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Proposed Committee Substitute by the Committee on Transportation

A bill to be entitled

An act relating to motor vehicles; amending s. 316.159, F.S.; requiring that drivers of certain commercial motor vehicles slow before crossing a railroad grade; amending s. 316.193, F.S., relating to penalties for driving under the influence; deleting certain provisions governing the impoundment or immobilization of a person's vehicle following an alcohol-related or drug-related traffic offense; amending s. 316.646, F.S.; directing the Department of Highway Safety and Motor Vehicles to suspend the registration and driver's license of a person convicted of failure to maintain required security on a motor vehicle; amending s. 318.14, F.S.; providing procedures for disposition of a citation for violating a specified learner's driver's license restrictions; removing an erroneous reference; removing a requirement that a person who commits a noncriminal traffic infraction be cited to appear before an official; requiring a person who commits a traffic violation requiring a hearing or a criminal traffic violation to sign and accept a citation indicating a promise to appear for a hearing; providing penalties; providing for certain persons cited for specified offenses to provide proof of compliance to a designated official; providing alternative citation disposition procedures for the offense of operating a motor vehicle with a license that has been suspended



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29 for failure to pay certain financial obligations or
30 failure to comply with specified education
31 requirements; amending s. 318.18, F.S.; adding a
32 designated school crossing to the locations at which
33 exceeding the posted speed limit will double the fine
34 otherwise provided by law; amending s. 320.071, F.S.;
35 revising the time period during which the owner of an
36 apportionable motor vehicle may file an application
37 for renewal of registration; revising terminology
38 relating to the vehicles registered in accordance with
39 the International Registration Plan; amending s.
40 320.0807, F.S.; revising provisions governing the
41 special license plates issued to federal and state
42 legislators; amending s. 320.084, F.S.; providing for
43 a biennial registration renewal period for disabled
44 veteran license plates; amending s. 321.03, F.S.;
45 providing that it is unlawful to possess or color or
46 cause to be colored a motor vehicle or motorcycle of
47 the same or similar color as those prescribed for the
48 Florida Highway Patrol unless specifically authorized
49 by the Florida Highway Patrol; amending s. 321.05,
50 F.S.; providing that officers of the Florida Highway
51 Patrol have the same arrest and other authority as
52 that provided for certain other state law enforcement
53 officers; amending s. 322.121, F.S.; revising
54 legislative intent for reexamination of licensed
55 drivers upon renewal of the driver's license; removing
56 a requirement that each licensee must pass a
57 reexamination at the time of license renewal; amending



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58 s. 322.18, F.S.; providing that a person issued a
59 driver's license using proof of nonimmigrant
60 classification under specified provisions is not
61 eligible to renew that license; authorizing a licensed
62 physician at a federally established veterans hospital
63 to administer a vision test for purposes of renewing a
64 driver's license; correcting a cross-reference;
65 amending s. 322.2615, F.S.; revising requirements for
66 information an officer must submit to the department
67 after suspending a driver's license for certain DUI
68 offenses; removing a requirement that the officer
69 submit a copy of a crash report; authorizing the
70 officer to submit such report; amending s. 322.34,
71 F.S.; providing that if a person does not hold a
72 commercial driver's license and is cited for an
73 offense of knowingly driving while his or her license
74 is suspended, revoked, or canceled, he or she may, in
75 lieu of payment of a fine or court appearance, elect
76 to enter a plea of nolo contendere and provide proof
77 of compliance to the clerk of the court, designated
78 official, or authorized operator of a traffic
79 violations bureau; limiting a driver's option to elect
80 such a remedy; amending s. 322.61, F.S.; revising the
81 period of disqualification from operating a commercial
82 motor vehicle for a violation of an out-of-service
83 order; amending s. 488.06, F.S.; specifying additional
84 circumstances under which the department may suspend
85 or revoke a license or certificate of a driving
86 school; providing an effective date.



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

Section 1. Section 316.159, Florida Statutes, is amended to read:

316.159 Certain vehicles to stop or slow at all railroad grade crossings.-

(1) The driver of any motor vehicle carrying passengers for hire, excluding taxicabs, of any school bus carrying any school child, or of any vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo, before crossing at grade any track or tracks of a railroad, shall stop such vehicle within 50 feet but not less than 15 feet from the nearest rail of the railroad and, while so stopped, shall listen and look in both directions along the track for any approaching train, and for signals indicating the approach of a train, except as hereinafter provided, and shall not proceed until he or she can do so safely. After stopping as required herein and upon proceeding when it is safe to do so, the driver of any such vehicle shall cross only in a gear of the vehicle so that there will be no necessity for changing gears while traversing the crossing, and the driver shall not shift gears while crossing the track or tracks.

(2) No stop need be made at any such crossing where a police officer, a traffic control signal, or a sign directs traffic to proceed. However, any school bus carrying any school child shall be required to stop unless directed to proceed by a police officer.

(3) The driver of any commercial motor vehicle that is not



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116 required to stop under subsection (1) or subsection (2) before
117 crossing the track or tracks of any railroad grade crossing
118 shall slow the motor vehicle and check that the tracks are clear
119 of an approaching train.

