

**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**

**TRANSPORTATION**  
**Senator Brandes, Chair**  
**Senator Bullard, Vice Chair**

**MEETING DATE:** Wednesday, January 27, 2016

**TIME:** 1:00—3:00 p.m.

**PLACE:** Mallory Horne Committee Room, 37 Senate Office Building

**MEMBERS:** Senator Brandes, Chair; Senator Bullard, Vice Chair; Senators Braynon, Evers, Grimsley, Simpson, and Thompson

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	<b>SB 332</b> Altman (Compare CS/H 253)	Traffic Safety; Prohibiting passing and turning in front of a vulnerable user in an unsafe manner; providing penalties; providing fines and penalties for specified infractions contributing to bodily injury of a vulnerable user; requiring a hearing for specified offenses, etc.  TR 01/27/2016 Fav/CS CJ FP	Fav/CS Yeas 7 Nays 0
2	<b>SB 1110</b> Simmons (Similar CS/H 825, Compare CS/H 7061)	Central Florida Expressway Authority; Requiring the chairs of the boards of specified county commissions each to appoint one member from his or her respective county who is a commission member or chair or the county mayor to serve on the governing body of the authority; specifying that the terms of members appointed by the Governor end on a specified date; specifying that the Central Florida Expressway Authority is a party to a certain lease-purchase agreement between the Department of Transportation and the Orlando-Orange County Expressway Authority, etc.  TR 01/27/2016 Favorable ATD RC	Favorable Yeas 7 Nays 0
3	<b>SB 1392</b> Brandes (Compare H 7027, CS/H 7061, CS/S 756, S 1394)	Transportation; Revising the circumstances under which the Department of Transportation is authorized to direct the removal of certain traffic control devices; providing exceptions to the prohibition against certain television-type receiving equipment in vehicles; revising provisions relating to required equipment and operation of autonomous vehicles, etc.  TR 01/27/2016 Fav/CS ATD AP	Fav/CS Yeas 7 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Transportation

Wednesday, January 27, 2016, 1:00—3:00 p.m.

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4	<b>SB 1394</b> Brandes (Compare CS/H 7061, H 7063, S 1392)	Department of Highway Safety and Motor Vehicles; Providing that provisions prohibiting a driver from following certain vehicles within a specified distance do not apply to truck tractor-semitrailer combinations under certain circumstances; requiring the driver of every other vehicle to take specified actions if a utility service vehicle displaying any visual signals or a service patrol vehicle displaying amber rotating or flashing lights is performing certain tasks on the roadside; revising the renewal period for certain motor vehicles subject to registration, etc.  TR 01/27/2016 Fav/CS ATD FP	Fav/CS Yeas 7 Nays 0
5	<b>SB 1584</b> Smith (Similar H 787)	Suspended Driver Licenses; Establishing a Driver License Reinstatement Days pilot program in certain counties to facilitate reinstatement of suspended driver licenses; providing duties of the clerks of court and the Department of Highway Safety and Motor Vehicles, etc.  TR 01/27/2016 Fav/CS ATD AP	Fav/CS Yeas 7 Nays 0
Other Related Meeting Documents			

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**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Transportation

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**BILL:** CS/SB 332

**INTRODUCER:** Transportation Committee and Senator Altman

**SUBJECT:** Traffic Safety

**DATE:** January 27, 2016      **REVISED:** \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Eichin	Eichin	TR	<b>Fav/CS</b>
2.			CJ	
3.			FP	

**Please see Section IX. for Additional Information:**  
COMMITTEE SUBSTITUTE - Substantial Changes

**I. Summary:**

CS/SB 332 seeks to increase the safety of “vulnerable users of a public roadway.” The bill:

- Revises and creates various statutory provisions and penalties relating to traffic control laws and vulnerable users, such as pedestrians and bicyclists;
- Clarifies provisions relating to overtaking and passing vulnerable users, particularly with respect to maintaining required distance between a passing vehicle and a vulnerable user;
- Sets requirements for making turns at certain locations when passing a vulnerable user;
- Allows drivers to cross the centerline in an identified no-passing zone when passing a vulnerable user;
- Requires appearance at a mandatory hearing for certain infractions contributing to the bodily injury of a vulnerable user;
- Provides a mandatory fine of \$2,500 for reckless driving infractions contributing to the bodily injury of a vulnerable user;
- Requires law enforcement officers issuing certain citations to note if the violation contributed to the bodily injury of a vulnerable user; and
- Revises cross-references to conform definitions.

The bill has an indeterminate impact on state and local government (see Section V.)

## II. Present Situation:

### Definitions

Current law defines certain relevant terms for purposes of ch. 316, F.S., relating to traffic control laws, as follows:

- “Vehicle” means every device, in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices used exclusively upon stationary rails or tracks.<sup>1</sup>
- “Bicycle” means every vehicle propelled solely by human power, and every motorized bicycle propelled by a combination of human power and an electric helper motor capable of propelling the vehicle at a speed of not more than 20 miles per hour on level ground upon which any person may ride, having two tandem wheels, and including any device generally recognized as a bicycle though equipped with two front or two rear wheels. The term does not include such a vehicle with a seat height of no more than 25 inches from the ground when the seat is adjusted to its highest position or a scooter or similar device.<sup>2</sup>
- “Roadway” means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder.<sup>3</sup>

The term “bodily injury,” is defined identically in various sections of Florida Statutes to mean:

- A cut, abrasion, bruise, burn, or disfigurement;
- Physical pain;
- Illness;
- Impairment of the function of a bodily member, organ, or mental faculty; or
- Any other injury to the body, no matter how temporary.<sup>4</sup>

The term “vulnerable road user,” as used in provisions relating to crashes involving death or personal injuries, is defined to mean:

- A pedestrian, including a person actually engaged in work upon a highway, upon utility facilities along a highway, or engaged in the provision of emergency services within the right-of-way;
- A person operating a bicycle, motorcycle, scooter, or moped lawfully on the roadway;
- A person riding an animal;
- A person lawfully operating on a public right-of-way, crosswalk, or shoulder of the roadway;
- A farm tractor or similar vehicle designed primarily for farm use;
- A skateboard, roller skates, or in-line skates;
- A horse-drawn carriage;
- An electric personal assistive mobility device; or
- A wheelchair.<sup>5</sup>

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<sup>1</sup> Section 316.003(75), F.S.

