

**Julie L. Jones**  
Executive Director

2900 Apalachee Parkway  
Tallahassee, Florida 32399-0500  
www.flhsmv.gov



**Charlie Crist**  
Governor

**Bill McCollum**  
Attorney General

**Alex Sink**  
Chief Financial Officer

**Charles H. Bronson**  
Commissioner of Agriculture

June 9, 2010

**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:** 2010 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 2010 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 website 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 assistance.

**Ch. Law 2010-216      HB 289 Specialty License Plates      Effective 07/01/10**

320.08058      The "Fraternal Order of Police" license plate is created. An annual use fee of \$25 will be collected and distributed to the Florida state lodge of the Fraternal Order of Police to fund projects, programs, or events related to the memorial or to fund improvements, maintenance, or other support for the memorial.

**Ch. Law 2010-80**

**HB 325 Red Light Cameras**

**Effective 07/01/10**

- 316.003 The term “traffic infraction detector” is created and defined.
- 316.0076 Regulation and use of cameras for enforcing the provisions of this chapter is expressly preempted to the state.
- 316.003(7) Local governments are authorized to use traffic infraction detectors to enforce red light violations.
- 316.0083 This new section provides for the methodology to be used by local and state governments utilizing traffic infraction detectors to enforce red light violations. It includes the use of traffic infraction enforcement officers, the mailing of an initial notice of violation within 30 days of the offense and mailing a traffic citation within 60 days if payment has not been received, with rights to review the photographic evidence. The section specifies how right-hand turns are to be enforced, exemptions for emergency vehicles, time frames for mailing of the violations, appeals for violators, fines etc.
- 316.07456 All traffic infraction detectors must meet the specifications established by the Department of Transportation.
- 316.0776 This new section provides guidance with respect to jurisdiction over state and local roadways as well as required signage.
- 316.640 State and county law enforcement agencies are authorized to employ traffic infraction enforcement officers.
- 318.14(2) A signature is not required for violations issued pursuant to the newly created 316.0083.
- 318.18(15) The fine for a red light violation is \$158.
- 321.50 The Department of Highway Safety and Motor Vehicles is authorized to use traffic infraction detectors to enforce red light violations.
- 322.27 A red light violation enforced by a traffic infraction enforcement officer does not result in points being placed on the driver’s record.

**Ch. Law 2010-186**

**SB 488 Voluntary Contributions**

**Effective 07/01/10**

- 320.02(15) A voluntary contribution is authorized on the motor vehicle application form for the Florida Network of Children’s Advocacy Centers, Inc.

**Ch. Law 2010-198**

**HB 631 Motor Vehicles**

**Effective 07/01/10**

- 261.03 & 317.0003 The definition of recreational off-highway vehicle is changed to allow for vehicles 64 inches wide and up to 2, 000 lbs.

- 316.1951(4) Local governments are authorized to create and enforce ordinances which prohibit vehicles from being illegally parked on the right-of-way and offered for sale.
- 318.14(9) Drivers are limited in the number of traffic school elections they may make in order to avoid points, to no more than 5 in a lifetime.
- 318.18(21) The fine for illegally parking a vehicle on the right-of-way and offering it for sale is \$100.
- 319.225(6) Notarization requirements are removed and replaced with an affidavit for certain title transfer transactions.
- 319.23(6) In the case of the sale of a motor vehicle by a licensed dealer to a purchaser who resides in another state or country, the dealer is not required to apply for a title, however the dealer must transfer ownership and reassign the title or manufacturer's certificate of origin.
- 319.241 A process for the removal of a lien on a derelict motor vehicle is created.
- 319.30 Significant changes are made to definitions, application processes, and penalties related to titling of derelict motor vehicles and the disposal of such vehicles.
- 320.02 The department must place the name of any registered owner of a vehicle on the list of those persons who may not renew, if that person has failed to pay a licensed motor vehicle dealer.
- 320.27(6) Dealers may maintain electronic records in lieu of paper records after the title has been officially transferred in the department's database.
- 320.27(9) The department is authorized to deny or suspended a dealer's license for submitting a dishonored check to the department.
- 322.0261(4) The department must mail notices to drivers required to attend traffic school pursuant to this section within 10 days after receiving notice from the court. Further, if adjudication is withheld for any offense requiring traffic school, the traffic school requirement shall be waived, unless specifically ordered by the court. Those convicted of passing a school bus in violation of s. 316.172 must take the course even if adjudication of guilt is withheld.

