

Committee Substitute for Committee Substitute for
Committee Substitute for Senate Bill No. 1992

An act relating to the Department of Highway Safety and Motor Vehicles; amending s. 316.0741, F.S.; redefining the term “hybrid vehicle”; authorizing the driving of a hybrid, low-emission, or energy-efficient vehicle in a high-occupancy-vehicle lane regardless of occupancy; authorizing the department to limit or discontinue such driving under certain circumstances; directing the Department of Transportation to review a specified federal rule and make a report to the Legislature; exempting certain vehicles from the payment of certain tolls; amending s. 316.1575, F.S.; requiring a person walking or driving a vehicle to stop at a railroad crossing upon the signal of a law enforcement officer; amending s. 316.1895, F.S.; requiring the placement of signs in certain school zones stating that speeding fines are doubled within the zone; amending s. 316.191, F.S.; providing a definition of the term “spectator”; prohibiting a person from being a spectator at an illegal drag race; providing noncriminal penalties; amending s. 316.193, F.S.; lowering the blood-alcohol or breath-alcohol level for which enhanced penalties are imposed against a person convicted of driving under the influence; clarifying that an ignition interlock device is installed for a continuous period; amending s. 316.1937, F.S.; revising the conditions under which the court may require the use of an ignition interlock device; amending s. 316.251, F.S.; conforming a cross-reference; amending s. 316.302, F.S.; revising references to rules, regulations, and criteria governing commercial motor vehicles engaged in intrastate commerce; providing that the Department of Transportation performs duties assigned to the Field Administrator of the Federal Motor Carrier Safety Administration under the federal rules and may enforce those rules; amending ss. 316.613 and 316.614, F.S.; revising the definition of “motor vehicle” for purposes of child restraint and safety belt usage requirements; amending s. 316.645, F.S.; authorizing a police officer to make an arrest upon probable cause of a violation of laws governing motor vehicle licenses; amending s. 316.650, F.S.; revising requirements for traffic citation forms; providing for the electronic transmission of citation data; amending s. 316.656, F.S.; lowering the percentage of blood or breath alcohol content relating to the prohibition against pleading guilty to a lesser offense of driving under the influence than the offense charged; amending s. 318.14, F.S.; prohibiting a person from electing more than five times within 10 years to attend a basic driver improvement course approved by the Department of Highway Safety and Motor Vehicles in lieu of making a court appearance; amending s. 319.001, F.S.; defining the term “certificate of title” to include information stored electronically in the department’s database; amending s. 320.01, F.S.; revising the definition of the term “motorcycle” to exclude a vehicle in which the operator is enclosed by a cabin; amending s. 320.02, F.S.; deleting the requirement for a motorcycle endorsement at the time of original

registration of a motorcycle, motor-driven cycle, or moped; repealing s. 320.02(13), F.S., relating to a motor vehicle registration voluntary contribution for the Election Campaign Financing Trust Fund; amending s. 320.0706, F.S.; providing that a violation of requirements for displaying a truck license plate is a moving violation; amending s. 320.0715, F.S.; requiring the department to withhold issuing or to suspend a registration and license plate for a commercial motor vehicle if the federal identifying number is not provided or if the motor carrier or vehicle owner has been prohibited from operating; amending s. 320.08053, F.S.; removing a requirement that the department create certain specifications by rule for specialty license plates; amending s. 320.0894, F.S.; providing for issuance of Gold Star license plates to certain family members; amending s. 320.131, F.S.; requiring motor vehicle temporary tags to be affixed on the exterior of the vehicle; revising the requirement that the department specify media for motor vehicle temporary tags; revising the requirement that the department implement a print-on-demand electronic system for temporary tag issuance; providing for limited use of a backup manual issuance method during an outage; providing for rulemaking and certain exemptions; amending s. 320.27, F.S.; revising the insurance requirements for persons applying for a motor vehicle dealer license; conforming a cross-reference; repealing s. 320.96, F.S., relating to a print-on-demand electronic temporary license plate system; amending s. 322.01, F.S.; defining the term "convenience service" for purposes of transactions with the department; revising the definition of the term "conviction" to provide for application to offenses committed by a person holding a commercial driver's license; revising the definition of the terms "hazardous materials" and "out-of-service order"; amending s. 322.051, F.S.; revising requirements for application for issuance or renewal of an identification card; revising provisions providing for the expiration of an identification card issued by the department; amending s. 322.08, F.S.; revising requirements for application for a driver's license; removing a provision requiring the application form to include language permitting a voluntary contribution for the Election Campaign Financing Trust Fund; amending s. 322.14, F.S.; revising provisions for content of a driver's license; requiring the license to contain the licensee's residence address; removing a requirement that the license contain the licensee's mailing address; amending s. 322.15, F.S.; authorizing a law enforcement officer or authorized representative of the department to collect a person's fingerprints electronically; amending s. 322.17, F.S.; revising provisions for replacement of an instruction permit or driver license; removing fee amounts; requiring payment of specified fee amounts; removing a provision for a change of address sticker; conforming cross-references; amending s. 322.18, F.S.; revising provisions providing for the expiration and renewal of driver's licenses; providing for the renewal of certain licenses every 8 years; conforming cross-references; providing for the renewal of licenses using a convenience service; requiring the department to issue new licenses rather than extension stickers; repealing s. 322.181(4), F.S., relating to the Flor-