<sup>2</sup> Section 316.003(2), F.S.

<sup>3</sup> Section 316.003(42), F.S.

<sup>4</sup> See ss. 501.001(1)(c), F.S., 831.03(1), F.S., and 914.21(1), F.S.

<sup>5</sup> Section 316.027(1), F.S.

### **Driving on Right Side of Roadway**

Vehicles must generally be driven up the right half of the roadway, with certain exceptions, such as when overtaking and passing another vehicle proceeding in the same direction and when an obstruction exists making it necessary to drive to the left of the center of the highway.<sup>6</sup> Additionally, any vehicle traveling at less than the normal speed of traffic under existing conditions must be driven in the right-hand lane or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.<sup>7</sup> A violation is a noncriminal traffic infraction, punishable as a moving violation, the penalty for which is \$60.<sup>8, 9</sup>

Similarly, any person operating a bicycle upon a roadway at less than normal speed of traffic under existing conditions must be ridden in the lane marked for bicycle use or, if no marked lane exists, as close as practicable to the right-hand curb or edge of the roadway except when:

- Overtaking and passing another bicycle or vehicle traveling in the same direction;
- Preparing for a left turn at an intersection or into a private road or driveway; or
- Reasonably necessary to avoid any condition or potential conflict, including a fixed or moving object, parked or moving vehicle, bicycle, pedestrian, animal, surface hazard, turn lane, or substandard-width lane, which makes it unsafe to continue along the right-hand curb or edge or within a bicycle lane.<sup>10</sup>

### **Overtaking and Passing**

Section 316.083, F.S., requires the driver of a vehicle overtaking another proceeding in the same direction to appropriately signal,<sup>11</sup> pass to the left at a safe distance, and not again drive to the right side of the roadway until safely clear of the overtaken vehicle.<sup>12</sup> When overtaking a bicycle or other nonmotorized vehicle, the driver of the overtaking vehicle must pass at a safe distance of not less than three feet between the vehicle and the bicycle or nonmotorized vehicle.<sup>13</sup>

### **Right Turns on Red**

Generally, a vehicle facing a red signal must stop before entering a crosswalk on the near side of an intersection or, if none, then before entering the intersection, and remain stopped until a green indication is shown. Right turns on red are authorized, but a driver must yield the right-of-way to pedestrians and other traffic. Cities and counties may prohibit right-turns-on-red at any

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<sup>6</sup> Section 316.081(1), F.S.

<sup>7</sup> Section 316.081(2), F.S.

<sup>8</sup> Sections 316.081(5) and 318.18(3), F.S.

<sup>9</sup> A person convicted of a noncriminal violation may not be sentenced to a term of imprisonment or to any other punishment more severe than a fine, forfeiture, or other civil penalty, except as provided in ch. 316, F.S., or by ordinance of any city or county. Section 775.082(5), F.S.

<sup>10</sup> Section 316.2065(5)(a), F.S.

<sup>11</sup> Generally, by means of the hand and arm or by signal lamps. See ss. 316.155, 316.156, and 316.157, F.S.

<sup>12</sup> Section 316.083(1), F.S.

<sup>13</sup> Id.

intersection with notice of the prohibition erected in a location visible to traffic approaching the intersection.<sup>14</sup>

### **No-Passing Zones**

A driver is prohibited from driving on the left side of a roadway if signs or markings are in place to define a no-passing zone, or on the left side of any pavement striping designed to mark such no-passing zone throughout its length.<sup>15</sup> The prohibition does not apply when an obstruction exists making it necessary to drive to the left of the center of the highway, or to the driver of a vehicle turning left into or from an alley, private road, or driveway.<sup>16</sup> A no-passing zone violation is a noncriminal traffic infraction, punishable as a moving violation, the penalty for which is \$60.<sup>17</sup>

### **Infractions Requiring Mandatory Hearing**

Current law requires appearance at a mandatory hearing for any person cited for the following:

- Any infraction resulting in a crash that causes the death of another;
- Any infraction resulting in a crash that causes “serious bodily injury” of another as defined in s. 316.1933(1), F.S.;
- Any infraction for passing a school bus displaying a stop signal, when passing on the side that children enter or exit;
- Any infraction for failure to secure the load being hauled on a vehicle; or
- Any infraction for exceeding certain speed limits by 30 miles per hour or more.<sup>18</sup>

## **III. Effect of Proposed Changes:**

**Section 1** amends s. 316.003, F.S., to re-define the term “vulnerable user of a public roadway” or “vulnerable user” as:

- A pedestrian, including a person actually engaged in work upon a highway, work upon utility facilities along a highway, or the provision of emergency services within the right-of-way;
- A person operating, or who is a passenger on, a bicycle, motorcycle, scooter, or moped lawfully on the roadway;
- A person riding an animal;
- A person lawfully operating on a public roadway, crosswalk, or shoulder of the roadway;
- A farm tractor or similar vehicle designed primarily for farm use;

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<sup>14</sup> Section 316.074(1), F.S., and s. 316.075(1)(c), F.S.

<sup>15</sup> Section 316.0875(2), F.S. Section 316.0875(1), F.S., authorizes the Florida Department of Transportation and local authorities to determine those portions of any highway where overtaking and passing or driving to the left of the roadway would be hazardous and, by appropriate signs or markings on the roadway, to indicate the beginning and end of such zones.

<sup>16</sup> Section 316.0875(3), F.S.

<sup>17</sup> Sections 316.0875(4) and 318.18(3), F.S.

<sup>18</sup> Section 318.19, F.S. Section 316.1933(1)(b), F.S., defines “serious bodily injury” to mean an injury to any person, including the driver, which consists of a physical condition that creates a substantial risk of death, serious personal disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

- A horse-drawn carriage;
- An electric personal assistive mobility device; or
- A wheelchair.

