

2003 Legislation Affecting Traffic & Motor Vehicle Laws

The following is a summary of legislative changes related to traffic and motor vehicle laws that were enacted during the 2003 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 web site 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 information.

Ch. Law 2003-165	HB 75 –Volunteer Firefighters/Display of Lights	Effective 06/20/03
316.2398(1)	Volunteer firefighters and medical staffs are allowed no more than two red warning signals and obsolete language referring to candle power is deleted.	
Ch. Law 2003-180	HB 195 – Emergency Medical Dispatch Act	Effective 09/11/03
768.1335(2)	Definitions are established for “emergency medical dispatch”, “emergency medical dispatcher”, “emergency medical dispatch agency” and “emergency medical dispatch protocol”.	
768.1135(3)	Emergency medical dispatch agencies, their agents or employees utilizing the established dispatch rotocols are presumed not to have acted negligently.	
Ch. Law 2003-280	HB 287 – Motorcycle Specialty Plate	Effective 10/01/03
320.08068	The motorcycle specialty license plate is created. A \$15 annual use fee is to be distributed to the Brain and Spinal Cord Injury Program, Prevent Blindness Florida, the Foundation for Vocational Rehabilitation and the Florida Association of Centers for Independent Living.	
Ch. Law 2003-256	HB 789- Stop Heart Disease	Effective 07/01/03
320.8056	The Stop Heart Disease license plate is created. A \$25 annual use fee is to be distributed to the Florida Heart Research Foundation, Inc.	

Ch. Law 2003-54 HB 947 – Alcohol Tests

**Effective
05/27/03**

316.1932(1)(a)1.a. All references to urine test for the purpose of detecting the presence of a chemical substance are removed from this subsection and recreated in 316.1932(1)(a)1.b.

316.1932(1)(a)1.b. This newly created subsection establishes criteria and circumstances under which a urine test is to be utilized for detecting the presence of a chemical substance. [NOTE: Identical changes are also made to 327.352(1)(a)1.]

Ch. Law 2003-26 HB 1155 – Challenger/Columbia Plate

**Effective
07/01/03**

320.08058(2) The Challenger license plate is renamed the Challenger/Columbia license plate. The annual use fee and the distribution thereof did not change.

**Ch. Law 2003-
282**

HB 1431 – Mobile Home Titles

**Effective
07/11/03**

319.261(1) This section provides for a process whereby the owner of a mobile home that is permanently affixed to real property owned by that same person might permanently retire the title to the mobile home.

319.261(2) The department may retire the title to a mobile home if the owner records certain documents with the clerk of court in the county in which the real property is located.

319.261(3) The clerk of the court shall record the documents against the real property and provide copies to the owner of the real property.

319.261(4) The owner of the mobile home or lien-holder shall file an application with the department for retirement of the title to the mobile home. Upon retirement of the title, the department is to notify the applicant.

319.261(5) A mobile home whose title has been retired pursuant to this section shall be conveyed by deed or real estate contract together with the property to which it is affixed unless a new title is issued.

319.261(6) The owner of the real property with a recorded and retired title shall file an application with the department to issue a new title to the mobile home, if the mobile home is to be removed from the real property.

Ch. Law 2003-183 **HB 1501 – Hospice License Plate** **Effective 07/01/03**

320.08058 The Hospice license plate is created. An annual use fee of \$25 is to be distributed to the Florida Hospices and Palliative Care, Inc.

Ch. Law 2003-176 **HB 1683 – Leaving the Scene** **Effective 07/01/03**

921.002(3) Leaving the scene of an accident involving death is changed from a level six offense to a level seven offense on the severity ranking chart.

Ch. Law 2003- **SB 26A – Driver License Fees** **Effective 10/01/03**

322.051 The fee for a renewal or replacement identification card will now be \$10.

322.12 Customers failing the written exam for a license will be required to pay a \$5 fee to re-take the exam. Those customers failing the driving exam will be charged \$10 to re-take the exam.

322.21(8) Reinstatement fees for suspensions are now \$35; for revocations the fee is increased to \$60, and the alcohol fee is raised to \$115.

