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June 27, 2008

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: 2008 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 2008 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 2008-71	HB 167 Temporary License Plates	Effective 05/28/08
320.131(4)(a)	Temporary license plates must be displayed in the license plate bracket on the exterior of the vehicle and may no longer be displayed in the window.	
320.131(4)(b)	The department must designate the specifications for the paper upon which a temporary license plate must be printed. The license plate must be weather proof.	

- 320.131(9)(a) The department must implement a secure print-on-demand electronic temporary license plate registration system by June 30, 2008. The system must be secure and dealers are authorized to charge a fee to comply with this section.
- 320.131(9)(b) In the event of power or system outages, the department must allow limited use of a manual back-up system that requires pertinent record keeping and timely reporting of information when power is restored.
- 320.131(9)(c) The department may adopt rules as necessary to implement and may include exemptions.
- 320.96 The previous temporary license plate provisions are repealed from statute.
- Ch. Law 2008-92 HB 7073 Vessel Registrations Effective 05/28/08**
- 328.42(1) The department working in conjunction with the Department of Revenue, is to establish a method for periodically disclosing vessel owner information to the DOR. The department is further directed to deny or suspend the vessel registration of an owner reported by the Department of Revenue as being in non-compliance with a child support order, a subpoena, an order to show cause, or a written agreement with the DOR.
- Ch. Law 2008-33 SB 154 Pedestrian Safety Effective 07/01/08**
- 316.075(1)(c)2.a. The driver of a vehicle facing a steady red signal shall stop before entering the crosswalk and remain stopped to allow a pedestrian to cross a roadway when the pedestrian is in the crosswalk or steps into the crosswalk.
- 316.130(7)(a) The driver of a vehicle at an intersection that has a traffic control signal in place shall stop before entering the crosswalk and remain stopped to allow a pedestrian to cross.
- 316.130(7)(b) The driver of a vehicle at any crosswalk where signage so indicates shall stop and remain stopped to allow a pedestrian to cross.
- Ch. Law 2008-98 SB 192 State Parks Effective 07/01/08**
- 316.212(4) The Department of Environmental Protection (DEP) may authorize the use of golf carts on the State Park Road System if the posed speed limit is 35 mph or less.
- 316.2126(2) State employees, state park volunteers, and state park visitors are authorized to use golf carts and utility vehicles upon any public roads within the boundaries of state parks managed by the DEP if the vehicle complies with safety standards and if authorized by the DEP.
- Ch. Law 2008-84 HB 861 Veterans License Plates Effective 07/01/08**
- 320.08058(4) For twenty-four months, twenty percent of the revenues collected from the sales of the Florida Salutes Veterans license plate shall be distributed to the direct-support organization created in s. 292.055.

Ch. Law 2008-106 SB 1286 Vessel Registrations Effective 07/01/08

- 328.48(2)(d) & 328.56(4) The list of vessels not requiring a registration is changed to add a non-motor powered vessel less than 16 ft in length and any non-motor powered canoe, kayak, racing shell, or rowing scull, regardless of length.
- 328.72(1) (a) All registration fees for vessels are changed. See bill for complete fee schedule.
- 328.72(1)(b) In 2013 and every 5 years thereafter, vessel registration fees shall be adjusted by the percentage change in the Consumer Price Index unless otherwise provided by law. By February 1 of each year in which the adjustment is scheduled to occur, the Fish and Wildlife Conservation Commission must submit a report to the Legislature of how the new revenues would be used. The vessel registration fee increases shall take effect July 1 of each adjustment year.
- 328.72(14)(c) The list of vessels exempt from the registration fees is expanded to include a non-motor powered sailing vessel that is owned by a nonprofit entity and used for teaching boating safety and skills.

**Ch. Law 2008-205 HB 1509 Community Service/
Traffic Infractions Effective 07/01/08**

- 318.18(8)(b) If a person has been ordered to pay a civil penalty for a noncriminal traffic infraction and the person is unable to comply with the court's order due to demonstrable financial hardship, the court shall allow the person to satisfy the civil penalty by participating in community service until the civil penalty is paid. Specified instructions are provided for recording and documenting the service and rates.