120 (4)~~(3)~~ A violation of this section is a noncriminal traffic
121 infraction, punishable as a moving violation as provided in
122 chapter 318.

123 Section 2. Paragraphs (d) and (i) of subsection (6) and
124 subsections (13) and (14) of section 316.193, Florida Statutes,
125 are amended to read:

126 316.193 Driving under the influence; penalties.-

127 (6) With respect to any person convicted of a violation of
128 subsection (1), regardless of any penalty imposed pursuant to
129 subsection (2), subsection (3), or subsection (4):

130 (d) The court must at the time of sentencing the defendant
131 issue an order for the impoundment or immobilization of a
132 vehicle. ~~The order of impoundment or immobilization must include~~
133 ~~the name and telephone numbers of all immobilization agencies~~
134 ~~meeting all of the conditions of subsection (13).~~ Within 7
135 business days after the date that the court issues the order of
136 impoundment or immobilization, the clerk of the court must send
137 notice by certified mail, return receipt requested, to the
138 registered owner of each vehicle, if the registered owner is a
139 person other than the defendant, and to each person of record
140 claiming a lien against the vehicle.

141 (i) All costs and fees for the impoundment or
142 immobilization, including the cost of notification, must be paid
143 by the owner of the vehicle or, if the vehicle is leased or
144 rented, by the person leasing or renting the vehicle, unless the



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145 impoundment or immobilization order is dismissed. All provisions
146 of s. 713.78 shall apply. ~~The costs and fees for the impoundment~~
147 ~~or immobilization must be paid directly to the person impounding~~
148 ~~or immobilizing the vehicle.~~

149
150 For the purposes of this section, any conviction for a violation
151 of s. 327.35; a previous conviction for the violation of former
152 s. 316.1931, former s. 860.01, or former s. 316.028; or a
153 previous conviction outside this state for driving under the
154 influence, driving while intoxicated, driving with an unlawful
155 blood-alcohol level, driving with an unlawful breath-alcohol
156 level, or any other similar alcohol-related or drug-related
157 traffic offense, is also considered a previous conviction for
158 violation of this section. However, in satisfaction of the fine
159 imposed pursuant to this section, the court may, upon a finding
160 that the defendant is financially unable to pay either all or
161 part of the fine, order that the defendant participate for a
162 specified additional period of time in public service or a
163 community work project in lieu of payment of that portion of the
164 fine which the court determines the defendant is unable to pay.
165 In determining such additional sentence, the court shall
166 consider the amount of the unpaid portion of the fine and the
167 reasonable value of the services to be ordered; however, the
168 court may not compute the reasonable value of services at a rate
169 less than the federal minimum wage at the time of sentencing.

170 ~~(13) If personnel of the circuit court or the sheriff do~~
171 ~~not immobilize vehicles, only immobilization agencies that meet~~
172 ~~the conditions of this subsection shall immobilize vehicles in~~
173 ~~that judicial circuit.~~



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174 ~~(a) The immobilization agency responsible for immobilizing~~
175 ~~vehicles in that judicial circuit shall be subject to strict~~
176 ~~compliance with all of the following conditions and~~
177 ~~restrictions:~~

178 ~~1. Any immobilization agency engaged in the business of~~
179 ~~immobilizing vehicles shall:~~

180 ~~a. Have a class "R" license issued pursuant to part IV of~~
181 ~~chapter 493;~~

182 ~~b. Have at least 3 years of verifiable experience in~~
183 ~~immobilizing vehicles; and~~

184 ~~c. Maintain accurate and complete records of all payments~~
185 ~~for the immobilization, copies of all documents pertaining to~~
186 ~~the court's order of impoundment or immobilization, and any~~
187 ~~other documents relevant to each immobilization. Such records~~
188 ~~must be maintained by the immobilization agency for at least 3~~
189 ~~years.~~

190 ~~2. The person who immobilizes a vehicle must never have~~
191 ~~been convicted of any felony or of driving or boating under the~~
192 ~~influence of alcohol or a controlled substance in the last 3~~
193 ~~years.~~

194 ~~(b) A person who violates paragraph (a) commits a~~
195 ~~misdemeanor of the first degree, punishable as provided in s.~~
196 ~~775.082 or s. 775.083.~~

197 ~~(c) Any immobilization agency who is aggrieved by a~~
198 ~~person's violation of paragraph (a) may bring a civil action~~
199 ~~against the person who violated paragraph (a) seeking injunctive~~
200 ~~relief, damages, reasonable attorney's fees and costs, and any~~
201 ~~other remedy available at law or in equity as may be necessary~~
202 ~~to enforce this subsection. In any action to enforce this~~



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203 ~~subsection, establishment of a violation of paragraph (a) shall~~
204 ~~conclusively establish a clear legal right to injunctive relief,~~
205 ~~that irreparable harm will be caused if an injunction does not~~
206 ~~issue, that no adequate remedy at law exists, and that public~~
207 ~~policy favors issuance of injunctive relief.~~

