

## 2007 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 2007 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.

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<b>Ch. Law 2007-205</b>	<b>SB 2 Unattended Child in a Motor Vehicle</b>	<b>Effective 07/01/07</b>
316.6135(1)(a)	This paragraph is amended to remove the provision prohibiting anyone from leaving a child unattended for any period of time. The new paragraph specifically prohibits a person from leaving a child unattended for a period in excess of 15 minutes.	
316.6135(2)	A person who allows a child to be unattended in a motor vehicle in excess of 15 minutes commits a misdemeanor of the 2nd degree.	
316.6135(3)	A person who allows a child to be unattended in a motor vehicle for any period of time if the health of the child is in danger commits a non-criminal traffic infraction.	
316.6135(4)	A person who allows a child to be unattended in a motor vehicle and in so doing causes great bodily harm, permanent disability, or disfigurement commits a felony of the 3rd degree.	
<b>Ch. Law 2007-211</b>	<b>HB 25 Adam Arnold Act/DUI</b>	<b>Effective 07/01/07</b>
316.027(1)(b)	Any person who is willfully involved in a crash involving death or personal injury while driving under the influence shall be sentenced to a mandatory minimum term of imprisonment of 2 years.	
316.027(1)(c)	Notwithstanding s. 775.089(1)(a), if a driver of a vehicle violates this section the court shall order the driver to make restitution to the victim for any damage or loss unless the court finds clear and compelling reasons not to order the restitution. The payment of restitution shall be a condition of probation.	

316.193(3)(c)3.a.(I) A person who is convicted of DUI manslaughter shall be sentenced to a mandatory minimum term of imprisonment of 4 years.

921.0021(7)(e) Notwithstanding paragraph (a) if the conviction is for a crash involving death or personal injury and the court finds that the offender caused victim injury, sentence points for victim injury may be assessed against the offender.

**Ch. Law 2007-43**

**HB 99 Public Solicitations**

**Effective  
07/01/07**

316.2045(3) Extensive new language is added to this section of statute which outlines parameters whereby charitable organizations may solicit for donations on public roadways. Notification of local governments by the organizations is required as well as signage, a minimum age requirement and a requirement that solicitation events occur during daylight hours only.

**Ch. Law 2007-165**

**SB 124 Custom Vehicles and Street Rods**

**Effective  
07/01/07**

320.0863(1) New definitions are created for blue dot tail light, custom vehicle and street rod.

320.0863(2) The model year and year of manufacture which the body of a custom vehicle or street rod resembles is the model year and year of manufacture listed on the certificate of title, regardless of when the vehicle was actually manufactured.

320.0863(3) This new created section provides for the collection of license taxes and a processing fee for the registration of street rods and custom vehicles.

320.0863(4) The license plate color and design for custom vehicles and street rods shall be distinct as well as the license plate numbering series.

320.0863(5)(a) A vehicle registered as a customer vehicle or street rod is exempt from any law or ordinance that requires periodic vehicle inspections or the use and inspection of emission controls.

320.0863(5)(b) Custom vehicles and street rods are permitted to use blue dot lights.

**Ch. Law 2007-91**

**SB 136 Live the Dream License Plate**

**Effective  
07/01/07**

320.08058(49) The portion of the proceeds from the sale of the Live the Dream license plate designated for research, care and treatment for sickle cell disease shall be distributed equally among the sickle cell organizations that are Florida members of the Sickle Cell Disease Association of America, Inc.

**Ch. Law 2007-242**      **HB 275 Bi-Annual Vehicle Registration**      **Effective 01/01/08**

320.01(19)(b) Extended registration period is defined as a period of 24 months.

320.055(1)(b) This paragraph provides the parameters for those vehicles and mobile homes that are eligible to have a 24 month registration issued.

320.06(1)(b) The Department shall implement a staggered system for converting all license plates to a six-year replacement cycle. The fee for an original license plate is increased to \$12 to reflect the extended lifespan of the plate.

320.06(1)(c) & 320.07 Appropriate changes are made to these paragraphs to allow for the issuance of a 24-month validation sticker.

320.071(1)(a) An advanced registration renewal may not exceed 27 months.

320.203 This new section is created to provide for the distribution of those taxes collected from the issuance of 24-month registrations. All collections shall be distributed in the same manner that they would have been had the collections occurred in the proper fiscal year. Local governments are also authorized to escrow revenues as needed to provide for the even distribution of revenues they retain through the issuance of 24-month registrations.

