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TO: County Court Judges
Clerks of the Court
Heads of City, County and State
Traffic Enforcement Agencies
State Attorneys
Tax Collectors

FROM: Steven Fielder *Steven Fielder*
Legislative Affairs Administrator

SUBJECT: 2012 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 2012 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. Please feel free to contact this office at 850-617-3195, if we can provide additional assistance.

Ch. Law 2012-197 HB 119 Motor Vehicle Insurance Effective 07/01/12

- 316.066(1)(a) The requirements for law enforcement to utilize a long-form crash report are expanded to include crashes involving a person with indication of pain or discomfort, a crash rendering a vehicle inoperable and all crashes involving a commercial motor vehicle.
- 316.066(1)(b) The data fields required for a long-form crash report are defined.
- 316.066(1)(c) All crashes occurring on the public roadways of the state, not requiring a long-form shall require the use of a short-form or driver exchange form. The data fields required for a short-form and driver exchange are defined.
- 316.066(1)(e) The \$500 threshold for property damage relating to crash reports is removed from statute.

316.066(1)(f)	All completed crash report forms are to be submitted to the Department of Highway Safety and Motor Vehicles.	
Ch. Law 2012-157	SB 226 Disabled Parking Permits	Effective 07/01/12
318.18(6)	The terms, "parking enforcement specialist or agency" are added to the list of entities that can accept documentation required to waive the fine for a parking violation as defined in s. 316.1955.	
320.0848(1)(d)	Beginning October 1, 2012 a disabled parking permit may only be renewed if the person provides a certificate of disability issued within the last 12 months pursuant to this subsection.	
320.0848(8)	A parking enforcement specialist may confiscate a disabled parking permit from any person who fraudulently obtained or unlawfully uses the permit. If a person is found guilty or makes a plea of nolo contendere on two occasions, the person may not apply for a new disabled parking permit for 4 years.	
320.0848(9)	The department is required to conduct random reviews of parking permit holders to ensure compliance with the law and to remove permits held by persons who are deceased. The department must also create a method for individuals to report the abuse of disabled parking permits.	
Ch. Law 2012-18	HB 393 RV Dealers	Effective 07/01/12
320.771(1)	Recreational vehicle dealers may apply for title only if the dealer is authorized by a manufacturer agreement to buy, sell or deal in that particular line-make.	
Ch. Law 2012-174	HB 599 Transportation	Effective 07/01/12
316.003(21)	The definition of "motor vehicle" is modified such that the use of the term "motor vehicle" for the purposes of tolling shall be the definition used in section 320.01(1)(a).	
316.091	The Department of Transportation and expressway authorities are provided additional statutory authority to modify or restrict the use of bicycles on limited access highways or other highway approaches. A pilot project is to be conducted and a report submitted to the Legislature.	
316.1001	Toll violations may be sent by first class mail or certified mail. Mailing of the citation to the address of the registered owner constitutes notification.	
316.2068(5)	The use of electric personal assistive mobility devices may be regulated by local government on any road, street, sidewalk or bicycle path under its jurisdiction.	
316.515(3)	A straight truck may tow no more than one trailer, and the overall length of the truck-trailer combination may not exceed 68 feet.	

316.515(5)	The terms “citrus harvesting equipment and citrus fruit loaders” are added to this section of law related to implements of husbandry and farm equipment.
320.01(42)	The term “low-speed vehicle” is modified to remove the requirement that the vehicle be electric and is no longer limited to neighborhood electric vehicles.
Ch. Law 2012-110	HB 763 Vehicle Registrations Effective 07/01/12
320.07	Clarifies that the vehicle registration in the name of a natural person expires at midnight on the owner’s birthday.
320.15	A motor vehicle registrant who has renewed a motor vehicle registration during the advance renewal period and surrenders the license plate for the vehicle before the end of the renewal period may apply for a refund of the license taxes.
Ch. Law 2012-151	HB 1101 Insurance Effective 07/01/12
320.27	A salvage motor vehicle dealer is exempt from the requirements for garage liability insurance and personal injury protection insurance on those vehicles that cannot be legally operated on road, highways, or streets in this state.
Ch. Law 2012-82	HB 1165 Driver Licenses and ID Cards Effective 07/01/12
322.051 & 322.14	Veterans not eligible for early renewal of the driver license or identification card may make application for the “V” designation upon payment of a \$2.00 fee as long as the applicant is not conducting any other transaction. The fee for a replacement driver license or identification card is waived, however the applicable services fees would apply.
Ch. Law 2012-111	HB 1207 Autonomous Technology Effective 07/01/12
316.003(89)	An autonomous vehicle is defined as any vehicle equipped with autonomous technology that allows the vehicle to be operated without the active control of a human operator.
316.85(1)	A person who possesses a valid driver license may operate an autonomous vehicle in autonomous mode.
316.85(2)	A person shall be deemed to be the operator of an autonomous vehicle operating in autonomous mode when the person causes the vehicle’s technology to engage.
319.145	An autonomous vehicle registered in this state must continue to meet federal standards and regulations for a motor vehicle as well as a means to engage or disengage the autonomous technology. There must be a visual means to indicate when a vehicle is operating in autonomous mode and provide an alert to the operator if a technology failure is detected.
Section 5.	Vehicles equipped with autonomous technology may be operated in this state by employees, contractors, or other persons designated by manufacturers of the

