  
203 stop and remain in position until the authorized emergency  
204 vehicle has passed, unless otherwise directed by any law  
205 enforcement officer.

206 (b) When an authorized emergency vehicle making use of any  
207 visual signals is parked or a wrecker displaying amber rotating  
208 or flashing lights is performing a recovery or loading on the  
209 roadside, the driver of every other vehicle, as soon as it is  
210 safe:

211 1. Shall vacate the lane closest to the emergency vehicle  
212 or wrecker when driving on an interstate highway or other  
213 highway with two or more lanes traveling in the direction of the  
214 emergency vehicle or wrecker, except when otherwise directed by  
215 a law enforcement officer. If such movement cannot be safely  
216 accomplished, the driver shall reduce speed as provided in  
217 subparagraph 2.

218 2. Shall slow to a speed that is 20 miles per hour less  
219 than the posted speed limit when the posted speed limit is 25  
220 miles per hour or greater; or travel at 5 miles per hour when  
221 the posted speed limit is 20 miles per hour or less, when  
222 driving on a two-lane road, except when otherwise directed by a  
223 law enforcement officer.

224 (c) The Department of Highway Safety and Motor Vehicles  
225 shall provide an educational awareness campaign informing the

226 | motoring public about the Move Over Act. The department shall  
227 | provide information about the Move Over Act in all newly printed  
228 | driver's license educational materials after July 1, 2002.

229 |

230 | This section does ~~shall~~ not relieve the driver of an authorized  
231 | emergency vehicle from the duty to drive with due regard for the  
232 | safety of all persons using the highway.

233 | Section 7. Subsection (3) of section 316.2085, Florida  
234 | Statutes, is amended to read:

235 | 316.2085 Riding on motorcycles or mopeds.--

236 | (3) The license tag of a motorcycle or moped must be  
237 | permanently affixed horizontally to the vehicle ~~ground~~ and may  
238 | not be adjusted or capable of being flipped up. A device for or  
239 | method of concealing or obscuring the legibility of the license  
240 | tag of a motorcycle may not be installed or used.

241 | Section 8. Section 316.2122, Florida Statutes, is amended  
242 | to read:

243 | 316.2122 Operation of a low-speed vehicle or mini truck on  
244 | certain roadways.--The operation of a low-speed vehicle~~τ~~ as  
245 | defined in s. 320.01(42)~~τ~~ or a mini truck as defined in s.  
246 | 320.01(45) on any road as defined in s. 334.03(15) or (33)~~τ~~ is  
247 | authorized with the following restrictions:

248 | (1) A low-speed vehicle or mini truck may be operated only  
249 | on streets where the posted speed limit is 35 miles per hour or  
250 | less. This does not prohibit a low-speed vehicle or mini truck

251 from crossing a road or street at an intersection where the road  
252 or street has a posted speed limit of more than 35 miles per  
253 hour.

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

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

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

263 (5) A county or municipality may prohibit the operation of  
264 low-speed vehicles or mini trucks on any road under its  
265 jurisdiction if the governing body of the county or municipality  
266 determines that such prohibition is necessary in the interest of  
267 safety.

268 (6) The Department of Transportation may prohibit the  
269 operation of low-speed vehicles or mini trucks on any road under  
270 its jurisdiction if it determines that such prohibition is  
271 necessary in the interest of safety.

272 Section 9. Effective July 1, 2009, paragraphs (c), (e),  
273 and (f) of subsection (1), paragraphs (b) and (c) of subsection  
274 (2), and paragraph (a) of subsection (7) of section 319.30,  
275 Florida Statutes, are amended, paragraphs (f) and (g) of

276 subsection (8) are redesignated as paragraphs (g) and (h),  
277 respectively, a new paragraph (f) is added to subsection (8),  
278 and paragraph (v) is added to subsection (1) of that section, to  
279 read:

280 319.30 Definitions; dismantling, destruction, change of  
281 identity of motor vehicle or mobile home; salvage.--

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

283 (c) "Certificate of title" means a record that serves as  
284 evidence of ownership of a vehicle, whether such record is a  
285 paper certificate authorized by the department or by another  
286 motor vehicle department authorized to issue titles in another  
287 state or a certificate consisting of information stored in  
288 electronic form in the department's database.

289 (e) "Derelict motor vehicle" means any motor vehicle as  
290 defined in s. 320.01(1) or mobile home as defined in s.  
291 320.01(2), with or without all parts, major parts, or major  
292 component parts, which is valued under \$1,000, is at least 10  
293 model years old beginning with the model year of the vehicle  
294 being year 1, and is in such condition that its highest or  
295 primary value is for sale, transport, or delivery to a licensed  
296 salvage motor vehicle dealer or registered secondary metals  
297 recycler for dismantling its component parts or conversion to  
298 scrap metal.

299 (f) "Derelict motor vehicle certificate" means a  
300 certificate issued by the department which serves as evidence

301 that a derelict motor vehicle will be dismantled or converted to  
302 scrap metal. The certificate is obtained by completing a  
303 derelict motor vehicle certificate application authorized by the  
304 department ~~completed by the derelict motor vehicle owner, the~~  
305 ~~owner's authorized transporter when different from the owner,~~  
306 ~~and the licensed salvage motor vehicle dealer or the registered~~  
307 ~~secondary metals recycler and submitted to the department for~~  
308 ~~cancellation of the title record of the derelict motor vehicle.~~  
309 A derelict motor vehicle certificate may be reassigned only one  
310 time if the derelict motor vehicle certificate was completed by  
311 a licensed salvage motor vehicle dealer and the derelict motor  
312 vehicle was sold to a secondary metals recycler.

313 (v) "Seller" means a person who has physical possession of  
314 and responsibility for a derelict motor vehicle and attests that  
315 all attempts to locate the lawful titled owner have been  
316 exhausted. A seller does not include a towing company, a repair  
317 shop, or a landlord unless such company, shop, or landlord has  
318 obtained a certificate of title, salvage certificate of title,  
319 or certificate of destruction in its own name.

320 (2)

321 (b)1. When a motor vehicle, recreational vehicle, or  
322 mobile home is sold, transported, or delivered to a salvage  
323 motor vehicle dealer, it shall be accompanied by:

324 a. A valid certificate of title issued in the name of the  
325 seller or properly endorsed, as required in s. 319.22, over to

326 the seller;

327 b. A valid salvage certificate of title issued in the name  
328 of the seller or properly endorsed, as required in s. 319.22,  
329 over to the seller; or

330 c. A valid certificate of destruction issued in the name  
331 of the seller or properly endorsed over to the seller.

332 2. Any person who willfully and deliberately violates this  
333 paragraph by selling, transporting, delivering, purchasing, or  
334 receiving a motor vehicle, recreational vehicle, or mobile home  
335 without obtaining a properly endorsed certificate of title,  
336 salvage certificate of title, or certificate of destruction from  
337 the owner commits a felony of the third degree, punishable as  
338 provided in s. 775.082, s. 775.083, or s. 775.084.

