

1                                   A bill to be entitled  
2       An act relating to highway safety and motor vehicles;  
3       amending s. 316.159, F.S.; requiring that drivers of  
4       certain commercial motor vehicles slow before crossing a  
5       railroad grade; amending s. 316.2952, F.S.; authorizing  
6       certain satellite reception devices to be attached to the  
7       windshield of a motor vehicle; amending s. 316.29545,  
8       F.S.; excluding vehicles owned or leased by private  
9       investigative services from certain restrictions when used  
10      in specified activities; excluding vehicles operated by  
11      persons with certain medical conditions from certain  
12      restrictions; providing rulemaking authority to the  
13      Department of Highway Safety and Motor Vehicles regarding  
14      sunscreening restrictions; amending s. 316.646, F.S.;  
15      directing the Department of Highway Safety and Motor  
16      Vehicles to suspend the registration and driver's license  
17      of a person convicted of failure to maintain required  
18      security on a motor vehicle; amending s. 318.14, F.S.;  
19      providing procedures for disposition of a citation for  
20      violating a specified learner's driver's license  
21      restrictions; removing an erroneous reference; removing a  
22      requirement that a person who commits a noncriminal  
23      traffic infraction be cited to appear before an official;  
24      requiring a person who commits a traffic violation  
25      requiring a hearing or a criminal traffic violation to  
26      sign and accept a citation indicating a promise to appear  
27      for a hearing; providing penalties; providing for certain  
28      persons cited for specified offenses to provide proof of

29 compliance to a designated official; providing alternative  
 30 citation disposition procedures for the offense of  
 31 operating a motor vehicle with a license that has been  
 32 suspended for failure to pay certain financial obligations  
 33 or failure to comply with specified education  
 34 requirements; amending s. 320.071, F.S.; revising the time  
 35 period during which the owner of an apportionable motor  
 36 vehicle may file an application for renewal of  
 37 registration; amending s. 320.0807, F.S.; revising  
 38 provisions governing the special license plates issued to  
 39 federal and state legislators; amending s. 320.084, F.S.;  
 40 providing for a biennial registration renewal period for  
 41 disabled veteran license plates; amending s. 321.03, F.S.;  
 42 providing that it is unlawful to possess or color or cause  
 43 to be colored a motor vehicle or motorcycle of the same or  
 44 similar color as those prescribed for the Florida Highway  
 45 Patrol unless specifically authorized by the Florida  
 46 Highway Patrol; amending s. 321.05, F.S.; providing that  
 47 officers of the Florida Highway Patrol have the same  
 48 arrest and other authority as that provided for certain  
 49 other state law enforcement officers; amending s. 322.121,  
 50 F.S.; revising legislative intent for reexamination of  
 51 licensed drivers upon renewal of the driver's license;  
 52 removing a requirement that each licensee must pass a  
 53 reexamination at the time of license renewal; amending s.  
 54 322.18, F.S.; providing that a person issued a driver's  
 55 license using proof of nonimmigrant classification under  
 56 specified provisions is not eligible to renew that

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

81  
82 Be It Enacted by the Legislature of the State of Florida:

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

85           316.159 Certain vehicles to stop or slow at all railroad  
86 grade crossings.—

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

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

108           (3) The driver of any commercial motor vehicle that is not  
109 required to stop under subsection (1) or subsection (2) before  
110 crossing the track or tracks of any railroad grade crossing  
111 shall slow the motor vehicle and check that the tracks are clear  
112 of an approaching train.

113        (4)~~(3)~~ A violation of this section is a noncriminal  
 114 traffic infraction, punishable as a moving violation as provided  
 115 in chapter 318.

116        Section 2. Paragraph (d) is added to subsection (2) of  
 117 section 316.2952, Florida Statutes, to read:

118        316.2952 Windshields; requirements; restrictions.—

119        (2) A person shall not operate any motor vehicle on any  
 120 public highway, road, or street with any sign, sunscreening  
 121 material, product, or covering attached to, or located in or  
 122 upon, the windshield, except the following:

123        (d) A global positioning system device or similar  
 124 satellite receiver device which uses the global positioning  
 125 system operated pursuant to 10 U.S.C. s. 2281 for the purpose of  
 126 obtaining navigation or routing information while the motor  
 127 vehicle is being operated.