technology for the purpose of testing the technology. For testing purposes, human operators shall be present in the vehicle and capable of intervening if necessary. Prior to the state of testing, the entity performing the testing must submit to the Department of Highway Safety and Motor Vehicles proof of insurance. By February 12, 2014, the department shall submit a report recommending additional legislative or regulatory action that may be required for the safe testing and operation of motor vehicle equipped with autonomous technology.

Ch. Law 2012-86 **HB 1287 Voluntary Contributions** **Effective 07/01/12**

320.02(15) A voluntary contribution is created for the Achievement and Rehabilitation Centers, Inc., and Support Our Troops, Inc., on the motor vehicle registration application.

322.08(7) A voluntary contribution is created for the Achievement and Rehabilitation Centers, Inc., and Support Our Troops Inc., on the driver license application

Ch. Law 2012-128 **SB 1998 Transportation** **Effective 07/01/12**

316.302 Florida law incorporates the federal motor carrier rules as they existed on October 1, 2011. This section does not apply to operators of farm labor vehicles operated during a declared state of emergency.

318.14(9) Clarification is made that commercial driver license holders may not take the traffic school election option.

319.32 Forty-seven dollars of the titling fees previously being deposited into General Revenue will be deposited into the State Transportation Trust Fund.

320.20 Technical changes are made to this section related to the use of funds in the State Transportation Trust Fund.

320.204 This section is repealed which would have required a transfer of funds from DHSMV to the Transportation Disadvantaged.

322.07 Applicants for temporary commercial driving permits must possess a valid Florida driver license.

322.53 The exemption from the commercial driver licensing requirements is modified for farmers transporting agricultural products.

322.54 The term “gross vehicle weight” is added to this section.

322.59 The department shall disqualify a driver from operating a commercial motor vehicle if the driver holds a commercial driver license and fails to comply with the medical certification requirement in federal rule. A person disqualified from holding commercial license may make application for a Class E license.

322.61	A holder of a CDL who is convicted of two violations as outlined in paragraph (3) shall be permanently disqualified from operating a commercial vehicle.
Ch. Law 2012-95	HB 7025 FWCC Effective 07/01/12
320.08058(5)	The annual use fee for the Florida Panther license plate shall be deposited into the Florida Panther Research and Management Trust Fund.
Ch. Law 2012-159	SB 922 Veterans Effective 10/01/12
320.089	New license plates are created for veterans of the Vietnam War, Korean Conflict and recipients of the Combat Infantry Badge upon proof of eligibility.
320.0892	New license plates are created for recipients of the Silver Star, Distinguished Service Cross, Navy Cross, or Air Force Cross.
Ch. Law 2012-181	HB 1223 DHSMV Effective 01/01/13
20.24(3)	The Office of Motor Carrier Compliance is changed to the Office of Commercial Vehicle Enforcement.
316.003(21)	The term “motor vehicle” excludes swamp buggy.
316.003(89)	The term “swamp buggy” is defined.
316.0083(1)	A red light violation may be dismissed if the vehicle’s owner was deceased on or before the date of the citation.
316.1303(2)	A person who is mobility impaired may temporarily leave the sidewalk and use the roadway to avoid a potential conflict.
316.183(3)	A school bus may not exceed the posted speed limit at any time. The requirement that a school bus may not exceed 55 mph is deleted.
	(All changes to 316.2065 are effective October 1, 2012)
316.2065(3)	The bicycle helmet requirements are updated to reflect current federal safety standards.
316.2065(5)	A bicyclist may leave the bike lane to avoid a potential conflict.
316.2065(8)	Law enforcement may issue a bicycle safety brochure in lieu of a violation of this section.
316.2085(3)	The license plate of a motorcycle must remain clearly visible from the rear at all times. Any deliberate act to conceal or obscure the plate is prohibited. Motorcycle plates may be displayed perpendicular to the ground however the operator must pay any required tolls by whatever means available.