328.72 Owners of vessels are also afforded the opportunity to choose a 24-month registration.

**Ch. Law 2007-150**      **HB 359 Financial Responsibility**      **Effective 06/15/07**

324.023 This newly created section requires all drivers convicted of driving under the influence after October 1, 2007 to obtain higher limits of liability insurance upon reinstatement of their driving privilege. The requirement to maintain higher limits of liability are only required for three years from the date of reinstatement at which point the driver is no longer required to carry the higher limits.

320.02(5)(a) Drivers who have been convicted of driving under the influence after October 1, 2007 must provide proof that they have purchased insurance meeting the requirements of s. 324.023 before a vehicle can be registered in their name.

627.733(7) Drivers subject to the requirements of s. 324.023 are required to pay the reinstatement fees established in this section for failing to maintain proper insurance coverage. Those fees are \$150 for a first offense, \$250 for a second and \$500 for a third.

**Ch. Law 2007-227      HB 404 Mobile Homes      Effective  
07/01/07**

553.382 This newly created section of law would permit would permit any residential manufactured building to be placed in a mobile home park, recreational vehicle park or mobile home condominium, cooperative or subdivision. Each housing unit subject to this section shall be taxed as a mobile home under s. 320.08(11) and is subject to payment to the Florida Mobile Home Relocation Fund under s. 723.06116.

**Ch. Law 2007-49      HB 517 Military Personnel and Insurance      Effective  
07/01/07**

324.021(8) The exemption already provided in law for military personnel stationed outside Florida with regard to providing proof of Florida-based coverage is also extended to the spouses of the military personnel. Spouses holding title and registration to vehicles in Florida but who are stationed outside the State with their active duty military family may now also provide proof of insurance coverage from the state they are stationed in.

**Ch. Law 2007-50      HB 615 Voluntary Check-off      Effective  
10/01/07**

320.02(16)(d) A technical change is made to the Miami Heart Research Institute check-off to include the words "Stop Heart Disease".

320.02(16)(e) A new voluntary check-off for the vehicle registration application is added for the Children's Hearing Help Fund.

**Ch. Law 2007-52      HB 707 Lights on Motor Vehicles      Effective  
07/01/07**

316.2397(3) Private security agencies are allowed to display green and amber lights on all vehicles owned or leased by them, with each color being equally distributed.

**Ch. Law 2007-196**

**HB 985 Transportation**

**Effective  
07/01/07**

316.2123(2) A county commission may after conducting a public hearing, designate roadways for use by ATV operators where the speed limit is less than 35 miles per hour.

316.605(1) License plates may not be placed higher than 60 inches and not lower than 12 inches from the ground, nor may they be placed more than 24 inches to the left or right of the centerline of the vehicle. License plates must also be displayed parallel to the ground with the numerals and letters reading left to right.

316.650(3)(b) When a driver cited for a toll violation chooses to pay the \$25 fine and the unpaid toll to the entity owning the facility as provided in 318.14(12), the disposition of the traffic violation shall be reported to the Department of Highway Safety and Motor Vehicles in lieu of the court. No points shall be assessed to the driver who chooses to pay the toll violation as authorized in 318.14(12)

318.14(12) The entity owning the toll facility is authorized to collect a \$25 fine in addition to the unpaid toll from those individuals choosing to resolve the traffic citation directly with the toll authority vs. the court.

318.18(7) There shall be a mandatory fine of \$100 for each toll violation citation unless a plea arrangement is reached prior to the scheduled hearing date. If there is a plea agreement, the fine shall not be less than \$50 or more than \$100. Twenty-five dollars of each fine collected shall be distributed to the governmental entity that issued the citation, or on whose behalf the citation was issued. The court shall have specific authority to consolidate issued citations for the same defendant for the purpose of sentencing and aggregate jurisdiction. In addition, the Department of Highway Safety and Motor Vehicles shall suspend the driver license of a person who is convicted of 10 toll violations within a 36-month period for 60 days.

318.18(13) Specific authority is given to local government to utilize revenues collected from the traffic citation surcharge authorized under this paragraph for various court needs.