Ch. Law 2008-111 SB 1790 State Judicial System Effective 07/01/08

- 316.193 (2)(a) For a conviction of driving under the influence the base fines are modified as follows:
1st offense \$500 to \$1,000
2nd offense \$1,000 to \$2,000
3rd offense \$2,000 to \$5,000
4th offense \$2,000
- (NOTE: These fines are also established in s. 327.35 for boating under the influence.)
- 316.193(4) For a conviction of driving under the influence where the breath alcohol level exceeds the level for enhanced penalties, base fines are as follows:
1st offense - \$1,000 to \$2,000
2nd offense - \$2,000 to \$4,000
3rd offense - \$4,000
- 318.121 A cross-reference is added to include a new surcharge created in s. 318.18(18)
- 318.14(10)(a)3.b. Court costs associated with operating a vehicle without a valid driver license or registration are raised to \$25. Court costs associated with operating a vehicle without proof of insurance is raised to \$8.

- 318.15(1)(b) The processing fee for failure to show proof of school completion is raised to \$18.
- 318.18(2)(b) The dismissal fee for failing to show proof of valid registration, driver license or insurance is raised to \$10.
- 318.18(2)(c) The base fine for a defective equipment citation when the defect has been corrected, is raised to \$10.
- 318.18(11)(a) Court cost for traffic infractions are as follows:
 Pedestrian infraction \$4
 Non-moving traffic infraction \$18
 Moving infraction \$35
- 318.18(18) In addition to any penalties imposed, an administrative fee of \$12.50 must be paid for all noncriminal moving and nonmoving traffic infractions. Revenue from this fee will be deposited into the fine and forfeiture fund.
- 322.245(1) The delinquent fee for failure to comply with the directive of the court resulting from a criminal violation in s. 318.17 shall be \$25.
- 322.245(2) The delinquent fee for failing to pay child support under chapter 61 shall be \$25.
- Ch. Law 2008- SB 1946 Farm Equipment Effective 07/01/08**
- 316.515 (5)(c) Farm equipment is exempted from the width and height provisions of statute when on a public road that is not a limited access facility and only during daylight hours. To be eligible for the exemption, the equipment shall be operated within a radius of 50 miles of the real property owned, rented, or leased by the equipment owner, unless the equipment is being delivered by a dealer to a purchaser. The farm equipment that exceeds 174 inches in width must have one warning lamp mounted on each side and must have a slow-moving sign.
- 316.515(5)(d) The operator of equipment under this section is responsible for verifying that the route being used has adequate clearance.
- Ch. Law 2008-53 SB 1988 Driver Licenses Effective 07/01/08**
- 322.34(10)(a) The penalty for driving with a suspended, revoked or cancelled license is reduced if the original sanction resulting in the suspension, revocation or cancellation was the result of a financial obligation or failure to remain in school.
- The department must conduct a study of the effectiveness of driver license suspensions for financial obligations and provide recommendations for using alternative methods to increase compliance.

Ch. Law 2008-179	SB 2296 Commercial Motor Vehicles	Effective 07/01/08
316.003(66)	The definition of “commercial motor vehicle” is modified to provide an 320.01 and exemption for vehicles that are occasionally used to transport property to 322.01 motorsport facilities if a corporate sponsorship is not involved. The term “corporate sponsorship” is also defined.	
Ch. Law 2008-223	SB 2630 Organ Donation	Effective 07/01/08
765.514(1)	On-line registration to become an organ donor is authorized. Clarification is also made that the revocation, suspension or cancellation of a driver license does not invalidate an organ donor’s registration if the organ donation registration occurred through the department.	
765.515(1)	Donor registration information must be communicated from the department to the newly created “Joshua Abbott Organ and Tissue Registry” that is established in this bill.	
Ch. Law 2008-68	HB 69 License Plates	Effective 10/01/08
320.06(3)(a)	The standard Florida license plate will be offered with the state motto at the bottom.	
Ch. Law 2008-117	HB 137 Operating Motor Vehicles	Effective 10/01/08
316.1926(1)	A person who violates 316.2085 (2) or (3) shall be cited for a moving violation, punishable as provided in chapter 318.	
316.1926(2)	A person who exceeds the speed limit in excess of 50 mph or more shall be cited for a moving violation, punishable as provided in chapter 318.	
316.2085(2)	A person riding a motorcycle shall keep both wheels on the ground at all times, unless there is a circumstance beyond their control.	
318.14 (13)	A person cited for a violation of s. 316.1926 shall pay a fine of \$1,000 for the first offense and \$2,500 for the second offense in lieu of the fines required in 318.18(3)(b). In addition, for a second offense, the court shall revoke the driving privilege for a period of 1 year. A third offense will be a felony of the 3 rd degree, a fine of \$5,000 and a 10 year revocation.	
Ch. Law 2008-102	SB 630 Family First Contribution	Effective 10/01/08
320.02(16) & 322.08(6)(g)	A voluntary contribution is created for the Family First organization on both the vehicle registration and driver license applications.	
Ch. Law 2008-37	SB 732 Bethune-Cookman University License Plate	Effective 10/01/08
320.08056(4)(m) & 320.08058(13)(a)	Amends name of the license plate to Bethune-Cookman University.	