ida At-Risk Driver Council; amending s. 322.19, F.S.; revising provisions for a licensee changing address; removing a provision for the licensee to request a change-of-address sticker; conforming cross-references; amending s. 322.21, F.S.; revising fees for issuance of original, renewal, and replacement driver's licenses and identification cards; revising fees for specified endorsements; providing for distribution of revised fees; amending s. 322.2715, F.S.; providing that the required installation period of an ignition interlock device for certain DUI offenses be continuous; amending s. 322.291, F.S.; providing additional requirements for a third or subsequent violation of requirements for installation of an ignition interlock device; requiring treatment and extension of the duration of the ignition interlock requirement; amending s. 322.36, F.S.; requiring the suspension for a specified period of the driver's license of a person who loans a vehicle to a person whose driver's license is suspended if that vehicle is involved in an accident resulting in bodily injury or death; repealing s. 322.60, F.S., relating to the prohibition on commercial motor vehicle drivers possessing more than one license; amending s. 322.61, F.S.; clarifying provisions disqualifying a person from operating a commercial motor vehicle following certain traffic violations; providing for permanent disqualification following conviction of a felony involving the manufacture, distribution, or dispensing of a controlled substance; amending s. 322.64, F.S.; providing that a person's privilege to drive a commercial motor vehicle is disqualified if the person was driving or in actual physical control of a commercial motor vehicle, or any motor vehicle if the person holds a commercial driver's license, with an unlawful blood-alcohol level or breath-alcohol level or refuses to submit to a breath, urine, or blood test; providing for the period of disqualification; providing procedures; providing for issuance of a notice of disqualification; revising the requirements for a formal review hearing following a person's disqualification from operating a commercial motor vehicle; amending s. 324.021, F.S.; clarifying that a judgment becomes final by expiration of the time for appeal; amending s. 501.976, F.S.; conforming a cross-reference; creating the Automobile Lenders Industry Task Force within the Department of Highway Safety and Motor Vehicles; providing duties of the task force; providing for membership and the election of officers; providing for meetings; providing for reimbursement for travel and per diem expenses for public-sector members; requiring the department to provide administrative support and assistance to the task force; prohibiting the Department of Highway Safety and Motor Vehicles from issuing any new specialty license plates for a specified period; designating the Joseph P. Bertrand Building in Lee County; providing effective dates.

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

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

316.0741 High-occupancy-vehicle ~~High-occupancy vehicle~~ lanes.—

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

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

(b) “Hybrid vehicle” means a motor vehicle:

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

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

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

(3) Except as provided in subsection (4), a vehicle may not be driven in an HOV lane if the vehicle is occupied by fewer than the number of occupants indicated by a traffic control device. A driver who violates this section shall be cited for a moving violation, punishable as provided in chapter 318.

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

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

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

(5) The department shall issue a decal and registration certificate, to be renewed annually, reflecting the HOV lane designation on such vehicles meeting the criteria in subsection (4) authorizing driving in an HOV lane at any time such use. The department may charge a fee for a decal, not to exceed the costs of designing, producing, and distributing each decal, or \$5,

whichever is less. The proceeds from sale of the decals shall be deposited in the Highway Safety Operating Trust Fund. The department may, for reasons of operation and management of HOV facilities, limit or discontinue issuance of decals for the use of HOV facilities by hybrid and low-emission and energy-efficient vehicles, regardless of occupancy, if it has been determined by the Department of Transportation that the facilities are degraded as defined by 23 U.S.C. s. 166(d)(2).