**Ch. Law 2010-225**

**HB 1271 Transportation**

**Effective 07/01/10**

- 316.003(86) A new definition is created for "Motor Carrier Transportation Contract".
- 316.1001(2) Mailing of a toll violation citation no longer constitutes notification, the driver must be in receipt of the citation.

- 316.1001(4) Clerks of court are authorized to notify the department when a driver has an outstanding toll violation for the purpose of creating a registration stop.
- 316.302(12) Additional clarification is added regarding statements of liability that may or may not be included in a motor carrier transportation contract.
- 316.545(3)(c) The weight of idle-reduction technology may be excluded from the total weight of a vehicle when enforcing the provisions of s. 316.545.
- 316.550(4) The authority to issue over-weight permits is expanded with certain limitations.
- 318.18(7) The distribution of the fines associated with a toll violation is modified. Furthermore, if the driver pays the fine and the unpaid toll adjudication shall be withheld and no points will be assessed. Finally, the court may direct the department to suspend the driver license if a driver has been convicted of 10 toll violations within 36 months.
- 320.03(8) The department may clear a registration stop if the person presents a receipt from the proper authority who requested the stop to be placed on the record.
- 320.08(5)(e) The registration fee table for wreckers in paragraph (e) shall apply when a wrecker is towing any nondisabled vehicle or any other cargo not listed in paragraph (d) as disabled, abandoned, stolen-recovered or impounded.
- 320.08058(32) The funds from the sale of the United We Stand license plate previously directed to the SAFE Council will now be used to fund security-related aviation projects pursuant to chapter 332.
- 322.27(3)(d)7. Points may only be imposed by the court for a toll violation after a hearing pursuant to s. 318.14.
- 705.184 A new section is created to provide authority to the airport director to contact the department whenever a motor vehicle is abandoned on the premises of a public-use airport and provides a method for disposal of such abandoned vehicles.
- Ch. Law 2010-163      HB 5501 Highway Safety      Effective 07/01/10**
- 316.008(7) Authority is granted to local governments to use traffic infraction detectors for the purpose of enforcing red light running. (See HB 325 for all other red light issues.)
- 316.066 The short-form crash report will no longer be collected and housed centrally by the department. Local law enforcement agencies shall maintain records of short-form crash reports completed by their personnel.

- 322.02(1) It is the intent of the Legislature that local driver license issuance services be transferred to the county tax collector by June 30, 2015 for those counties with a constitutional collector.
- 322.135 The department must submit a transition plan by February 1, 2011 to the House and Senate regarding the transition of driver license field offices to the tax collector.
- 322.20(11)(a) The fee for a driver record search when no record is found is \$2.00. The fee for an electronic search of the driver record for specific criteria is \$0.01.
- 322.20(11)(c) Tax collectors and clerks of the court are authorized to sell individual driver record histories.
- Ch. Law 2010-223 HB 971 Highway Safety Unless otherwise specified - Effective 09/01/10**
- 316.003(86) A new definition of “tri-vehicle” is created.
- 316.066(5) Law enforcement agencies and county traffic operations are added to the list of parties authorized to receive a crash report without waiting 60 days.
- 316.0741 Tri-vehicles are added to the definition of “inherently low-emission vehicles.
- 316.159(3) Drivers of commercial motor vehicles are required to slow before crossing railroad tracks.
- 316.193(13) The requirement that vendors participating in the immobilization program related to DUI offenders must hold a Class R license is removed. In lieu of the Class R license, other requirements are created for participating vendors.
- 316.2065(5) Bicyclist must remain in a bicycle lane if a lane is provided. If a specified lane is not provided, bicyclist must stay as close as practicable to the right.
- 316.2085(3) Motorcyclists may display a license plate perpendicular to the ground if the operator also utilizes a transponder.
- 316.2952(2)(d) A global positioning system device may be placed on a windshield if it does not hinder the driver’s line of sight.
- 316.29545 Exemptions are created to the window tinting requirements for vehicles owned by private investigators and persons with an autoimmune disease or other medical conditions which cause sensitivity to sunlight. The Medical Advisory Board of the department shall provide assistance with respect to identifying the autoimmune and other diseases included in the exemption.
- 316.605(1) The exception created in 316.2085 for perpendicular license plate on motorcycles is cross-referenced in this section.

