

TO: Clerks of County Court  
Law Enforcement Agencies  
State Attorneys

FROM: Dana Reiding, Chief   
Bureau of Records

DATE: June 15, 2010

SUBJECT: 2010 Legislative Changes

The Legislature passed several bills affecting traffic laws this year. Below is a short summary to assist you:

**HB 631, effective July 1, 2010:** This bill reduces the number of allowable traffic school elections from five times in 10 years to five times in a lifetime in section 318.14(9), Florida Statutes. The determination of eligibility is based on the date of the election. Therefore, if an election is made on or after July 1, 2010, the 'five times in a lifetime' limit applies.

This bill modifies sections 316.1951 and 318.18(21), Florida Statutes, to authorize a governmental entity to immediately tow a motor vehicles parked upon a public street or highway for the principal purpose of sale, hire, or rent of the vehicle (curbstoning). The local government issuing the citation shall collect \$100 penalty from the owner prior to the release of the vehicle. The governmental entity may issue a citation, but this citation is not a uniform traffic citation. Although the penalties are listed in section 318.18, Florida Statutes, the penalties are not collected by the Clerk of Court.

**HB 325, effective July 1, 2010:** This bill establishes authority for local governments to install and operate red light cameras. Procedural guidelines are provided in a separate advisory.

**HB 795, effective October 1, 2010:** This bill provides an amnesty period for existing Habitual Traffic Offenders to provide proof of compliance under section 318.18(10)(a), Florida Statutes. This bill includes other language similar to HB 971.

**HB 971, effective September 1, 2010:** This bill modifies several sections of Chapter 316, Florida Statutes, related to traffic laws. A few items to note:

- If the court fails to order the suspension of a person's registration and driver license for a conviction of section 316.646, related to proof of insurance, the Department is mandated

to suspend the person's registration and driver license. If a person pays a civil penalty for an offense of s. 316.646, or if a judge determines guilt, the person's driver license will be suspended and a stop will be placed against his or her registration. In order to reinstate the driving privilege, the customer must pay \$150 reinstatement fee if a first offense or \$250 if a subsequent offense and show proof of insurance. A person may elect to provide proof of compliance to the Clerk of Court as allowed in section 318.14(10), Florida Statutes.

- A person cited for an offense that does not require a mandatory hearing is not required to sign and accept the citation. However, the officer must certify that the citation was delivered to the person cited. We are developing guidelines for this and reviewing the Uniform Traffic Citation to determine whether changes are necessary. We will advise you as soon as possible.
- The option to provide proof of compliance under section 318.14(10)(a), F.S., to the Clerk is extended to include child support suspensions, non-criminal financial obligations, and school truancy. Additionally, persons cited for driving while license suspended or revoked with underlying suspensions for failure to pay civil penalty, failure to pay child support, failure to maintain insurance, etc., as listed in section 322.34(10)(a), F.S., may provide proof of compliance to the clerk. In these instances, the DWLS offense will not count toward the calculation of a Habitual Traffic Offender status.

**HB 1271, effective July 1, 2010:** This bill modifies procedures for toll violations. We have sent a separate advisory to the Clerks of Court and the toll authorities.

**HB 5401, effective October 1, 2010:** This bill reduces several traffic violations relating to tag violations, commercial driver licenses, and driver license restrictions from criminal to non-criminal. Further direction will be provided soon.

**HB 5501, effective July 1, 2010:** This bill includes some language related to the implementation of red light cameras. This bill changes crash form reporting requirements; we have sent a separate advisory to law enforcement agencies.

In addition, this bill specifically authorizes both the tax collectors and the Clerks of Court to sell driver records for the statutory record fees, plus \$6.25. The Clerks of Court are authorized to retain the \$6.25 surcharge, but must remit the \$8 or \$10 record fee to the Department within the timeframe specified by law.

Please visit our web site at [www.flhsmv.gov/courts](http://www.flhsmv.gov/courts) for more helpful information and direct any questions to Bonnie Scott-Walls at (850) 617-2586 or send an email to [BonnieScott-Walls@flhsmv.gov](mailto:BonnieScott-Walls@flhsmv.gov).