128        Section 3. Section 316.29545, Florida Statutes, is amended  
 129 to read:

130        316.29545 Window sunscreening exclusions; medical  
 131 exemption; certain law enforcement vehicles and private  
 132 investigative service vehicles exempt.—

133        (1) The department shall issue medical exemption  
 134 certificates to persons who are afflicted with Lupus, any  
 135 autoimmune disease or other ~~similar~~ medical conditions which  
 136 require a limited exposure to light, which certificates shall  
 137 entitle the person to whom the certificate is issued to have  
 138 sunscreening material on the windshield, side windows, and  
 139 windows behind the driver which is in violation of the  
 140 requirements of ss. 316.2951–316.2957. The department shall

141 consult with the Medical Advisory Board established in s.  
 142 322.125 to provide guidance with respect to the autoimmune  
 143 diseases and other medical conditions which shall be included  
 144 on, by rule, for the form of the medical certificate authorized  
 145 by this section. At a minimum, the medical exemption certificate  
 146 shall include a vehicle description with the make, model, year,  
 147 vehicle identification number, medical exemption decal number  
 148 issued for the vehicle, and the name of the person or persons  
 149 who are the registered owners of the vehicle. A medical  
 150 exemption certificate shall be nontransferable and shall become  
 151 null and void upon the sale or transfer of the vehicle  
 152 identified on the certificate.

153 (2) The department shall exempt all law enforcement  
 154 vehicles used in undercover or canine operations from the window  
 155 sunscreening requirements of ss. 316.2951-316.2957.

156 (3) The department shall exempt from the window  
 157 sunscreening restrictions of ss. 316.2953, 316.2954, and  
 158 316.2956 vehicles that are owned or leased by private  
 159 investigative agencies licensed under chapter 493.

160 (4)-(3) The department may charge a fee in an amount  
 161 sufficient to defray the expenses of issuing a medical exemption  
 162 certificate as described in subsection (1).

163 (5) The department is authorized to promulgate rules for  
 164 the implementation of this section.

165 Section 4. Subsection (3) of section 316.646, Florida  
 166 Statutes, is amended to read:

167 316.646 Security required; proof of security and display  
 168 thereof; dismissal of cases.-

169 (3) Any person who violates this section commits a  
 170 nonmoving traffic infraction subject to the penalty provided in  
 171 chapter 318 and shall be required to furnish proof of security  
 172 as provided in this section. If any person charged with a  
 173 violation of this section fails to furnish proof~~7~~ at or before  
 174 the scheduled court appearance date~~7~~ that security was in effect  
 175 at the time of the violation, the court shall, upon conviction,  
 176 notify the department to ~~may immediately~~ suspend the  
 177 registration and driver's license of such person. If the court  
 178 fails to order the suspension of the person's registration and  
 179 driver's license for a conviction of this section at the time of  
 180 sentencing, the department shall, upon receiving notice of the  
 181 conviction from the court, suspend the person's registration and  
 182 driver's license for the violation of this section. Such license  
 183 and registration may be reinstated only as provided in s.  
 184 324.0221.

185 Section 5. Subsections (1), (2), (3), (10), and (13) of  
 186 section 318.14, Florida Statutes, are amended to read:

187 318.14 Noncriminal traffic infractions; exception;  
 188 procedures.—

189 (1) Except as provided in ss. 318.17 and 320.07(3)(c), any  
 190 person cited for a violation of chapter 316, s. 320.0605, s.  
 191 320.07(3)(a) or (b), s. 322.065, s. 322.15(1), s. 322.16(2) or  
 192 (3), s. 322.1615 ~~s. 322.161(5)~~, s. 322.19, or s. 1006.66(3) is  
 193 charged with a noncriminal infraction and must be cited for such  
 194 an infraction ~~and cited to appear before an official~~. If another  
 195 person dies as a result of the noncriminal infraction, the  
 196 person cited may be required to perform 120 community service

197 hours under s. 316.027(4), in addition to any other penalties.

