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1
2 An act relating to the Department of Highway Safety and
3 Motor Vehicles; amending s. 316.0741, F.S.; redefining the
4 term "hybrid vehicle"; authorizing the driving of a
5 hybrid, low-emission, or energy-efficient vehicle in a
6 high-occupancy-vehicle lane regardless of occupancy;
7 authorizing the department to limit or discontinue such
8 driving under certain circumstances; directing the
9 Department of Transportation to review a specified federal
10 rule and make a report to the Legislature; exempting
11 certain vehicles from the payment of certain tolls;
12 amending s. 316.1575, F.S.; requiring a person walking or
13 driving a vehicle to stop at a railroad crossing upon the
14 signal of a law enforcement officer; amending s. 316.1895,
15 F.S.; requiring the placement of signs in certain school
16 zones stating that speeding fines are doubled within the
17 zone; amending s. 316.191, F.S.; providing a definition of
18 the term "spectator"; prohibiting a person from being a
19 spectator at an illegal drag race; providing noncriminal
20 penalties; amending s. 316.193, F.S.; lowering the blood-
21 alcohol or breath-alcohol level for which enhanced
22 penalties are imposed against a person convicted of
23 driving under the influence; clarifying that an ignition
24 interlock device is installed for a continuous period;
25 amending s. 316.1937, F.S.; revising the conditions under
26 which the court may require the use of an ignition
27 interlock device; amending s. 316.251, F.S.; conforming a
28 cross-reference; amending s. 316.302, F.S.; revising
29 references to rules, regulations, and criteria governing

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

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

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

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

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

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

148 motor vehicle is disqualified if the person was driving or

149 in actual physical control of a commercial motor vehicle,

150 or any motor vehicle if the person holds a commercial

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

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

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

154 disqualification; providing procedures; providing for

155 issuance of a notice of disqualification; revising the

156 requirements for a formal review hearing following a

157 person's disqualification from operating a commercial

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

159 a judgment becomes final by expiration of the time for

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

161 reference; creating the Automobile Lenders Industry Task

162 Force within the Department of Highway Safety and Motor

163 Vehicles; providing duties of the task force; providing

164 for membership and the election of officers; providing for

165 meetings; providing for reimbursement for travel and per

166 diem expenses for public-sector members; requiring the

167 department to provide administrative support and

168 assistance to the task force; prohibiting the Department

169 of Highway Safety and Motor Vehicles from issuing any new

170 specialty license plates for a specified period;

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

172 providing effective dates.

173

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

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175
176 Section 1. Section 316.0741, Florida Statutes, is amended
177 to read:

178 316.0741 High-occupancy-vehicle ~~High-occupancy vehicle~~
179 lanes.--

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

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

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

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

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

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

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

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204 violation, punishable as provided in chapter 318.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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262 316.1575, Florida Statutes, is amended to read:

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

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

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

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

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

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

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

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

295 316.191 Racing on highways.--

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

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

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

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

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

312 316.193 Driving under the influence; penalties.--

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

319 (a) By a fine of:

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

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

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

326 (b) By imprisonment for:

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

328 2. Not more than 12 months for a second conviction.
329

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

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

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

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

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

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

366 316.251 Maximum bumper heights.--

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

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

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

377 (1)

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

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

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

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407 | days.

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

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

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

422 | 316.613 Child restraint requirements.--

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

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

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

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

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

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

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

438 316.614 Safety belt usage.--

439 (3) As used in this section:

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

443 1. A school bus.

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

446 3. A farm tractor or implement of husbandry.

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

449 5. A motorcycle, moped, or bicycle.

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

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

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

461 316.650 Traffic citations.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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610 that section to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

667 (a) The department shall withhold registrations and license

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

727 320.131 Temporary tags.--

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

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

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

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

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

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

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

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

777 320.27 Motor vehicle dealers.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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900 | financial institution or company.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

962 | 322.051 Identification cards.--

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

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

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

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

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

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

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

986 | c. A valid, unexpired United States passport;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1041 (2) (a) Every identification card:

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

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

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

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

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

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

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

1087 | 322.08 Application for license.--

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

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

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

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

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

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

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

1110 | 3. A valid, unexpired United States passport;

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

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

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

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

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

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

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

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

1131 | d. Any official documentation confirming the filing of a

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

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

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

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

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

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

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

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1161 suspension, revocation, or refusal.

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

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

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

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

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

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

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

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

1186

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

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

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

1194 322.14 Licenses issued to drivers.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1277 | ~~the department.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1441 322.19 Change of address or name.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1514 322.2715 Ignition interlock device.--

1515 (3) If the person is convicted of:

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

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

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

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

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

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

1541 (1) Whose driving privilege has been revoked:

1542 (a) Upon conviction for:

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

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

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

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

1553 5. Reckless driving; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1741 read:

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

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

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

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

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

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

1798 2. The disqualification period for operating commercial

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1936 (b) Sustain the disqualification:

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

1943 2. Permanently if the person has been previously

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2034
2035 In any civil litigation resulting from a violation of this
2036 section, when evaluating the reasonableness of an award of
2037 attorney's fees to a private person, the trial court shall
2038 consider the amount of actual damages in relation to the time
2039 spent.

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

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

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

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

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

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

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

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

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

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

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

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