

Ch. Law 2006- HB 561 Offenses Involving Insurance Effective 07/01/06

316.068(2) A specific list of information required on the crash report are delineated. The absence of information in the report regarding the existence of passengers in the vehicles involved constitutes a rebuttable presumption that no such passengers were involved in the reported crash.

322.21(8) (b) An additional fee of \$180 is to be collected when a driver is reinstating a license that has been suspended or revoked pursuant to ss. 817.234(8) or (9) or s. 817.505, F.S.

322.26(9) A conviction in any court having jurisdiction over offenses committed under s. 817.234(8) or (9) or s. 817.505, shall result in a mandatory driver license revocation.

Ch. Law 2006-226 HB 1173 Driver Records Effective 01/01/07

322.20(13) The Department of Highway Safety is required to make the driving records of teens available for viewing by the parents or guardians of the minor via the Internet, free of charge. The availability of free records to parents ceases after the minor becomes 18 years old.

Ch. Law 2006-296 HB 1465 Enhanced Penalty Zones Effective 07/01/06

316.1893(1) A new section of law is created requiring the Florida Department of Transportation to identify those areas of the state that are prone to high crash rates. These areas will be identified as "Enhanced Penalty Zones."

318.18(3)(e) &
318.21 (15) The FDOT, the DOE and DHSMV are to conduct a study of highway safety and transportation issues to identify measurable improvements to reduce highway fatalities by one-third. Drivers cited for speeding within an enhanced penalty zone will pay an additional \$50 fine which is to be distributed to trauma centers in Florida.

Ch. Law 2006-297 HB 1589 Specialty License Plates Effective 07/01/06

320.08056(4) &
320.08058 The Florida Memorial College license plate is changed to the Florida Memorial University license plate.

- 320.08056(4) & 320.08058 The Homeownership For All license plate is created. The \$25 annual use fee shall be distributed to the Homeownership For All, Inc. to fund programs that provide and promote affordable housing in this state.
- 320.08056(8)(a) The minimum sales requirement for specialty license plates will not apply to collegiate license plates.
- 320.08058(23)(a) The Keep Kids Drug-Free Foundation, Inc. is permitted to use up to 10 percent of the annual use fee for marketing and administrative cost.
- 320.08058(48) (b) The Sportsmen's National Land Trust is permitted to recoup all startup costs.
- 320.0807(5) A current or former President of the Senate or Speaker of the House may make application for a license plate stamped, "Senate President" or "House Speaker".
- 320.08056(4) & 320.08058 The Future Farmers of America license plate is created. The \$25 annual use fee shall be distributed to the Florida Future Farmers of America Foundation, Inc. to fund its activities.
- Ch. Law 2006-260 HB 7035 Crash Reports Effective 10/01/06**
- 316.006(5)(e) The public records exemption previously scheduled to sunset is reenacted
- Ch. Law 2006-290 HB 7079 Highway Safety Effective 10/01/06**
- 261.10(2) A new paragraph is added addressing the liability of governmental entities who provide public areas for off-highway recreation. (Effective July 1, 2008)
- 261.20 A new section is created with extensive new language regarding the operation of off-highway vehicles on public lands. This new section addresses restrictions, required safety equipment and certain prohibited acts, with penalties. (Effective July 1, 2008)
- 316.003(43) A combination of vehicles may include one full mount, whereby a smaller transport vehicle is placed completely on the last towed vehicle.

- 316.006(2) & (3) The board of directors of a homeowners' association as defined in chapter 720 may, by a majority vote, elect to have state traffic laws enforced by local law enforcement agencies on private roads that are controlled by the association.
- 316.0085 Mountain and off-road bicycling are added to this section
- 316.1001(2) The owner of a leased vehicle for which a citation is issued for failure to pay a toll is not responsible for payment of the citation.
- 316.192(1) (b) Fleeing a law enforcement officer in a motor vehicle is reckless driving per se.
- 316.1955(1) (b) The owner of a leased vehicle is not responsible for disabled parking violations.
- 316.2015(1) Language permitting a passenger to ride on the exterior of a vehicle in a seat securely affixed to the vehicle is removed.
- 316.2015(2) (a) Specific exemptions are listed for those individuals that are permitted to ride on the exterior of a vehicle.
- 316.2015(2) (b) It is unlawful for a minor child under 18 to ride on a limited access highway within the open body of a pickup or flatbed truck unless they are secured in seats with safety restraints. A county is exempt if, by majority vote, it chooses to be exempt from this paragraph.
- 316.2095(1) Motorcycles are no longer required to have handholds for passengers.
- 316.211(6) Each motorcycle registered to a person under 21 years of age must display a license plate that is unique in design and color. (This paragraph is effective January 1, 2007.)
- 316.2123(1) The operation of an off-highway vehicle is permitted by a licensed driver during daylight hours on an unpaved roadway where the posted speed limit is less than 35 mph and proof of ownership is available. Minors may operate off-highway vehicles in the same manner if supervised by a licensed driver.