339 (c)1. When a derelict motor vehicle is sold, transported,  
340 or delivered to a licensed salvage motor vehicle dealer, the  
341 purchaser shall record the date of purchase and the name,  
342 address, and personal identification card number of the person  
343 selling the derelict motor vehicle, and it shall be accompanied  
344 by:

345 a. A valid certificate of title issued in the name of the  
346 seller or properly endorsed, as required in s. 319.22, over to  
347 the seller;

348 b. A valid salvage certificate of title issued in the name  
349 of the seller or properly endorsed, as required in s. 319.22,  
350 over to the seller; or

351 c. A valid certificate of destruction issued in the name  
352 of the seller or properly endorsed over to the seller.

353 2. If the certificate of title, salvage certificate of  
354 title, or certificate of destruction is not available, a  
355 derelict motor vehicle certificate application shall be  
356 completed by the seller or owner of the motor vehicle or mobile  
357 home, the seller's or owner's authorized transporter, and the  
358 licensed salvage motor vehicle dealer at the time of sale,  
359 transport, or delivery to the licensed salvage motor vehicle  
360 dealer. The derelict motor vehicle certificate application shall  
361 be used by the seller or owner, the seller's or owner's  
362 authorized transporter, and the licensed salvage motor vehicle  
363 dealer to obtain a derelict motor vehicle certificate from the  
364 department. The identifying number on the personal  
365 identification card of the seller or owner must be recorded on  
366 the derelict motor vehicle certificate application. The derelict  
367 motor vehicle certificate application must be accompanied by a  
368 copy of the seller's or owner's personal identification card if  
369 the personal identification card is not a driver's license or  
370 identification card issued by this state. The licensed salvage  
371 motor vehicle dealer shall secure the motor vehicle or mobile  
372 home for 3 full business days, excluding weekends and holidays,  
373 before destroying or dismantling the derelict motor vehicle and  
374 shall follow all reporting procedures established by the  
375 department, including electronic notification to the department

376 or delivery of the original derelict motor vehicle certificate  
377 application to an agent of the department within 24 hours after  
378 receiving the derelict motor vehicle.

379 3. Any person who willfully and deliberately violates this  
380 paragraph by selling, transporting, delivering, purchasing, or  
381 receiving a derelict motor vehicle without obtaining a  
382 certificate of title, salvage certificate of title, certificate  
383 of destruction, or derelict motor vehicle certificate  
384 application; enters false or fictitious information on a  
385 derelict motor vehicle certificate application; does not  
386 complete the derelict motor vehicle certificate application as  
387 required; does not obtain a copy of the seller's or owner's  
388 personal identification card when required; or does not make the  
389 required notification to the department; or destroys or  
390 dismantles a derelict motor vehicle without waiting the required  
391 3 full business days commits a felony of the third degree,  
392 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

393 (7) (a) In the event of a purchase by a secondary metals  
394 recycler, that has been issued a certificate of registration  
395 number, of:

396 1. Materials, prepared materials, or parts from any seller  
397 for purposes other than the processing of such materials,  
398 prepared materials, or parts, the purchaser shall obtain such  
399 documentation as may be required by this section and shall  
400 record the seller's name and address, date of purchase, and the



401 personal identification card number of the person delivering  
402 such items.

403 2. Parts or prepared materials from any seller for  
404 purposes of the processing of such parts or prepared materials,  
405 the purchaser shall record the seller's name and address and  
406 date of purchase and, in the event of a purchase transaction  
407 consisting primarily of parts or prepared materials, the  
408 personal identification card number of the person delivering  
409 such items.

410 3. Materials from another secondary metals recycler for  
411 purposes of the processing of such materials, the purchaser  
412 shall record the seller's name and address and date of purchase.

413 4.a. Motor vehicles, recreational vehicles, mobile homes,  
414 or derelict motor vehicles from other than a secondary metals  
415 recycler for purposes of the processing of such motor vehicles,  
416 recreational vehicles, mobile homes, or derelict motor vehicles,  
417 the purchaser shall record the date of purchase and the name,  
418 address, and personal identification card number of the person  
419 selling such items and shall obtain the following documentation  
420 from the seller with respect to each item purchased:

421 (I) A valid certificate of title issued in the name of the  
422 seller or properly endorsed, as required in s. 319.22, over to  
423 the seller;

424 (II) A valid salvage certificate of title issued in the  
425 name of the seller or properly endorsed, as required in s.

426 319.22, over to the seller;

427 (III)~~(II)~~ A valid certificate of destruction issued in the  
428 name of the seller or properly endorsed over to the seller; or

429 (IV)~~(III)~~ A valid derelict motor vehicle certificate  
430 obtained from the department ~~completed~~ by a licensed salvage  
431 motor vehicle dealer and properly reassigned to the secondary  
432 metals recycler.

433 b. If a valid certificate of title, salvage certificate of  
434 title, certificate of destruction, or derelict motor vehicle  
435 certificate is not available and the motor vehicle or mobile  
436 home is a derelict motor vehicle, a derelict motor vehicle  
437 certificate application shall be completed by the seller or  
438 owner of the motor vehicle or mobile home, the seller's or  
439 owner's authorized transporter, and the registered secondary  
440 metals recycler at the time of sale, transport, or delivery to  
441 the registered secondary metals recycler. The derelict motor  
442 vehicle certificate application shall be used by the seller or  
443 owner, the seller's or owner's authorized transporter, and the  
444 registered secondary metals recycler to obtain a derelict motor  
445 vehicle certificate from the department. The identifying number  
446 on the personal identification card of the seller or owner must  
447 be recorded on the derelict motor vehicle certificate  
448 application. The derelict motor vehicle certificate application  
449 must be accompanied by a copy of the seller's or owner's  
450 personal identification card if the personal identification card

451 is not a driver's license or identification card issued by this  
452 state. The registered secondary metals recycler shall secure the  
453 derelict motor vehicle for 3 full business days, excluding  
454 weekends and holidays, before destroying or dismantling the  
455 derelict motor vehicle and shall follow all reporting procedures  
456 established by the department, including electronic notification  
457 to the department or delivery of the original derelict motor  
458 vehicle certificate application to an agent of the department  
459 within 24 hours after receiving the derelict motor vehicle.

460 c. Any person who willfully and deliberately violates this  
461 subparagraph by selling, transporting, delivering, purchasing,  
462 or receiving a motor vehicle, recreational motor vehicle, mobile  
463 home, or derelict motor vehicle without obtaining a certificate  
464 of title, salvage certificate of title, certificate of  
465 destruction, ~~or~~ derelict motor vehicle certificate, or derelict  
466 motor vehicle certificate application; enters false or  
467 fictitious information on a derelict motor vehicle certificate  
468 application; does not complete the derelict motor vehicle  
469 certificate application as required; does not obtain a copy of  
470 the seller's or owner's personal identification card when  
471 required; or does not make the required notification to the  
472 department; or destroys or dismantles a derelict motor vehicle  
473 without waiting the required 3 full business days commits a  
474 felony of the third degree, punishable as provided in s.  
475 775.082, s. 775.083, or s. 775.084.