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

~~(5) As used in this section, the term “hybrid vehicle” means a motor vehicle:~~

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

- ~~1. An internal combustion or heat engine using combustible fuel; and~~
- ~~2. A rechargeable energy storage system; and~~

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

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

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

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

Section 2. Paragraph (b) of subsection (1) of section 316.1575, Florida Statutes, is amended to read:

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

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

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

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

316.1895 Establishment of school speed zones, enforcement; designation.—

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

Section 4. Paragraph (d) is added to subsection (1) of section 316.191, Florida Statutes, subsections (3), (4), and (5) of that section are renumbered as subsections (4), (5), and (6), respectively, and a new subsection (3) is added to that section, to read:

316.191 Racing on highways.—

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

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

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

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

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

316.193 Driving under the influence; penalties.—

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

(a) By a fine of:

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

2. Not less than \$1,000 or more than \$2,000 for a second conviction.
 3. Not less than \$2,000 for a third or subsequent conviction.
- (b) By imprisonment for:
1. Not more than 9 months for a first conviction.
 2. Not more than 12 months for a second conviction.

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

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

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

316.1937 Ignition interlock devices, requiring; unlawful acts.—

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

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

316.251 Maximum bumper heights.—

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

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

316.302 Commercial motor vehicles; safety regulations; transporters and shippers of hazardous materials; enforcement.—

(1)

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

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

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

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

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

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

316.613 Child restraint requirements.—

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

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

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

(c) A farm tractor or implement of husbandry.

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

(e) A motorcycle, moped, or bicycle.

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

316.614 Safety belt usage.—

(3) As used in this section:

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

1. A school bus.

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

3. A farm tractor or implement of husbandry.

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

5. A motorcycle, moped, or bicycle.

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

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

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

316.650 Traffic citations.—

(1)(a) The department shall prepare, and supply to every traffic enforcement agency in this state, an appropriate form traffic citation that contains ~~containing~~ a notice to appear, is ~~(which shall be issued in prenumbered books, meets with citations in quintuplicate) and meeting~~ the requirements of this chapter or any laws of this state regulating traffic, and is ~~which form shall be~~ consistent with the state traffic court rules and the procedures

established by the department. The form shall include a box ~~that which~~ is to be checked by the law enforcement officer when the officer believes that the traffic violation or crash was due to aggressive careless driving as defined in s. 316.1923. The form shall also include a box ~~that which~~ is to be checked by the law enforcement officer when the officer writes a uniform traffic citation for a violation of s. 316.074(1) or s. 316.075(1)(c)1. as a result of the driver failing to stop at a traffic signal.

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

(c) Notwithstanding paragraphs (a) and (b), a traffic enforcement agency may produce uniform traffic citations by electronic means. Such citations must be consistent with the state traffic court rules and the procedures established by the department and; must be appropriately numbered and inventoried; ~~and may have fewer copies than the quintuplicate form~~. Affidavit-of-compliance forms may also be produced by electronic means.

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

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

(b) If a traffic citation is issued pursuant to s. 316.1001, a traffic enforcement officer may deposit the original ~~and one copy of such~~ traffic citation or, in the case of a traffic enforcement agency that has an automated citation system, may provide by an electronic transmission a replica of the citation data to ~~facsimile with~~ a court having jurisdiction over the alleged offense or with its traffic violations bureau within 45 days after the date of issuance of the citation to the violator. If the person cited for the violation of s. 316.1001 makes the election provided by s. 318.14(12) and pays the \$25 fine, or such other amount as imposed by the governmental entity owning the applicable toll facility, plus the amount of the unpaid toll that is shown on

the traffic citation directly to the governmental entity that issued the citation, or on whose behalf the citation was issued, in accordance with s. 318.14(12), the traffic citation will not be submitted to the court, the disposition will be reported to the department by the governmental entity that issued the citation, or on whose behalf the citation was issued, and no points will be assessed against the person's driver's license.

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

(5) Upon the deposit of the original ~~and one copy of such traffic citation~~ or upon ~~deposit of an electronic transmission of a replica of citation data~~ facsimile of the traffic citation with respect to traffic enforcement agencies that which have an automated citation issuance system with a court having jurisdiction over the alleged offense or with its traffic violations bureau as aforesaid, the original citation, the electronic citation containing a replica of citation data facsimile, or a copy of such traffic citation may be disposed of only by trial in the court or other official action by a judge of the court, including forfeiture of the bail, or by the deposit of sufficient bail with, or payment of a fine to, the traffic violations bureau by the person to whom such traffic citation has been issued by the traffic enforcement officer.

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

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

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

316.656 Mandatory adjudication; prohibition against accepting plea to lesser included offense.—

(2)(a) No trial judge may accept a plea of guilty to a lesser offense from a person charged under the provisions of this act who has been given a

breath or blood test to determine blood or breath alcohol content, the results of which show a blood or breath alcohol content by weight of 0.15 0.20 percent or more.