- 316.646(3) The department is authorized to suspended a driver license upon receiving a notice of a conviction for failure to maintain insurance.
- 318.14(2) The requirement for a signature on a uniform traffic citation is removed from statute with exception of any criminal traffic violation and any traffic infraction requiring a mandatory hearing. The officer must certify electronically or in writing that the citation was delivered to the person cited.
- 318.14(10) A person cited for driving while his/her license is suspended, revoked or canceled may provide proof of compliance to the court if the underlying suspension is non-driving related and adjudication shall be withheld. Drivers may not make this election more than once during a 12-month period and only three times in a lifetime.
- 318.18(3)(c) The minimum fine for speeding in a designated school crossing is \$50.
- 319.28(2)(b) Effective July 1, 2010 Any lienholder who has repossessed a vehicle in this state must apply to a tax collector's office in this state or to the department for a certificate of repossession or title.
- 319.30(1) A new definition is created for a business entity that temporarily stores damaged or dismantled motor vehicles, excluding wrecker operators, towing companies or repair facilities.
- 319.30(9) A process is created for insurance companies and the vendors working with them to properly release or dispose of damaged vehicles.
- 320.02(15) & 322.08 A voluntary contribution is authorized on the motor vehicle and driver license applications for the League Against Cancer.
- 320.03 Effective July 1, 2010 Jurisdiction over the electronic filing system used by motor vehicle dealers to process title and registration transactions is placed within the department.
- 320.05 Effective January 1, 2010 The authority of tax collectors to waive the fee for electronic access to motor vehicle data is removed. A new exemption is created for those instances when the motor vehicle data is used by a private entity to process a transaction.
- 320.071(1)(b) The renewal period for apportioned motor vehicles is changed to 3 months preceding the expiration date to coincide with all other motor vehicles.
- 320.08(1)(d) The base tax for an ancient or antique motorcycle is reduced from \$13.50 to \$8.50.
- 320.08(2) Tri-vehicles are added to the base tax table.
- The moratorium on specialty plates is extended to July 1, 2014.

- 320.08053 The requirements to establish a specialty plate are changed. The survey requirement is removed and replaced by a requirement that the organization pre-sell 1000 plates prior to the plate being manufactured by and distributed.
- 320.08058 The “Hispanic Achievers” license plate is created. An annual use fee of \$25 will be collected and distributed to the National Hispanic Corporate Achievers Inc.
- 320.08058 The “Children First” license plate is created. An annual use fee of \$25 will be collected and distributed to the Children First Florida, Inc.
- 320.08058 The “Veterans of Foreign Wars” license plate is created. An annual use fee of \$25 will be collected and distributed to the Veterans of Foreign Wars Department of Florida.
- A moratorium for voluntary contributions is created until July 1, 2013.
- 320.084 License plates issued to disabled veterans may be renewed biennially.
- 322.01(26) The definition of motorcycle excludes tri-vehicles.
- 322.01(46) A new definition of tri-vehicle is added to this chapter.
- 322.08(7) A voluntary contribution is authorized on the driver license application for the League Against Cancer and the State Homes for Veterans Trust Fund.
- 322.121 The requirement for certain drivers to take the road signs test upon renewal is eliminated.
- 322.18 A licensed physician at a federally established veterans’ hospital may complete the vision examination form of the department.
- 322.2615(2) A crash report may be submitted to the department when a review is being conducted on an administrative suspension, but it is no longer required to be submitted.
- 322.271(5) Effective October 1, 2010 A driver permanently revoked for driving under the influence may make application to the department for a restricted driver license 10-years after the last conviction and upon meeting all other requirements of law.
- 322.271(5) Effective October 1, 2011 A driver permanently revoked for driving under the influence may make application to the department for a restricted driver license 5-years after the last conviction and upon meeting all other requirements of law.