476           5. Major parts from other than a secondary metals recycler  
477 for purposes of the processing of such major parts, the  
478 purchaser shall record the seller's name, address, date of  
479 purchase, and the personal identification card number of the  
480 person delivering such items, as well as the vehicle  
481 identification number, if available, of each major part  
482 purchased.

483           (8)

484           (f) This section does not authorize any person who is  
485 engaged in the business of recovering, towing, or storing  
486 vehicles pursuant to s. 713.78 and claims a lien for performing  
487 labor or services on a motor vehicle or mobile home pursuant to  
488 s. 713.58 or claims a motor vehicle or mobile home has remained  
489 on a premises after tenancy has terminated pursuant to s.  
490 715.104 to use a derelict motor vehicle certificate application  
491 for the purpose of transporting, selling, or disposing of a  
492 motor vehicle at a salvage motor vehicle dealer or metal  
493 recycler without obtaining the title or certificate of  
494 destruction required under s. 713.58, s. 713.78, or s. 715.104.  
495 Any person who transports, sells, or disposes of any motor  
496 vehicle or mobile home that was recovered, towed, or stored  
497 pursuant to s. 713.78 and claims a lien for performing labor or  
498 services on a motor vehicle or mobile home pursuant to s. 713.58  
499 or claims a motor vehicle or mobile home has remained on a  
500 premises after tenancy has terminated pursuant to s. 715.104

501 with a derelict motor vehicle certificate application commits a  
 502 felony of the third degree, punishable as provided in s.  
 503 775.082, s. 775.083, or s. 775.084.

504 (g)~~(f)~~ The department is authorized to adopt rules  
 505 pursuant to ss. 120.536(1) and 120.54 establishing policies and  
 506 procedures to administer and enforce this section.

507 (h)~~(g)~~ The department shall charge a fee of \$3 for each  
 508 derelict motor vehicle certificate delivered to the department  
 509 or one of its agents for processing and shall mark the title  
 510 record canceled. A service charge may be collected under s.  
 511 320.04.

512 (9) Except as otherwise provided in this section, any  
 513 person who violates this section commits a felony of the third  
 514 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
 515 775.084.

516 Section 10. Subsection (27) of section 320.01, Florida  
 517 Statutes, is amended, and subsection (45) is added to that  
 518 section, to read:

519 320.01 Definitions, general.--As used in the Florida  
 520 Statutes, except as otherwise provided, the term:

521 (27) "Motorcycle" means any motor vehicle having a seat or  
 522 saddle for the use of the rider and designed to travel on not  
 523 more than three wheels in contact with the ground, ~~but~~ excluding  
 524 ~~a tractor, a moped, or a vehicle in which the operator is~~  
 525 enclosed by a cabin unless it meets the requirements set forth

526 by the National Highway Traffic Safety Administration for a  
527 motorcycle. The term "motorcycle" does not include a tractor or  
528 a moped.

529 (45) "Mini truck" means any four-wheeled, reduced-  
530 dimension truck that does not have a National Highway Traffic  
531 Safety Administration truck classification, with a top speed of  
532 55 miles per hour, and which is equipped with headlamps, stop  
533 lamps, turn signal lamps, taillamps, reflex reflectors, parking  
534 brakes, rearview mirrors, windshields, and seat belts.

535 Section 11. Effective September 1, 2009, section 320.08,  
536 Florida Statutes, is amended to read:

537 320.08 License taxes.--Except as otherwise provided  
538 herein, there are hereby levied and imposed annual license taxes  
539 for the operation of motor vehicles, mopeds, motorized bicycles  
540 as defined in s. 316.003(2), tri-vehicles, and mobile homes, as  
541 defined in s. 320.01, which shall be paid to and collected by  
542 the department or its agent upon the registration or renewal of  
543 registration of the following:

544 (1) MOTORCYCLES AND MOPEDS.--

545 (a) Any motorcycle: \$10 flat.

546 (b) Any moped: \$5 flat.

547 (c) Upon registration of any motorcycle, motor-driven  
548 cycle, or moped there shall be paid in addition to the license  
549 taxes specified in this subsection a nonrefundable motorcycle  
550 safety education fee in the amount of \$2.50. The proceeds of

551 such additional fee shall be deposited in the Highway Safety  
552 Operating Trust Fund to fund a motorcycle driver improvement  
553 program implemented pursuant to s. 322.025, the Florida  
554 Motorcycle Safety Education Program established in s. 322.0255,  
555 or the general operations of the department.

556 (d) An ancient or antique motorcycle: \$10 flat.

557 (2) AUTOMOBILES OR TRI-VEHICLES FOR PRIVATE USE.--

558 (a) An ancient or antique automobile, as defined in s.  
559 320.086, or a street rod, as defined in s. 320.0863: \$7.50 flat.

560 (b) Net weight of less than 2,500 pounds: \$14.50 flat.

561 (c) Net weight of 2,500 pounds or more, but less than  
562 3,500 pounds: \$22.50 flat.

563 (d) Net weight of 3,500 pounds or more: \$32.50 flat.

564 (3) TRUCKS.--

565 (a) Net weight of less than 2,000 pounds: \$14.50 flat.

566 (b) Net weight of 2,000 pounds or more, but not more than  
567 3,000 pounds: \$22.50 flat.

568 (c) Net weight more than 3,000 pounds, but not more than  
569 5,000 pounds: \$32.50 flat.

570 (d) A truck defined as a "goat," or any other vehicle when  
571 used in the field by a farmer or in the woods for the purpose of  
572 harvesting a crop, including naval stores, during such  
573 harvesting operations, and which is not principally operated  
574 upon the roads of the state: \$7.50 flat. A "goat" is a motor  
575 vehicle designed, constructed, and used principally for the

576 transportation of citrus fruit within citrus groves or for the  
 577 transportation of crops on farms, and which can also be used for  
 578 the hauling of associated equipment or supplies, including  
 579 required sanitary equipment, and the towing of farm trailers.

580 (e) An ancient or antique truck, as defined in s. 320.086:  
 581 \$7.50 flat.

582 (4) HEAVY TRUCKS, TRUCK TRACTORS, FEES ACCORDING TO GROSS  
 583 VEHICLE WEIGHT.--

584 (a) Gross vehicle weight of 5,001 pounds or more, but less  
 585 than 6,000 pounds: \$45 flat.

586 (b) Gross vehicle weight of 6,000 pounds or more, but less  
 587 than 8,000 pounds: \$65 flat.

588 (c) Gross vehicle weight of 8,000 pounds or more, but less  
 589 than 10,000 pounds: \$76 flat.

590 (d) Gross vehicle weight of 10,000 pounds or more, but  
 591 less than 15,000 pounds: \$87 flat.