208 ~~(14) As used in this chapter, the term:~~

209 ~~(a) "Immobilization," "immobilizing," or "immobilize" means~~
210 ~~the act of installing a vehicle antitheft device on the steering~~
211 ~~wheel of a vehicle, the act of placing a tire lock or wheel~~
212 ~~clamp on a vehicle, or a governmental agency's act of taking~~
213 ~~physical possession of the license tag and vehicle registration~~
214 ~~rendering a vehicle legally inoperable to prevent any person~~
215 ~~from operating the vehicle pursuant to an order of impoundment~~
216 ~~or immobilization under subsection (6).~~

217 ~~(b) "Immobilization agency" or "immobilization agencies"~~
218 ~~means any firm, company, agency, organization, partnership,~~
219 ~~corporation, association, trust, or other business entity of any~~
220 ~~kind whatsoever that meets all of the conditions of subsection~~
221 ~~(13).~~

222 ~~(c) "Impoundment," "impounding," or "impound" means the act~~
223 ~~of storing a vehicle at a storage facility pursuant to an order~~
224 ~~of impoundment or immobilization under subsection (6) where the~~
225 ~~person impounding the vehicle exercises control, supervision,~~
226 ~~and responsibility over the vehicle.~~

227 ~~(d) "Person" means any individual, firm, company, agency,~~
228 ~~organization, partnership, corporation, association, trust, or~~
229 ~~other business entity of any kind whatsoever.~~

230 Section 3. Subsection (3) of section 316.646, Florida
231 Statutes, is amended to read:



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232 316.646 Security required; proof of security and display
233 thereof; dismissal of cases.—

234 (3) Any person who violates this section commits a
235 nonmoving traffic infraction subject to the penalty provided in
236 chapter 318 and shall be required to furnish proof of security
237 as provided in this section. If any person charged with a
238 violation of this section fails to furnish proof~~7~~ at or before
239 the scheduled court appearance date~~7~~ that security was in effect
240 at the time of the violation, the court shall, upon conviction,
241 notify the department to ~~may immediately~~ suspend the
242 registration and driver's license of such person. If the court
243 fails to order the suspension of the person's registration and
244 driver's license for a conviction of this section at the time of
245 sentencing, the department shall, upon receiving notice of the
246 conviction from the court, suspend the person's registration and
247 driver's license for the violation of this section. Such license
248 and registration may be reinstated only as provided in s.
249 324.0221.

250 Section 4. Subsections (1), (2), (3), (10), and (13) of
251 section 318.14, Florida Statutes, are amended to read:

252 318.14 Noncriminal traffic infractions; exception;
253 procedures.—

254 (1) Except as provided in ss. 318.17 and 320.07(3)(c), any
255 person cited for a violation of chapter 316, s. 320.0605, s.
256 320.07(3)(a) or (b), s. 322.065, s. 322.15(1), s. 322.16(2) or
257 (3), s. 322.1615 ~~s. 322.161(5)~~, s. 322.19, or s. 1006.66(3) is
258 charged with a noncriminal infraction and must be cited for such
259 an infraction ~~and cited to appear before an official~~. If another
260 person dies as a result of the noncriminal infraction, the



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261 person cited may be required to perform 120 community service
262 hours under s. 316.027(4), in addition to any other penalties.

263 (2) Except as provided in s. 316.1001(2), any person cited
264 for a violation requiring a mandatory hearing listed in s.
265 318.19 or any other criminal traffic violation listed in chapter
266 316 ~~an infraction under this section~~ must sign and accept a
267 citation indicating a promise to appear. The officer may
268 indicate on the traffic citation the time and location of the
269 scheduled hearing and must indicate the applicable civil penalty
270 established in s. 318.18.

271 (3) Any person who willfully refuses to accept and sign a
272 summons as provided in subsection (2) commits ~~is guilty of a~~
273 misdemeanor of the second degree.

274 (10) (a) Any person who does not hold a commercial driver's
275 license and who is cited for an offense listed under this
276 subsection may, in lieu of payment of fine or court appearance,
277 elect to enter a plea of nolo contendere and provide proof of
278 compliance to the clerk of the court, designated official, or
279 authorized operator of a traffic violations bureau. In such
280 case, adjudication shall be withheld; however, no election shall
281 be made under this subsection if such person has made an
282 election under this subsection in the 12 months preceding
283 election hereunder. No person may make more than three elections
284 under this subsection. This subsection applies to the following
285 offenses:

286 1. Operating a motor vehicle without a valid driver's
287 license in violation of the provisions of s. 322.03, s. 322.065,
288 or s. 322.15(1), or operating a motor vehicle with a license
289 that ~~which~~ has been suspended for failure to appear, failure to



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290 pay civil penalty, failure to pay any other financial obligation
291 as provided in s. 322.245 other than those specified in s.
292 322.245(1), or failure to attend a driver improvement course
293 pursuant to s. 322.291.

294 2. Operating a motor vehicle without a valid registration
295 in violation of s. 320.0605, s. 320.07, or s. 320.131.

296 3. Operating a motor vehicle in violation of s. 316.646.

297 4. Operating a motor vehicle with a license that has been
298 suspended for child support in violation of s. 322.245 or s.
299 61.13016.