322.2715(3)(e)	If approved for a restricted license pursuant to 322.271, a driver permanently revoked for driving under the influence must install an ignition interlock device for 5-years.	
322.34(11)	A person who does not hold a commercial driver license and who is cited for driving with a suspended, revoked or canceled license may provide proof of compliance to the court if the underlying suspension or revocation is non-driving related and adjudication shall be withheld. Drivers may not make this election more than once during a 12-month period and only three times in a lifetime.	
322.61(8)	The disqualification period for a commercial driver convicted of an out-of-service order violation is extended to 180 days for a first offense and 2-years for a second offense.	
488.06	The department may suspend or revoke the license of a commercial driving school for certain listed offenses.	
261.03 & 317.0003	The definition of recreational off-highway vehicle is changed to allow for vehicles 64 inches wide and up to 2, 000 lbs.	
316.008 & 316.212	Local governments are authorized to enact ordinances permitting certain vehicles on sidewalks unless the ordinance would violate federal law.	
316.1995(3)	Motorized wheels chairs may be operated on a sidewalk.	
316.2128	Operation of motorized scooters or miniature motorcycles on sidewalks is recognized, if approved by local ordinance.	
Ronshay Dugans Act	The first week of September is designated as “Drowsy Driving Prevention Week”.	
<b>Ch. Law 2010-181</b>	<b>HB 53 Specialty License Plates</b>	<b>Effective 10/01/10</b>
320.08058	The “St. Johns River” license plate is created. An annual use fee of \$25 will be collected and distributed to the St. Johns River Alliance Inc., to fund research and access programs.	
<b>Ch. Law 2010 -215</b>	<b>HB 83 Specialty License Plates</b>	<b>Effective 10/01/10</b>
320.08058	The “Endless Summer” license plate is created. An annual use fee of \$25 will be collected and distributed to Surfing’s Evolution and Preservation Corporation to fund its activities and programs.	
<b>Ch. Law 2010-82</b>	<b>HB 263 Voluntary Contributions</b>	<b>Effective 10/01/10</b>
320.02 & 322.08	A voluntary contribution is authorized on the motor vehicle and driver license applications for Lauren’s Kids, Inc., for the prevention of childhood sexual abuse.	



**Ch. Law 2010-168**                      **HB 351 Specialty License Plates**                      **Effective 10/01/10**

320.08058                      The “Catch Me Release Me” license plate is created. An annual use fee of \$25 will be collected and distributed to the Guy Harvey Ocean Foundation, Inc. to fund marine-related scientific research.

The “Discover Florida’s Horses” license plate is created. An annual use fee of \$25 will be collected and distributed to the Florida Agriculture Center and Horse Park Authority to promote the center, located in Marion County.

The “Save Wild Florida” license plate is created. An annual use fee of \$25 will be collected and distributed to the Florida Biodiversity Foundation, Inc. to fund research, education and scientific study of diversity of animal and plants to aid in preservation and conservation.

**Ch. Law 2010-86**                      **HB 399 Voluntary Contributions**                      **Effective 10/01/10**

320.02 & 322.08                      Voluntary contributions are authorized on the motor vehicle and driver license applications for the Florida Association of Agencies Serving the Blind, Inc., The ARC of Florida and the Ronald McDonald House Charities of Tampa Bay, Inc.

**Ch. Law 2010-189**                      **SB 768 Street Racing**                      **Effective 10/01/10**

316.191(3)(b)                      The fine for a second violation of street racing is increased to a minimum of \$1,000 and a maximum of \$3,000.

316.191(3)(c)                      A person convicted of a third violation of street racing commits a misdemeanor of the first degree with a minimum fine of \$2,000 and a maximum fine of \$5,000. The department shall also revoke the driver license for 4-years.

**Ch. Law 2010-107**                      **HB 795 Traffic Fines**                      **Effective 10/01/10**

318.14(4)(a)2.                      A person cited for a traffic violation is permitted to request a payment plan within thirty days of receiving the citation.

318.14(10)(a)                      A person cited for driving while his/her license is suspended, revoked or canceled may provide proof of compliance to the court if the underlying suspension is non-driving related and adjudication shall be withheld. Drivers may not make this election more than once during a 12-month period and only three times in a lifetime.

318.15(1)                      If a person who has requested a payment plan on a traffic citation fails to comply with the terms of the payment plan the drive license may be suspended.

322.331(2)                      A grace period is created between July 1, 2010 and July 1, 2011 for individuals seeking to take advantage of the opportunity provided in

318.14(10)(a) or 322.34(11) as a result of this act even if their case was heard prior to the enactment of this legislation.

322.34 A person who does not hold a commercial driver license and who is cited for driving with a suspended, revoked or canceled license may provide proof of compliance to the court if the underlying suspension or revocation is non-driving related and adjudication shall be withheld. Drivers may not make this election more than once during a 12-month period and only three times in a lifetime.

**Ch. Law 2010-162      HB 5401 Traffic Offenses      Effective 10/01/10**

320.061 A violation of altering a motor vehicle registration or decal is a noncriminal traffic infraction, punishable as a moving violation.

320.131 A person who unlawfully issues or uses a temporary license plate commits a noncriminal traffic infraction, punishable as a moving violation.

322.03(1)(a) A commercial driver who fails to surrender his out-of-state license when making an application for a Florida license commits a noncriminal traffic infraction, punishable as a moving violation.

322.03(5) It is a violation for any person whose driver license has been expired for more than 6 months to operate a motor vehicle on the highways of this state.

322.16(5) The penalty for operating a motor vehicle in violation of a restriction is changed.