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

318.14 Noncriminal traffic infractions; exception; procedures.—

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

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

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

(1) “Certificate of title” means the record that is evidence of ownership of a vehicle, whether a paper certificate authorized by the department or a certificate consisting of information that is stored in an electronic form in the department’s database.

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

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

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

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

320.02 Registration required; application for registration; forms.—

(1) Except as otherwise provided in this chapter, every owner or person in charge of a motor vehicle that is operated or driven on the roads of this state shall register the vehicle in this state. The owner or person in charge shall apply to the department or to its authorized agent for registration of each such vehicle on a form prescribed by the department. ~~Prior to the original registration of a motorcycle, motor-driven cycle, or moped, the owner, if a natural person, must present proof that he or she has a valid motorcycle endorsement as required in chapter 322.~~ A registration is not required for any motor vehicle that is not operated on the roads of this state during the registration period.

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

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

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

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

320.0715 International Registration Plan; motor carrier services; permits; retention of records.—

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

(a) The department shall withhold registrations and license plates for commercial motor vehicles unless the identifying number issued by the federal agency responsible for motor carrier safety is provided for the motor carrier and the entity responsible for motor carrier safety for each motor vehicle as part of the application process.

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

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

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

320.08053 Requirements for requests to establish specialty license plates.—

~~(3) The department shall adopt rules providing viewpoint-neutral specifications for the design of specialty license plates that promote or enhance the readability of all specialty license plates and that discourage counterfeiting. The rules shall provide uniform specifications requiring inclusion of the word “Florida” in the same location on each specialty license plate, in such a size and location that is clearly identifiable on the specialty license plate when mounted on a vehicle, and shall provide specifications for the size and location of any words or logos appearing on a specialty license plate.~~

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

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

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

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

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

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

Section 23. Effective upon this act becoming a law, subsections (4) and (8) of section 320.131, Florida Statutes, are amended, and subsection (9) is added to that section, to read:

320.131 Temporary tags.—

~~(4)(a) Temporary tags shall be conspicuously displayed in the rear license plate bracket or, attached to the inside of the rear window in an upright position so as to be clearly visible from the rear of the vehicle, on~~

vehicles requiring front display of license plates, ~~temporary tags shall be displayed~~ on the front of the vehicle in the location where the metal license plate would normally be displayed.

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

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

(9)(a) The department shall implement a secure print-on-demand electronic temporary tag registration, record retention, and issue system required for use by every department-authorized issuer of temporary tags by the end of the 2007-2008 fiscal year. Such system shall enable the department to issue, on demand, a temporary tag number in response to a request from the issuer by way of a secure electronic exchange of data and enable the issuer to print the temporary tag that has all required information. A motor vehicle dealer licensed under this chapter may charge a fee to comply with this subsection.

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

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

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

320.27 Motor vehicle dealers.—

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

therefor; the name of the firm or copartnership, with the names and places of residence of all members thereof, if such applicant is a firm or copartnership; the names and places of residence of the principal officers, if the applicant is a body corporate or other artificial body; the name of the state under whose laws the corporation is organized; the present and former place or places of residence of the applicant; and prior business in which the applicant has been engaged and the location thereof. Such application shall describe the exact location of the place of business and shall state whether the place of business is owned by the applicant and when acquired, or, if leased, a true copy of the lease shall be attached to the application. The applicant shall certify that the location provides an adequately equipped office and is not a residence; that the location affords sufficient unoccupied space upon and within which adequately to store all motor vehicles offered and displayed for sale; and that the location is a suitable place where the applicant can in good faith carry on such business and keep and maintain books, records, and files necessary to conduct such business, which will be available at all reasonable hours to inspection by the department or any of its inspectors or other employees. The applicant shall certify that the business of a motor vehicle dealer is the principal business which shall be conducted at that location. Such application shall contain a statement that the applicant is either franchised by a manufacturer of motor vehicles, in which case the name of each motor vehicle that the applicant is franchised to sell shall be included, or an independent (nonfranchised) motor vehicle dealer. Such application shall contain such other relevant information as may be required by the department, including evidence that the applicant is insured under a garage liability insurance policy or a general liability insurance policy coupled with a business automobile policy, which shall include, at a minimum, \$25,000 combined single-limit liability coverage including bodily injury and property damage protection and \$10,000 personal injury protection. Franchise dealers must submit a garage liability insurance policy, and all other dealers must submit a garage liability insurance policy or a general liability insurance policy coupled with a business automobile policy. Such policy shall be for the license period, and evidence of a new or continued policy shall be delivered to the department at the beginning of each license period. Upon making ~~such~~ initial application, the ~~applicant person applying therefor~~ shall pay to the department a fee of \$300 in addition to any other fees now required by law; upon making a subsequent renewal application, the ~~applicant person applying therefor~~ shall pay to the department a fee of \$75 in addition to any other fees now required by law. Upon making an application for a change of location, the person shall pay a fee of \$50 in addition to any other fees now required by law. The department shall, in the case of every application for initial licensure, verify whether certain facts set forth in the application are true. Each applicant, general partner in the case of a partnership, or corporate officer and director in the case of a corporate applicant, must file a set of fingerprints with the department for the purpose of determining any prior criminal record or any outstanding warrants. The department shall submit the fingerprints to the Department of Law Enforcement for state processing and forwarding to the Federal Bureau of Investigation for federal processing. The actual cost of ~~such~~ state and federal processing shall be borne by the applicant and is ~~to be~~ in addition to the fee for licensure. The department may issue a license

