



June 29, 2009

TO: County Court Judges
Clerks of the Court
Heads of City, County and State
Traffic Enforcement Agencies
State Attorneys
Tax Collectors

FROM: Steven Fielder
Legislative Affairs Administrator

SUBJECT: 2009 Legislation Affecting Traffic and Motor Vehicle Laws

The following is a summary of legislative changes related to traffic and motor vehicle laws that were enacted during the 2009 Legislative Session. Before any policy or operational decisions are made, the complete version of the law should be carefully reviewed. Complete copies of the bills may be obtained from the Department of State, the distribution offices of the Florida House and Senate, independent reporting agencies or the official website of the Florida Legislature at www.leg.state.fl.us. Please feel free to contact this office at 850-617-3195 if we can provide additional assistance.

Ch. Law 2009-183 SB 1100 DHSMV Effective 06/16/09

20.24 The Department of Highway Safety and Motor Vehicles is re-enacted and the obsolete Bureau of MV Inspections is deleted from statute.

Section 2. Any person who held a driver license, identification card or motor vehicle registration between June 1, 2000 and September 30, 2004 is eligible to receive a \$1 credit on a new or renewed motor vehicle registration between July 1, 2009 and June 30, 2010.

316.126(1) (b) 1. On a multi-lane road, the driver of a vehicle passing an emergency vehicle shall reduce their speed to 20 mph less than the posted limit, if they are unable to move over.

316.2085(3) A motorcyclist may not conceal or obscure their license plate. The requirement that a motorcycle license plate be affixed horizontally is deleted.

- 316.2122 Mini-trucks are allowed to operate on the same roadways and in the same manner as a low-speed vehicle, which includes streets where the posted speed limit is 35 mph or less.
- 320.01(27) The definition of a motorcycle in Florida law will coincide with that of the National Highway Traffic Safety Administration when applicable.
- 320.02(45) A definition for “mini truck” is created.
- 320.0847 Mini-trucks are to be properly licensed and registered.
- 320.0848(2) Provisions are added that would allow an exemption from the requirement to have a driver license or identification card number on a disabled parking permit if the disabled person is physically unable to appear at a driver license office. This provision is effective November 1, 2009.
- 322.0261 Any driver who is the at-fault party in three crashes within three years will be required to take a behind-the-wheel driver education course. This provision is effective January 1, 2010.
- 322.03(1) The provision allowing the issuance of a Valid in Florida Only license is removed from statute effective November 1, 2009
- 322.08(6) The department will no longer issue a driver license and identification card to the same person, effective November 1, 2009.
- 322.271(2) The department is authorized to waive the hearing requirement for a hardship license if the underlying suspension is the result of a non-egregious offense.
- 322.64 Minor changes are made to the commercial driver license disqualification process to comply with federal law.

Ch. Law 2009-32 SB 344 Safety Belts Effective 06/30/09

- 316.614(6) The safety belt requirements of this section do not apply to vehicles that are not required to be equipped with safety belts by federal law. The requirement that the safety belt law be enforced only as a secondary violation is removed.

Ch. Law 2009 - 206 HB 293 Titles and Registrations Effective 07/01/09

- 319.22(2) The owner or coowner of a vehicle who has made a bona fide sale or transfer of the vehicle must notify the department within 30 days in a format prescribed by the department.
- 320.02(17) Provisions are added to allow a lienor to notify the department that a registration renewal should be withheld.

- 320.03(10) Jurisdiction over electronic filing systems used to by third parties to register a vehicle are expressly preempted to the State. By January 1, 2010 a report is to be filed with the Legislature on these systems.
- 320.1316 This newly created section creates a method for lienors to file a notice with department when a vehicle is to be surrendered by the owner. The owner may dispute the notice of surrender by notifying the department in writing.
- 322.34(8) (c) When a vehicle is impounded or immobilized for driving on a suspended license, the towing service must send the notice to the owner by certified mail, however the requirement for a return receipt is deleted.
- 322.34(8) (f) A vehicle impounded under this section may be released to the lienholder.
- 713.78 Notices mailed to owners of vehicles which have been towed at the request of law enforcement will no longer require a return receipt. Other minor changes are made to this section.
- 320.0609(2) (c) Independent vehicle dealers are required to issue temporary license plates for all vehicle sales. This provision becomes effective October 1, 2009.
- 320.0609(8) The transfer of a metal plate from one vehicle to another shall be electronically reported to the department by the dealer. This provision becomes effective July 1, 2010.
- 316.193 The court is required to create a list of agencies approved to impound or immobilize a vehicle as part of sentencing. The affected defendant shall be provided a copy of the list by the court. Additionally, new qualifying requirements are created for those persons wishing to participate in the impoundment and immobilization industry.
- Ch. Law 2009-137 HB 333 Off-Highway Vehicles Effective 07/01/09**
- 261.03, 316.2074 The weight limit for all-terrain vehicles is raised to 1,200 lbs. A new definition for
317.003 motorized recreational off-highway vehicles is created.
- Ch. Law 2009- 208 HB 405 Delivery Vehicles Effective 07/01/09**
- 316.2126 The terms “golf cart”, “residential area” and “seasonal delivery personnel” are all defined. Between October 15th and December 31st seasonal delivery personnel may operate a golf cart, low-speed vehicle, or a utility vehicle in a residential area where the posted speed limit is within specified limits depending on the type of vehicle to deliver packages.
- Ch. Law 2009- 220 SB 1030 Lights on Vehicles Effective 07/01/09**
- 316.2397(2) County Correctional agencies are permitted to show or display blue lights when responding to emergencies.

