

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

29 persons cited for specified offenses to provide proof of
30 compliance to a designated official; providing alternative
31 citation disposition procedures for the offense of
32 operating a motor vehicle with a license that has been
33 suspended for failure to pay certain financial obligations
34 or to comply with specified education requirements;
35 amending s. 320.071, F.S.; revising the time period during
36 which the owner of an apportioned motor vehicle may file
37 an application for renewal of registration; amending s.
38 320.0807, F.S.; revising provisions governing the special
39 license plates issued to federal and state legislators;
40 amending s. 320.084, F.S.; providing for a biennial
41 registration renewal period for disabled veteran license
42 plates; amending s. 321.03, F.S.; providing that it is
43 unlawful to possess or color or cause to be colored a
44 motor vehicle or motorcycle of the same or similar color
45 as those prescribed for the Florida Highway Patrol unless
46 specifically authorized by the Florida Highway Patrol;
47 amending s. 321.05, F.S.; providing that officers of the
48 Florida Highway Patrol have the same arrest and other
49 authority as that provided for certain other state law
50 enforcement officers; amending s. 322.121, F.S.; revising
51 legislative intent for reexamination of licensed drivers
52 upon the renewal of the driver's license; removing a
53 requirement that each licensee must pass a reexamination
54 at the time of license renewal; amending s. 322.18, F.S.;
55 providing that a person issued a driver's license using
56 proof of nonimmigrant classification under specified

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

82
83 Be It Enacted by the Legislature of the State of Florida:
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85 Section 1. Section 316.159, Florida Statutes, is amended
86 to read:

87 316.159 Certain vehicles to stop or slow at all railroad
88 grade crossings.—

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

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

110 (3) The driver of any commercial motor vehicle that is not
111 required to stop under subsection (1) or subsection (2) before
112 crossing the track or tracks of any railroad grade crossing

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113 shall slow the motor vehicle and check that the tracks are clear
 114 of an approaching train.

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

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

120 316.2952 Windshields; requirements; restrictions.—

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

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

130 Section 3. Section 316.29545, Florida Statutes, is amended
 131 to read:

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

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

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141 windows behind the driver which is in violation of the
 142 requirements of ss. 316.2951-316.2957. The department shall
 143 consult with the Medical Advisory Board established in s.
 144 322.125 to provide guidance with respect to the autoimmune
 145 diseases and other medical conditions which shall be included
 146 on, by rule, for the form of the medical certificate authorized
 147 by this section. At a minimum, the medical exemption certificate
 148 shall include a vehicle description with the make, model, year,
 149 vehicle identification number, medical exemption decal number
 150 issued for the vehicle, and the name of the person or persons
 151 who are the registered owners of the vehicle. A medical
 152 exemption certificate shall be nontransferable and shall become
 153 null and void upon the sale or transfer of the vehicle
 154 identified on the certificate.

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

158 (3) The department shall exempt from the window
 159 sunscreening restrictions of ss. 316.2953, 316.2954, and
 160 316.2956 vehicles that are owned or leased by private
 161 investigative agencies licensed under chapter 493.

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

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

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

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169 316.646 Security required; proof of security and display
 170 thereof; dismissal of cases.—

171 (3) Any person who violates this section commits a
 172 nonmoving traffic infraction subject to the penalty provided in
 173 chapter 318 and shall be required to furnish proof of security
 174 as provided in this section. If any person charged with a
 175 violation of this section fails to furnish proof~~7~~ at or before
 176 the scheduled court appearance date~~7~~ that security was in effect
 177 at the time of the violation, the court shall, upon conviction,
 178 notify the department to ~~may immediately~~ suspend the
 179 registration and driver's license of such person. If the court
 180 fails to order the suspension of the person's registration and
 181 driver's license for a conviction of this section at the time of
 182 sentencing, the department shall, upon receiving notice of the
 183 conviction from the court, suspend the person's registration and
 184 driver's license for the violation of this section. Such license
 185 and registration may be reinstated only as provided in s.
 186 324.0221.

187 Section 5. Subsections (1), (2), (3), and (10) of section
 188 318.14, Florida Statutes, are amended to read:

189 318.14 Noncriminal traffic infractions; exception;
 190 procedures.—

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

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197 person dies as a result of the noncriminal infraction, the
 198 person cited may be required to perform 120 community service
 199 hours under s. 316.027(4), in addition to any other penalties.