592 (e) Gross vehicle weight of 15,000 pounds or more, but  
 593 less than 20,000 pounds: \$131 flat.

594 (f) Gross vehicle weight of 20,000 pounds or more, but  
 595 less than 26,001 pounds: \$186 flat.

596 (g) Gross vehicle weight of 26,001 pounds or more, but  
 597 less than 35,000: \$240 flat.

598 (h) Gross vehicle weight of 35,000 pounds or more, but  
 599 less than 44,000 pounds: \$300 flat.



600 (i) Gross vehicle weight of 44,000 pounds or more, but  
601 less than 55,000 pounds: \$572 flat.

602 (j) Gross vehicle weight of 55,000 pounds or more, but  
603 less than 62,000 pounds: \$678 flat.

604 (k) Gross vehicle weight of 62,000 pounds or more, but  
605 less than 72,000 pounds: \$800 flat.

606 (l) Gross vehicle weight of 72,000 pounds or more: \$979  
607 flat.

608 (m) Notwithstanding the declared gross vehicle weight, a  
609 truck tractor used within a 150-mile radius of its home address  
610 shall be eligible for a license plate for a fee of \$240 flat if:

611 1. The truck tractor is used exclusively for hauling  
612 forestry products; or

613 2. The truck tractor is used primarily for the hauling of  
614 forestry products, and is also used for the hauling of  
615 associated forestry harvesting equipment used by the owner of  
616 the truck tractor.

617 (n) A truck tractor or heavy truck, not operated as a for-  
618 hire vehicle, which is engaged exclusively in transporting raw,  
619 unprocessed, and nonmanufactured agricultural or horticultural  
620 products within a 150-mile radius of its home address, shall be  
621 eligible for a restricted license plate for a fee of \$65 flat,  
622 if such vehicle's declared gross vehicle weight is less than  
623 44,000 pounds; or \$240 flat, if such vehicle's declared gross

624 vehicle weight is 44,000 pounds or more and such vehicle only  
 625 transports:

626 1. From the point of production to the point of primary  
 627 manufacture;

628 2. From the point of production to the point of assembling  
 629 the same; or

630 3. From the point of production to a shipping point of  
 631 either a rail, water, or motor transportation company.

632

633 Such not-for-hire truck tractors and heavy trucks used  
 634 exclusively in transporting raw, unprocessed, and  
 635 nonmanufactured agricultural or horticultural products may be  
 636 incidentally used to haul farm implements and fertilizers when  
 637 delivered direct to the growers. The department may require any  
 638 such documentation deemed necessary to determine eligibility  
 639 prior to issuance of this license plate. For the purpose of this  
 640 paragraph, "not-for-hire" means the owner of the motor vehicle  
 641 must also be the owner of the raw, unprocessed, and  
 642 nonmanufactured agricultural or horticultural product, or the  
 643 user of the farm implements and fertilizer being delivered.

644 (5) SEMITRAILERS, FEES ACCORDING TO GROSS VEHICLE WEIGHT;  
 645 SCHOOL BUSES; SPECIAL PURPOSE VEHICLES.--

646 (a)1. A semitrailer drawn by a GVW truck tractor by means  
 647 of a fifth-wheel arrangement: \$10 flat per registration year or  
 648 any part thereof.

649           2. A semitrailer drawn by a GVW truck tractor by means of  
650 a fifth-wheel arrangement: \$50 flat per permanent registration.

651           (b) A motor vehicle equipped with machinery and designed  
652 for the exclusive purpose of well drilling, excavation,  
653 construction, spraying, or similar activity, and which is not  
654 designed or used to transport loads other than the machinery  
655 described above over public roads: \$32.50 flat.

656           (c) A school bus used exclusively to transport pupils to  
657 and from school or school or church activities or functions  
658 within their own county: \$30 flat.

659           (d) A wrecker, as defined in s. 320.01(40), which is used  
660 to tow a vessel as defined in s. 327.02(39), a disabled,  
661 abandoned, stolen-recovered, or impounded motor vehicle as  
662 defined in s. 320.01(38), or a replacement motor vehicle as  
663 defined in s. 320.01(39): \$30 flat.

664           (e) A wrecker, as defined in s. 320.01(40), which is used  
665 to tow any motor vehicle, regardless of whether or not such  
666 motor vehicle is a disabled motor vehicle as defined in s.  
667 320.01(38), a replacement motor vehicle as defined in s.  
668 320.01(39), a vessel as defined in s. 327.02(39), or any other  
669 cargo, as follows:

670           1. Gross vehicle weight of 10,000 pounds or more, but less  
671 than 15,000 pounds: \$87 flat.

672           2. Gross vehicle weight of 15,000 pounds or more, but less  
673 than 20,000 pounds: \$131 flat.

- 674 3. Gross vehicle weight of 20,000 pounds or more, but less  
 675 than 26,000 pounds: \$186 flat.
- 676 4. Gross vehicle weight of 26,000 pounds or more, but less  
 677 than 35,000 pounds: \$240 flat.
- 678 5. Gross vehicle weight of 35,000 pounds or more, but less  
 679 than 44,000 pounds: \$300 flat.
- 680 6. Gross vehicle weight of 44,000 pounds or more, but less  
 681 than 55,000 pounds: \$572 flat.
- 682 7. Gross vehicle weight of 55,000 pounds or more, but less  
 683 than 62,000 pounds: \$678 flat.
- 684 8. Gross vehicle weight of 62,000 pounds or more, but less  
 685 than 72,000 pounds: \$800 flat.
- 686 9. Gross vehicle weight of 72,000 pounds or more: \$979  
 687 flat.
- 688 (f) A hearse or ambulance: \$30 flat.
- 689 (6) MOTOR VEHICLES FOR HIRE.--
- 690 (a) Under nine passengers: \$12.50 flat plus \$1 per cwt.
- 691 (b) Nine passengers and over: \$12.50 flat plus \$1.50 per  
 692 cwt.
- 693 (7) TRAILERS FOR PRIVATE USE.--
- 694 (a) Any trailer weighing 500 pounds or less: \$5 flat per  
 695 year or any part thereof.
- 696 (b) Net weight over 500 pounds: \$2.50 flat plus 75 cents  
 697 per cwt.
- 698 (8) TRAILERS FOR HIRE.--