300 5. Operating a motor vehicle with a license which has been
301 suspended in violation of s. 322.091.

302 (b) Any person cited for an offense listed in this
303 subsection shall present proof of compliance prior to the
304 scheduled court appearance date. For the purposes of this
305 subsection, proof of compliance shall consist of a valid,
306 renewed, or reinstated driver's license or registration
307 certificate and proper proof of maintenance of security as
308 required by s. 316.646. Notwithstanding waiver of fine, any
309 person establishing proof of compliance shall be assessed court
310 costs of \$25, except that a person charged with violation of s.
311 316.646(1)-(3) may be assessed court costs of \$8. One dollar of
312 such costs shall be remitted to the Department of Revenue for
313 deposit into the Child Welfare Training Trust Fund of the
314 Department of Children and Family Services. One dollar of such
315 costs shall be distributed to the Department of Juvenile Justice
316 for deposit into the Juvenile Justice Training Trust Fund.
317 Fourteen dollars of such costs shall be distributed to the
318 municipality and \$9 shall be deposited by the clerk of the court



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319 into the fine and forfeiture fund established pursuant to s.
320 142.01, if the offense was committed within the municipality. If
321 the offense was committed in an unincorporated area of a county
322 or if the citation was for a violation of s. 316.646(1)-(3), the
323 entire amount shall be deposited by the clerk of the court into
324 the fine and forfeiture fund established pursuant to s. 142.01,
325 except for the moneys to be deposited into the Child Welfare
326 Training Trust Fund and the Juvenile Justice Training Trust
327 Fund. This subsection shall not be construed to authorize the
328 operation of a vehicle without a valid driver's license, without
329 a valid vehicle tag and registration, or without the maintenance
330 of required security.

331 (13) (a) A person cited for a violation of s. 316.1926
332 shall, in addition to any other requirements provided in this
333 section, pay a fine of \$1,000. This fine is in lieu of the fine
334 required under s. 318.18(3) (b), if the person was cited for
335 violation of s. 316.1926(2).

336 (b) A person cited for a second violation of s. 316.1926
337 shall, in addition to any other requirements provided in this
338 section, pay a fine of \$2,500. This fine is in lieu of the fine
339 required under s. 318.18(3) (b), if the person was cited for
340 violation of s. 316.1926(2). In addition, the court shall revoke
341 the person's authorization and privilege to operate a motor
342 vehicle for a period of 1 year and order the person to surrender
343 his or her driver's license.

344 (c) A person cited for a third violation of s. 316.1926
345 commits a felony of the third degree, punishable as provided in
346 s. 775.082, s. 775.083, or s. 775.084. Upon conviction, the
347 court shall impose a fine of \$5,000, revoke the person's



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348 authorization and privilege to operate a motor vehicle for a
349 period of 10 years, and order the person to surrender his or her
350 driver's license.

351 Section 5. Paragraphs (a), (b), and (c) of subsection (3)
352 of section 318.18, Florida Statutes, are amended to read:

353 318.18 Amount of penalties.—The penalties required for a
354 noncriminal disposition pursuant to s. 318.14 or a criminal
355 offense listed in s. 318.17 are as follows:

356 (3)(a) Except as otherwise provided in this section, \$60
357 for all moving violations not requiring a mandatory appearance.

358 (b) For moving violations involving unlawful speed, the
359 fines are as follows:

360

361 For speed exceeding the limit by:	Fine:
362 1-5 m.p.h.....	Warning
363 6-9 m.p.h.....	\$25
364 10-14 m.p.h.....	\$100
365 15-19 m.p.h.....	\$150
366 20-29 m.p.h.....	\$175
367 30 m.p.h. and above.....	\$250

368 (c) Notwithstanding paragraph (b), a person cited for
369 exceeding the speed limit by up to 5 m.p.h. in a legally posted
370 school zone will be fined \$50. A person exceeding the speed
371 limit in a school zone or designated school crossing shall pay a
372 fine double the amount listed in paragraph (b).

373 Section 6. Paragraph (b) of subsection (1) of section
374 320.071, Florida Statutes, is amended to read:

375 320.071 Advance registration renewal; procedures.—

376 (1)



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377 (b) The owner of any apportioned motor vehicle currently
378 registered in this state may file an application for renewal of
379 registration with the department any time during the 3 5 months
380 preceding the date of expiration of the registration period.

381 Section 7. Subsections (1) and (2) of section 320.0807,
382 Florida Statutes, are amended to read:

383 320.0807 Special license plates for Governor and federal
384 and state legislators.—

385 (1) Upon application by any member of the House of
386 Representatives of Congress and payment of the fees prescribed
387 by s. 320.0805, the department is authorized to issue to such
388 Member of Congress a license plate stamped "Member of Congress"
389 followed by the number of the appropriate congressional district
390 and the letters "MC," or any other configuration chosen by the
391 member which is not already in use. Upon application by a United
392 States Senator and payment of the fees prescribed by s.
393 320.0805, the department is authorized to issue a license plate
394 stamped "USS," followed by the numeral II in the case of the
395 junior senator.