- 316.2123(2) A county is exempt from this section if the governing body, by majority vote, votes to exempt the county from this section.
- 316.2125(3) A local governmental entity may enact an ordinance regarding golf cart operation and equipment which is more restrictive than those enumerated in this section, for unlicensed drivers.
- 316.2128 Retailers selling motorized scooters or miniature motorcycles must prominently display information that indicates to its customers that particular scooters are prohibited from being operated on Florida roadways. These notices must also be provided at the point of sale.
- 316.221(2) Dump trucks and vehicles having dump bodies are exempt from the requirement to have a light on the license plate.
- 316.302 The number of hours a commercial driver may operate their vehicle for intrastate driving is modified, with certain exceptions being made for the transportation of agricultural products. The exemption from federal regulations for the transportation of non-placarded hazardous materials is reduced from a 200 mile radius to 150 miles.
- 316.515(5) (a) The Department of Transportation is authorized to issue an over width permit for implements of husbandry greater than 130 inches, but not more than 170 inches, in width.
- 316.515(5) (b) Equipment that does not exceed 136 inches and not capable of exceeding 20 mph and used for harvesting forestry products is authorized to use the roadway, not to exceed 10 miles and only during daylight hours.
- 318.14(9) Any driver charged with exceeding the posted speed limit by more than 30 mph will not be permitted to elect traffic school.
- 318.143(1) (f) Courts may require a minor and his or her parents to participate in a registered youthful driver monitoring service.
- 318.1435 The Youthful driver monitoring service is defined in this newly created section as an entity that enables parents to monitor the driving performance of their minor children.

Those entities providing such services may register with the Department of Highway Safety and Motor Vehicles.

- 318.18(3) (g) A second or subsequent offense of exceeding the posted speed by 30 mph or more will result in the fine being doubled. For the purpose of this paragraph, the term conviction means a finding of guilt as a result of a jury verdict, nonjury trial, or entry of a plea of guilty. The increased fine amounts are to be used to fund trauma services.
- 318.18(12) The fine for loads dropping is increased to \$200 and the driver licenses suspension for a second violation within 5 years is increased to a minimum of 1 year.
- 318.19(5) A charge of speeding in excess of 30 mph over the posted limit will require a mandatory hearing.
- 318.32(1) (d) A traffic court hearing officer may not revoke a driver license.
- 320.015(1) Clarification is made that display homes or other inventory being held by a manufacturer or dealer of modular housing may not be taxed as real property.
- 320.02(1) Effective July 1, 2008, a motorcycle, motor driven cycle or moped registration may not be issued unless the registrant has a motorcycle endorsement on their driver license.
- 320.03(8) & 320.07 The owner of a leased vehicle is not responsible for paying registration fees, fines or late charges.
- 320.0706 The owner of a dump truck may place the rear license plate on the gate no higher than 60 inches to allow for better visibility.
- 320.08056(4) & 320.08058 The Future Farmers of America license plate is created. An annual use fee of \$25 shall be distributed to the organization to fund its activities.
- 320.08056(8) Collegiate license plates are exempt from the minimum sales requirements.
- 320.089 The Operation Iraqi Freedom and Operation Enduring Freedom Veterans license plates are created. Applicants

must show proof of eligibility before the license plate can be issued.

- 322.01(16) The definition of “driver license” is conformed to federal code.
- 322.01(43) & (44) New definitions for identification card, temporary driver license and temporary identification card are created to conform to federal code.
- 322.05(2) A teen applicant for a Class E license may only have the issuance of the license delayed if they have been convicted of a moving violation.
- 322.051(1) The minimum age requirement for an identification card is lowered to age five.
- 322.051(1)(a)3.g.(IV) The term “refugee” is added to this section.
- 322.051(1)(a)3.g.(VII) New language is added allowing the department to accept evidence that an application is pending for the adjustment of status.
- 322.051(1)(a)3.g. Presentation of any documents within this sub-paragraph will entitle the applicant to a license not to exceed one year.
- 322.08(2)(c)7.d. The term “refugee” is added to this section.
- 322.08(2)(c)7.g. New language is added allowing the department to accept evidence that an application is pending for the adjustment of status.
- 322.08(2)(c)7. Presentation of any documents within this sub-paragraph will entitle the applicant to a license not to exceed one year.
- 322.12(5) (a) Effective July 1, 2008, all applicants for a motorcycle endorsement must show proof of completion of the motorcycle safety course.
- 322.2615 Throughout this entire section, all references to “arrest” or “has been arrested” are removed and replaced with new language. Specific reference to a BAL of .08 or higher is added.