Ch. Law 2008-38	SB 734 License Plates	Effective 10/01/08
320.08058(65)	The “Florida Tennis” license plate is created. An annual use fee of \$25 shall be collected and distributed to the Florida Sports Foundation, a direct-support organization of the Office of Tourism, Trade, and Economic Development to operate youth tennis programs and adaptive tennis programs for special populations of all ages, and for building, renovating, and maintaining public tennis courts.	
320.08058(66)	The “Lighthouse Association” license plate is created. An annual use fee of \$25 shall be collected and distributed to the Florida Lighthouse Association to fund the preservation, restoration, and protection of the 29 historic lighthouses remaining in Florida.	
320.08058(67)	The “In God We Trust” license plate is created. An annual use fee of \$25 shall be collected and distributed to the In God We Trust Foundation, Inc., to fund educational scholarships for the children of Florida residents who are members of the United States Armed Forces, The National Guard, and the United States Armed Forces Reserves and for the children of public safety employees who have died in the line of duty who are not covered by existing state law. Funds shall also be distributed to other 501(c)(3) organizations that may apply for grants and scholarships and to provide educational grants to public and private schools to promote the historical and religious significance of American and Florida history.	
320.08058(68)	The “Horse Country” license plate is created. An annual use fee of \$25 shall be collected and distributed to PCMI Properties, Inc., to fund programs involved in the rehabilitation of at-risk youth as directed by the Board of Trustees of PCMI Properties, Inc. These programs include providing educational materials, athletic equipment, transportation, food, medical services, counseling and scholarships. Special consideration shall be given to programs using horses and other livestock in the efforts to redirect at-risk youth.	
Ch. Law 2008-87	HB 1027 Veteran License Plates	Effective 10/01/08
320.089(1)	The State Home for Veterans TF shall receive \$100,00 from the sale of certain veterans license plates after the required first revenues are distributed into the Grants and Donations Trust Fund.	
320.02(16)(f)	A voluntary contribution to the State Homes for Veterans Trust Fund is created on the motor vehicle registration application.	
Ch. Law 2008-170	SB 1076 Motor Vehicles and Mobile Homes/ Destruction	Effective 10/01/08
319.30 (1)	New definitions of “certificate of title”, “derelict motor vehicle”, derelict motor vehicle certificate”, “recreational vehicle” and “salvage certificate of title” are all created.	
319.30(2)	The use of a notarized affidavit to complete a salvage vehicle transaction is deleted from statute and new procedures are established.	
319.30(7) & (8)	Additional title procedures are established for secondary metals recyclers.	