396 (2) Upon application by any member of the state House of
397 Representatives and payment of the fees prescribed by s.
398 320.0805, the department is authorized to issue such state
399 representative license plates stamped in bold letters "State
400 Legislator," followed by the number of the appropriate House of
401 Representatives district and the letters "HR," or any other
402 configuration chosen by the member which is not already in use
403 ~~on one plate; the numbers of the other plates will be assigned~~
404 ~~by the department.~~ Upon application by a state senator and
405 payment of the fees prescribed by s. 320.0805, the department is



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406 authorized to issue license plates stamped in bold letters
407 "State Senator," followed by the number of the appropriate
408 Senate district and the letters "SS," or any other configuration
409 chosen by the member which is not already in use on one plate;
410 ~~the numbers of the other plates will be assigned by the~~
411 ~~department.~~

412 Section 8. Subsection (4) of section 320.084, Florida
413 Statutes, is amended to read:

414 320.084 Free motor vehicle license plate to certain
415 disabled veterans.-

416 (4) (a) With the issuance of each new permanent "DV"
417 numerical motor vehicle license plate, the department shall
418 initially issue, without cost to the applicant, a validation
419 sticker reflecting the owner's birth month and a serially
420 numbered validation sticker reflecting the year of expiration.
421 The initial sticker reflecting the year of expiration may not
422 exceed 27 ~~15~~ months.

423 (b) There shall be a service charge in accordance with the
424 provisions of s. 320.04 for each initial application or renewal
425 of registration and an additional sum of 50 cents on each
426 license plate and validation sticker as provided in s.
427 320.06(3) (b).

428 (c) Registration under this section shall be renewed
429 annually or biennially during the applicable renewal period on
430 forms prescribed by the department, which shall include, in
431 addition to any other information required by the department, a
432 certified statement as to the continued eligibility of the
433 applicant to receive the special "DV" license plate. Any
434 applicant who falsely or fraudulently submits to the department



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435 the certified statement required by this paragraph is guilty of
436 a noncriminal violation and is subject to a civil penalty of
437 \$50.

438 Section 9. Section 321.03, Florida Statutes, is amended to
439 read:

440 321.03 Imitations prohibited; penalty.—Unless specifically
441 authorized by the Florida Highway Patrol, it shall be unlawful
442 for any a person or persons in the state shall not to color or
443 cause to be colored any motor vehicle or motorcycle the same or
444 similar color as the color or colors so prescribed for the
445 Florida Highway Patrol. A Any person who violates ~~violating any~~
446 ~~of the provisions of~~ this section or s. 321.02 with respect to
447 uniforms, emblems, motor vehicles and motorcycles commits ~~shall~~
448 ~~be guilty of~~ a misdemeanor of the first degree, punishable as
449 provided in s. 775.082 or s. 775.083. The Department of Highway
450 Safety and Motor Vehicles shall employ such clerical help and
451 mechanics as may be necessary for the economical and efficient
452 operation of such department.

453 Section 10. Section 321.05, Florida Statutes, is amended to
454 read:

455 321.05 Duties, functions, and powers of patrol officers.—
456 The members of the Florida Highway Patrol are hereby declared to
457 be conservators of the peace and law enforcement officers of the
458 state, with the common-law right to arrest a person who, in the
459 presence of the arresting officer, commits a felony or commits
460 an affray or breach of the peace constituting a misdemeanor,
461 with full power to bear arms; and they shall apprehend, without
462 warrant, any person in the unlawful commission of any of the
463 acts over which the members of the Florida Highway Patrol are



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464 given jurisdiction as hereinafter set out and deliver him or her
465 to the sheriff of the county that further proceedings may be had
466 against him or her according to law. In the performance of any
467 of the powers, duties, and functions authorized by law, members
468 of the Florida Highway Patrol ~~shall~~ have the same protections
469 and immunities afforded other peace officers, which shall be
470 recognized by all courts having jurisdiction over offenses
471 against the laws of this state, and ~~shall~~ have authority to
472 apply for, serve, and execute search warrants, arrest warrants,
473 capias, and other process of the court ~~in those matters in which~~
474 ~~patrol officers have primary responsibility as set forth in~~
475 ~~subsection (1)~~. The patrol officers under the direction and
476 supervision of the Department of Highway Safety and Motor
477 Vehicles shall perform and exercise throughout the state the
478 following duties, functions, and powers:

479 (1) To patrol the state highways and regulate, control, and
480 direct the movement of traffic thereon; to maintain the public
481 peace by preventing violence on highways; to apprehend fugitives
482 from justice; to enforce all laws now in effect regulating and
483 governing traffic, travel, and public safety upon the public
484 highways and providing for the protection of the public highways
485 and public property thereon; to make arrests without warrant for
486 the violation of any state law committed in their presence in
487 accordance with the laws of this state; providing that no search
488 shall be made unless it is incident to a lawful arrest, to
489 regulate and direct traffic concentrations and congestions; to
490 enforce laws governing the operation, licensing, and taxing and
491 limiting the size, weight, width, length, and speed of vehicles
492 and licensing and controlling the operations of drivers and