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

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

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

223 1. Operating a motor vehicle without a valid driver's
 224 license in violation of the provisions of s. 322.03, s. 322.065,

225 or s. 322.15(1), or operating a motor vehicle with a license
 226 that ~~which~~ has been suspended for failure to appear, failure to
 227 pay civil penalty, or failure to attend a driver improvement
 228 course 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 under s. 61.13016 or s. 322.245 for failure to pay
 234 child support or for failure to pay any other financial
 235 obligation as provided in s. 322.245; however, this subsection
 236 does not apply if the license has been suspended pursuant to s.
 237 322.245(1).

238 5. Operating a motor vehicle with a license that has been
 239 suspended under s. 322.091 for failure to meet school attendance
 240 requirements.

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

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

270 Section 6. Paragraph (b) of subsection (1) of section
 271 320.071, Florida Statutes, is amended to read:

272 320.071 Advance registration renewal; procedures.—

273 (1)

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

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

280 320.0807 Special license plates for Governor and federal

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281 and state legislators.-

282 (1) Upon application by any member of the House of
 283 Representatives of Congress and payment of the fees prescribed
 284 by s. 320.0805, the department is authorized to issue to such
 285 Member of Congress a license plate stamped "Member of Congress"
 286 followed by the number of the appropriate congressional district
 287 and the letters "MC," or any other configuration chosen by the
 288 member which is not already in use. Upon application by a United
 289 States Senator and payment of the fees prescribed by s.
 290 320.0805, the department is authorized to issue a license plate
 291 stamped "USS," followed by the numeral II in the case of the
 292 junior senator.

293 (2) Upon application by any member of the state House of
 294 Representatives and payment of the fees prescribed by s.
 295 320.0805, the department is authorized to issue such state
 296 representative license plates stamped in bold letters "State
 297 Legislator," followed by the number of the appropriate House of
 298 Representatives district and the letters "HR," or any other
 299 configuration chosen by the member which is not already in use
 300 ~~on one plate; the numbers of the other plates will be assigned~~
 301 ~~by the department.~~ Upon application by a state senator and
 302 payment of the fees prescribed by s. 320.0805, the department is
 303 authorized to issue license plates stamped in bold letters
 304 "State Senator," followed by the number of the appropriate
 305 Senate district and the letters "SS," or any other configuration
 306 chosen by the member which is not already in use ~~on one plate;~~
 307 ~~the numbers of the other plates will be assigned by the~~
 308 ~~department.~~

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

311 320.084 Free motor vehicle license plate to certain
 312 disabled veterans.—

313 (4) (a) With the issuance of each new permanent "DV"
 314 numerical motor vehicle license plate, the department shall
 315 initially issue, without cost to the applicant, a validation
 316 sticker reflecting the owner's birth month and a serially
 317 numbered validation sticker reflecting the year of expiration.
 318 The initial sticker reflecting the year of expiration may not
 319 exceed 27 ~~15~~ months.

320 (b) There shall be a service charge in accordance with the
 321 provisions of s. 320.04 for each initial application or renewal
 322 of registration and an additional sum of 50 cents on each
 323 license plate and validation sticker as provided in s.
 324 320.06(3) (b) .

325 (c) Registration under this section shall be renewed
 326 annually or biennially during the applicable renewal period on
 327 forms prescribed by the department, which shall include, in
 328 addition to any other information required by the department, a
 329 certified statement as to the continued eligibility of the
 330 applicant to receive the special "DV" license plate. Any
 331 applicant who falsely or fraudulently submits to the department
 332 the certified statement required by this paragraph is guilty of
 333 a noncriminal violation and is subject to a civil penalty of
 334 \$50.