- 699 (a) Net weight under 2,000 pounds: \$2.50 flat plus \$1 per  
 700 cwt.
- 701 (b) Net weight 2,000 pounds or more: \$10 flat plus \$1 per  
 702 cwt.
- 703 (9) RECREATIONAL VEHICLE-TYPE UNITS.--
- 704 (a) A travel trailer or fifth-wheel trailer, as defined by  
 705 s. 320.01(1)(b), that does not exceed 35 feet in length: \$20  
 706 flat.
- 707 (b) A camping trailer, as defined by s. 320.01(1)(b)2.:  
 708 \$10 flat.
- 709 (c) A motor home, as defined by s. 320.01(1)(b)4.:
- 710 1. Net weight of less than 4,500 pounds: \$20 flat.
- 711 2. Net weight of 4,500 pounds or more: \$35 flat.
- 712 (d) A truck camper as defined by s. 320.01(1)(b)3.:
- 713 1. Net weight of less than 4,500 pounds: \$20 flat.
- 714 2. Net weight of 4,500 pounds or more: \$35 flat.
- 715 (e) A private motor coach as defined by s. 320.01(1)(b)5.:
- 716 1. Net weight of less than 4,500 pounds: \$20 flat.
- 717 2. Net weight of 4,500 pounds or more: \$35 flat.
- 718 (10) PARK TRAILERS; TRAVEL TRAILERS; FIFTH-WHEEL TRAILERS;  
 719 35 FEET TO 40 FEET.--
- 720 (a) Park trailers.--Any park trailer, as defined in s.  
 721 320.01(1)(b)7.: \$25 flat.
- 722 (b) A travel trailer or fifth-wheel trailer, as defined in  
 723 s. 320.01(1)(b), that exceeds 35 feet: \$25 flat.

- 724 (11) MOBILE HOMES.--
- 725 (a) A mobile home not exceeding 35 feet in length: \$20
- 726 flat.
- 727 (b) A mobile home over 35 feet in length, but not
- 728 exceeding 40 feet: \$25 flat.
- 729 (c) A mobile home over 40 feet in length, but not
- 730 exceeding 45 feet: \$30 flat.
- 731 (d) A mobile home over 45 feet in length, but not
- 732 exceeding 50 feet: \$35 flat.
- 733 (e) A mobile home over 50 feet in length, but not
- 734 exceeding 55 feet: \$40 flat.
- 735 (f) A mobile home over 55 feet in length, but not
- 736 exceeding 60 feet: \$45 flat.
- 737 (g) A mobile home over 60 feet in length, but not
- 738 exceeding 65 feet: \$50 flat.
- 739 (h) A mobile home over 65 feet in length: \$80 flat.
- 740 (12) DEALER AND MANUFACTURER LICENSE PLATES.--A franchised
- 741 motor vehicle dealer, independent motor vehicle dealer, marine
- 742 boat trailer dealer, or mobile home dealer and manufacturer
- 743 license plate: \$12.50 flat.
- 744 (13) EXEMPT OR OFFICIAL LICENSE PLATES.--Any exempt or
- 745 official license plate: \$3 flat.
- 746 (14) LOCALLY OPERATED MOTOR VEHICLES FOR HIRE.--A motor
- 747 vehicle for hire operated wholly within a city or within 25
- 748 miles thereof: \$12.50 flat plus \$1.50 per cwt.

749 (15) TRANSPORTER.--Any transporter license plate issued to  
750 a transporter pursuant to s. 320.133: \$75 flat.

751 Section 12. Section 320.0847, Florida Statutes, is created  
752 to read:

753 320.0847 Mini truck and low-speed vehicle license  
754 plates.--

755 (1) The department shall issue a license plate to the  
756 owner or lessee of any vehicle registered as a low-speed vehicle  
757 as defined in s. 320.01(42) or a mini truck as defined in s.  
758 320.01(45) upon payment of the appropriate license taxes and  
759 fees prescribed in s. 320.08.

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

762 Section 13. Effective November 1, 2009, paragraph (a) of  
763 subsection (2) of section 320.0848, Florida Statutes, is amended  
764 to read:

765 320.0848 Persons who have disabilities; issuance of  
766 disabled parking permits; temporary permits; permits for certain  
767 providers of transportation services to persons who have  
768 disabilities.--

769 (2) DISABLED PARKING PERMIT; PERSONS WITH LONG-TERM  
770 MOBILITY PROBLEMS.--

771 (a) The disabled parking permit is a placard that can be  
772 placed in a motor vehicle so as to be visible from the front and  
773 rear of the vehicle. Each side of the placard must have the

774 international symbol of accessibility in a contrasting color in  
775 the center so as to be visible. One side of the placard must  
776 display the applicant's driver's license number or state  
777 identification card number along with a warning that the  
778 applicant must have such identification at all times while using  
779 the parking permit. A validation sticker must also be issued  
780 with each disabled parking permit, showing the month and year of  
781 expiration on each side of the placard. Validation stickers must  
782 be of the size specified by the Department of Highway Safety and  
783 Motor Vehicles and must be affixed to the disabled parking  
784 permits. The disabled parking permits must use the same colors  
785 as license plate validations. If the severity of the disability  
786 prevents a disabled person from physically visiting or being  
787 transported to a driver's license or tax collector's office to  
788 obtain a driver's license or identification card, a certifying  
789 physician can sign the exemption section of the department's  
790 parking permit application to exempt the disabled person from  
791 being issued a driver's license or identification card for the  
792 number to be displayed on the parking permit.

793 Section 14. Effective September 1, 2009, subsection (26)  
794 of section 322.01, Florida Statutes, is amended, and subsection  
795 (46) is added to that section, to read:

796 322.01 Definitions.--As used in this chapter:

797 (26) "Motorcycle" means a motor vehicle powered by a motor  
798 with a displacement of more than 50 cubic centimeters, having a



799 | seat or saddle for the use of the rider, and designed to travel  
 800 | on not more than three wheels in contact with the ground, but  
 801 | excluding a tractor, ~~or~~ moped, or tri-vehicle.

802 |       (46) "Tri-vehicle" means an enclosed three-wheeled  
 803 | passenger vehicle that is designed to operate with three wheels  
 804 | in contact with the ground; has a minimum unladen weight of 900  
 805 | pounds; has a single, completely enclosed, occupant compartment;  
 806 | is produced by its manufacturer in a minimum quantity of 300 in  
 807 | any calendar year; and is equipped with:

808 |       (a) Seats that are certified by the vehicle manufacturer  
 809 | to meet the requirements of Federal Motor Vehicle Safety  
 810 | Standard No. 207, Seating Systems, Title 49, C.F.R. s. 571.207.

811 |       (b) A steering wheel used to maneuver the vehicle.

812 |       (c) A propulsion unit located either forward or aft of the  
 813 | enclosed occupant compartment.

814 |       (d) A seat belt for each vehicle occupant certified to  
 815 | meet the requirements of Federal Motor Vehicle Safety Standard  
 816 | No. 209, Seat Belt Assemblies, Title 49, C.F.R. s. 571.209.

817 |       (e) A windshield and appropriate windshield wipers meeting  
 818 | the requirements of Federal Motor Vehicle Safety Standard No.  
 819 | 205, Glazing Materials, Title 49, C.F.R. s. 571.205 and Federal  
 820 | Motor Vehicle Safety Standard No. 212, Windshield Wiper  
 821 | Assemblies, Title 49, C.F.R. s. 571.212.