- 318.18(17) A \$3 surcharge on all criminal traffic offenses and all moving violations is authorized. Revenues collected from this surcharge are to be deposited into the State Agency Law Enforcement Radio System Trust Fund to enhance and improve the radio system.
- 318.21(17) The proceeds from the surcharge authorized in 318.18(17) are to be collected and distributed as described in that paragraph. This subsection expires July 1, 2012.
- 320.061 No person may apply or attach any substance that would obscure a license plate or interfere with the ability to record any feature or detail on the plate.
- 316.1951(3) A new paragraph is created to allow licensed motor vehicle dealers to display for sale motor vehicles in locations where a supplemental off-premises license has been issued.
- 316.1951(5) The authority for law enforcement and compliance officers to have a vehicle removed after 24 hours from the original notice of violation is restated in this paragraph. Any vehicle found in violation of subsection (1) within 30 days after a previous violation and written notice is subject to immediate removal without an additional waiting period.
- 316.1951(6) Vehicles may not be offered for sale if the vehicle identification number has been destroyed, removed, covered, altered or defaced.
- 316.1951(7) It is unlawful to knowingly attach a vehicle registration that was not assigned or lawfully transferred to the vehicle. A vehicle found in violation of this subsection is subject to immediate removal without warning.
- 316.1951(8) It is unlawful to display or offer for sale a vehicle that does not have a valid registration. A vehicle found in violation of this subsection is subject to immediate removal without warning. This subsection does not apply to vehicles and recreational vehicles being offered for sale through motor vehicle auctions.
- 319.1951(9) A vehicle is subject to immediate removal without warning if it bears a telephone number that has been displayed on three or more vehicles offered for sale within a 12-month period.

**Ch. Law 2007-207**

**SB 988 Predators/Offenders and Driver Licenses**

**Effective  
08/01/07**

322.141(3) All driver licenses and identification cards issued must designate on the face of the license if the holder of card has been designated a sexual predator or offender. The statutory citation for predators and offenders will be used as the designation. For predators the citation will be s. 775.21 F.S. and for offenders the marking will be s. 943.0435, F.S.

322.141(4) Unless otherwise obtained, each individual required to have the designation on their license must report to the Department during the month of his or her re-registration as required in law.

322.212(5)(c) Effective February 1, 2008, it is unlawful for any person designated as a predator or offender to have in their possession a driver license or identification card that does not have the designations required in 322.141.

775.21(6)  
943.0435 (3) &  
944.607 (9) New language is added to these sections requiring predators and offenders to obtain driver licenses or identification cards that comply with s. 22.141.

1012.467  
1012.468  
1012.321 Extensive new language is added to these newly created sections of law with regard to background checks for persons on school property. A comprehensive review of this bill is suggested to anyone seeking additional information on this issue.

**Ch. Law 2007-154      HB 1003 Law Enforcement Vehicles      Effective  
07/01/07**

316.21265 This new section of law authorizes law enforcement agencies to operate all-terrain vehicles, golf carts, low-speed vehicles and utility vehicles on any street, roadway or highway in this state while carrying out its official duties. The vehicles must be clearly marked and the operator and passengers must use safety gear that would ordinarily be required.

**Ch. Law 2007-66      SB 1134 License Plates      Effective  
07/01/07**

The Department of Highway Safety and Motor Vehicles is directed to implement a secure print-on-demand electronic temporary license plate registration system by June 30, 2008. The Department may provide such exemptions as may be feasibly required.

**Ch. Law 2007-38      SB 1630 Marine Corp License Plate      Effective  
07/01/07**

320.08058(29) The first \$50,000 is distributed to the Marine Corps Scholarship Foundation, Inc. The remaining funds are to be divided 35% to the State Homes for Veterans Trust Fund and 65% to the Marine Corps Scholarship Foundation, Inc.

**Ch. Law 2007-210**

**SB 1792 Authorized Emergency Vehicles**

**Effective  
06/20/07**

316.003(1) Vehicles owned and operated by the Department of Corrections are defined as emergency vehicles.

316.2397(3) Vehicles owned and operated by the Department of Corrections are authorized to operate emergency lights and sirens.

**Ch. Law 2007-103**

**SB 1900 Specialty License Plates**

**Effective  
10/01/07**

320.08056(6) The sponsoring organization may incorporate their Internet domain name on their license plate design.

320.08056(11) The annual use fees collected by an organization may not be used for the purpose of marketing to, lobbying, entertaining or rewarding an employee of a governmental agency that is responsible for the sale and distribution of specialty license plates.

320.08056(12) The application form for a specialty license plate shall provide the applicant the option to instruct the department to provide his or her name, address, and renewal date to the sponsoring organization.

320.08058(8)(b)1. Up to 10 percent of the proceeds from the sale of the Florida Educational license plate may be used for marketing and promotion.