198 (2) Except as provided in s. 316.1001(2), any person cited  
 199 for a violation requiring a mandatory hearing listed in s.  
 200 318.19 or any other criminal traffic violation listed in chapter  
 201 316 ~~an infraction under this section~~ must sign and accept a  
 202 citation indicating a promise to appear. The officer may  
 203 indicate on the traffic citation the time and location of the  
 204 scheduled hearing and must indicate the applicable civil penalty  
 205 established in s. 318.18.

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

209 (10) (a) Any person who does not hold a commercial driver's  
 210 license and who is cited for an offense listed under this  
 211 subsection may, in lieu of payment of fine or court appearance,  
 212 elect to enter a plea of nolo contendere and provide proof of  
 213 compliance to the clerk of the court, designated official, or  
 214 authorized operator of a traffic violations bureau. In such  
 215 case, adjudication shall be withheld; however, no election shall  
 216 be made under this subsection if such person has made an  
 217 election under this subsection in the 12 months preceding  
 218 election hereunder. No person may make more than three elections  
 219 under this subsection. This subsection applies to the following  
 220 offenses:

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



225 pay civil penalty, failure to pay any other financial obligation  
 226 as provided in s. 322.245 other than those specified in s.  
 227 322.245(1), or failure to attend a driver improvement course  
 228 pursuant to s. 322.291.

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

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

232 4. Operating a motor vehicle with a license that has been  
 233 suspended for child support in violation of s. 322.245 or s.  
 234 61.13016.

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

237 (b) Any person cited for an offense listed in this  
 238 subsection shall present proof of compliance prior to the  
 239 scheduled court appearance date. For the purposes of this  
 240 subsection, proof of compliance shall consist of a valid,  
 241 renewed, or reinstated driver's license or registration  
 242 certificate and proper proof of maintenance of security as  
 243 required by s. 316.646. Notwithstanding waiver of fine, any  
 244 person establishing proof of compliance shall be assessed court  
 245 costs of \$25, except that a person charged with violation of s.  
 246 316.646(1)-(3) may be assessed court costs of \$8. One dollar of  
 247 such costs shall be remitted to the Department of Revenue for  
 248 deposit into the Child Welfare Training Trust Fund of the  
 249 Department of Children and Family Services. One dollar of such  
 250 costs shall be distributed to the Department of Juvenile Justice  
 251 for deposit into the Juvenile Justice Training Trust Fund.  
 252 Fourteen dollars of such costs shall be distributed to the

253 municipality and \$9 shall be deposited by the clerk of the court  
 254 into the fine and forfeiture fund established pursuant to s.  
 255 142.01, if the offense was committed within the municipality. If  
 256 the offense was committed in an unincorporated area of a county  
 257 or if the citation was for a violation of s. 316.646(1)-(3), the  
 258 entire amount shall be deposited by the clerk of the court into  
 259 the fine and forfeiture fund established pursuant to s. 142.01,  
 260 except for the moneys to be deposited into the Child Welfare  
 261 Training Trust Fund and the Juvenile Justice Training Trust  
 262 Fund. This subsection shall not be construed to authorize the  
 263 operation of a vehicle without a valid driver's license, without  
 264 a valid vehicle tag and registration, or without the maintenance  
 265 of required security.

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

271 (b) A person cited for a second violation of s. 316.1926  
 272 shall, in addition to any other requirements provided in this  
 273 section, pay a fine of \$2,500. This fine is in lieu of the fine  
 274 required under s. 318.18(3) (b), if the person was cited for  
 275 violation of s. 316.1926(2). In addition, the court shall revoke  
 276 the person's authorization and privilege to operate a motor  
 277 vehicle for a period of 1 year and order the person to surrender  
 278 his or her driver's license.