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493 operators of vehicles; to cooperate with officials designated by
494 law to collect all state fees and revenues levied as an incident
495 to the use or right to use the highways for any purpose; to
496 require the drivers of vehicles to stop and exhibit their
497 driver's licenses, registration cards, or documents required by
498 law to be carried by such vehicles; to investigate traffic
499 accidents, secure testimony of witnesses and of persons
500 involved, and make report thereof with copy, when requested in
501 writing, to any person in interest or his or her attorney; to
502 investigate reported thefts of vehicles and to seize contraband
503 or stolen property on or being transported on the highways. Each
504 law enforcement officer is subject to and have the same arrest
505 and other authority provided for law enforcement officers
506 generally in chapter 901 and have statewide jurisdiction. Each
507 officer shall also have arrest authority as provided for state
508 law enforcement officers in s. 901.15. This section is shall not
509 be construed as being in conflict with, but is supplemental to,
510 chapter 933.

511 (2) To assist other constituted law enforcement officers of
512 the state to quell mobs and riots, guard prisoners, and police
513 disaster areas.

514 (3) (a) To make arrests while in fresh pursuit of a person
515 believed to have violated the traffic and other laws.

516 (b) To make arrest of a person wanted for a felony or
517 against whom a warrant has been issued on any charge in
518 violation of federal, state, or county laws or municipal
519 ordinances.

520 (4) (a) All fines and costs and the proceeds of the
521 forfeiture of bail bonds and recognizances resulting from the



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522 enforcement of this chapter by patrol officers shall be paid
523 into the fine and forfeiture fund established pursuant to s.
524 142.01 of the county where the offense is committed. In all
525 cases of arrest by patrol officers, the person arrested shall be
526 delivered forthwith by the ~~said~~ officer to the sheriff of the
527 county, or he or she shall obtain from the ~~such~~ person arrested
528 a recognizance or, if deemed necessary, a cash bond or other
529 sufficient security conditioned for his or her appearance before
530 the proper tribunal of the ~~such~~ county to answer the charge for
531 which he or she has been arrested; and all fees accruing shall
532 be taxed against the party arrested, which fees are hereby
533 declared to be part of the compensation of the ~~said~~ sheriffs
534 authorized to be fixed by the Legislature under s. 5(c), Art. II
535 of the State Constitution, to be paid such sheriffs in the same
536 manner as fees are paid for like services in other criminal
537 cases. All patrol officers are hereby directed to deliver all
538 bonds accepted and approved by them to the sheriff of the county
539 in which the offense is alleged to have been committed. However,
540 a ~~no~~ sheriff shall not be paid any arrest fee for the arrest of
541 a person for violation of any section of chapter 316 when the
542 arresting officer was transported in a Florida Highway Patrol
543 car to the vicinity where the arrest was made; and a ~~no~~ sheriff
544 shall not be paid any fee for mileage for himself or herself or
545 a prisoner for miles traveled in a Florida Highway Patrol car. A
546 ~~No~~ patrol officer is not ~~shall be~~ entitled to any fee or mileage
547 cost except when responding to a subpoena in a civil cause or
548 except when the ~~such~~ patrol officer is appearing as an official
549 witness to testify at any hearing or law action in any court of
550 this state as a direct result of his or her employment as a



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551 patrol officer during time not compensated as a part of his or
552 her normal duties. Nothing herein shall be construed as limiting
553 the power to locate and to take from any person under arrest or
554 about to be arrested deadly weapons. ~~Nothing contained in This~~
555 section is not ~~shall be construed as~~ a limitation upon existing
556 powers and duties of sheriffs or police officers.

557 (b) Any person so arrested and released on his or her own
558 recognizance by an officer and who fails ~~shall fail~~ to appear or
559 respond to a notice to appear shall, in addition to the traffic
560 violation charge, commits ~~be guilty of~~ a noncriminal traffic
561 infraction subject to the penalty provided in s. 318.18(2).

562 (5) The department may employ or assign some fit and
563 suitable person with experience in the field of public relations
564 who shall ~~have the duty to~~ promote, coordinate, and publicize
565 the traffic safety activities in the state and assign such
566 person to the office of the Governor at a salary to be fixed by
567 the department. The person so assigned or employed shall be a
568 member of the uniform division of the Florida Highway Patrol,
569 and he or she shall have the pay and rank of lieutenant while on
570 such assignment.

571 (6) The Division of Florida Highway Patrol is authorized to
572 adopt ~~promulgate~~ rules and ~~regulations~~ which may be necessary to
573 implement the provisions of chapter 316.