to an applicant pending the results of the fingerprint investigation, which license is fully revocable if the department subsequently determines that any facts set forth in the application are not true or correctly represented.

(9) DENIAL, SUSPENSION, OR REVOCATION.—

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

1. Representation that a demonstrator is a new motor vehicle, or the attempt to sell or the sale of a demonstrator as a new motor vehicle without written notice to the purchaser that the vehicle is a demonstrator. For the purposes of this section, a “demonstrator,” a “new motor vehicle,” and a “used motor vehicle” shall be defined as under s. 320.60.

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

3. Misrepresentation or false, deceptive, or misleading statements with regard to the sale or financing of motor vehicles which any motor vehicle dealer has, or causes to have, advertised, printed, displayed, published, distributed, broadcast, televised, or made in any manner with regard to the sale or financing of motor vehicles.

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

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

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

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

8. Failure to continually meet the requirements of the licensure law.

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

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

11. Requirement by any motor vehicle dealer that any customer or purchaser finance a motor vehicle with a specific financial institution or company.

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

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

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

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

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

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

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

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

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

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

322.01 Definitions.—As used in this chapter:

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

~~(11)~~(10)(a) "Conviction" means a conviction of an offense relating to the operation of motor vehicles on highways which is a violation of this chapter or any other such law of this state or any other state, including an admission or determination of a noncriminal traffic infraction pursuant to s. 318.14,

or a judicial disposition of an offense committed under any federal law substantially conforming to the aforesaid state statutory provisions.

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

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

~~(30)(29) “Out-of-service order” means a prohibition issued by an authorized local, state, or Federal Government official which precludes a person from driving a commercial motor vehicle for a period of 72 hours or less.~~

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

322.051 Identification cards.—

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

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

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

2. Proof of birth date satisfactory to the department.

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

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

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

c. A valid, unexpired United States passport;

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

- e. A valid, unexpired ~~An~~ alien registration receipt card (green card);
- f. A Consular Report of Birth Abroad provided by the United States Department of State;
- g.f. An unexpired employment authorization card issued by the United States Department of Homeland Security; or
- h.g. Proof of nonimmigrant classification provided by the United States Department of Homeland Security, for an original identification card. In order to prove such nonimmigrant classification, applicants may produce but are not limited to the following documents:
- (I) A notice of hearing from an immigration court scheduling a hearing on any proceeding.
- (II) A notice from the Board of Immigration Appeals acknowledging pendency of an appeal.
- (III) Notice of the approval of an application for adjustment of status issued by the United States Bureau of Citizenship and Immigration Services.
- (IV) Any official documentation confirming the filing of a petition for asylum or refugee status or any other relief issued by the United States Bureau of Citizenship and Immigration Services.
- (V) Notice of action transferring any pending matter from another jurisdiction to Florida, issued by the United States Bureau of Citizenship and Immigration Services.
- (VI) Order of an immigration judge or immigration officer granting any relief that authorizes the alien to live and work in the United States including, but not limited to asylum.
- (VII) Evidence that an application is pending for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States, if a visa number is available having a current priority date for processing by the United States Bureau of Citizenship and Immigration Services.
- (VIII) On or after January 1, 2010, an unexpired foreign passport with an unexpired United States Visa affixed, accompanied by an approved I-94, documenting the most recent admittance into the United States.

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

(b) An application for an identification card must be signed and verified by the applicant in a format designated by the department before a person authorized to administer oaths and payment of the applicable fee pursuant

to s. 322.21. The fee for an identification card is \$3, including payment for the color photograph or digital image of the applicant.