822 |       (f) A vehicle structure certified by the vehicle  
 823 | manufacturer to meet the requirements of Federal Motor Vehicle

824 Safety Standard No. 216, Roof Crush Resistance, Title 49, C.F.R.  
825 s. 571.216.

826 Section 15. Effective January 1, 2010, section 322.0261,  
827 Florida Statutes, is amended to read:

828 322.0261 Driver improvement course; requirement to  
829 maintain driving privileges; failure to complete; department  
830 approval of course.--

831 (1) The department shall screen crash reports received  
832 under s. 316.066 or s. 324.051 to identify crashes involving the  
833 following:

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

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

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

841 (2) With respect to an operator convicted of, or who  
842 pleaded nolo contendere to, a traffic offense giving rise to a  
843 crash identified in paragraph (1) (a) or paragraph (1) (b)  
844 ~~pursuant to subsection (1)~~, the department shall require that  
845 the operator, in addition to other applicable penalties, attend  
846 a department-approved driver improvement course in order to  
847 maintain his or her driving privileges. If the operator fails to  
848 complete the course within 90 days after ~~of~~ receiving notice

849 from the department, the operator's driver's license shall be  
850 canceled by the department until the course is successfully  
851 completed.

852 (3) With respect to an operator convicted of, or who  
853 pleaded nolo contendere to, a traffic offense giving rise to a  
854 crash identified in paragraph (1)(c), the department shall  
855 require that the operator, in addition to other applicable  
856 penalties, attend a department-approved driver improvement  
857 course in order to maintain his or her driving privileges. The  
858 course must include behind-the-wheel instruction and an  
859 assessment of the operator's ability to safely operate a motor  
860 vehicle. Successful completion of a behind-the-wheel examination  
861 is required in order to receive completion credit for the  
862 course. If the operator fails to complete the course within 90  
863 days after receiving notice from the department, the operator's  
864 driver's license shall be canceled by the department until the  
865 course is successfully completed.

866 (4)~~(3)~~ The department shall identify any operator  
867 convicted of, or who pleaded nolo contendere to, a second  
868 violation of s. 316.074(1) or s. 316.075(1)(c)1., which  
869 violation occurred within 12 months after the first violation,  
870 and shall require that operator, in addition to other applicable  
871 penalties, to attend a department-approved driver improvement  
872 course in order to maintain driving privileges. If the operator  
873 fails to complete the course within 90 days after receiving

874 notice from the department, the operator's driver license shall  
875 be canceled by the department until the course is successfully  
876 completed.

877 (5)~~(4)~~ In determining whether to approve a driver  
878 improvement course for the purposes of this section, the  
879 department shall consider course content designed to promote  
880 safety, driver awareness, crash avoidance techniques, and other  
881 factors or criteria to improve driver performance from a safety  
882 viewpoint.

883 Section 16. Effective November 1, 2009, subsection (1) of  
884 section 322.03, Florida Statutes, is amended to read:

885 322.03 Drivers must be licensed; penalties.--

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

890 (a) A person who drives a commercial motor vehicle may  
891 ~~shall~~ not receive a driver's license unless and until he or she  
892 surrenders to the department all driver's licenses in his or her  
893 possession issued to him or her by any other jurisdiction or  
894 makes an affidavit that he or she does not possess a driver's  
895 license. Any such person who fails to surrender such licenses or  
896 who makes a false affidavit concerning such licenses commits ~~is~~  
897 ~~guilty of~~ a misdemeanor of the first degree, punishable as  
898 provided in s. 775.082 or s. 775.083.

899           ~~(b) A person who does not drive a commercial motor vehicle~~  
900 ~~is not required to surrender a license issued by another~~  
901 ~~jurisdiction, upon a showing to the department that such license~~  
902 ~~is necessary because of employment or part-time residence. Any~~  
903 ~~person who retains a driver's license because of employment or~~  
904 ~~part-time residence shall, upon qualifying for a license in this~~  
905 ~~state, be issued a driver's license which shall be valid within~~  
906 ~~this state only.~~ All surrendered licenses may be returned by the  
907 department to the issuing jurisdiction together with information  
908 that the licensee is now licensed in a new jurisdiction or may  
909 be destroyed by the department, which shall notify the issuing  
910 jurisdiction of such destruction. A person may not have more  
911 than one valid ~~Florida~~ driver's license at any time.

912           (c) Part-time residents of this state issued a license  
913 that is valid within this state only under paragraph (b) as that  
914 paragraph existed before November 1, 2009, may continue to hold  
915 such license until the next issuance of a Florida driver's  
916 license or identification card. Licenses that are identified as  
917 "Valid in Florida Only" may not be issued or renewed effective  
918 November 1, 2009. This paragraph expires June 30, 2017.

919           Section 17. Effective November 1, 2009, subsection (6) of  
920 section 322.08, Florida Statutes, is renumbered as subsection  
921 (7), and new subsection (6) is added to that section, to read:

922           322.08 Application for license.--

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

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

927 Section 18. Section 322.125, Florida Statutes, is amended  
928 to read:

929 322.125 Medical Advisory Board.--

930 (1) There shall be a Medical Advisory Board composed of  
931 not fewer than 12 or more than 25 members, at least one of whom  
932 must be 60 years of age or older and all but one of whose  
933 medical and other specialties must relate to driving abilities,  
934 which number must include a doctor of medicine who is employed  
935 by the Department of Highway Safety and Motor Vehicles in  
936 Tallahassee, who shall serve as administrative officer for the  
937 board. The executive director of the Department of Highway  
938 Safety and Motor Vehicles shall recommend persons to serve as  
939 board members. Every member but two must be a doctor of medicine  
940 licensed to practice medicine in this or any other state and  
941 must be a member in good standing of the Florida Medical  
942 Association or the Florida Osteopathic Association. One member  
943 must be an optometrist licensed to practice optometry in this  
944 state and must be a member in good standing of the Florida  
945 Optometric Association. One member must be a chiropractic  
946 physician licensed to practice chiropractic medicine in this  
947 state. Members shall be approved by the Cabinet and shall serve  
948 4-year staggered terms. The board membership must, to the

949 maximum extent possible, consist of equal representation of the  
950 disciplines of the medical community treating the mental or  
951 physical disabilities that could affect the safe operation of  
952 motor vehicles.

953 (2) The advisory board shall meet at the call of its  
954 chair, at the request of a majority of its membership, at the  
955 request of the department, or at such times as may be prescribed  
956 by its rules.

957 (3) (a) The board shall advise the department on medical  
958 criteria and vision standards relating to the licensing of  
959 drivers. In fulfillment of this duty, the board shall assist the  
960 department in developing, and keeping current with medical and  
961 scientific advancements, coded restrictions to be placed upon  
962 drivers' licenses of persons whose medical condition warrants a  
963 requirement that they wear medical identification bracelets when  
964 operating a motor vehicle, pursuant to s. 322.16(1)(d).

965 (b) Upon request of the department, the board shall report  
966 to the department on the individual physical and mental  
967 qualifications of a licensed driver or applicant. When a board  
968 member acts directly as a consultant to the department, a board  
969 member's individual review and evaluation of physical and mental  
970 qualifications of a licensed driver or applicant is exempt from  
971 the provisions of s. 286.011.