279 (c) A person cited for a third violation of s. 316.1926  
 280 commits a felony of the third degree, punishable as provided in

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281 s. 775.082, s. 775.083, or s. 775.084. Upon conviction, the  
 282 court shall impose a fine of \$5,000, revoke the person's  
 283 authorization and privilege to operate a motor vehicle for a  
 284 period of 10 years, and order the person to surrender his or her  
 285 driver's license.

286 Section 6. Paragraph (b) of subsection (1) of section  
 287 320.071, Florida Statutes, is amended to read:

288 320.071 Advance registration renewal; procedures.—

289 (1)

290 (b) The owner of any apportioned motor vehicle currently  
 291 registered in this state may file an application for renewal of  
 292 registration with the department any time during the 3 ~~5~~ months  
 293 preceding the date of expiration of the registration period.

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

296 320.0807 Special license plates for Governor and federal  
 297 and state legislators.—

298 (1) Upon application by any member of the House of  
 299 Representatives of Congress and payment of the fees prescribed  
 300 by s. 320.0805, the department is authorized to issue to such  
 301 Member of Congress a license plate stamped "Member of Congress"  
 302 followed by the number of the appropriate congressional district  
 303 and the letters "MC," or any other configuration chosen by the  
 304 member which is not already in use. Upon application by a United  
 305 States Senator and payment of the fees prescribed by s.  
 306 320.0805, the department is authorized to issue a license plate  
 307 stamped "USS," followed by the numeral II in the case of the  
 308 junior senator.

309 (2) Upon application by any member of the state House of  
 310 Representatives and payment of the fees prescribed by s.  
 311 320.0805, the department is authorized to issue such state  
 312 representative license plates stamped in bold letters "State  
 313 Legislator," followed by the number of the appropriate House of  
 314 Representatives district and the letters "HR," or any other  
 315 configuration chosen by the member which is not already in use  
 316 ~~on one plate; the numbers of the other plates will be assigned~~  
 317 ~~by the department.~~ Upon application by a state senator and  
 318 payment of the fees prescribed by s. 320.0805, the department is  
 319 authorized to issue license plates stamped in bold letters  
 320 "State Senator," followed by the number of the appropriate  
 321 Senate district and the letters "SS," or any other configuration  
 322 chosen by the member which is not already in use ~~on one plate;~~  
 323 ~~the numbers of the other plates will be assigned by the~~  
 324 ~~department.~~

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

327 320.084 Free motor vehicle license plate to certain  
 328 disabled veterans.—

329 (4) (a) With the issuance of each new permanent "DV"  
 330 numerical motor vehicle license plate, the department shall  
 331 initially issue, without cost to the applicant, a validation  
 332 sticker reflecting the owner's birth month and a serially  
 333 numbered validation sticker reflecting the year of expiration.  
 334 The initial sticker reflecting the year of expiration may not  
 335 exceed 27 ~~15~~ months.

336 (b) There shall be a service charge in accordance with the

337 provisions of s. 320.04 for each initial application or renewal  
 338 of registration and an additional sum of 50 cents on each  
 339 license plate and validation sticker as provided in s.  
 340 320.06(3) (b) .

341 (c) Registration under this section shall be renewed  
 342 annually or biennially during the applicable renewal period on  
 343 forms prescribed by the department, which shall include, in  
 344 addition to any other information required by the department, a  
 345 certified statement as to the continued eligibility of the  
 346 applicant to receive the special "DV" license plate. Any  
 347 applicant who falsely or fraudulently submits to the department  
 348 the certified statement required by this paragraph is guilty of  
 349 a noncriminal violation and is subject to a civil penalty of  
 350 \$50.

351 Section 9. Section 321.03, Florida Statutes, is amended to  
 352 read:

353 321.03 Imitations prohibited; penalty.—Unless specifically  
 354 authorized by the Florida Highway Patrol, it shall be unlawful  
 355 for any a person or persons in the state shall not ~~to~~ color or  
 356 cause to be colored any motor vehicle or motorcycle the same or  
 357 similar color as the color or colors so prescribed for the  
 358 Florida Highway Patrol. A Any person who violates ~~violating any~~  
 359 ~~of the provisions of~~ this section or s. 321.02 with respect to  
 360 uniforms, emblems, motor vehicles and motorcycles commits ~~shall~~  
 361 ~~be guilty of~~ a misdemeanor of the first degree, punishable as  
 362 provided in s. 775.082 or s. 775.083. The Department of Highway  
 363 Safety and Motor Vehicles shall employ such clerical help and  
 364 mechanics as may be necessary for the economical and efficient

365 operation of such department.