335 Section 9. Section 321.03, Florida Statutes, is amended to
 336 read:

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337 321.03 Imitations prohibited; penalty.—Unless specifically
338 authorized by the Florida Highway Patrol, a it shall be unlawful
339 for any person or persons in the state shall not to color or
340 cause to be colored any motor vehicle or motorcycle the same or
341 similar color as the color or colors so prescribed for the
342 Florida Highway Patrol. A Any person who violates violating any
343 of the provisions of this section or s. 321.02 with respect to
344 uniforms, emblems, motor vehicles and motorcycles commits shall
345 be guilty of a misdemeanor of the first degree, punishable as
346 provided in s. 775.082 or s. 775.083. The Department of Highway
347 Safety and Motor Vehicles shall employ such clerical help and
348 mechanics as may be necessary for the economical and efficient
349 operation of such department.

350 Section 10. Section 321.05, Florida Statutes, is amended
351 to read:

352 321.05 Duties, functions, and powers of patrol officers.—
353 The members of the Florida Highway Patrol are hereby declared to
354 be conservators of the peace and law enforcement officers of the
355 state, with the common-law right to arrest a person who, in the
356 presence of the arresting officer, commits a felony or commits
357 an affray or breach of the peace constituting a misdemeanor,
358 with full power to bear arms; and they shall apprehend, without
359 warrant, any person in the unlawful commission of any of the
360 acts over which the members of the Florida Highway Patrol are
361 given jurisdiction as hereinafter set out and deliver him or her
362 to the sheriff of the county that further proceedings may be had
363 against him or her according to law. In the performance of any
364 of the powers, duties, and functions authorized by law, members

365 of the Florida Highway Patrol ~~shall~~ have the same protections
 366 and immunities afforded other peace officers, which shall be
 367 recognized by all courts having jurisdiction over offenses
 368 against the laws of this state, and ~~shall~~ have authority to
 369 apply for, serve, and execute search warrants, arrest warrants,
 370 ~~capias, and other process of the court in those matters in which~~
 371 ~~patrol officers have primary responsibility as set forth in~~
 372 ~~subsection (1)~~. The patrol officers under the direction and
 373 supervision of the Department of Highway Safety and Motor
 374 Vehicles shall perform and exercise throughout the state the
 375 following duties, functions, and powers:

376 (1) To patrol the state highways and regulate, control,
 377 and direct the movement of traffic thereon; to maintain the
 378 public peace by preventing violence on highways; to apprehend
 379 fugitives from justice; to enforce all laws now in effect
 380 regulating and governing traffic, travel, and public safety upon
 381 the public highways and providing for the protection of the
 382 public highways and public property thereon; to make arrests
 383 without warrant for the violation of any state law committed in
 384 their presence in accordance with the laws of this state;
 385 providing that no search shall be made unless it is incident to
 386 a lawful arrest, to regulate and direct traffic concentrations
 387 and congestions; to enforce laws governing the operation,
 388 licensing, and taxing and limiting the size, weight, width,
 389 length, and speed of vehicles and licensing and controlling the
 390 operations of drivers and operators of vehicles; to cooperate
 391 with officials designated by law to collect all state fees and
 392 revenues levied as an incident to the use or right to use the

393 highways for any purpose; to require the drivers of vehicles to
 394 stop and exhibit their driver's licenses, registration cards, or
 395 documents required by law to be carried by such vehicles; to
 396 investigate traffic accidents, secure testimony of witnesses and
 397 of persons involved, and make report thereof with copy, when
 398 requested in writing, to any person in interest or his or her
 399 attorney; to investigate reported thefts of vehicles and to
 400 seize contraband or stolen property on or being transported on
 401 the highways. Each law enforcement officer is subject to and has
 402 the same arrest and other authority provided for law enforcement
 403 officers generally in chapter 901 and has statewide
 404 jurisdiction. Each officer also has arrest authority as provided
 405 for state law enforcement officers in s. 901.15. This section
 406 shall not be construed as being in conflict with, but is
 407 supplemental to, chapter 933.

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

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

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

417 (4) (a) All fines and costs and the proceeds of the
 418 forfeiture of bail bonds and recognizances resulting from the
 419 enforcement of this chapter by patrol officers shall be paid
 420 into the fine and forfeiture fund established pursuant to s.