Ch. Law 2003-273 **SB 52 - Driver License Vision Tests** **Effective 01/01/04**

322.18 (5)(a) Upon renewal a licensee over the age of 79 is required to submit to a vision test administered at the driver license office or if renewing by mail or electronic means submit the results of a vision exam administered by their licensed physician or optometrist. The physician must submit the results of the exam on a departmentally approved form, signed by the health care practitioner, and the results must meet the standards for passing the departmental vision test. The physician may submit the results by department-approved electronic means.

322.18 (5)(b) A licensee over the age of 79 may not apply for renewal by electronic or telephonic means, unless the results of a vision test have been electronically submitted in advance by the physician or optometrist.

Section 2. Effective 07/11/03 the department shall appoint an advisory council to participate in a study of the effects of aging on driving ability. The advisory council shall study accidents caused by functional limitations that effect driving ability; the prevalence of degenerative processes effecting vision, hearing, mobility, cognitive functions and reaction time; implementation and effectiveness of the department's vision screening requirements; the availability and effectiveness of skills training and physical therapy; the availability of alternate forms of transportation; and the effectiveness of existing public education initiatives relating to at-risk drivers. The department shall report the results of the study to the President of the Senate and the Speaker of the House by February 1, 2004.

Ch. Law 2003-45

SB 88 - Low Emission Vehicles

**Effective
07/01/03**

316.0741 (4) Inherently low emission vehicles (ILEV) certified in accordance with federal regulations and hybrid vehicles as defined in this section, regardless of occupancy, may be driven in the HOV lane at any time. The department shall issue a decal and registration, to be renewed annually, authorizing use of the HOV lane. The department shall charge a fee for the decal not to exceed \$5.

316.0741 (5) Hybrid vehicles are defined in detail.

Ch. Law 2003-111

SB 308 - Sea Turtle License Plate

**Effective
07/01/03**

320.08058 (19)(b) This section provides for a redistribution of funds collected from the Sea Turtle License Plate. The funds are to be distributed to the Caribbean Conservation Corporation to fund sea turtle research and education programs.

Ch. Law 2003-121

SB 310 - Child Abuse Prevention License Plate

**Effective
07/01/03**

320.08058 The Child Abuse Prevention and Intervention license plate is created. The annual use fee of \$25 is to be distributed to the

Children's Home Society of Florida and the Florida Network of Children's Advocacy Centers.

Ch. Law 2003-66	SB 640 - Military Services License Plates	Effective 07/01/03
320.08058	Military Services license plates are created for four branches of service (Army, Navy, Air Force, and Coast Guard). The annual use fee of \$15 shall be deposited into the State Homes for Veterans Trust Fund.	
Ch. Law 2003-286	SB 676 – Traffic	Effective 07/14/03
316.1001(2)(b)	Toll violations may be issued by first class mail and mailing of the citation constitutes notification. Mailings are to be sent to the first name listed on the registration unless that name is a business organization.	
316.1001(2)(c)	The owner of the motor vehicle involved in a toll violation must rebut liability with 14 days after the date of issuance of the citation.	
316.1001(4)	The number of outstanding violations required before notification to the department is reduced from three to one.	
316.302(2)(e)	New language is added requiring commercial vehicles to display the name of the owner or motor carrier and the municipality or town where the vehicle is based on each side of the power unit in letters readable from 50 feet. Violators may be penalized pursuant to 316.3025(3)(a). {Section 316.3027 is repealed.}	
316.3025	This section is substantially updated with regard to commercial motor vehicles.	
316.3026	This section is substantially updated with regard to the Office of Motor Carrier Compliance and out-of-service orders.	
316.640(1)(a)1.	The provision allowing the employment of traffic accident investigation officers by the Highway Patrol is moved to 316.640(1)(a)4.	
316.650(3)(b)	Traffic citations issued pursuant to s. 316.1001 are to be deposited with the court having jurisdiction or with the traffic	

violation bureau within 45 days after the date of issuance of the citation either in person or by facsimile.

318.14(12) Persons cited for a violation of s. 316.1001 may, elect to pay the fine directly to the governmental entity that issued the citation, within 30 days after the date of issuance.

Ch. Law 2003-159

SB 686 – Vehicle Registrations

**Effective
07/01/03**

345.58(1) The Legislature authorizes an annual license tax of \$2 for the original registration or renewal of each vehicle taxed under s. 320.08 and registered in the area served by the South Florida Regional Transportation Authority upon approval by the residents in the county served by the authority.