366 Section 10. Section 321.05, Florida Statutes, is amended  
 367 to read:

368 321.05 Duties, functions, and powers of patrol officers.—  
 369 The members of the Florida Highway Patrol are hereby declared to  
 370 be conservators of the peace and law enforcement officers of the  
 371 state, with the common-law right to arrest a person who, in the  
 372 presence of the arresting officer, commits a felony or commits  
 373 an affray or breach of the peace constituting a misdemeanor,  
 374 with full power to bear arms; and they shall apprehend, without  
 375 warrant, any person in the unlawful commission of any of the  
 376 acts over which the members of the Florida Highway Patrol are  
 377 given jurisdiction as hereinafter set out and deliver him or her  
 378 to the sheriff of the county that further proceedings may be had  
 379 against him or her according to law. In the performance of any  
 380 of the powers, duties, and functions authorized by law, members  
 381 of the Florida Highway Patrol ~~shall~~ have the same protections  
 382 and immunities afforded other peace officers, which shall be  
 383 recognized by all courts having jurisdiction over offenses  
 384 against the laws of this state, and ~~shall~~ have authority to  
 385 apply for, serve, and execute search warrants, arrest warrants,  
 386 capias, and other process of the court ~~in those matters in which~~  
 387 ~~patrol officers have primary responsibility as set forth in~~  
 388 ~~subsection (1)~~. The patrol officers under the direction and  
 389 supervision of the Department of Highway Safety and Motor  
 390 Vehicles shall perform and exercise throughout the state the  
 391 following duties, functions, and powers:

392 (1) To patrol the state highways and regulate, control,

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393 and direct the movement of traffic thereon; to maintain the  
394 public peace by preventing violence on highways; to apprehend  
395 fugitives from justice; to enforce all laws now in effect  
396 regulating and governing traffic, travel, and public safety upon  
397 the public highways and providing for the protection of the  
398 public highways and public property thereon; to make arrests  
399 without warrant for the violation of any state law committed in  
400 their presence in accordance with the laws of this state;  
401 providing that no search shall be made unless it is incident to  
402 a lawful arrest, to regulate and direct traffic concentrations  
403 and congestions; to enforce laws governing the operation,  
404 licensing, and taxing and limiting the size, weight, width,  
405 length, and speed of vehicles and licensing and controlling the  
406 operations of drivers and operators of vehicles; to cooperate  
407 with officials designated by law to collect all state fees and  
408 revenues levied as an incident to the use or right to use the  
409 highways for any purpose; to require the drivers of vehicles to  
410 stop and exhibit their driver's licenses, registration cards, or  
411 documents required by law to be carried by such vehicles; to  
412 investigate traffic accidents, secure testimony of witnesses and  
413 of persons involved, and make report thereof with copy, when  
414 requested in writing, to any person in interest or his or her  
415 attorney; to investigate reported thefts of vehicles and to  
416 seize contraband or stolen property on or being transported on  
417 the highways. Each law enforcement officer is subject to and  
418 have the same arrest and other authority provided for law  
419 enforcement officers generally in chapter 901 and have statewide  
420 jurisdiction. Each officer shall also have arrest authority as

421 provided for state law enforcement officers in s. 901.15. This  
 422 section is shall not be construed as being in conflict with, but  
 423 is supplemental to, chapter 933.