- 316.0741(1)(b) “Hybrid Vehicle” means a motor vehicle that draws energy from both an internal combustion engine and a rechargeable energy-storage system and has received a certificate of conformity under the Clean Air Act and meets or exceed California standards.
- 316.0741(4)(a) All eligible hybrid or low-emission vehicles driven in an HOV lane must comply with the minimum federal fuel economy standards.
- 316.0741(4)(b) The Department of Transportation (DOT) must review federal rules and make recommendations to the Legislation for statutory changes to the HOV lane program as it relates to energy-efficient vehicles.
- 316.0741(5) The department may only issue HOV decals to vehicles that meet the criteria established in 316.0741(4). (See above) In addition, the DOT may direct the department to limit or discontinue the issuance of HOV decals if it is determined that the lanes are degraded.
- 316.0741(6) Vehicles that are issued HOV decals in accordance with this section may use HOV lanes re-designated as high-occupancy toll lanes or express lanes without payment of a toll.
- 316.1895(6) Beginning July 1, 2008, all newly erected signs in a school zone must indicate that speeding fines will be doubled.
- 316.191(1) A definition of “spectator” is added to the racing section of statute.
- 316.191(3) A person who is a spectator at an illegal drag race may receive a citation for a moving violation.
- 316.193(4)(a) The breath/blood alcohol level for enhanced penalties is lowered to .15. Clarification that an interlock device must be used for a continuous period is made.
- 316.613(2)(d) The exemption for child restraint devices in large trucks is modified to only include those trucks over 26,000 pounds.
- 316.614(3)(a)4. The exemption for seat belt usage in large trucks is modified to only include those trucks over 26,000 pounds.
- 316.645 Law enforcement may make an arrest at the scene of a crash for a violation of chapter 320.
- 316.650 Changes are made throughout this section to provide for the issuance of electronic citations.
- 318.14(9) A person may make no more than five traffic school elections within ten years.
- 320.01(27) The definition of motorcycle does not include a vehicle in which the operator is enclosed by a cabin.

- 320.02(13) The voluntary contribution for the Election Campaign Financing Trust Fund is eliminated.
- 320.0706 Failure to properly display commercial license plate is a moving violation.
- 320.0715(4) Applications for a commercial motor vehicle registration and license plate must include the federal identification number. The department may not issue or transfer a commercial motor vehicle license plate if the vehicle has been prohibited from operating by a state or federal agency responsible for motor carrier safety.
- 320.894(4) The requirements for obtaining a Gold Star license plate are modified to include persons who were not Florida residents at the time of their family member's death.
- 322.051(1) The list of identifying documents that may be presented for an identification card is modified to require proof of social security card number, proof of residential address, unexpired U.S. passport, unexpired green card, unexpired employment authorization card, and report of birth abroad.
- Effective January 1, 2010, foreign passports must be valid with a valid U.S. Visa affixed, along with an approved I-94.
- 322.051(2) Identification cards issued to persons 5 years of age to 14 years of age will be valid for four years, all others will be valid for eight years. The fees for an identification card are moved to s. 322.21.
- 322.08(1) The list of identifying documents that may be presented for an identification card is modified to require proof of social security card number, proof of residential address, unexpired U.S. passport, unexpired green card, unexpired employment authorization card, and report of birth abroad.
- 322.08(6) The voluntary contribution for the Election Campaign Financing Trust Fund is eliminated.
- 322.14(1) The residence address must appear on the face of the license.
- 322.15(2) Law enforcement is authorized to obtain electronic fingerprints when they are unable to identify a driver at the roadside.
- 322.17 The definition of duplicate and replacement licenses are combined, leaving only the word "replacement". Fees for replacement licenses are moved to s. 322.21.
- 322.18(2) Drivers who are 79 years of age and under will be issued eight year licenses while drivers 80 and older will continue to receive six year licenses.
- 322.18(8) Drivers will be permitted to use a convenience method for every other renewal. References to renewal and/or address change stickers are removed from statute.
- 322.181 The At-Risk Driver Counsel is repealed from statute.

322.21(1) The fees for identification cards and replacement licenses are moved to this section. In addition, all fees are modified to reflect the new term of the license. The new fee scheduled is as follows:

CDL	\$67
Original Class E	\$27
Renewal Class E	\$20
Original MC Only	\$27
Replacement License	\$10
All ID Cards	\$10
Endorsements	\$ 7

322.2715(3) Clarification is made that an interlock device must be installed continuously for the required time-period.

322.291(2) & 322.61 If a person has three or more interlock violations, treatment must be completed and the duration of the installation of the device is extended by 1 month.

322.36 A person who knowingly loans a vehicle to a driver whose driver license is suspended and a crash results which causes bodily injury or death, the person who loaned the vehicle shall have their license suspended for one year.

322.61(2) Additional clarification is made that offenses committed by the holder of a commercial driver license while operating a non-commercial motor vehicle, may be used as a disqualifying offense.

Section 45. Except for those organizations who are already in the process of completing their application for a specialty plate, there is a moratorium on any new specialty license plates until July 1, 2011.

Section 46. The Regional Transportation Management Center in the City of Fort Myers is designated the "Joseph P. Bertrand Building".