574 Section 11. Section 322.121, Florida Statutes, is amended
575 to read:

576 322.121 Periodic reexamination of all drivers.—

577 (1) It is the intent of the Legislature that all licensed
578 drivers in Florida be reexamined upon renewal of their licenses.
579 Because only a small percentage of drivers in the state are



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580 categorized as problem drivers, the Legislature intends that
581 ~~renewals the large number of drivers who have not had any~~
582 ~~convictions for the 3 years preceding renewal and whose driving~~
583 ~~privilege in this state has not been revoked, disqualified, or~~
584 ~~suspended at any time during the 7 years preceding renewal be~~
585 ~~processed expeditiously upon renewal of their licenses by~~
586 ~~examinations of the licensee's their eyesight and hearing only~~
587 ~~and that all other licensees be tested, in addition to the~~
588 ~~eyesight and hearing examinations, with respect to their ability~~
589 ~~to read and understand highway signs regulating, warning, and~~
590 ~~directing traffic.~~

591 ~~(2) Each licensee must pass a reexamination at the time of~~
592 ~~renewal, except as otherwise provided in this chapter. For each~~
593 ~~licensee whose driving record does not show any convictions for~~
594 ~~the preceding 3 years or any revocations, disqualifications, or~~
595 ~~suspensions for the preceding 7 years; and who, at the time of~~
596 ~~renewal, presents a renewal notice verifying such safe driving~~
597 ~~record, the reexamination shall consist of tests of the~~
598 ~~licensee's eyesight and hearing. For all other licensees, in~~
599 ~~addition to the eyesight and hearing tests, the reexamination~~
600 ~~must include tests of the ability to read and understand highway~~
601 ~~signs and pavement markings regulating, warning, and directing~~
602 ~~traffic.~~

603 ~~(2)(3)~~ For each licensee whose driving record does not show
604 any revocations, disqualifications, or suspensions for the
605 preceding 7 years or any convictions for the preceding 3 years
606 except for convictions of the following nonmoving violations:

607 (a) Failure to exhibit a vehicle registration certificate,
608 rental agreement, or cab card pursuant to s. 320.0605;



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609 (b) Failure to renew a motor vehicle or mobile home
610 registration that has been expired for 4 months or less pursuant
611 to s. 320.07(3) (a);

612 (c) Operating a motor vehicle with an expired license that
613 has been expired for 4 months or less pursuant to s. 322.065;

614 (d) Failure to carry or exhibit a license pursuant to s.
615 322.15(1); or

616 (e) Failure to notify the department of a change of address
617 or name within 10 days pursuant to s. 322.19,

618

619 the department shall cause such licensee's license to be
620 prominently marked with the notation "Safe Driver."

621 (3)~~(4)~~ Eyesight examinations must be administered as
622 provided in s. 322.12.

623 (4)~~(5)~~ An examination fee may not be assessed for
624 reexamination required by this section.

625 (5)~~(6)~~ Members of the Armed Forces, or their dependents
626 residing with them, shall be granted an automatic extension for
627 the expiration of their licenses without reexamination while
628 serving on active duty outside this state. This extension is
629 valid for 90 days after the member of the Armed Forces is either
630 discharged or returns to this state to live.

631 (6)~~(7)~~ In addition to any other examination authorized by
632 this section, an applicant for a renewal of a commercial
633 driver's license may be required to complete successfully an
634 examination of his or her knowledge regarding state and federal
635 rules, regulations, and laws, governing the type of vehicle
636 which he or she is applying to be licensed to operate.

637 (7)~~(8)~~ In addition to any other examination authorized by



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638 this section, an applicant for a renewal of an endorsement
639 issued under s. 322.57(1)(a), (b), (d), (e), or (f) may be
640 required to complete successfully an examination of his or her
641 knowledge regarding state and federal rules, regulations, and
642 laws, governing the type of vehicle which he or she is seeking
643 an endorsement to operate.

644 Section 12. Paragraph (c) is added to subsection (1) of
645 section 322.18, Florida Statutes, paragraph (a) of subsection
646 (5) and paragraph (c) of subsection (8) of that section are
647 amended, to read:

648 322.18 Original applications, licenses, and renewals;
649 expiration of licenses; delinquent licenses.—

650 (1)

651 (c) A person who has been issued a driver's license using
652 documentation specified in s. 322.08(2)(c)8. as proof of
653 identity is not eligible to renew that license and must obtain
654 an original license.

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

658 (a) A licensee who is otherwise eligible for renewal and
659 who is at least 80 years of age:

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

662 2. If the licensee applies for a renewal using a
663 convenience service as provided in subsection (8), he or she
664 must submit to a vision test administered by a physician
665 licensed under chapter 458 or chapter 459, ~~or~~ an optometrist
666 licensed under chapter 463, or a licensed physician at a



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667 federally established veterans hospital, must send the results
668 of that test to the department on a form obtained from the
669 department and signed by such health care practitioner, and must
670 meet vision standards that are equivalent to the standards for
671 passing the departmental vision test. The physician or
672 optometrist may submit the results of a vision test by a
673 department-approved electronic means.

674 (8) The department shall issue 8-year renewals using a
675 convenience service without reexamination to drivers who have
676 not attained 80 years of age. The department shall issue 6-year
677 renewals using a convenience service when the applicant has
678 satisfied the requirements of subsection (5).

679 (c) The department shall issue one renewal using a
680 convenience service. A person who is out of this state when his
681 or her license expires may be issued a 90-day temporary driving
682 permit without reexamination. At the end of the 90-day period,
683 the person must either return to this state or apply for a
684 license where the person is located, except for a member of the
685 Armed Forces as provided in s. 322.121(5) ~~s. 322.121(6)~~.