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

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

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

433 (4) (a) All fines and costs and the proceeds of the  
 434 forfeiture of bail bonds and recognizances resulting from the  
 435 enforcement of this chapter by patrol officers shall be paid  
 436 into the fine and forfeiture fund established pursuant to s.  
 437 142.01 of the county where the offense is committed. In all  
 438 cases of arrest by patrol officers, the person arrested shall be  
 439 delivered forthwith by the ~~said~~ officer to the sheriff of the  
 440 county, or he or she shall obtain from the ~~such~~ person arrested  
 441 a recognizance or, if deemed necessary, a cash bond or other  
 442 sufficient security conditioned for his or her appearance before  
 443 the proper tribunal of the ~~such~~ county to answer the charge for  
 444 which he or she has been arrested; and all fees accruing shall  
 445 be taxed against the party arrested, which fees are hereby  
 446 declared to be part of the compensation of the ~~said~~ sheriffs  
 447 authorized to be fixed by the Legislature under s. 5(c), Art. II  
 448 of the State Constitution, to be paid such sheriffs in the same



449 manner as fees are paid for like services in other criminal  
 450 cases. All patrol officers are hereby directed to deliver all  
 451 bonds accepted and approved by them to the sheriff of the county  
 452 in which the offense is alleged to have been committed. However,  
 453 a ~~ne~~ sheriff shall not be paid any arrest fee for the arrest of  
 454 a person for violation of any section of chapter 316 when the  
 455 arresting officer was transported in a Florida Highway Patrol  
 456 car to the vicinity where the arrest was made; and a ~~ne~~ sheriff  
 457 shall not be paid any fee for mileage for himself or herself or  
 458 a prisoner for miles traveled in a Florida Highway Patrol car. A  
 459 ~~No~~ patrol officer is not ~~shall be~~ entitled to any fee or mileage  
 460 cost except when responding to a subpoena in a civil cause or  
 461 except when the ~~such~~ patrol officer is appearing as an official  
 462 witness to testify at any hearing or law action in any court of  
 463 this state as a direct result of his or her employment as a  
 464 patrol officer during time not compensated as a part of his or  
 465 her normal duties. Nothing herein shall be construed as limiting  
 466 the power to locate and to take from any person under arrest or  
 467 about to be arrested deadly weapons. ~~Nothing contained in This~~  
 468 section is not ~~shall be construed as~~ a limitation upon existing  
 469 powers and duties of sheriffs or police officers.

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

475 (5) The department may employ or assign some fit and  
 476 suitable person with experience in the field of public relations

477 | who shall ~~have the duty to~~ promote, coordinate, and publicize  
 478 | the traffic safety activities in the state and assign such  
 479 | person to the office of the Governor at a salary to be fixed by  
 480 | the department. The person so assigned or employed shall be a  
 481 | member of the uniform division of the Florida Highway Patrol,  
 482 | and he or she shall have the pay and rank of lieutenant while on  
 483 | such assignment.

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

487 |         Section 11. Section 322.121, Florida Statutes, is amended  
 488 | to read:

489 |             322.121 Periodic reexamination of all drivers.-

490 |         (1) It is the intent of the Legislature that all licensed  
 491 | drivers in Florida be reexamined upon renewal of their licenses.  
 492 | Because only a small percentage of drivers in the state are  
 493 | categorized as problem drivers, the Legislature intends that  
 494 | renewals ~~the large number of drivers who have not had any~~  
 495 | ~~convictions for the 3 years preceding renewal and whose driving~~  
 496 | ~~privilege in this state has not been revoked, disqualified, or~~  
 497 | ~~suspended at any time during the 7 years preceding renewal~~ be  
 498 | processed expeditiously ~~upon renewal of their licenses~~ by  
 499 | examinations of the licensee's ~~their~~ eyesight and hearing only  
 500 | ~~and that all other licensees be tested, in addition to the~~  
 501 | ~~eyesight and hearing examinations, with respect to their ability~~  
 502 | ~~to read and understand highway signs regulating, warning, and~~  
 503 | ~~directing traffic.~~