The section also renumbers all of the definitions found in s. 316.003, F.S., to allow for them to be listed in alphabetical order.

**Section 2** amends s. 316.027(1)(b), F.S., to repeal the current definition of “vulnerable road user,” and strike “road” from the term to conform to the redefined “vulnerable user” in the broader definition created in s. 316.003, F.S.

**Section 3** amends s. 316.083, F.S., to require the driver of a *motor* vehicle overtaking a *person operating* a bicycle or other *vulnerable user* to pass at a safe distance of no less than three feet<sup>19</sup> *as measured from anything extending from the motor vehicle or trailer or other item towed by the motor vehicle*. A law enforcement officer issuing a citation for a violation must note on the citation if the violation contributed to the bodily injury of a vulnerable user of a public roadway.

**Section 4** revises s. 316.084, F.S., to clarify that the criteria controlling when a vehicle may overtake another vehicle on the right do not prohibit a bicyclist in a bike lane or on the shoulder from passing another vehicle on the right.

**Section 5** amends s. 316.0875(3), F.S., to add an additional exclusion from the provisions relating to no-passing zones. The bill allows drivers to “safely and briefly” cross a double yellow striped centerline when passing a vulnerable user in order to provide at least three feet between the motor vehicle and the vulnerable user.

Section 6 revises s. 316.151, F.S., to prohibit a driver overtaking and passing a vulnerable user traveling in the same direction from making a right or left turn unless the turn can be made at a safe distance from the vulnerable user and will not impede the travel of the vulnerable user. The provisions also require the driver to signal as provided in s. 316.155, F.S., and to yield right of way to a bicycle or pedestrian when crossing a sidewalk, bicycle lane, or bicycle path. A law enforcement officer issuing a citation for a violation must note on the citation if the violation contributed to the bodily injury of a vulnerable user of a public roadway.

**Section 7** amends s. 316.1925, F.S., relating to careless driving, to require a law enforcement officer issuing a citation for a violation to note on the citation if the violation contributed to the bodily injury of a vulnerable user of a public roadway.

**Section 8** amends s. 316.2065, F.S., regarding bicycle regulations, to clarify that a bicycle is a vehicle to be operated in the same manner as other vehicles with all of the rights and all of the duties incumbent upon operators of other vehicles inured by ch. 316 except where regulations state otherwise or are clearly not applicable. The bill also extends the prohibition on riding

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<sup>19</sup> Section 316.209, F.S., provides that motorcycles are entitled to full use of a lane and no motor vehicle shall be driven in such a manner as to deprive any motorcycle of the full use of a lane.

bicycles more than two abreast in the road to bicycle lanes. A new provision is added allowing a group of four or more cyclists to proceed through a stop sign *as a group*, after coming to a complete stop.

**Section 9** creates s. 318.142, F.S., to require the designated official to impose a fine of not more than \$2,500 for any violation that contributes to the bodily injury of a vulnerable user, in addition to any other penalties imposed under s. 316.192, F.S., (reckless driving.)

**Section 10** amends s. 318.19, F.S., to require appearance at a mandatory hearing for any infraction of s. 316.083, s. 316.0833, or s. 316.1925, F.S. that contributes to the bodily injury of a vulnerable user of a public roadway.

**Sections 11 through 35** amends multiple sections of Florida Statutes, to revise cross-references related to the relocated and revised definitions.

**Section 36** provides the bill takes effect on October 1, 2016.

A number of editorial and grammatical revisions to existing statutes are also made in the bill.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Offenders of the revised statutes will be subject to penalties including a fine of \$60 per violation. If an infraction of reckless driving results in bodily injury, a fine of up to \$2,500 is imposed. A decrease in personal injury and death for vulnerable users may be experienced, as well as a reduction in costs associated with litigating claims for such injury or death.



**C. Government Sector Impact:**

According to the DHSMV, the bill's revisions to penalties associated with the rights and safety of vulnerable users for violations contributing to bodily injuries may result in positive fiscal impacts to local government. The amount of additional fines and resulting positive fiscal impact, as well as any negative fiscal impact due to the need for reprogramming local e-citation systems, is indeterminate at this time.

Similarly, the DHSMV suggests that the bill's revisions to penalties associated with the rights and safety of vulnerable users of public roadways and for violations contributing to bodily injuries may result in positive fiscal impacts to state government. The amount of additional fines and resulting revenues is indeterminate at this time. The DHSMV estimates that the bill will require program and software updates, costing \$57,520.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 316.003, 316.027, 316.083, 316.084, 316.0875, 316.151, 316.1925, 316.2065, and 318.19.

This bill creates the following sections of the Florida Statutes: 316.318.142

This bill corrects cross-references in the following section of the Florida Statutes: 215.05, 316.1303, 316.235, 316.545, 316.605, 316.6105, 316.613, 316.622, 316.650, 316.70, 320.01, 320.08, 320.084, 320.38, 322.0261, 322.031, 450.181, 559.903, 655.960, 732.402, 860.065, and 316.072.

The bill reenacts the following sections of the Florida Statutes for the purpose of incorporating amendments made by the act: 318.14, and 318.18.

**IX. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Transportation on January 27, 2016:**

The CS:

- Renumbered all of the definitions in 316.003, F.S., to accommodate alphabetization which resulted in numerous cross-reference corrections;
- Deleted the definition of “bodily injury”;

- Deleted provisions creating 316.0833 related to turns by motor vehicles, instead revising s. 316.151 to prohibit certain turns;
- Added revisions s. 316.084, related to bicyclists ability to pass on the right;
- Added revisions to 316.2065 allowing groups of cyclists to proceed from a stop sign; and
- Removed the \$2000 fine for violations involving bodily injury of ss.316.083, 316.0833, or 316.1925, replacing it with a \$2500 fine for violations of 316.192.

