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August 29, 2008

TO: Law Enforcement Agencies

FROM:  Dana Reiding, Chief
Bureau of Records

SUBJECT: Notice of Changes to the
Florida DUI Uniform Traffic Citation (UTC), HSMV Form 75904

The Florida DUI Uniform Traffic Citation is being revised due to 2008 legislative changes. Effective October 1, 2008, commercial driver license holders who receive a DUI conviction, even while driving a personal vehicle, will be disqualified from operating a commercial motor vehicle for 1 year for the first offense, and permanently disqualified for the second offense. These penalties are based on convictions dates and not offense dates. In addition, the driving privilege of a commercial driver license holder who is cited for unlawful breath or blood alcohol level above 0.08 under section 316.193, Florida Statutes, will be administratively disqualified at roadside, regardless of the type of vehicle operated at the time of the stop.

Law Enforcement Agencies currently issuing paper DUI citations will continue to use their current supply of DUI citations. In addition to the DUI citation, a disqualification form will be filled out and given to each commercial driver license holder operating a non-commercial motor vehicle who is cited under section 316.193 for unlawful breath or blood alcohol level above 0.08. These forms are being printed and will be shipped to the Law Enforcement Agencies prior to October 1, 2008.

The electronic DUI citations will need to be updated. The following pages are copies of the new DUI citation. The change to the front side of each copy of the new DUI citation includes verbiage to disqualify the commercial driver license holder/commercial motor vehicle operator. The print date on the lower left corner of the DUI citation should also be updated to 10/08.

The reverse side of the violator's copy also needs revision. There is new verbiage under FINAL ORDER, INFORMAL REVIEW, and FORMAL REVIEW. The words "FOR REFUSAL TO SUBMIT TO A BREATH, BLOOD OR URINE TEST" have been removed leaving the statement "IN CASE OF A DISQUALIFICATION THE FOLLOWING ISSUES WILL BE COVERED:" followed by new verbiage describing those issues. The final changes are updates to the location of the Bureau of Administrative Reviews Hearing Offices. Please consult with your electronic citation vendor to ensure your electronic DUI citation has been updated with these changes.

Please direct any questions Bonnie Scott-Walls at (850) 617-2702 or BonnieScott-Walls@flhsmv.gov.