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

(2)(a) Every identification card:

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

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

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

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

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

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

322.08 Application for license.—

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

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

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

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

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

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

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

3. A valid, unexpired United States passport;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

322.14 Licenses issued to drivers.—

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

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

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

(1) Every licensee shall have his or her driver's license, which must be fully legible with no portion of such license faded, altered, mutilated, or defaced, in his or her immediate possession at all times when operating a motor vehicle and shall display the same upon the demand of a law enforcement officer or an authorized representative of the department.

(2) Upon the failure of any person to display a driver's license as required by subsection (1), the law enforcement officer or authorized representative of the department stopping the person shall require the person to imprint his or her fingerprints fingerprint upon any citation issued by the officer or authorized representative, or the officer or authorized representative shall collect the fingerprints electronically.

(3) In relation to violations of subsection (1) or s. 322.03(5), persons who cannot supply proof of a valid driver's license for the reason that the license was suspended for failure to comply with that citation shall be issued a

suspension clearance by the clerk of the court for that citation upon payment of the applicable penalty and fee for that citation. If proof of a valid driver's license is not provided to the clerk of the court within 30 days, the person's driver's license shall again be suspended for failure to comply.

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

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

322.17 Replacement licenses and permits ~~Duplicate and replacement certificates.—~~

(1)(a) In the event that an instruction permit or driver's license issued under the provisions of this chapter is lost or destroyed, the person to whom the same was issued may, upon payment of the appropriate fee pursuant to s. 322.21 \$10, obtain a replacement duplicate, or substitute thereof, upon furnishing proof satisfactory to the department that such permit or license has been lost or destroyed, and further furnishing the full name, date of birth, sex, residence and mailing address, proof of birth satisfactory to the department, and proof of identity satisfactory to the department. ~~Five dollars of the fee levied in this paragraph shall go to the Highway Safety Operating Trust Fund of the department.~~

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

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

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

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

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

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

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

(b) An applicant who has not attained 80 years of age applying for a renewal issuance ~~or renewal extension~~ shall be issued a driver's license ~~that or renewal extension sticker~~ which expires at midnight on the licensee's birthday ~~that which~~ next occurs 8 4 years after the month of expiration of the license being renewed. An applicant who is at least 80 years of age applying for a renewal issuance shall be issued a driver's license that, except that a driver whose driving record reflects no convictions for the preceding 3 years shall be issued a driver's license or renewal extension sticker which expires at midnight on the licensee's birthday that which next occurs 6 years after the month of expiration of the license being renewed.

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

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

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

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

(b) Notwithstanding any other provision of this chapter, if an applicant establishes his or her identity for a driver's license using a document authorized under s. 322.08(2)(c)5., the license, upon an initial showing of such documentation, is exempted from having to renew or obtain a duplicate in

person, unless the renewal or duplication coincides with the periodic reexamination of a driver as required pursuant to s. 322.121.

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

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

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

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

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

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

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

(a) If the department determines from its records that the holder of a license about to expire is eligible for renewal, the department shall mail a renewal notice to the licensee at his or her last known address, not less than 30 days prior to the licensee's birthday. The renewal notice shall direct the licensee to appear at a driver license office for in-person renewal or to transmit the completed renewal notice and the fees required by s. 322.21 to the department using a convenience service ~~by mail, electronically, or telephonically within the 30 days preceding the licensee's birthday for a license extension. License extensions shall not be available to drivers directed to appear for in-person renewal.~~

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

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

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

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

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

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

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

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

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

322.19 Change of address or name.—

(2) Whenever any person, after applying for or receiving a driver's license, changes the residence or mailing address in the application or license, the person must, within 10 calendar days, ~~either~~ obtain a replacement

license that reflects the change ~~or request in writing a change of address sticker.~~ A The written request to the department must include the old and new addresses and the driver's license number.

(4) Notwithstanding any other provision of this chapter, if a licensee established his or her identity for a driver's license using an identification document authorized under s. 322.08(2)(c)~~7.6.~~ or ~~8.7.~~, the licensee may not change his or her name or address except in person and upon submission of an identification document authorized under s. 322.08(2)(c)~~7.6.~~ or ~~8.7.~~

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

322.21 License fees; procedure for handling and collecting fees.—

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

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

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

(c) The renewal or extension of a Class E driver's license or of a license restricted to motorcycle use only is ~~\$20~~ \$15, except that a delinquent fee of \$1 shall be added for a renewal or extension made not more than 12 months after the license expiration date. The fee provided in this paragraph shall include the fee for driver's education provided by s. 1003.48.