504 |         ~~(2) Each licensee must pass a reexamination at the time of~~

505 ~~renewal, except as otherwise provided in this chapter. For each~~  
 506 ~~licensee whose driving record does not show any convictions for~~  
 507 ~~the preceding 3 years or any revocations, disqualifications, or~~  
 508 ~~suspensions for the preceding 7 years; and who, at the time of~~  
 509 ~~renewal, presents a renewal notice verifying such safe driving~~  
 510 ~~record, the reexamination shall consist of tests of the~~  
 511 ~~licensee's eyesight and hearing. For all other licensees, in~~  
 512 ~~addition to the eyesight and hearing tests, the reexamination~~  
 513 ~~must include tests of the ability to read and understand highway~~  
 514 ~~signs and pavement markings regulating, warning, and directing~~  
 515 ~~traffic.~~

516 (2)~~(3)~~ For each licensee whose driving record does not  
 517 show any revocations, disqualifications, or suspensions for the  
 518 preceding 7 years or any convictions for the preceding 3 years  
 519 except for convictions of the following nonmoving violations:

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

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

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

527 (d) Failure to carry or exhibit a license pursuant to s.  
 528 322.15(1); or

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

531

532 the department shall cause such licensee's license to be

533 prominently marked with the notation "Safe Driver."

534 (3)~~(4)~~ Eyesight examinations must be administered as  
 535 provided in s. 322.12.

536 (4)~~(5)~~ An examination fee may not be assessed for  
 537 reexamination required by this section.

538 (5)~~(6)~~ Members of the Armed Forces, or their dependents  
 539 residing with them, shall be granted an automatic extension for  
 540 the expiration of their licenses without reexamination while  
 541 serving on active duty outside this state. This extension is  
 542 valid for 90 days after the member of the Armed Forces is either  
 543 discharged or returns to this state to live.

544 (6)~~(7)~~ In addition to any other examination authorized by  
 545 this section, an applicant for a renewal of a commercial  
 546 driver's license may be required to complete successfully an  
 547 examination of his or her knowledge regarding state and federal  
 548 rules, regulations, and laws, governing the type of vehicle  
 549 which he or she is applying to be licensed to operate.

550 (7)~~(8)~~ In addition to any other examination authorized by  
 551 this section, an applicant for a renewal of an endorsement  
 552 issued under s. 322.57(1)(a), (b), (d), (e), or (f) may be  
 553 required to complete successfully an examination of his or her  
 554 knowledge regarding state and federal rules, regulations, and  
 555 laws, governing the type of vehicle which he or she is seeking  
 556 an endorsement to operate.

557 Section 12. Paragraph (c) is added to subsection (1) of  
 558 section 322.18, Florida Statutes, paragraph (a) of subsection  
 559 (5) and paragraph (c) of subsection (8) of that section are  
 560 amended, to read:

561 322.18 Original applications, licenses, and renewals;  
 562 expiration of licenses; delinquent licenses.—

563 (1)

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

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

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

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

575 2. If the licensee applies for a renewal using a  
 576 convenience service as provided in subsection (8), he or she  
 577 must submit to a vision test administered by a physician  
 578 licensed under chapter 458 or chapter 459, ~~or~~ an optometrist  
 579 licensed under chapter 463, or a licensed physician at a  
 580 federally established veterans hospital, must send the results  
 581 of that test to the department on a form obtained from the  
 582 department and signed by such health care practitioner, and must  
 583 meet vision standards that are equivalent to the standards for  
 584 passing the departmental vision test. The physician or  
 585 optometrist may submit the results of a vision test by a  
 586 department-approved electronic means.

587 (8) The department shall issue 8-year renewals using a  
 588 convenience service without reexamination to drivers who have

589 | not attained 80 years of age. The department shall issue 6-year  
 590 | renewals using a convenience service when the applicant has  
 591 | satisfied the requirements of subsection (5).