B. Amendments:

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/27/2016	.	
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The Committee on Transportation (Grimsley) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Section 316.003, Florida Statutes, is amended to  
read:

316.003 Definitions.—The following words and phrases, when  
used in this chapter, shall have the meanings respectively  
ascribed to them in this section, except where the context  
otherwise requires:



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11           (1) AUTHORIZED EMERGENCY VEHICLES.—Vehicles of the fire  
12 department (fire patrol), police vehicles, and such ambulances  
13 and emergency vehicles of municipal departments, public service  
14 corporations operated by private corporations, the Fish and  
15 Wildlife Conservation Commission, the Department of  
16 Environmental Protection, the Department of Health, the  
17 Department of Transportation, and the Department of Corrections  
18 as are designated or authorized by their respective department  
19 or the chief of police of an incorporated city or any sheriff of  
20 any of the various counties.

21           ~~(3)~~ (2) BICYCLE.—Every vehicle propelled solely by human  
22 power, and every motorized bicycle propelled by a combination of  
23 human power and an electric helper motor capable of propelling  
24 the vehicle at a speed of not more than 20 miles per hour on  
25 level ground upon which any person may ride, having two tandem  
26 wheels, and including any device generally recognized as a  
27 bicycle though equipped with two front or two rear wheels. The  
28 term does not include such a vehicle with a seat height of no  
29 more than 25 inches from the ground when the seat is adjusted to  
30 its highest position or a scooter or similar device. No person  
31 under the age of 16 may operate or ride upon a motorized  
32 bicycle.

33           ~~(8)~~ (3) BUS.—Any motor vehicle designed for carrying more  
34 than 10 passengers and used for the transportation of persons  
35 and any motor vehicle, other than a taxicab, designed and used  
36 for the transportation of persons for compensation.

37           ~~(9)~~ (4) BUSINESS DISTRICT.—The territory contiguous to, and  
38 including, a highway when 50 percent or more of the frontage  
39 thereon, for a distance of 300 feet or more, is occupied by



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40 buildings in use for business.

41 (4) BICYCLE LANE.—A portion of a roadway or highway that  
42 has been designated by pavement markings and signs for the  
43 preferential or exclusive use by bicycles.

44 (10)-(5) CANCELLATION.—Cancellation means that a license  
45 which was issued through error or fraud is declared void and  
46 terminated. A new license may be obtained only as permitted in  
47 this chapter.

48 (15)-(6) CROSSWALK.—

49 (a) That part of a roadway at an intersection included  
50 within the connections of the lateral lines of the sidewalks on  
51 opposite sides of the highway, measured from the curbs or, in  
52 the absence of curbs, from the edges of the traversable roadway.

53 (b) Any portion of a roadway at an intersection or  
54 elsewhere distinctly indicated for pedestrian crossing by lines  
55 or other markings on the surface.

56 (6) BODILY INJURY.—Except for purposes of any statute  
57 referring to the term "serious bodily injury," the term "bodily  
58 injury" means an injury to a human being consisting of a broken  
59 bone, a torn ligament, a concussion, a laceration requiring  
60 stitches, or any other physical injury that results in  
61 impairment of the function of a bodily member, organ, or mental  
62 faculty, no matter how temporary.

63 (16)-(7) DAYTIME.—The period from a half hour before sunrise  
64 to a half hour after sunset. Nighttime means at any other hour.

65 (17)-(8) DEPARTMENT.—The Department of Highway Safety and  
66 Motor Vehicles as defined in s. 20.24. Any reference herein to  
67 Department of Transportation shall be construed as referring to  
68 the Department of Transportation, defined in s. 20.23, or the



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69 appropriate division thereof.

70 (18)~~(9)~~ DIRECTOR.—The Director of the Division of the  
71 Florida Highway Patrol of the Department of Highway Safety and  
72 Motor Vehicles.

73 (19)~~(10)~~ DRIVER.—Any person who drives or is in actual  
74 physical control of a vehicle on a highway or who is exercising  
75 control of a vehicle or steering a vehicle being towed by a  
76 motor vehicle.

77 (21)~~(11)~~ EXPLOSIVE.—Any chemical compound or mechanical  
78 mixture that is commonly used or intended for the purpose of  
79 producing an explosion and which contains any oxidizing and  
80 combustive units or other ingredients in such proportions,  
81 quantities, or packing that an ignition by fire, friction,  
82 concussion, percussion, or detonator of any part of the compound  
83 or mixture may cause such a sudden generation of highly heated  
84 gases that the resultant gaseous pressures are capable of  
85 producing destructive effect on contiguous objects or of  
86 destroying life or limb.

87 (23)~~(12)~~ FARM TRACTOR.—Any motor vehicle designed and used  
88 primarily as a farm implement for drawing plows, mowing  
89 machines, and other implements of husbandry.

90 (24)~~(13)~~ FLAMMABLE LIQUID.—Any liquid which has a flash  
91 point of 70 degrees Fahrenheit or less, as determined by a  
92 Tagliabue or equivalent closed-cup test device.

93 (26)~~(14)~~ GROSS WEIGHT.—The weight of a vehicle without load  
94 plus the weight of any load thereon.

95 (28)~~(15)~~ HOUSE TRAILER.—

96 (a) A trailer or semitrailer which is designed,  
97 constructed, and equipped as a dwelling place, living abode, or



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98 sleeping place (either permanently or temporarily) and is  
99 equipped for use as a conveyance on streets and highways, or

100 (b) A trailer or a semitrailer the chassis and exterior  
101 shell of which is designed and constructed for use as a house  
102 trailer, as defined in paragraph (a), but which is used instead,  
103 permanently or temporarily, for the advertising, sales, display,  
104 or promotion of merchandise or services or for any other  
105 commercial purpose except the transportation of property for  
106 hire or the transportation of property for distribution by a  
107 private carrier.

108 (29)~~(16)~~ IMPLEMENT OF HUSBANDRY.—Any vehicle designed and  
109 adapted exclusively for agricultural, horticultural, or  
110 livestock-raising operations or for lifting or carrying an  
111 implement of husbandry and in either case not subject to  
112 registration if used upon the highways.