686 Section 13. Subsection (2) of section 322.2615, Florida
687 Statutes, is amended to read:

688 322.2615 Suspension of license; right to review.—

689 (2) Except as provided in paragraph (1)(a), the law
690 enforcement officer shall forward to the department, within 5
691 days after issuing the notice of suspension, the driver's
692 license; an affidavit stating the officer's grounds for belief
693 that the person was driving or in actual physical control of a
694 motor vehicle while under the influence of alcoholic beverages
695 or chemical or controlled substances; the results of any breath



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696 or blood test or an affidavit stating that a breath, blood, or
697 urine test was requested by a law enforcement officer or
698 correctional officer and that the person refused to submit; the
699 officer's description of the person's field sobriety test, if
700 any; and the notice of suspension;~~and a copy of the crash~~
701 ~~report, if any.~~ The failure of the officer to submit materials
702 within the 5-day period specified in this subsection and in
703 subsection (1) does not affect the department's ability to
704 consider any evidence submitted at or prior to the hearing. The
705 officer may also submit a copy of the crash report, a copy of a
706 videotape of the field sobriety test or the attempt to
707 administer such test. Materials submitted to the department by a
708 law enforcement agency or correctional agency shall be
709 considered self-authenticating and shall be in the record for
710 consideration by the hearing officer. Notwithstanding s.
711 316.066(7), the crash report shall be considered by the hearing
712 officer.

713 Section 14. Subsection (11) is added to section 322.34,
714 Florida Statutes, to read:

715 322.34 Driving while license suspended, revoked, canceled,
716 or disqualified.—

717 (11) (a) A person who does not hold a commercial driver
718 license and who is cited for an offense of knowingly driving
719 while his or her license is suspended, revoked, or canceled for
720 any of the underlying violations listed in paragraph (10) (a)
721 may, in lieu of payment of fine or court appearance, elect to
722 enter a plea of nolo contendere and provide proof of compliance
723 to the clerk of the court, designated official or authorized
724 operator of a traffic violations bureau. In such case,



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725 adjudication shall be withheld; however, no election shall be
726 made under this subsection if such person has made an election
727 under this subsection in the 12 months preceding election
728 hereunder. A person may not make more than three elections under
729 this subsection.

730 (b) If adjudication is withheld under paragraph (a), such
731 action is not a conviction.

732 Section 15. Subsection (8) of section 322.61, Florida
733 Statutes, is amended to read:

734 322.61 Disqualification from operating a commercial motor
735 vehicle.-

736 (8) A driver who is convicted of or otherwise found to have
737 committed a violation of an out-of-service order while driving a
738 commercial motor vehicle is disqualified as follows:

739 (a) Not less than 180 ~~90~~ days nor more than 1 year if the
740 driver is convicted of or otherwise found to have committed a
741 first violation of an out-of-service order.

742 (b) Not less than 2 years ~~1-year~~ nor more than 5 years if,
743 for offenses occurring during any 10-year period, the driver is
744 convicted of or otherwise found to have committed two violations
745 of out-of-service orders in separate incidents.

746 (c) Not less than 3 years nor more than 5 years if, for
747 offenses occurring during any 10-year period, the driver is
748 convicted of or otherwise found to have committed three or more
749 violations of out-of-service orders in separate incidents.

750 (d) Not less than 180 days nor more than 2 years if the
751 driver is convicted of or otherwise found to have committed a
752 first violation of an out-of-service order while transporting
753 hazardous materials required to be placarded under the Hazardous



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754 Materials Transportation Act, 49 U.S.C. ss. 5101 et seq., or
755 while operating motor vehicles designed to transport more than
756 15 passengers, including the driver. A driver is disqualified
757 for a period of not less than 3 years nor more than 5 years if,
758 for offenses occurring during any 10-year period, the driver is
759 convicted of or otherwise found to have committed any subsequent
760 violations of out-of-service orders, in separate incidents,
761 while transporting hazardous materials required to be placarded
762 under the Hazardous Materials Transportation Act, 49 U.S.C. ss.
763 5101 et seq., or while operating motor vehicles designed to
764 transport more than 15 passengers, including the driver.

765 Section 16. Section 488.06, Florida Statutes, is amended to
766 read:

767 488.06 Denial, revocation, or suspension of license or
768 certificate.—The Department of Highway Safety and Motor Vehicles
769 may suspend or revoke any license or certificate issued under
770 the provisions of this chapter if the holder of the license or
771 certificate, or if an instructor, agent, or employee of the
772 commercial driving school, has:

773 (1) Violated the provisions of this chapter;—

774 (2) Been convicted of, pled no contest to, or had
775 adjudication withheld for any felony offense or misdemeanor
776 offense, as shown by a criminal background check, the cost of
777 which must be borne by the applicant, instructor, agent, or
778 employee;

779 (3) Committed of any fraud or willful misrepresentation in
780 applying for or obtaining a license; or

781 (4) Solicited business on any premises, including parking
782 areas, used by the department or a tax collector for the purpose



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783 of licensing drivers.

784 Section 17. This act shall take effect September 1, 2010.