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421 142.01 of the county where the offense is committed. In all
 422 cases of arrest by patrol officers, the person arrested shall be
 423 delivered forthwith by the ~~said~~ officer to the sheriff of the
 424 county, or he or she shall obtain from the ~~such~~ person arrested
 425 a recognizance or, if deemed necessary, a cash bond or other
 426 sufficient security conditioned for his or her appearance before
 427 the proper tribunal of the ~~such~~ county to answer the charge for
 428 which he or she has been arrested; and all fees accruing shall
 429 be taxed against the party arrested, which fees are hereby
 430 declared to be part of the compensation of the ~~said~~ sheriffs
 431 authorized to be fixed by the Legislature under s. 5(c), Art. II
 432 of the State Constitution, to be paid such sheriffs in the same
 433 manner as fees are paid for like services in other criminal
 434 cases. All patrol officers are hereby directed to deliver all
 435 bonds accepted and approved by them to the sheriff of the county
 436 in which the offense is alleged to have been committed. However,
 437 a ~~no~~ sheriff shall not be paid any arrest fee for the arrest of
 438 a person for violation of any section of chapter 316 when the
 439 arresting officer was transported in a Florida Highway Patrol
 440 car to the vicinity where the arrest was made; and a ~~no~~ sheriff
 441 shall not be paid any fee for mileage for himself or herself or
 442 a prisoner for miles traveled in a Florida Highway Patrol car. A
 443 ~~No~~ patrol officer is not ~~shall be~~ entitled to any fee or mileage
 444 cost except when responding to a subpoena in a civil cause or
 445 except when the ~~such~~ patrol officer is appearing as an official
 446 witness to testify at any hearing or law action in any court of
 447 this state as a direct result of his or her employment as a
 448 patrol officer during time not compensated as a part of his or

449 her normal duties. Nothing herein shall be construed as limiting
 450 the power to locate and to take from any person under arrest or
 451 about to be arrested deadly weapons. ~~Nothing contained in This~~
 452 section is not ~~shall be construed as~~ a limitation upon existing
 453 powers and duties of sheriffs or police officers.

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

459 (5) The department may employ or assign some fit and
 460 suitable person with experience in the field of public relations
 461 who shall ~~have the duty to~~ promote, coordinate, and publicize
 462 the traffic safety activities in the state and assign such
 463 person to the office of the Governor at a salary to be fixed by
 464 the department. The person so assigned or employed shall be a
 465 member of the uniform division of the Florida Highway Patrol,
 466 and he or she shall have the pay and rank of lieutenant while on
 467 such assignment.

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

471 Section 11. Section 322.121, Florida Statutes, is amended
 472 to read:

473 322.121 Periodic reexamination of all drivers.-

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

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477 categorized as problem drivers, the Legislature intends that
478 renewals ~~the large number of drivers who have not had any~~
479 ~~convictions for the 3 years preceding renewal and whose driving~~
480 ~~privilege in this state has not been revoked, disqualified, or~~
481 ~~suspended at any time during the 7 years preceding renewal be~~
482 ~~processed expeditiously upon renewal of their licenses by~~
483 ~~examinations of the licensee's their eyesight and hearing only~~
484 ~~and that all other licensees be tested, in addition to the~~
485 ~~eyesight and hearing examinations, with respect to their ability~~
486 ~~to read and understand highway signs regulating, warning, and~~
487 ~~directing traffic.~~

488 ~~(2) Each licensee must pass a reexamination at the time of~~
489 ~~renewal, except as otherwise provided in this chapter. For each~~
490 ~~licensee whose driving record does not show any convictions for~~
491 ~~the preceding 3 years or any revocations, disqualifications, or~~
492 ~~suspensions for the preceding 7 years; and who, at the time of~~
493 ~~renewal, presents a renewal notice verifying such safe driving~~
494 ~~record, the reexamination shall consist of tests of the~~
495 ~~licensee's eyesight and hearing. For all other licensees, in~~
496 ~~addition to the eyesight and hearing tests, the reexamination~~
497 ~~must include tests of the ability to read and understand highway~~
498 ~~signs and pavement markings regulating, warning, and directing~~
499 ~~traffic.~~

500 (2) ~~(3)~~ For each licensee whose driving record does not
501 show any revocations, disqualifications, or suspensions for the
502 preceding 7 years or any convictions for the preceding 3 years
503 except for convictions of the following nonmoving violations:

504 (a) Failure to exhibit a vehicle registration certificate,

505 rental agreement, or cab card pursuant to s. 320.0605;

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

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

511 (d) Failure to carry or exhibit a license pursuant to s.
 512 322.15(1); or

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

515

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

518 (3)~~(4)~~ Eyesight examinations must be administered as
 519 provided in s. 322.12.