Ch. Law 2003-92

SB 1046 - Motorcycles and Firefighters

**Effective
06/04/03**

316.209 (5) In the performance of their official duties, firefighters on motorcycles may overtake and pass in the same lane occupied by the vehicle being overtaken and may operate their motorcycle between lanes of traffic or between adjacent rows of vehicles.

Ch. Law 2003-71

SB 1072—Personal Identity Theft

**Effective
07/01/03**

817.568 (2) (b) Any person convicted of fraudulently using another person's personal identification and the value of the fraud perpetrated is \$5,000 or more or if the person is fraudulently using the personal information of 10 or more individuals shall be sentenced to a mandatory minimum sentence of 3 years imprisonment. The court may impose a greater sentence of incarceration. Charges must be filed within 3 years of the offense.

817.568 (2) (c)

Any person convicted of fraudulently using another person's personal identification and the value of the fraud perpetrated is \$50,000 or more or if the person is fraudulently using the personal information of 20 or more individuals shall be sentenced to a mandatory minimum sentence of 5 years imprisonment. If the value of the fraud perpetrated is \$100,000 or more the perpetrator shall be sentenced to a minimum of 10 years imprisonment. The court may impose a greater sentence

of incarceration. Charges must be filed within 3 years of the offense.

817.568 (6) Any person who fraudulently uses the personal identification information of an individual who is less than 18 years of age without consent commits a second-degree felony. Charges must be filed within 3 years of the offense.

817.568 (7) Any person who is the legal guardian of an individual who is less than 18 years of age and fraudulently uses that individual's personal information without consent commits a second-degree felony. Charges must be filed within 3 years of the offense.

92.605 This section of the bill addresses the definition and production of certain records by Florida businesses and out-of-state corporations.

Ch. Law 2003-72 **SB 1098 – Military Personnel/Registrations** **Effective 06/02/03**

320.07(3)(e) Any service member whose mobile home registration has expired while serving on active duty or state active duty shall not be charged with a violation of this subsection if, at the time of the offense the service member was serving 35 mile or more from the mobile home. The service member must present either a copy of the official military orders or a written verification signed by their commanding officer.

320.07(5) Any service member whose mobile home or motor vehicle registration has expired while serving on active duty or state active duty, shall be able to renew his/her registration upon returning from active duty without penalty if the duty is 35 mile or more from the service member's home of record. The service member must present either a copy of the official military orders or a written verification signed by their commanding officer.

Ch. Law 2003-40 **SB 1896 – School Zones** **Effective 05/23/03**

316.1895(6) Flashing beacons activated by a time clock, or other automatic device, or manually activated may be used as an alternative to posting the times during which the restrictive school speed limit is enforced.

Ch. Law 2003-263 **SB 1944 – Mobile Home Surcharge** **Effective 06/26/03**

320.08015(1) Except as provided in (2), there is levied on each license tax for a mobile home a surcharge in the amount of \$1, which is to be collected in the same manner as the license tax and to be deposited into the Florida Mobile Home Relocation TF.

320.08015(2) Any mobile home that is not located in a mobile home park regulated under chapter 723 is exempt from the surcharge.

Ch. Law 2003-73

SB 1954 – Specialty Plates

**Effective
10/01/03**

320.0891 The U.S. Paratrooper license plate is created. An annual use fee of \$20 is to be collected for deposit into the State Homes for Veterans Trust Fund. Each application must be accompanied by proof that the applicant has been decorated as a parachutist or has completed the U.S. Army Jump School.

320.08058(12) Effective 07/01/03 . The annual use fees collected on from the sale of the Florida Arts license plate are to be distributed directly to the county in direct proportion to the amounts of fees collected in each county.

320.08058 Effective 07/01/03 . The Protect Our Reefs license plate is created. The annual use fee of \$25 is to be distributed to the Mote Marine Laboratory, Inc. to fund reef research, conservation, and education programs.

320.08058 The Fish Florida license plate is created. The annual use fee of \$22 is to be distributed to the Florida Foundation for Responsible Angling, Inc. to fund aquatic education; marine resource stewardship, and ethical angling practices in this state.