

## 2004 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 2004 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](http://www.leg.state.fl.us). Please feel free to contact this office at (850) 617-3195 if we can provide additional information.

<b>Ch. Law 2004-</b>	<b>HB 9 Road Designations</b>	<b>Effective 5/13/04</b>
	The portion of Interstate 95 in Nassau County is designated as the "Trooper Charles W. Parks Memorial Highway."	
<b>Ch. Law 2004-29</b>	<b>HB 11 Motor Vehicle Title Certificates</b>	<b>Effective 07/01/04</b>
319.23(11)	The department shall retain all titles, manufacturers' statements of origin, applications and all supporting documents for a period of ten years.	
<b>Ch. Law 2004-388</b>	<b>HHB 295 Fleeing or Attempting to Elude</b>	<b>Effective 07/01/04</b>
316.1935(1)	Willfully refusing to stop a vehicle after being ordered to stop is now punishable as a third degree felony.	
316.1935(3)(b)	Any person driving at a high rate of speed or in any manner which demonstrates a wanton disregard for safety and causes serious bodily injury or death while attempting to flee commits a felony of the first degree.	
316.1935(4)(b)	If in the attempt to leave the scene of a crash having knowledge of an order to stop and causes serious bodily injury or death commits aggravated fleeing and is punishable as a felony of the first degree.	
316.1935(5)	The court shall revoke the driver license for a period not less than 1 year nor more than five for a violation of subsection (1), (2), (3) or (4).	

316.1935(6) Notwithstanding s. 948.01, no court may suspend, defer, or withhold adjudication of guilt or imposition of sentence for any violation of this section.

316.1935(7) Any motor vehicle involved in a violation of this section is deemed to be contraband, which may be seized by a law enforcement agency and is subject to forfeiture pursuant to ss. 932.701-932.704. Any vehicle not required to be titled under the laws of this state is presumed to be the property of the person in possession of the vehicle.

921.0022(3) The criminal punishment code is modified to reflect the changes made to section 316.1935.

**Ch. Law 2004-20      HB 1335 Wrecker Lights      Effective 07/01/04**

316.2397(3) Wreckers must use amber rotating or flashing lights while performing recoveries and loading on the roadside day or night, and may use such lights while towing a vehicle on wheel lifts, slings, or under reach if the operator of the wrecker deems such lights necessary.

316.126(1)(b) Drivers will now be required to “move-over” when a wrecker is displaying amber rotating or flashing lights and performing a recovery or loading on the roadside.

**Ch. Law 2004-74      HB 1613 Law Enforcement/Lights      Effective 5/20/04**

316.217(4) Law enforcement vehicle may be operated without lighted lamps under the following conditions:

316.217(4)(a) Operation without the display of lighted lamps is necessary to the performance of a law enforcement officer’s duties.

316.217(4)(b) The law enforcement agency has a written policy authorizing and providing guidelines for vehicle operation without the display of lighted lamps.

316.217(4)(c) The law enforcement vehicle is operated in compliance with agency policy.

3316.217(4)(d) The operation without the display of lighted lamps may be safely accomplished.

The provisions of this subsection shall not relieve the operator of such a vehicle from the duty to drive with due regard for the safety of all persons.

**Ch. Law 2004-62    HB 1737 Driver Privacy Protection    Effective 10/01/04**

119.07(3)(aa)    The department is now directed to block all personal information contained in motor vehicle and driving records. Personal information may only be released to those individuals or entities meeting one of the exemptions listed in current law. This conforms state statute with the federal driver privacy requirements.

**Ch. Law 2004-75    SB 276 Vessel Registrations    Effective 07/01/04**

328.72(14)    Safe Harbor Haven, Inc., is added to the list of entities exempt from vessel registration fees.

**Ch. Law 2004-275    SB 324 Records of Convictions/ 24-Hr Notification    Effective 07/01/04**

322.20(2)    Records of convictions of a person holding a foreign license shall be maintained by the department if the citation indicates an address located in this state.

322.27(1)(a)    Law enforcement agencies are directed to report to DHSMV within 24 hours any traffic fatality or when the agency initiates a blood test for impairment pursuant to s. 316.1933.

**Ch. Law 2004-283    SB 1414 Mobile Homes    Effective 6/10/04**

319.261(2)(a)    The manufacturers' certificate of origin may no longer be used to retire a title. An original title must be issued first before it can be retired.

**Ch. Law 2004-337    SB 2020 Specialty Plates    Effective 07/01/04**

320.08056(4)(h)    The annual use fee for the Florida Educational license plate will now be \$20.

320.08056 (4)(ss)    The Save Our Seas license plate is created. The annual use fee is \$25, and shall be distributed to the Harbor Branch Oceanographic Institution, Inc. for marine science research and education programs.