520 (4)~~(5)~~ An examination fee may not be assessed for
 521 reexamination required by this section.

522 (5)~~(6)~~ Members of the Armed Forces, or their dependents
 523 residing with them, shall be granted an automatic extension for
 524 the expiration of their licenses without reexamination while
 525 serving on active duty outside this state. This extension is
 526 valid for 90 days after the member of the Armed Forces is either
 527 discharged or returns to this state to live.

528 (6)~~(7)~~ In addition to any other examination authorized by
 529 this section, an applicant for a renewal of a commercial
 530 driver's license may be required to complete successfully an
 531 examination of his or her knowledge regarding state and federal
 532 rules, regulations, and laws, governing the type of vehicle

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533 | which he or she is applying to be licensed to operate.

534 | ~~(7)(8)~~ In addition to any other examination authorized by
 535 | this section, an applicant for a renewal of an endorsement
 536 | issued under s. 322.57(1)(a), (b), (d), (e), or (f) may be
 537 | required to complete successfully an examination of his or her
 538 | knowledge regarding state and federal rules, regulations, and
 539 | laws, governing the type of vehicle which he or she is seeking
 540 | an endorsement to operate.

541 | Section 12. Paragraph (c) is added to subsection (1) of
 542 | section 322.18, Florida Statutes, and paragraph (a) of
 543 | subsection (5) and paragraph (c) of subsection (8) of that
 544 | section are amended, to read:

545 | 322.18 Original applications, licenses, and renewals;
 546 | expiration of licenses; delinquent licenses.—

547 | (1)

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

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

555 | (a) A licensee who is otherwise eligible for renewal and
 556 | who is at least 80 years of age:

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

559 | 2. If the licensee applies for a renewal using a
 560 | convenience service as provided in subsection (8), he or she

561 must submit to a vision test administered by a physician
 562 licensed under chapter 458 or chapter 459, ~~or~~ an optometrist
 563 licensed under chapter 463, or a licensed physician at a
 564 federally established veterans' hospital, must send the results
 565 of that test to the department on a form obtained from the
 566 department and signed by such health care practitioner, and must
 567 meet vision standards that are equivalent to the standards for
 568 passing the departmental vision test. The physician or
 569 optometrist may submit the results of a vision test by a
 570 department-approved electronic means.

571 (8) The department shall issue 8-year renewals using a
 572 convenience service without reexamination to drivers who have
 573 not attained 80 years of age. The department shall issue 6-year
 574 renewals using a convenience service when the applicant has
 575 satisfied the requirements of subsection (5).

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

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

585 322.2615 Suspension of license; right to review.—

586 (2) Except as provided in paragraph (1) (a), the law
 587 enforcement officer shall forward to the department, within 5
 588 days after issuing the notice of suspension, the driver's

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589 license; an affidavit stating the officer's grounds for belief
590 that the person was driving or in actual physical control of a
591 motor vehicle while under the influence of alcoholic beverages
592 or chemical or controlled substances; the results of any breath
593 or blood test or an affidavit stating that a breath, blood, or
594 urine test was requested by a law enforcement officer or
595 correctional officer and that the person refused to submit; the
596 officer's description of the person's field sobriety test, if
597 any; and the notice of suspension; ~~and a copy of the crash~~
598 ~~report, if any.~~ The failure of the officer to submit materials
599 within the 5-day period specified in this subsection and in
600 subsection (1) does not affect the department's ability to
601 consider any evidence submitted at or prior to the hearing. The
602 officer may also submit a copy of the crash report and a copy of
603 a videotape of the field sobriety test or the attempt to
604 administer such test. Materials submitted to the department by a
605 law enforcement agency or correctional agency shall be
606 considered self-authenticating and shall be in the record for
607 consideration by the hearing officer. Notwithstanding s.
608 316.066(7), the crash report shall be considered by the hearing
609 officer.