- 316.2126(1) Golf carts may cross the State Highway System if the posted speed limit is 45 mph or less. In addition, golf carts and utility vehicles may operate on sidewalks adjacent to the state highway only if they yield to pedestrians and the sidewalk is at least 5 feet wide.
- 316.2129 Criteria are provided for where and when swamp buggies may be operated.
- 316.2397(7) Motorists may intermittently flash their headlamps at oncoming traffic, without regard to intent.
- 316.302 Effective July 1, 2012, Florida law incorporates the federal motor carrier rules as they existed on October 1, 2011. This section does not apply to operators of farm labor vehicle operated during a declared state of emergency.
- 316.613(6) The child restraint requirements in this section do not apply to any chauffeur-driven taxi, limousine, sedan, van, bus motor coach, or other passenger vehicle if the operator and vehicle are for hire.
- 316.6135(1)(b) Parents or legal guardians may not leave a child unattended in a motor vehicle for any period of time if the vehicle is running and the child appears to be in distress.
- 316.655(2) The court may only impose a driver license suspension for any additional reason beyond what is already outlined in law if the convicted driver was also involved in a crash.
- 318.14(9) Clarification is made that commercial driver license holders may not take the traffic school election option.
- 318.15(1) A person charged with a traffic infraction may request a hearing within 180 days of the offense. This paragraph does not affect the assessment of late fees as otherwise provided in this chapter.
- 319.14 This section is modified to conform to chapter 320 related to custom vehicles and street rods.
- 319.23(6)(a) Application must be made for the title of a mobile home within 30 days after the consummation of the sale of the home.
- 319.23(7) A titling method is created for cases in which the previous owner is not available and the title document transferring the vehicle to the new owner cannot be located.
- 319.24(8) Liens must be transmitted electronically.
- 319.27(7) The department shall establish and administer an electronic titling program that requires the electronic recording of vehicle title information. Lienholders shall electronically transmit liens and lien satisfactions to the department. Individuals and lienholders who the department determines are not normally engaged in the

business or practice of financing vehicles are exempt from the electronic titling requirements. (This language also appears in s. 328.15.)

- 319.28(3) A dealer of industrial equipment who conducts a repossession is not subject to licensure as a recovery agent.
- 319.30(10) The department may adopt rules to implement an electronic system for issuing salvage certificates of title and certificates of destruction.
- 319.40(2) & (3) The department may issue an electronic title in lieu of a paper title. The department may collect electronic mail addresses and use electronic mail in lieu of the United State Postal Service except for notices regarding forfeiture or foreclosure. (The use of electronic mail addresses is also placed in chapters 320, 322 and 328.)
- 320.01(46) Swamp buggy is defined.
- 320.02(2) An active duty member of the military is exempt from the requirement to provide the street address of a permanent Florida residence.
- 320.02(5) Insurance cancellation notices for commercial vehicles are to be reported to the department in the same manner as they are reported to the Office of Insurance Regulation.
- 320.02(15) A voluntary contribution is created for the Florida Association of Food Banks, Inc., the Achievement and Rehabilitation Centers, Inc., Support Our Troops, Inc., and Take Stock in Children, Inc., on the motor vehicle registration application.
- 320.02(18) The department shall retain all electronic registration records for at least 10 years.
- 320.06(5) & (6) The department may conduct a pilot program to evaluate designs, concepts and technologies for alternative license plates. All license plates issued pursuant to this chapter are the property of the state.
- 320.0605(2) A new registration document is created for rental vehicles.
- 320.061 It is unlawful to alter a temporary license plate.
- 320.07 Clarifies that the vehicle registration in the name of a natural person expires at midnight on the owner's birthday.
- 320.08056(11) The annual use fees from specialty plates may not be used to lobby, entertain or reward an elected member or employee of the Legislature.
- 320.08058(35) Up to 15 percent of the proceeds from the annual use fees of the Florida Golf license plate may be used for administrative purposes.
- 320.0807 Former members of the Florida Legislature or United States Congress are authorized to make application for a unique license plate.