972 (4) Reports received or made by the board or its members  
973 for the purpose of assisting the department in determining

974 whether a person is qualified to be licensed are for the  
975 confidential use of the board or the department and may not be  
976 divulged to any person except the licensed driver or applicant  
977 or used as evidence in any trial, and are exempt from the  
978 provisions of s. 119.07(1), except that the reports may be  
979 admitted in proceedings under s. 322.271 or s. 322.31. Any  
980 person conducting an examination pursuant to this section may be  
981 compelled to testify concerning his or her observations and  
982 findings in such proceedings.

983 (5) There shall be no monetary liability on the part of,  
984 and no cause of action for damages shall arise against, any  
985 member of the board for any action taken without intentional  
986 fraud in carrying out the provisions of this section.

987 (6) Members of the board shall be entitled to per diem and  
988 travel expenses pursuant to s. 112.061.

989 (7) The department shall adopt such rules and regulations  
990 necessary to carry out the purpose of this section.

991 Section 19. Subsection (2) of section 322.271, Florida  
992 Statutes, is amended to read:

993 322.271 Authority to modify revocation, cancellation, or  
994 suspension order.--

995 (2)(a) At ~~Upon~~ such hearing, the person whose license has  
996 been suspended, canceled, or revoked may show that such  
997 suspension, cancellation, or revocation ~~of his or her license~~  
998 causes a serious hardship and precludes the person from ~~person's~~



999 carrying out his or her normal business occupation, trade, or  
1000 employment and that the use of the person's license in the  
1001 normal course of his or her business is necessary to the proper  
1002 support of the person or his or her family.

1003 (a) Except as otherwise provided in this subsection, the  
1004 department shall require proof of the successful completion of  
1005 the applicable department-approved driver training course  
1006 operating pursuant to s. 318.1451 or DUI program substance abuse  
1007 education course and evaluation as provided in s. 316.193(5).  
1008 Letters of recommendation from respected business persons in the  
1009 community, law enforcement officers, or judicial officers may  
1010 also be required to determine whether the ~~such~~ person should be  
1011 permitted to operate a motor vehicle on a restricted basis for  
1012 business or employment use only and in determining whether such  
1013 person can be trusted to so operate a motor vehicle. If a  
1014 driver's license has been suspended under the point system or  
1015 under ~~pursuant to~~ s. 322.2615, the department shall require  
1016 proof of enrollment in the applicable department-approved driver  
1017 training course or licensed DUI program substance abuse  
1018 education course, including evaluation and treatment, if  
1019 referred, and may require letters of recommendation described in  
1020 this paragraph ~~subsection~~ to determine if the driver should be  
1021 reinstated on a restricted basis. If the ~~such~~ person fails to  
1022 complete the approved course within 90 days after reinstatement  
1023 or subsequently fails to complete treatment, ~~if applicable,~~ the

1024 department shall cancel his or her driver's license until the  
1025 course and treatment, if applicable, is successfully completed,  
1026 notwithstanding the terms of the court order or any suspension  
1027 or revocation of the driving privilege. The department may  
1028 temporarily reinstate the driving privilege on a restricted  
1029 basis upon verification from the DUI program that the offender  
1030 has reentered and is currently participating in treatment and  
1031 has completed the DUI education course and evaluation  
1032 requirement. If the DUI program notifies the department of the  
1033 second failure to complete treatment, the department shall  
1034 reinstate the driving privilege only after notice of completion  
1035 of treatment from the DUI program. The privilege of driving on a  
1036 limited or restricted basis for business or employment use may  
1037 ~~shall~~ not be granted to a person who has been convicted of a  
1038 violation of s. 316.193 until completion of the DUI program  
1039 substance abuse education course and evaluations as provided in  
1040 s. 316.193(5). Except as provided in paragraph (c) ~~(b)~~, the  
1041 privilege of driving on a limited or restricted basis for  
1042 business or employment use may ~~shall~~ not be granted to a person  
1043 whose license is revoked pursuant to s. 322.28 or suspended  
1044 pursuant to s. 322.2615 and who has been convicted of a  
1045 violation of s. 316.193 two or more times or whose license has  
1046 been suspended two or more times for refusal to submit to a test  
1047 pursuant to s. 322.2615 or former s. 322.261.

1048 (b) The department may waive the hearing process for

1049 suspensions and revocations upon request by the driver if the  
1050 driver has enrolled in or completed the applicable driver  
1051 training course approved under s. 318.1451 or the DUI program  
1052 substance abuse education course and evaluation provided in s.  
1053 316.193(5). However, the department may not waive the hearing  
1054 for suspensions or revocations that involve death or serious  
1055 bodily injury, multiple convictions for violations of s. 316.193  
1056 pursuant to s. 322.27(5), or a second or subsequent suspension  
1057 or revocation pursuant to the same provision of this chapter.  
1058 This paragraph does not preclude the department from requiring a  
1059 hearing for any suspension or revocation that it determines is  
1060 warranted based on the severity of the offense.

1061 (c) ~~(b)~~ A person whose license has been revoked for a  
1062 period of 5 years or less pursuant to s. 322.28(2) (a) may, ~~upon~~  
1063 ~~the expiration of~~ 12 months after the date the ~~said~~ revocation  
1064 was imposed, petition the department for reinstatement of his or  
1065 her driving privilege on a restricted basis. A person whose  
1066 license has been revoked for ~~a period of~~ more than 5 years under  
1067 s. 322.28(2) (a) may, ~~upon the expiration of~~ 24 months after the  
1068 date the revocation was imposed, petition the department for  
1069 reinstatement of his or her driving privilege on a restricted  
1070 basis. Reinstatement under ~~of the driving privilege pursuant to~~  
1071 this subsection is ~~shall be~~ restricted to business or employment  
1072 purposes only. In addition, the department shall require such  
1073 persons upon reinstatement to have not driven and to have been

1074 drug free for at least 12 months immediately before the ~~prior to~~  
1075 ~~such~~ reinstatement, to be supervised by a DUI program licensed  
1076 by the department, and to report to the program at least three  
1077 times a year as required by the program for the duration of the  
1078 revocation period for supervision. Such supervision includes  
1079 ~~shall include~~ evaluation, education, referral into treatment,  
1080 and other activities required by the department. Such persons  
1081 shall assume reasonable costs of supervision. If the ~~such~~ person  
1082 fails to comply with the required supervision, the program shall  
1083 report the failure to the department, and the department shall  
1084 cancel the ~~such~~ person's driving privilege. This paragraph does  
1085 not apply to any person whose driving privilege has been  
1086 permanently revoked.