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

612 322.34 Driving while license suspended, revoked, canceled,
613 or disqualified.—

614 (10) (a) Notwithstanding any other provision of this
615 section, if a person does not have a prior forcible felony
616 conviction as defined in s. 776.08, the penalties provided in

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617 paragraph (b) apply if a person's driver's license or driving
 618 privilege is canceled, suspended, or revoked for:

619 1. Failing to pay child support as provided in s. 322.245
 620 or s. 61.13016;

621 2. Failing to pay any other financial obligation as
 622 provided in s. 322.245 other than those specified in s.
 623 322.245(1);

624 3. Failing to comply with a civil penalty required in s.
 625 318.15;

626 4. Failing to maintain vehicular financial responsibility
 627 as required by chapter 324;

628 5. Failing to comply with attendance or other requirements
 629 for minors as set forth in s. 322.091; or

630 6. Having been designated a habitual traffic offender
 631 under s. 322.264(1)(d) as a result of suspensions of his or her
 632 driver's license or driver privilege for any underlying
 633 violation listed in subparagraphs 1.-5.

634 (b)1. Upon a first conviction for knowingly driving while
 635 his or her license is suspended, revoked, or canceled for any of
 636 the underlying violations listed in subparagraphs (a)1.-6., a
 637 person commits a misdemeanor of the second degree, punishable as
 638 provided in s. 775.082 or s. 775.083.

639 2. Upon a second or subsequent conviction for the same
 640 offense of knowingly driving while his or her license is
 641 suspended, revoked, or canceled for any of the underlying
 642 violations listed in subparagraphs (a)1.-6., a person commits a
 643 misdemeanor of the first degree, punishable as provided in s.
 644 775.082 or s. 775.083.

645 (11) (a) A person who does not hold a commercial driver's
 646 license and who is cited for an offense of knowingly driving
 647 while his or her license is suspended, revoked, or canceled for
 648 any of the underlying violations listed in paragraph (10) (a)
 649 may, in lieu of payment of fine or court appearance, elect to
 650 enter a plea of nolo contendere and provide proof of compliance
 651 to the clerk of the court, designated official, or authorized
 652 operator of a traffic violations bureau. In such case,
 653 adjudication shall be withheld. However, no election shall be
 654 made under this subsection if such person has made an election
 655 under this subsection during the preceding 12 months. A person
 656 may not make more than 3 elections under this subsection.

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

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

661 322.61 Disqualification from operating a commercial motor
 662 vehicle.—

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

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

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

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

677 (d) Not less than 180 days nor more than 2 years if the
 678 driver is convicted of or otherwise found to have committed a
 679 first violation of an out-of-service order while transporting
 680 hazardous materials required to be placarded under the Hazardous
 681 Materials Transportation Act, 49 U.S.C. ss. 5101 et seq., or
 682 while operating motor vehicles designed to transport more than
 683 15 passengers, including the driver. A driver is disqualified
 684 for a period of not less than 3 years nor more than 5 years if,
 685 for offenses occurring during any 10-year period, the driver is
 686 convicted of or otherwise found to have committed any subsequent
 687 violations of out-of-service orders, in separate incidents,
 688 while transporting hazardous materials required to be placarded
 689 under the Hazardous Materials Transportation Act, 49 U.S.C. ss.
 690 5101 et seq., or while operating motor vehicles designed to
 691 transport more than 15 passengers, including the driver.

692 Section 16. Section 488.06, Florida Statutes, is amended
 693 to read:

694 488.06 Revocation or suspension of license or
 695 certificate.—The Department of Highway Safety and Motor Vehicles
 696 may suspend or revoke any license or certificate issued under
 697 the provisions of this chapter if the holder of the license or
 698 certificate, or if an instructor, agent, or employee of the
 699 commercial driving school, has:

700 (1) Violated the provisions of this chapter;~~;~~

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701 (2) Been convicted of, pled no contest to, or had
702 adjudication withheld for any felony offense or misdemeanor
703 offense as shown by a criminal background check, the cost of
704 which must be borne by the holder of the license or certificate,
705 instructor, agent, or employee;

706 (3) Committed any fraud or willful misrepresentation in
707 applying for or obtaining a license; or

708 (4) Solicited business on any premises, including parking
709 areas, used by the department or a tax collector for the purpose
710 of licensing drivers.

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