113 (30)~~(17)~~ INTERSECTION.—

114 (a) The area embraced within the prolongation or connection  
115 of the lateral curblines; or, if none, then the lateral boundary  
116 lines of the roadways of two highways which join one another at,  
117 or approximately at, right angles; or the area within which  
118 vehicles traveling upon different highways joining at any other  
119 angle may come in conflict.

120 (b) Where a highway includes two roadways 30 feet or more  
121 apart, then every crossing of each roadway of such divided  
122 highway by an intersecting highway shall be regarded as a  
123 separate intersection. In the event such intersecting highway  
124 also includes two roadways 30 feet or more apart, then every  
125 crossing of two roadways of such highways shall be regarded as a  
126 separate intersection.



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127        ~~(31)(18)~~ LANED HIGHWAY.—A highway the roadway of which is  
128 divided into two or more clearly marked lanes for vehicular  
129 traffic.

130        ~~(32)(19)~~ LIMITED ACCESS FACILITY.—A street or highway  
131 especially designed for through traffic and over, from, or to  
132 which owners or occupants of abutting land or other persons have  
133 no right or easement, or only a limited right or easement, of  
134 access, light, air, or view by reason of the fact that their  
135 property abuts upon such limited access facility or for any  
136 other reason. Such highways or streets may be parkways from  
137 which trucks, buses, and other commercial vehicles are excluded;  
138 or they may be freeways open to use by all customary forms of  
139 street and highway traffic.

140        ~~(33)(20)~~ LOCAL AUTHORITIES.—Includes all officers and  
141 public officials of the several counties and municipalities of  
142 this state.

143        ~~(39)(21)~~ MOTOR VEHICLE.—Except when used in s. 316.1001, a  
144 self-propelled vehicle not operated upon rails or guideway, but  
145 not including any bicycle, motorized scooter, electric personal  
146 assistive mobility device, swamp buggy, or moped. For purposes  
147 of s. 316.1001, "motor vehicle" has the same meaning as in s.  
148 320.01(1)(a).

149        ~~(40)(22)~~ MOTORCYCLE.—Any motor vehicle having a seat or  
150 saddle for the use of the rider and designed to travel on not  
151 more than three wheels in contact with the ground, but excluding  
152 a tractor or a moped.

153        ~~(43)(23)~~ OFFICIAL TRAFFIC CONTROL DEVICES.—All signs,  
154 signals, markings, and devices, not inconsistent with this  
155 chapter, placed or erected by authority of a public body or





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156 official having jurisdiction for the purpose of regulating,  
157 warning, or guiding traffic.

158 ~~(44)~~(24) OFFICIAL TRAFFIC CONTROL SIGNAL.—Any device,  
159 whether manually, electrically, or mechanically operated, by  
160 which traffic is alternately directed to stop and permitted to  
161 proceed.

162 ~~(45)~~(25) OPERATOR.—Any person who is in actual physical  
163 control of a motor vehicle upon the highway, or who is  
164 exercising control over or steering a vehicle being towed by a  
165 motor vehicle.

166 ~~(46)~~(26) OWNER.—A person who holds the legal title of a  
167 vehicle, or, in the event a vehicle is the subject of an  
168 agreement for the conditional sale or lease thereof with the  
169 right of purchase upon performance of the conditions stated in  
170 the agreement and with an immediate right of possession vested  
171 in the conditional vendee or lessee, or in the event a mortgagor  
172 of a vehicle is entitled to possession, then such conditional  
173 vendee, or lessee, or mortgagor shall be deemed the owner, for  
174 the purposes of this chapter.

175 ~~(47)~~(27) PARK OR PARKING.—The standing of a vehicle,  
176 whether occupied or not, otherwise than temporarily for the  
177 purpose of and while actually engaged in loading or unloading  
178 merchandise or passengers as may be permitted by law under this  
179 chapter.

180 ~~(48)~~(28) PEDESTRIAN.—Any person afoot.

181 ~~(49)~~(29) PERSON.—Any natural person, firm, copartnership,  
182 association, or corporation.

183 ~~(50)~~(30) PNEUMATIC TIRE.—Any tire in which compressed air  
184 is designed to support the load.



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185        (51)~~(31)~~ POLE TRAILER.—Any vehicle without motive power  
186 designed to be drawn by another vehicle and attached to the  
187 towing vehicle by means of a reach or pole, or by being boomed  
188 or otherwise secured to the towing vehicle, and ordinarily used  
189 for transporting long or irregularly shaped loads such as poles,  
190 pipes, or structural members capable, generally, of sustaining  
191 themselves as beams between the supporting connections.

192        (52)~~(32)~~ POLICE OFFICER.—Any officer authorized to direct  
193 or regulate traffic or to make arrests for violations of traffic  
194 regulations, including Florida highway patrol officers,  
195 sheriffs, deputy sheriffs, and municipal police officers.

196        (53)~~(33)~~ PRIVATE ROAD OR DRIVEWAY.—Except as otherwise  
197 provided in paragraph (75) (b) ~~(53) (b)~~, any privately owned way  
198 or place used for vehicular travel by the owner and those having  
199 express or implied permission from the owner, but not by other  
200 persons.

201        (54)~~(34)~~ RADIOACTIVE MATERIALS.—Any materials or  
202 combination of materials which emit ionizing radiation  
203 spontaneously in which the radioactivity per gram of material,  
204 in any form, is greater than 0.002 microcuries.

205        (55)~~(35)~~ RAILROAD.—A carrier of persons or property upon  
206 cars operated upon stationary rails.

207        (56)~~(36)~~ RAILROAD SIGN OR SIGNAL.—Any sign, signal, or  
208 device erected by authority of a public body or official, or by  
209 a railroad, and intended to give notice of the presence of  
210 railroad tracks or the approach of a railroad train.

211        (57)~~(37)~~ RAILROAD TRAIN.—A steam engine, electric or other  
212 motor, with or without cars coupled thereto, operated upon  
213 rails, except a streetcar.