1087 (d) ~~(e)~~ For the purpose of this section, a previous  
1088 conviction of driving under the influence, driving while  
1089 intoxicated, driving with an unlawful blood-alcohol level, or  
1090 any other similar alcohol-related or drug-related offense  
1091 outside this state or a previous conviction of former s.  
1092 316.1931, former s. 316.028, or former s. 860.01 is ~~shall be~~  
1093 considered a previous conviction for violation of s. 316.193.

1094 (e) ~~(d)~~ The department, based upon review of the licensee's  
1095 application for reinstatement, may require use of an ignition  
1096 interlock device pursuant to s. 322.2715.

1097 Section 20. Subsection (1), paragraph (b) of subsection  
1098 (7), and subsection (8) of section 322.64, Florida Statutes, are

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1099 amended to read:

1100 322.64 Holder of commercial driver's license; persons  
1101 operating a commercial motor vehicle; driving with unlawful  
1102 blood-alcohol level; refusal to submit to breath, urine, or  
1103 blood test.--

1104 (1) (a) A law enforcement officer or correctional officer  
1105 shall, on behalf of the department, disqualify from operating  
1106 any commercial motor vehicle a person who while operating or in  
1107 actual physical control of a commercial motor vehicle is  
1108 arrested for a violation of s. 316.193, relating to unlawful  
1109 blood-alcohol level or breath-alcohol level, or a person who has  
1110 refused to submit to a breath, urine, or blood test authorized  
1111 by s. 322.63 or s. 316.1932 arising out of the operation or  
1112 actual physical control of a commercial motor vehicle. A law  
1113 enforcement officer or correctional officer shall, on behalf of  
1114 the department, disqualify the holder of a commercial driver's  
1115 license from operating any commercial motor vehicle if the  
1116 licenseholder, while operating or in actual physical control of  
1117 a motor vehicle, is arrested for a violation of s. 316.193,  
1118 relating to unlawful blood-alcohol level or breath-alcohol  
1119 level, or refused to submit to a breath, urine, or blood test  
1120 authorized by s. 322.63 or s. 316.1932. Upon disqualification of  
1121 the person, the officer shall take the person's driver's license  
1122 and issue the person a 10-day temporary permit for the operation  
1123 of noncommercial vehicles only if the person is otherwise

1124 eligible for the driving privilege and shall issue the person a  
1125 notice of disqualification. If the person has been given a  
1126 blood, breath, or urine test, the results of which are not  
1127 available to the officer at the time of the arrest, the agency  
1128 employing the officer shall transmit such results to the  
1129 department within 5 days after receipt of the results. If the  
1130 department then determines that the person had a blood-alcohol  
1131 level or breath-alcohol level of 0.08 or higher, the department  
1132 shall disqualify the person from operating a commercial motor  
1133 vehicle pursuant to subsection (3).

1134 (b) The disqualification under paragraph (a) shall be  
1135 pursuant to, and the notice of disqualification shall inform the  
1136 driver of, the following:

1137 1.a. The driver refused to submit to a lawful breath,  
1138 blood, or urine test and he or she is disqualified from  
1139 operating a commercial motor vehicle for a period of 1 year, for  
1140 a first refusal, or permanently, if he or she has previously  
1141 been disqualified under this section ~~as a result of a refusal to~~  
1142 ~~submit to such a test; or~~

1143 b. The driver was driving or in actual physical control of  
1144 a commercial motor vehicle, or any motor vehicle if the driver  
1145 holds a commercial driver's license, had an unlawful blood-  
1146 alcohol level or breath-alcohol level of 0.08 or higher, and his  
1147 or her driving privilege shall be disqualified for a period of 1  
1148 year for a first offense or permanently disqualified if his or

1149 her driving privilege has been previously disqualified under  
1150 this section.

1151 2. The disqualification period for operating commercial  
1152 vehicles shall commence on the date of issuance of the notice of  
1153 disqualification.

1154 3. The driver may request a formal or informal review of  
1155 the disqualification by the department within 10 days after the  
1156 date of issuance of the notice of disqualification.

1157 4. The temporary permit issued at the time of  
1158 disqualification expires at midnight of the 10th day following  
1159 the date of disqualification.

1160 5. The driver may submit to the department any materials  
1161 relevant to the disqualification.

1162 (7) In a formal review hearing under subsection (6) or an  
1163 informal review hearing under subsection (4), the hearing  
1164 officer shall determine by a preponderance of the evidence  
1165 whether sufficient cause exists to sustain, amend, or invalidate  
1166 the disqualification. The scope of the review shall be limited  
1167 to the following issues:

1168 (b) If the person was disqualified from operating a  
1169 commercial motor vehicle for refusal to submit to a breath,  
1170 blood, or urine test:

1171 1. Whether the law enforcement officer had probable cause  
1172 to believe that the person was driving or in actual physical  
1173 control of a commercial motor vehicle, or any motor vehicle if

1174 | the driver holds a commercial driver's license, in this state  
 1175 | while he or she had any alcohol, chemical substances, or  
 1176 | controlled substances in his or her body.

1177 |         2. Whether the person refused to submit to the test after  
 1178 | being requested to do so by a law enforcement officer or  
 1179 | correctional officer.

1180 |         3. Whether the person was told that if he or she refused  
 1181 | to submit to such test he or she would be disqualified from  
 1182 | operating a commercial motor vehicle for a period of 1 year or,  
 1183 | if previously disqualified under this section ~~in the case of a~~  
 1184 | ~~second refusal~~, permanently.

1185 |         (8) Based on the determination of the hearing officer  
 1186 | pursuant to subsection (7) for both informal hearings under  
 1187 | subsection (4) and formal hearings under subsection (6), the  
 1188 | department shall:

1189 |             (a) Sustain the disqualification for a period of 1 year  
 1190 | for a first refusal, or permanently if such person has been  
 1191 | previously disqualified from operating a commercial motor  
 1192 | vehicle under this section ~~as a result of a refusal to submit to~~  
 1193 | ~~such tests~~. The disqualification period commences on the date of  
 1194 | the ~~arrest or~~ issuance of the notice of disqualification,  
 1195 | ~~whichever is later~~.

1196 |             (b) Sustain the disqualification:

1197 |                 1. For a period of 1 year if the person was driving or in  
 1198 | actual physical control of a commercial motor vehicle, or any



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1199 motor vehicle if the driver holds a commercial driver's license,  
1200 and had an unlawful blood-alcohol level or breath-alcohol level  
1201 of 0.08 or higher; or

1202 2. Permanently if the person has been previously  
1203 disqualified from operating a commercial motor vehicle under  
1204 this section or his or her driving privilege has been previously  
1205 suspended for driving or being in actual physical control of a  
1206 commercial motor vehicle, or any motor vehicle if the driver  
1207 holds a commercial driver's license, and had an unlawful blood-  
1208 alcohol level or breath-alcohol level of 0.08 or higher.

1209  
1210 The disqualification period commences on the date of the ~~arrest~~  
1211 ~~or~~ issuance of the notice of disqualification.

1212 Section 21. Except as otherwise expressly provided in this  
1213 act, this act shall take effect July 1, 2009.