Ch. Law 2009-110	HB 687 Voluntary Check-off	Effective 07/01/09
320.02(15)	A new voluntary check-off is created on the motor vehicle registration application for the Florida Sheriffs Youth Ranches.	
Ch. Law 2009- 216	SB 554 University Police/Traffic Law	Effective 07/01/09
316.640(1)(a)1.b.	University police officers are authorized to enforce all traffic laws when violations occur on or within 1,000 feet of any property or facilities under the guidance or supervision of the university.	
Ch. Law 2009-85	HB 1021 Transportation	Effective 07/01/09
316.191(1)	The term “race” is redefined.	
316.191(4)	A motor vehicle used while racing on the highway may be impounded for 30 business days.	
Ch. Law 2009-61	SB 1718 Traffic Court	Effective 07/01/09
318.15	Clarification is made to the practical effect of the elimination of the 18% reduction on the fine for electing traffic school during the special session of January 2009.	
318.18(18)	The administrative fee of \$12.50 and the Article V assessment fee of \$10 which are currently charged for all traffic violations of chapter 316 is expanded to include traffic violations of chapters 320 and 322.	
Ch. Law 2009- 204	SB 2108 Traffic Court	Effective 07/01/09
318.18(13)	The surcharge on traffic violations which is authorized to fund state court facilities is raised to \$30.	
	The board of county commissioners is authorized to impose by ordinance a surcharge on infractions for the exclusive purpose of securing payment on bonds issued after July 1, 2009 to fund state court facilities.	
	(Note: The effective date of SB 2108 was modified by SB 1718. For the effective date of this bill, please refer to section 21 of SB 1718)	
Ch. Law 2009-86	HB 1423 FWCC	Effective 09/01/09
319.32 (3)	The title fee assessment for the Nongame Wildlife Trust Fund is increased to \$10.	
320.08056 (4)	The annual use fee for the Manatee license plate is changed from \$20 to \$25. The annual use fee for the Conserve Wildlife license plate is changed from \$15 to \$25.	
327.35	Breath alcohol levels for boating under the influence are conformed to the current requirements for driving under the influence.	

Throughout chapter 328, language is added to require all vessels that are used or stored on the waters of this state to be titled and registered unless used or stored on private lakes or ponds. This section is effective October 1, 2009

Ch. Law 2009-71**SB 1778 Motor Vehicle and Driver License Fees****Effective 09/01/09**

This bill makes numerous fee changes throughout chapters 316, 321, 320 and 322.

Driver License Fee Changes

Original/Renewal Class E Driver License	\$48
Original/Renewal Commercial License	\$75
Original/Renewal School Board CDL	\$48
Replacement DL	\$25
ID Cards	\$25
Delinquent Fee	\$15
Knowledge Re-exam fee	\$10
Skills Re-exam fee	\$20
Disqualification/Revocation Reinstatement	\$75
Suspension Reinstatement	\$45
Administrative Alcohol Fee	\$130
D-6/Child Support Reinstatement	\$60
Filing Fee for hardship license	\$12
Filing Fee for formal/informal review	\$25
DUI Program Assessment Fee	\$15
Interlock Program Assessment Fee	\$12
Tax Collector Service Fee	\$6.25

Motor Vehicle Fee Changes

Base Tax on all vehicles	35% increase, fees vary by weight
Commercial Vehicle Surcharge	\$10
Transportation Surcharge	\$4
Specialty/Personalized Processing	\$5
FRVIS Fee	\$1.25
General Revenue Surcharge	\$5.50
Service Fee	\$5
Decal Fee	\$3
License Plate Fee	\$28
Reflective materials fee	\$1.50
Initial Registration fee	\$225
Base Title Fee	\$70
Fast Title Fee	\$10
For-hire Title Fee	\$49
Delinquent Title Fee	\$20
Service fee for paper title	\$2.50
Publication Fee for dealers	\$75
Vehicle Re-inspection fee	\$20

Record Fees

Crash Report	\$10
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3-year driver history	\$8
7-year driver history	\$10

320.06 The license plate replacement cycle is changed from six years to ten years.

320.08058 The Autism license plate is created. An annual use fee of \$25 is collected and distributed to the Achievement and Rehabilitation Centers Inc., to service programs supporting individuals with autism.

The proceeds of the Golf License plate are redistributed to the Dade Amateur Golf Association.

320.13 Vehicle importers and distributors are authorized to use manufacturer license plates.

322.135 The tax collector service fee for driver licenses transactions is defined.

Ch. Law 2009-100 SB 858 Voluntary Check-off Effective 10/01/09

322.08(6) A new voluntary check-off is created on the driver license application for the Florida Heart Research Institute.

Ch. Law 2009-138 HB 481 Enhanced Penalties Effective 10/01/09

318.18(5) (c) An additional \$65 penalty is added to passing a stopped school bus, racing on the highway and reckless driving. The additional revenue is to be distributed to the Department of Health for trauma centers.

322.0261(3) Drivers who are convicted of running a red light, passing a stopped school bus, racing on the highway or reckless driving are required to take a driver improvement course upon a first offense.

316.193(6) The court is required to take into consideration the hardship placed upon a DUI defendant when ordering community service and may accept payment of \$10 for each hour in lieu of the community service.