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214            (58)~~(38)~~ RESIDENCE DISTRICT.—The territory contiguous to,  
215 and including, a highway, not comprising a business district,  
216 when the property on such highway, for a distance of 300 feet or  
217 more, is, in the main, improved with residences or residences  
218 and buildings in use for business.

219            (59)~~(39)~~ REVOCATION.—Revocation means that a licensee's  
220 privilege to drive a motor vehicle is terminated. A new license  
221 may be obtained only as permitted by law.

222            (60)~~(40)~~ RIGHT-OF-WAY.—The right of one vehicle or  
223 pedestrian to proceed in a lawful manner in preference to  
224 another vehicle or pedestrian approaching under such  
225 circumstances of direction, speed, and proximity as to give rise  
226 to danger of collision unless one grants precedence to the  
227 other.

228            (61)~~(41)~~ ROAD TRACTOR.—Any motor vehicle designed and used  
229 for drawing other vehicles and not so constructed as to carry  
230 any load thereon, either independently or as any part of the  
231 weight of a vehicle or load so drawn.

232            (62)~~(42)~~ ROADWAY.—That portion of a highway improved,  
233 designed, or ordinarily used for vehicular travel, exclusive of  
234 the berm or shoulder. In the event a highway includes two or  
235 more separate roadways, the term "roadway" as used herein refers  
236 to any such roadway separately, but not to all such roadways  
237 collectively.

238            (63)~~(43)~~ SADDLE MOUNT; FULL MOUNT.—An arrangement whereby  
239 the front wheels of one vehicle rest in a secured position upon  
240 another vehicle. All of the wheels of the towing vehicle are  
241 upon the ground, and only the rear wheels of the towed vehicle  
242 rest upon the ground. Such combinations may include one full



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243 mount, whereby a smaller transport vehicle is placed completely  
244 on the last towed vehicle.

245 ~~(64)(44)~~ SAFETY ZONE.—The area or space officially set  
246 apart within a roadway for the exclusive use of pedestrians and  
247 protected or so marked by adequate signs or authorized pavement  
248 markings as to be plainly visible at all times while set apart  
249 as a safety zone.

250 ~~(66)(45)~~ SCHOOL BUS.—Any motor vehicle that complies with  
251 the color and identification requirements of chapter 1006 and is  
252 used to transport children to or from public or private school  
253 or in connection with school activities, but not including buses  
254 operated by common carriers in urban transportation of school  
255 children. The term "school" includes all preelementary,  
256 elementary, secondary, and postsecondary schools.

257 ~~(67)(46)~~ SEMITRAILER.—Any vehicle with or without motive  
258 power, other than a pole trailer, designed for carrying persons  
259 or property and for being drawn by a motor vehicle and so  
260 constructed that some part of its weight and that of its load  
261 rests upon, or is carried by, another vehicle.

262 ~~(68)(47)~~ SIDEWALK.—That portion of a street between the  
263 curblines, or the lateral lines, of a roadway and the adjacent  
264 property lines, intended for use by pedestrians.

265 ~~(69)(48)~~ SPECIAL MOBILE EQUIPMENT.—Any vehicle not designed  
266 or used primarily for the transportation of persons or property  
267 and only incidentally operated or moved over a highway,  
268 including, but not limited to, ditchdigging apparatus, well-  
269 boring apparatus, and road construction and maintenance  
270 machinery, such as asphalt spreaders, bituminous mixers, bucket  
271 loaders, tractors other than truck tractors, ditchers, leveling



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272 graders, finishing machines, motor graders, road rollers,  
273 scarifiers, earthmoving carryalls and scrapers, power shovels  
274 and draglines, and self-propelled cranes and earthmoving  
275 equipment. The term does not include house trailers, dump  
276 trucks, truck-mounted transit mixers, cranes or shovels, or  
277 other vehicles designed for the transportation of persons or  
278 property to which machinery has been attached.

279 ~~(70)(49)~~ STAND OR STANDING.—The halting of a vehicle,  
280 whether occupied or not, otherwise than temporarily, for the  
281 purpose of, and while actually engaged in, receiving or  
282 discharging passengers, as may be permitted by law under this  
283 chapter.

284 ~~(71)(50)~~ STATE ROAD.—Any highway designated as a state-  
285 maintained road by the Department of Transportation.

286 ~~(72)(51)~~ STOP.—When required, complete cessation from  
287 movement.

288 ~~(73)(52)~~ STOP OR STOPPING.—When prohibited, any halting,  
289 even momentarily, of a vehicle, whether occupied or not, except  
290 when necessary to avoid conflict with other traffic or to comply  
291 with the directions of a law enforcement officer or traffic  
292 control sign or signal.

293 ~~(75)(53)~~ STREET OR HIGHWAY.—

294 (a) The entire width between the boundary lines of every  
295 way or place of whatever nature when any part thereof is open to  
296 the use of the public for purposes of vehicular traffic;

297 (b) The entire width between the boundary lines of any  
298 privately owned way or place used for vehicular travel by the  
299 owner and those having express or implied permission from the  
300 owner, but not by other persons, or any limited access road



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301 owned or controlled by a special district, whenever, by written  
302 agreement entered into under s. 316.006(2)(b) or (3)(b), a  
303 county or municipality exercises traffic control jurisdiction  
304 over said way or place;

305 (c) Any area, such as a runway, taxiway, ramp, clear zone,  
306 or parking lot, within the boundary of any airport owned by the  
307 state, a county, a municipality, or a political subdivision,  
308 which area is used for vehicular traffic but which is not open  
309 for vehicular operation by the general public; or

310 (d) Any way or place used for vehicular traffic on a  
311 controlled access basis within a mobile home park recreation  
312 district which has been created under s. 418.30 and the  
313 recreational facilities of which district are open to the  
314 general public.

315 ~~(76)(54)~~ SUSPENSION.—Temporary withdrawal of a licensee's  
316 privilege to drive a motor vehicle.