- 320.08056(4)(tt) The Aquaculture license plate is created. The annual use fee is \$25, and shall be distributed to the Harbor Branch Oceanographic Institution, Inc. for aquaculture research and education programs.
- 320.08056(4)(uu) The Family First license plate is created. The annual use fee is \$25, and shall be distributed to Family First to fund programs, projects, seminars, events, and family resources that promote principles for building marriages, guiding parents, and raising children.
- 320.08056(4)(vv) The Sportsmen's Land Trust license plate is created. The annual use fee is \$25, and shall be distributed to the Sportsmen's National Land Trust to fund programs that preserve open space and wildlife habitat.
- 320.08056(4)(ww) The Live the Dream license plate is created. The annual use fee is \$25, and shall be distributed to the Dream Foundation, Inc. to fund programs that provide research and treatment for sickle cell disease, prevention of birth defects and homelessness.
- 320.08056(4)(xx) The Florida Food Banks license plate is created. The annual use fee is \$25 and shall be distributed to the Florida Association of Food Banks, Inc.
- 320.08056(4)(yy) The Discover Florida's Oceans license plate is created. The annual use fee is \$25 and shall be distributed to the Hubbs Florida Ocean Fund, Inc. to fund ocean, estuarine and coastal scientific research, conservation, and education projects.
- 320.08056(4)(zz) The Family Values license plate is created. The annual use fee is \$25 and shall be distributed to the Sheridan House, Inc. to fund residential care programs, family counseling, social services for single parents and their children.
- 320.08056(4)(aaa) The Parents Make a Difference license plate is created. The annual use fee is \$25 and shall be distributed to The Gatering/USA, Inc. to fund personal counseling for parents, marriage seminars and retreats for parents and children.
- 320.08056(4)(bbb) The Support Soccer license plate is created. The annual use fee is \$25 and shall be distributed to the Lighthouse Soccer Foundation, Inc. to fund programs and services that foster the

physical, mental, and emotional growth and development of youth through the sport of soccer at all levels of age and competition.

320.08056(4)(ccc) The Kids Deserve Justice license plate is created. The annual use fee is \$25 and shall be distributed to the Florida Bar Foundation, Inc., to fund a grant award process for legal services programs for children.

320.08056(4)(ddd) The Animal Friend license plate is created. The annual use fee is \$25 and shall be distributed to the Humane Society for animal welfare programs and spay and neuter programs.

320.08053(1)(b) Organizations seeking to establish a new specialty plate must submit the results of a scientific sample survey indicating at least 30,000 motor vehicle owners intend to purchase the plate. The survey results must be validated by the Auditor General.

320.08056(8) The department must discontinue the issuance of an approved specialty license plate if the number of valid specialty plate registration falls below 1,000 for at least 12 consecutive months. A warning letter shall be mailed to the sponsoring organization following the first month in which the total number of valid specialty plate registrations is below 1,000.

**Ch. Law 2004-371 SB 2054 Sexual Predators/Offenders Effective 07/01/04**

775.21(6)(g)1. The statutory requirement for sexual predators to contact the department for all name or address changes is clarified to read that there is no requirement that the license be valid. Address change notifications are to be done even on licenses that are suspended or revoked for other reasons.

943.0435(4)(a) The statutory requirement for sexual offenders to contact the department for all name or address changes is clarified to read that there is no requirement that the license be valid. Address change notifications are to be done even on licenses that are suspended or revoked for other reasons.

**Ch. Law 2004-257 SB 2480 Agricultural Equipment Effective 07/01/04**

3316.515(5) The term “agricultural tractors” is added to this section. Additional changes are made with regard to maximum width requirements.

**Ch. Law 2004-379 SB 2762 Records of the Department Effective 07/01/04**

316.193(12) The driver record maintained by DHSMV is sufficient evidence to show that a defendant has been previously convicted of DUI.

DHSMV shall review all materials submitted by law enforcement for an administrative hearing to determine whether the materials comply with applicable statutes, rules, and policies and inform the agency when a deficiency exists so that the deficiency may be corrected prior to the hearing.

**Ch. Law 2004-265 SB 2962 Article V Effective 07/01/04**

318.15(2) Clerks are authorized to increase the nonrefundable service charge for reinstatement of a suspensions imposed under this section to \$47.50.

318.18(11)(b) CIn addition to other court cost allowed under paragraph (a), up to \$3 for each infraction shall be collected and distributed by the clerk in those counties that have been authorized to establish a criminal justice selection center or a criminal justice access and assessment center.

318.18(11)(c) In addition to the court cost required under paragraph (a), a \$2.50 court cost must be paid for each infraction to be distributed by the clerk to the county to help pay for criminal justice education and training programs.

318.18(13)(a) 7 (b) Authorization is given to the local board of county commissioners or any consolidated government to impose a surcharge on any infraction. Specifications and circumstances are given as to when these surcharges may be assessed.

318.21 Changes are made to the distribution of traffic penalties. Please refer to the bill for details

318.325 Certain language authorizing the distribution of fines associated with parking violations is deleted.

- 322.245(5)(a) The clerk of court may notify the department to suspend the license of anyone failing to pay financial obligations related to any criminal offense other than those specified in subsection (1).
- 322.245(5)(b) The department must reinstate the driving privilege when the clerk of the court provides an affidavit to the department stating that:
- 322.245(5)(b)1. The person has satisfied the financial obligation in full or made all payments currently due under a payment plan;
- 322.245(5)(b)2. CThe person has entered into a written agreement for payment of the financial obligation if not presently enrolled in a payment plan; or
- 322.245(5)(b)3. A court has entered an order granting relief to the person ordering the reinstatement of the license.
- 322.245(5)(c) The department shall not be held liable for any license suspension resulting from the discharge of its duties under this section.