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

599 |       Section 13. Subsection (2) of section 322.2615, Florida  
 600 | Statutes, is amended to read:

601 |       322.2615 Suspension of license; right to review.—

602 |       (2) Except as provided in paragraph (1)(a), the law  
 603 | enforcement officer shall forward to the department, within 5  
 604 | days after issuing the notice of suspension, the driver's  
 605 | license; an affidavit stating the officer's grounds for belief  
 606 | that the person was driving or in actual physical control of a  
 607 | motor vehicle while under the influence of alcoholic beverages  
 608 | or chemical or controlled substances; the results of any breath  
 609 | or blood test or an affidavit stating that a breath, blood, or  
 610 | urine test was requested by a law enforcement officer or  
 611 | correctional officer and that the person refused to submit; the  
 612 | officer's description of the person's field sobriety test, if  
 613 | any; and the notice of suspension; ~~and a copy of the crash~~  
 614 | ~~report, if any~~. The failure of the officer to submit materials  
 615 | within the 5-day period specified in this subsection and in  
 616 | subsection (1) does not affect the department's ability to

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617 consider any evidence submitted at or prior to the hearing. The  
618 officer may also submit a copy of the crash report, a copy of a  
619 videotape of the field sobriety test or the attempt to  
620 administer such test. Materials submitted to the department by a  
621 law enforcement agency or correctional agency shall be  
622 considered self-authenticating and shall be in the record for  
623 consideration by the hearing officer. Notwithstanding s.  
624 316.066(7), the crash report shall be considered by the hearing  
625 officer.

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

628 322.34 Driving while license suspended, revoked, canceled,  
629 or disqualified.—

630 (11) (a) A person who does not hold a commercial driver  
631 license and who is cited for an offense of knowingly driving  
632 while his or her license is suspended, revoked, or canceled for  
633 any of the underlying violations listed in paragraph (10) (a)  
634 may, in lieu of payment of fine or court appearance, elect to  
635 enter a plea of nolo contendere and provide proof of compliance  
636 to the clerk of the court, designated official or authorized  
637 operator of a traffic violations bureau. In such case,  
638 adjudication shall be withheld; however, no election shall be  
639 made under this subsection if such person has made an election  
640 under this subsection in the 12 months preceding election  
641 hereunder. A person may not make more than three elections under  
642 this subsection.

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

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

647 322.61 Disqualification from operating a commercial motor  
 648 vehicle.—

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

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

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

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

663 (d) Not less than 180 days nor more than 2 years if the  
 664 driver is convicted of or otherwise found to have committed a  
 665 first violation of an out-of-service order while transporting  
 666 hazardous materials required to be placarded under the Hazardous  
 667 Materials Transportation Act, 49 U.S.C. ss. 5101 et seq., or  
 668 while operating motor vehicles designed to transport more than  
 669 15 passengers, including the driver. A driver is disqualified  
 670 for a period of not less than 3 years nor more than 5 years if,  
 671 for offenses occurring during any 10-year period, the driver is  
 672 convicted of or otherwise found to have committed any subsequent



673 | violations of out-of-service orders, in separate incidents,  
 674 | while transporting hazardous materials required to be placarded  
 675 | under the Hazardous Materials Transportation Act, 49 U.S.C. ss.  
 676 | 5101 et seq., or while operating motor vehicles designed to  
 677 | transport more than 15 passengers, including the driver.

678 | Section 16. Section 488.06, Florida Statutes, is amended  
 679 | to read:

680 | 488.06 Denial, revocation, or suspension of license or  
 681 | certificate.—The Department of Highway Safety and Motor Vehicles  
 682 | may suspend or revoke any license or certificate issued under  
 683 | the provisions of this chapter if the holder of the license or  
 684 | certificate, or if an instructor, agent, or employee of the  
 685 | commercial driving school, has:

686 | (1) Violated the provisions of this chapter;—

687 | (2) Been convicted of, pled no contest to, or had  
 688 | adjudication withheld for any felony offense or misdemeanor  
 689 | offense, as shown by a criminal background check, the cost of  
 690 | which must be borne by the applicant, instructor, agent, or  
 691 | employee;

692 | (3) Committed of any fraud or willful misrepresentation in  
 693 | applying for or obtaining a license; or

694 | (4) Solicited business on any premises, including parking  
 695 | areas, used by the department or a tax collector for the purpose  
 696 | of licensing drivers.

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