317 ~~(82)(55)~~ THROUGH HIGHWAY.—Any highway or portion thereof on  
318 which vehicular traffic is given the right-of-way and at the  
319 entrances to which vehicular traffic from intersecting highways  
320 is required to yield right-of-way to vehicles on such through  
321 highway in obedience to either a stop sign or yield sign, or  
322 otherwise in obedience to law.

323 ~~(83)(56)~~ TIRE WIDTH.—Tire width is that width stated on the  
324 surface of the tire by the manufacturer of the tire, if the  
325 width stated does not exceed 2 inches more than the width of the  
326 tire contacting the surface.

327 ~~(84)(57)~~ TRAFFIC.—Pedestrians, ridden or herded animals,  
328 and vehicles, streetcars, and other conveyances either singly or  
329 together while using any street or highway for purposes of



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330 travel.

331 (87)~~(58)~~ TRAILER.—Any vehicle with or without motive power,  
332 other than a pole trailer, designed for carrying persons or  
333 property and for being drawn by a motor vehicle.

334 (90)~~(59)~~ TRUCK.—Any motor vehicle designed, used, or  
335 maintained primarily for the transportation of property.

336 (91)~~(60)~~ TRUCK TRACTOR.—Any motor vehicle designed and used  
337 primarily for drawing other vehicles and not so constructed as  
338 to carry a load other than a part of the weight of the vehicle  
339 and load so drawn.

340 (36)~~(61)~~ MIGRANT OR SEASONAL FARM WORKER.—Any person  
341 employed in hand labor operations in planting, cultivation, or  
342 harvesting agricultural crops.

343 (22)~~(62)~~ FARM LABOR VEHICLE.—Any vehicle equipped and used  
344 for the transportation of nine or more migrant or seasonal farm  
345 workers, in addition to the driver, to or from a place of  
346 employment or employment-related activities. The term does not  
347 include:

348 (a) Any vehicle carrying only members of the immediate  
349 family of the owner or driver.

350 (b) Any vehicle being operated by a common carrier of  
351 passengers.

352 (c) Any carpool as defined in s. 450.28(3).

353 (5)~~(63)~~ BICYCLE PATH.—Any road, path, or way that is open  
354 to bicycle travel, which road, path, or way is physically  
355 separated from motorized vehicular traffic by an open space or  
356 by a barrier and is located either within the highway right-of-  
357 way or within an independent right-of-way.

358 (11)~~(64)~~ CHIEF ADMINISTRATIVE OFFICER.—The head, or his or



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359 her designee, of any law enforcement agency which is authorized  
360 to enforce traffic laws.

361 (12)~~(65)~~ CHILD.—A child as defined in s. 39.01, s. 984.03,  
362 or s. 985.03.

363 (13)~~(66)~~ COMMERCIAL MOTOR VEHICLE.—Any self-propelled or  
364 towed vehicle used on the public highways in commerce to  
365 transport passengers or cargo, if such vehicle:

366 (a) Has a gross vehicle weight rating of 10,000 pounds or  
367 more;

368 (b) Is designed to transport more than 15 passengers,  
369 including the driver; or

370 (c) Is used in the transportation of materials found to be  
371 hazardous for the purposes of the Hazardous Materials  
372 Transportation Act, as amended (49 U.S.C. ss. 1801 et seq.).

373  
374 A vehicle that occasionally transports personal property to and  
375 from a closed-course motorsport facility, as defined in s.  
376 549.09(1)(a), is not a commercial motor vehicle if it is not  
377 used for profit and corporate sponsorship is not involved. As  
378 used in this subsection, the term "corporate sponsorship" means  
379 a payment, donation, gratuity, in-kind service, or other benefit  
380 provided to or derived by a person in relation to the underlying  
381 activity, other than the display of product or corporate names,  
382 logos, or other graphic information on the property being  
383 transported.

384 (14)~~(67)~~ COURT.—The court having jurisdiction over traffic  
385 offenses.

386 (25)~~(68)~~ GOLF CART.—A motor vehicle designed and  
387 manufactured for operation on a golf course for sporting or





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388 recreational purposes.

389       ~~(27)~~~~(69)~~ HAZARDOUS MATERIAL.—Any substance or material  
390 which has been determined by the secretary of the United States  
391 Department of Transportation to be capable of imposing an  
392 unreasonable risk to health, safety, and property. This term  
393 includes hazardous waste as defined in s. 403.703(13).

394       ~~(74)~~~~(70)~~ STRAIGHT TRUCK.—Any truck on which the cargo unit  
395 and the motive power unit are located on the same frame so as to  
396 form a single, rigid unit.

397       ~~(79)~~~~(71)~~ TANDEM TRAILER TRUCK.—Any combination of a truck  
398 tractor, semitrailer, and trailer coupled together so as to  
399 operate as a complete unit.

400       ~~(80)~~~~(72)~~ TANDEM TRAILER TRUCK HIGHWAY NETWORK.—A highway  
401 network consisting primarily of four or more lanes, including  
402 all interstate highways; highways designated by the United  
403 States Department of Transportation as elements of the National  
404 Network; and any street or highway designated by the Florida  
405 Department of Transportation for use by tandem trailer trucks,  
406 in accordance with s. 316.515, except roads on which truck  
407 traffic was specifically prohibited on January 6, 1983.

408       ~~(81)~~~~(73)~~ TERMINAL.—Any location where:

409           (a) Freight either originates, terminates, or is handled in  
410 the transportation process; or

411           (b) Commercial motor carriers maintain operating  
412 facilities.

413       ~~(88)~~~~(74)~~ TRANSPORTATION.—The conveyance or movement of  
414 goods, materials, livestock, or persons from one location to  
415 another on any road, street, or highway open to travel by the  
416 public.



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417           ~~(93)(75)~~ VEHICLE.—Every device, in, upon, or by which any  
418 person or property is or may be transported or drawn upon a  
419 highway, excepting devices used exclusively upon stationary  
420 rails or tracks.