- 322.2615(2) Materials submitted to the department by a law enforcement agency or correctional agency including the crash report shall be considered self-authenticating and shall be in the record for consideration by the hearing officer.
- 322.2615(6) (b) The issuance of subpoenas in formal hearings is limited to those persons named in reports filed by the arresting agency.
- 322.2615(13) A law enforcement agency may appeal any decision of the department invalidating a suspension by a petition for writ of certiorari to the circuit court in the county wherein a formal or informal review as conducted.
- 627.733(1) Taxicab owners must show proof of liability as provided in chapter 324.
- 318.1215 The county optional fee assessed on each traffic citation for the purpose of funding driver education is raised from \$3 to \$5.
- 316.083(1) Drivers passing a bicycle must leave at least three feet between the car and cyclist.
- The Department of Highway Safety and Motor Vehicles must conduct a study of the driver licensing process and the cost associated with providing that service. The report must include information regarding the feasibility of outsourcing any portion of the driver licensing process. A cost-benefit analysis must be included, as well as any potential concerns regarding the protection of personal information.

Ch. Law 2006- HB 7175 Vessels Effective 07/01/06

- 328.64(1) The Department of Highway Safety and Motor Vehicles is directed to provide a form for vessel owners to notify the Department of the transfer of all or part interest in a vessel.
- 328.72(15) Changes are made to the distribution of vessel registration fees and the use of those fees.

Ch. Law 2006-81 SB 258 Farm Labor Vehicles Effective 07/01/06

- 316.003(62) The term “farm labor vehicle” is defined as any vehicle equipped and used for the transportation of nine or more migrant or seasonal farm workers, to or from a place of employment. The term does not include vehicles carrying members of the immediate family of the owner or driver; vehicles operated by a common carrier or any carpool.
- 316.622(1) An owner of a farm labor vehicles is responsible for ensuring that the vehicle conforms to federal safety standards.
- 316.622(2) On or after January 1, 2008, farm labor vehicles with a gross vehicle weight rating of 10,000 pounds or less must be equipped with a seat belt at each passenger position.
- 316.622(3) Farm labor vehicles must display a sticker indicating that it has been inspected pursuant to s. 450.33.
- 316.622(4) The owner of a farm labor vehicle is required to post notification in the vehicle that passengers are to fasten their seatbelts. The Department of Highway Safety and Motor Vehicles shall create a standard notification.
- 316.622(5) & (6) If a passenger does not wear a seat belt, it does not constitute negligence on the part of the owner of the vehicle if the vehicle is otherwise in compliance with this section.
- 316.622(7) A violation of this section is a noncriminal traffic infraction, punishable as provided in s. 318.18(16).
- 316.622(8) The Department of Highway Safety & Motor Vehicles shall provide the Department of Business and Professional Regulation each quarter a copy of each crash report involving a farm labor vehicle.
- 318.18(16) A violation of s. 316.622(3) or (4) will result in a \$100 fine. A violation of s. 316.622(1) or (2) will result in a \$200 fine.
- 318.21(15) The proceeds from the fines described in s. 316.18(16) shall be remitted to the law enforcement agency that issues the citation for a violation of s. 316.622. The funds must be used for continued education and enforcement of s. 316.622 and other related safety measures contained in chapter 316.

320.08058(16)(a) Proceeds from the sale of the Police Athletic League license plate shall be distributed to the State of Florida Association of Police Athletic/Activities Leagues, Inc. The league may use a maximum of 15 percent of such fees for administrative costs and a maximum of 10 percent to market and promote the plate.

320.08068(4) The annual use fee for the Motorcycle Specialty plate is raised to \$20. The Blind Services Foundation of Florida is added as an authorized recipient of 20 percent of the annual use fee.

Ch. Law 2006-44 SB 738 Voluntary Contributions Effective 07/01/06

320.02(16)(d) Applicants for a motor vehicle registration will be permitted to make a contribution to the Miami Heart Research Institute, Inc.

Ch. Law 2006-238 SB 1076 DUI Courses Effective 07/01/06

322.292(4) All DUI education courses must utilize face-to-face instruction.

Ch. Law 2006-203 SB 1322 Driver License Suspension Effective 10/01/06

562.11(1)(a)2. A court may order the Department of Highway Safety and Motor Vehicles to withhold the issuance of or suspend the driver license or driving privilege of any person who sells, gives, serves or permits to be served alcoholic beverages to a person under 21 years of age.

322.057(1) The driver license suspension authorized in s. 562.11 shall be for not less than 3 months or more than 6 months for the first violation and one year for any subsequent violation.

322.057(2) The court may direct the department to issue a driver license restricted to business or employment purposes to a person who is otherwise qualified.

Ch. Law 2006-240 SB 1450 Donate Organs License Plate Effective 07/01/06

320.08056(4) & 320.08058 The Donate Organs-Pass It On license plate is created. The \$25 annual use fee shall be distributed to the Transplant

Foundation, Inc. to provide statewide grants for patient services.

Ch. Law 2006-241

**SB 1614 National Guard License
Plates**

Effective 07/01/06

320.0846(3)

The sunset provision for one free license plate for eligible National Guard members is removed.