- 320.0848 The Governor's Alliance for the Employment of Disabled Citizens is changed to The Able Trust.
- 320.089 New license plates are created for veterans of the Vietnam War and recipients of the Combat Infantry Badge upon proof of eligibility.
- 320.13(1) A dealer of heavy trucks may secure one or more dealer license plates that are valid for use on vehicles owned or are in inventory and for sale and are used only for demonstration purposes.
- 320.15 A motor vehicle registrant who has renewed a motor vehicle registration during the advance renewal period and surrenders the license plate for the vehicle before the end of the renewal period may apply for a refund of the license taxes.
- 320.27(3) A salvage motor vehicle dealer is exempt from the requirements for garage liability insurance and personal injury protection insurance on those vehicles that cannot be legally operated on road, highways, or streets in this state.
- 320.771 Recreational vehicle dealers may apply for title only if the dealer is authorized by a manufacturer agreement to buy, sell or deal in that particular line-make.
- 322.04 A nonresident must have in his/her possession a valid driver license from another state or territory of the U.S. or an international driving permit issued by his/her country of residence and a valid license from that country.
- 322.051(1) The department may require an applicant for an identification card to produce documentation providing proof of continuous lawful presence.
- 322.051(9) Notwithstanding any other provision of this chapter the department may issue or renew an identification card to person who presents evidence that he or she is homeless without payment of the fees required in s. 322.21.
- 322.065 A person whose driver license is expired for 6 months or less and drives commits an infraction.
- 322.07 Applicants for temporary commercial driving permits must possess a valid Florida driver license.
- 322.08(2) The department may require an applicant for a driver license to produce documentation providing proof of continuous lawful presence.
- 322.08(7) A voluntary contribution is created for the Achievement and Rehabilitation Centers, Inc., and Support Our Troops Inc., on the driver license application.
- 322.121(5) Members of the armed forces may be granted an automatic extension for the expiration of their Class E license.

- 322.14(1) The requirement for applicants to appear in person to renew a commercial driver license is removed from statute.
- 322.1415 Specialty driver licenses are created for Florida professional sports teams, all branches of the military and all colleges and universities.
- 322.142 Medical examiners may be granted access to driver license photographs pursuant to an interagency agreement for the purpose of identifying a deceased individual.
- 322.19 Students are not required to make application for a change of address if they have not changed their legal residence.
- 322.21(1) The additional fee for a specialty driver license is \$25. Fifty percent of the fee is distributed to the organization and fifty percent is retained by the department.
- 322.251 Suspension notices for financial responsibility sanctions are complete upon the expiration of 15 days after deposit in the U.S. mail.
- 322.27 The department may suspend or revoke an identification card if it is determined that the card was obtained fraudulently.
- 322.53 The exemption from the commercial driver licensing requirements is modified for farmers transporting agricultural products.
- 322.54 The term “gross vehicle weight” is added to this section.
- 322.58 This section, relating to obsolete “chauffeur’s licenses,” is repealed.
- 322.59 The department shall disqualify a driver from operating a commercial motor vehicle if the driver holds a commercial driver license and fails to comply with the medical certification requirement in federal rule. A person disqualified from holding commercial license may make application for a Class E license.
- 322.61 A holder of a CDL who is convicted of two violations as outlined in paragraph (3) shall be permanently disqualified from operating a commercial vehicle.
- 324.072 The department may not suspend a registration if the person provides proof of insurance coverage limits required under s. 324.031 on the date of the offense in question.
- 324.091 Each owner and operator involved in a crash shall furnish evidence of automobile insurance within 14 days after the date of the mailing of the notice from the department.
- 520.32 An exemption is created for certain licensees.
- 316.271 The limitation of the use of vehicle horns is removed from statute.

323.002(2)

Towing companies not authorized by law enforcement to work a crash scene must provide a fee schedule and consumer hotline number to any person utilizing their services.