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

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

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

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

2. For a renewal identification card issued pursuant to s. 322.051 the fee shall be \$10. Of this amount, \$6 shall be deposited into the Highway Safety

Operating Trust Fund and \$4 shall be deposited into the General Revenue Fund.

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

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

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

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

322.2715 Ignition interlock device.—

(3) If the person is convicted of:

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

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

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

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

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

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

(1) Whose driving privilege has been revoked:

(a) Upon conviction for:

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

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

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

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

5. Reckless driving; or

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

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

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

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

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

322.36 Permitting unauthorized operator to drive.—A Ne person may not shall authorize or knowingly permit a motor vehicle owned by him or her or under his or her dominion or control to be operated upon any highway or public street except by a person who is persons duly authorized to operate a motor vehicle vehicles under the provisions of this chapter. Any person who violates violating this section commits provision is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. If a person violates this section by knowingly loaning a vehicle to a person whose driver's license is suspended and if that vehicle is involved in an accident resulting in bodily injury or death, the driver's license of the person violating this section shall be suspended for 1 year.

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

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

322.61 Disqualification from operating a commercial motor vehicle.—

(1) A person who, for offenses occurring within a 3-year period, is convicted of two of the following serious traffic violations or any combination thereof, arising in separate incidents committed in a commercial motor vehicle shall, in addition to any other applicable penalties, be disqualified from operating a commercial motor vehicle for a period of 60 days. A holder of a commercial driver's license person who, for offenses occurring within a 3-year period, is convicted of two of the following serious traffic violations, or any combination thereof, arising in separate incidents committed in a noncommercial motor vehicle shall, in addition to any other applicable penalties, be disqualified from operating a commercial motor vehicle for a period of 60 days if such convictions result in the suspension, revocation, or cancellation of the licenseholder's driving privilege:

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

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

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

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

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

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

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

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

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

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

(k) Driving a commercial vehicle without a commercial driver's license in possession, as required by s. 322.03. Any individual who provides proof to the clerk of the court or designated official in the jurisdiction where the citation was issued, by the date the individual must appear in court or pay any fine for such a violation, that the individual held a valid commercial driver's license on the date the citation was issued is not guilty of this offense.

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

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

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

(b) Except as provided in subsection (4), any holder of a commercial driver's license who is convicted of one of the offenses listed in this paragraph while operating a noncommercial motor vehicle shall, in addition to any other applicable penalties, be disqualified from operating a commercial motor vehicle for a period of 1 year:

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

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

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

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

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

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

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

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

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

(5) Any person who is convicted of two violations specified in subsection (3) which were committed while operating a commercial motor vehicle, or any combination thereof, arising in separate incidents shall be permanently disqualified from operating a commercial motor vehicle. Any holder of a commercial driver's license who is convicted of two violations specified in subsection (3) which were committed while operating a noncommercial motor vehicle, or any combination thereof, arising in separate incidents shall be permanently disqualified from operating a commercial motor vehicle. The penalty provided in this subsection is ~~shall be~~ in addition to any other applicable penalty.

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

Section 41. Section 322.64, Florida Statutes, is amended to read:

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

(1)(a) A law enforcement officer or correctional officer shall, on behalf of the department, disqualify from operating any commercial motor vehicle a

person who while operating or in actual physical control of a commercial motor vehicle is arrested for a violation of s. 316.193, relating to unlawful blood-alcohol level or breath-alcohol level, or a person who has refused to submit to a breath, urine, or blood test authorized by s. 322.63 arising out of the operation or actual physical control of a commercial motor vehicle. A law enforcement officer or correctional officer shall, on behalf of the department, disqualify the holder of a commercial driver's license from operating any commercial motor vehicle if the licenseholder, while operating or in actual physical control of a motor vehicle, is arrested for a violation of s. 316.193, relating to unlawful blood-alcohol level or breath-alcohol level, or refused to submit to a breath, urine, or blood test authorized by s. 322.63. Upon disqualification of the person, the officer shall take the person's driver's license and issue the person a 10-day temporary permit for the operation of noncommercial vehicles only if the person is otherwise eligible for the driving privilege and shall issue the person a notice of disqualification. If the person has been given a blood, breath, or urine test, the results of which are not available to the officer at the time of the arrest, the agency employing the officer shall transmit such results to the department within 5 days after receipt of the results. If the department then determines that the person was ~~arrested for a violation of s. 316.193 and that the person had a blood-alcohol level or breath-alcohol level of 0.08 or higher,~~ the department shall disqualify the person from operating a commercial motor vehicle pursuant to subsection (3).