320.08058(14)(c) Up to 25 percent of the proceeds from the sale of the Florida Agricultural license plate may be used for marketing and promotion.

320.08058(15) The Girl Scout license plate is removed from statute.

320.08058(28)(b) The annual distribution of the annual use fees from the sale of the Florida Wildflower license plate are to be distributed to the Florida Wildflower Foundation, Inc. in lieu of Keep Florida Beautiful, Inc. A maximum of 15 percent of the proceeds may be used for marketing. Provisions are made in this section for the use of the funds if the Foundation ceases to exist. (This language is duplicated in SB 2052.)

- 320.08058(61) The Florida NASCAR license plate is created. An annual use fee of \$25 shall be collected and distributed to the Florida Sports Foundation to attract sporting events to Florida.
- 320.08058(62) The Corrections Foundation license plate is created. An annual use fee of \$25 shall be collected and distributed to Corrections Foundation, Inc. to expand the charitable work of the foundation.
- 320.08058(63) The Protect Florida Springs license plate is created. An annual use fee of \$25 shall be collected and distributed to the Wildlife Foundation of Florida, Inc. for education programs, conservation and springs research.
- 320.08058(64) The Trees Are Cool license plate is created. An annual use fee of \$25 shall be collected and distributed to the Florida Chapter of the International Society of Arboriculture Inc., to provide education and training statewide for tree care and safety.
- 320.08058(65) The Support Our Troops license plate is created. An annual use fee of \$25 shall be collected and distributed to Support Our Troops, Inc., and the State Homes for Veterans Trust Fund.
- 320.0848(2)(c) Effective July 1, 2007 The \$1.50 service fee for permanent handicapped placards is removed from statute.
- 320.0894 The Gold Star license plate is created for family members of service members who have been killed while serving in the Armed Forces. Eligible family members include a surviving spouse and surviving parents upon meeting qualifications.

**Ch. Law 2007-147 SB 2114 Driver License Applications Effective 07/01/07**

- 322.09(4) Caseworkers at an agency where the State has placed a minor may sign the application for a driver license for a minor who has reached the age of 18. Prior to signing the application, the caseworker shall notify the foster parent or other responsible party of his/her intent to sign and verify the application.
- 322.09(5) Caseworkers at an agency where the State has placed a minor in foster care may sign the minor's application for a license pursuant to a court-approved transition plan. Before signing the application, the caseworker shall notify the foster parent or other responsible party of the intent to sign and verify the application. The caseworker does not assume any obligation or become liable for any damages caused

by the negligence or willful misconduct of the minor by reason of having signed the application.

**Ch. Law 2007-71**

**SB 2162 Traffic Fines**

**Effective  
07/01/07**

318.18(14)

The sunset provision associated with the \$15 surcharge provided in this subsection is repealed.

938.19

The \$3 assessment for teen court related to traffic violations, the \$65 fee adopted by ordinance and the \$85 fine shall be assessed accordingly if the individual is adjudicated delinquent for a violation of a criminal law or a delinquent act. The sunset provision for this section is repealed.

**Ch. Law 2007-223**

**HB 7173 License Plates**

**Effective  
07/01/07**

320.08056(4)(s)

The annual use fee for the Sea Turtle license plate is increased to \$23.

320.08058

Statutory authority is allowed for utilizing annual use fees for the promotion and marketing of the Manatee, Panther and Largemouth Bass license plates.

**Ch. Law 2007-251**

**7197 Social Security Numbers**

**Effective  
10/01/07**

119.071(5)(a)2.a.

An agency may not collect an individual's social security number unless the agency has stated in writing the purpose for its collection and unless it is authorized to do so by law or is imperative for the performance of the agency's duties.

119.071(5)(a)2.b.

Social security number collected by an agency may not be used by that agency for any purpose other than the purpose provided in the written statement.

119.071(5)(a)3.

Agencies must provide a copy of the written statement to individuals they collect social security numbers from.

119.071(5)(a)4.a.

Each agency shall review whether its collection of social security numbers is in compliance with this section. If not, the agency is to stop collecting the numbers.

- 119.071(5)(a)4.b. Each agency shall certify to the Speaker and President its compliance with this subparagraph no later than January 1, 2008.
- 119.071(5)(a)7.a. The terms “commercial activity” and commercial entity” are defined.
- 119.071(5)(a)9.a. The annual report of social security number requests that is currently submitted by state agencies each January will now be submitted to the House Speaker, Senate President and Governor.
- 119.0714 Information contained in court files; court records; and official records are to be held in the manner described in this section.