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

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

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

2. The disqualification period for operating commercial vehicles shall commence on the date of ~~arrest or~~ issuance of the notice of disqualification, ~~whichever is later.~~

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

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

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

(2) Except as provided in paragraph (1)(a), the law enforcement officer shall forward to the department, within 5 days after the date of the ~~arrest or the~~ issuance of the notice of disqualification, ~~whichever is later~~, a copy of the notice of disqualification, the driver's license of the person disqualified ~~arrested~~, and ~~a report of the arrest, including, if applicable, an affidavit stating the officer's grounds for belief that the person~~ disqualified ~~arrested~~ was operating or in actual physical control of a commercial motor vehicle, or holds a commercial driver's license, and had an unlawful blood-alcohol or breath-alcohol level in violation of s. 316.193; the results of any breath or blood or urine test or an affidavit stating that a breath, blood, or urine test was requested by a law enforcement officer or correctional officer and that the person arrested refused to submit; a copy of the notice of disqualification citation issued to the person arrested; and the officer's description of the person's field sobriety test, if any. The failure of the officer to submit materials within the 5-day period specified in this subsection or subsection (1) does ~~shall~~ not affect the department's ability to consider any evidence submitted at or prior to the hearing. The officer may also submit a copy of a videotape of the field sobriety test or the attempt to administer such test and a copy of the crash report, if any.

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

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

(5) After completion of the informal review, notice of the department's decision sustaining, amending, or invalidating the disqualification must be provided to the person. Such notice must be mailed to the person at the last known address shown on the department's records, and to the address provided in the law enforcement officer's report if such address differs from the address of record, within 21 days after the expiration of the temporary permit issued pursuant to subsection (1) or subsection (3).

(6)(a) If the person disqualified ~~arrested~~ requests a formal review, the department must schedule a hearing to be held within 30 days after such

request is received by the department and must notify the person of the date, time, and place of the hearing.

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

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

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

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

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

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

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

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

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

1. Whether the law enforcement officer had probable cause to believe that the person was driving or in actual physical control of a commercial

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

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

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

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

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

(b) Sustain the disqualification:

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

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

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

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

(10) A person who is disqualified from operating a commercial motor vehicle under subsection (1) or subsection (3) is eligible for issuance of a

license for business or employment purposes only under s. 322.271 if the person is otherwise eligible for the driving privilege. However, such business or employment purposes license shall not authorize the driver to operate a commercial motor vehicle.

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

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

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

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

(15) This section does not preclude the suspension of the driving privilege pursuant to s. 322.2615. The driving privilege of a person who has been disqualified from operating a commercial motor vehicle also may be suspended for a violation of s. 316.193.

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

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

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

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

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

(19) Fail to disclose damage to a new motor vehicle, as defined in s. 319.001(9)(8), of which the dealer had actual knowledge, if the dealer's actual cost of repairs exceeds the threshold amount, excluding replacement items.

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

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

(2) The task force shall be composed of 12 members appointed by each of the following organizations: one representative of the Department of Highway Safety and Motor Vehicles; one representative of the independent motor vehicle industry, appointed by the Florida Independent Automobile Dealers Association; one representative of the franchise motor vehicle industry, appointed by the Florida Automobile Dealers Association; one representative of credit unions, appointed by the Florida Credit Union League; one representative of the banking industry, appointed by the Florida Bankers Association; one representative of the insurance industry, appointed by the Florida Insurance Council; one state attorney, appointed by the Florida State Attorneys Association; one representative of the Office of Financial Regulation of the Department of Financial Services; one representative of a law enforcement agency, appointed by the Florida Auto Theft Intelligence Unit; one representative of the auto repair industry, appointed by the Florida Automotive Services Association; one representative of the towing industry, appointed by the Professional Wrecker Operators of Florida; and one representative of independent motor vehicle finance companies, appointed by the Florida Financial Services Association.

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

(b) The task force shall meet at least four times in different areas of the state, including one meeting in Tallahassee. Meetings may be called by the

chair or by a simple majority of the members. The task force shall conduct all meetings pursuant to general law and shall keep minutes of its meetings. Meetings may be held in locations around the state in department facilities or in other appropriate locations. The department shall provide administrative support to the task force.

(4) Members from the private sector are not entitled to per diem or reimbursement for travel expenses. However, members from the public sector are entitled to reimbursement, if any, from their respective agency. The task force may request assistance from the Department of Highway Safety and Motor Vehicles as necessary.

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

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

(1) The Regional Transportation Management Center in the City of Fort Myers in Lee County is designated the “Joseph P. Bertrand Building.”

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

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

Approved by the Governor June 17, 2008.

Filed in Office Secretary of State June 17, 2008.