421           ~~(7)(76)~~ BRAKE HORSEPOWER.—The actual unit of torque  
422 developed per unit of time at the output shaft of an engine, as  
423 measured by a dynamometer.

424           ~~(37)(77)~~ MOPED.—Any vehicle with pedals to permit  
425 propulsion by human power, having a seat or saddle for the use  
426 of the rider and designed to travel on not more than three  
427 wheels; with a motor rated not in excess of 2 brake horsepower  
428 and not capable of propelling the vehicle at a speed greater  
429 than 30 miles per hour on level ground; and with a power-drive  
430 system that functions directly or automatically without  
431 clutching or shifting gears by the operator after the drive  
432 system is engaged. If an internal combustion engine is used, the  
433 displacement may not exceed 50 cubic centimeters.

434           ~~(42)(78)~~ NONPUBLIC SECTOR BUS.—Any bus which is used for  
435 the transportation of persons for compensation and which is not  
436 owned, leased, operated, or controlled by a municipal, county,  
437 or state government or a governmentally owned or managed  
438 nonprofit corporation.

439           ~~(96)(79)~~ WORK ZONE AREA.—The area and its approaches on any  
440 state-maintained highway, county-maintained highway, or  
441 municipal street where construction, repair, maintenance, or  
442 other street-related or highway-related work is being performed  
443 or where one or more lanes is closed to traffic.

444           ~~(35)(80)~~ MAXI-CUBE VEHICLE.—A specialized combination  
445 vehicle consisting of a truck carrying a separable cargo-



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446 carrying unit combined with a semitrailer designed so that the  
447 separable cargo-carrying unit is to be loaded and unloaded  
448 through the semitrailer. The entire combination may not exceed  
449 65 feet in length, and a single component of that combination  
450 may not exceed 34 feet in length.

451 (78)~~(81)~~ TANDEM AXLE.—Any two axles whose centers are more  
452 than 40 inches but not more than 96 inches apart and are  
453 individually attached to or articulated from, or both, a common  
454 attachment to the vehicle, including a connecting mechanism  
455 designed to equalize the load between axles.

456 (41)~~(82)~~ MOTORIZED SCOOTER.—Any vehicle not having a seat  
457 or saddle for the use of the rider, designed to travel on not  
458 more than three wheels, and not capable of propelling the  
459 vehicle at a speed greater than 30 miles per hour on level  
460 ground.

461 (20)~~(83)~~ ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE.—Any  
462 self-balancing, two-nontandem-wheeled device, designed to  
463 transport only one person, with an electric propulsion system  
464 with average power of 750 watts (1 horsepower), the maximum  
465 speed of which, on a paved level surface when powered solely by  
466 such a propulsion system while being ridden by an operator who  
467 weighs 170 pounds, is less than 20 miles per hour. Electric  
468 personal assistive mobility devices are not vehicles as defined  
469 in this section.

470 (86)~~(84)~~ TRAFFIC SIGNAL PREEMPTION SYSTEM.—Any system or  
471 device with the capability of activating a control mechanism  
472 mounted on or near traffic signals which alters a traffic  
473 signal's timing cycle.

474 (94)~~(85)~~ VICTIM SERVICES PROGRAMS.—Any community-based



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475 organization whose primary purpose is to act as an advocate for  
476 the victims and survivors of traffic crashes and for their  
477 families. The victims services offered by these programs may  
478 include grief and crisis counseling, assistance with preparing  
479 victim compensation claims excluding third-party legal action,  
480 or connecting persons with other service providers, and  
481 providing emergency financial assistance.

482 (38)~~(86)~~ MOTOR CARRIER TRANSPORTATION CONTRACT.—

483 (a) A contract, agreement, or understanding covering:

484 1. The transportation of property for compensation or hire  
485 by the motor carrier;

486 2. Entrance on property by the motor carrier for the  
487 purpose of loading, unloading, or transporting property for  
488 compensation or hire; or

489 3. A service incidental to activity described in  
490 subparagraph 1. or subparagraph 2., including, but not limited  
491 to, storage of property.

492 (b) "Motor carrier transportation contract" does not  
493 include the Uniform Intermodal Interchange and Facilities Access  
494 Agreement administered by the Intermodal Association of North  
495 America or other agreements providing for the interchange, use,  
496 or possession of intermodal chassis, containers, or other  
497 intermodal equipment.

498 (85)~~(87)~~ TRAFFIC INFRACTION DETECTOR.—A vehicle sensor  
499 installed to work in conjunction with a traffic control signal  
500 and a camera or cameras synchronized to automatically record two  
501 or more sequenced photographic or electronic images or streaming  
502 video of only the rear of a motor vehicle at the time the  
503 vehicle fails to stop behind the stop bar or clearly marked stop



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504 line when facing a traffic control signal steady red light. Any  
505 notification under s. 316.0083(1)(b) or traffic citation issued  
506 by the use of a traffic infraction detector must include a  
507 photograph or other recorded image showing both the license tag  
508 of the offending vehicle and the traffic control device being  
509 violated.

510 (89)~~(88)~~ TRI-VEHICLE.—An enclosed three-wheeled passenger  
511 vehicle that:

512 (a) Is designed to operate with three wheels in contact  
513 with the ground;

514 (b) Has a minimum unladen weight of 900 pounds;

515 (c) Has a single, completely enclosed, occupant  
516 compartment;

517 (d) Is produced in a minimum quantity of 300 in any  
518 calendar year;

519 (e) Is capable of a speed greater than 60 miles per hour on  
520 level ground; and

521 (f) Is equipped with:

522 1. Seats that are certified by the vehicle manufacturer to  
523 meet the requirements of Federal Motor Vehicle Safety Standard  
524 No. 207, "Seating systems" (49 C.F.R. s. 571.207);

525 2. A steering wheel used to maneuver the vehicle;

526 3. A propulsion unit located forward or aft of the enclosed  
527 occupant compartment;

528 4. A seat belt for each vehicle occupant certified to meet  
529 the requirements of Federal Motor Vehicle Safety Standard No.  
530 209, "Seat belt assemblies" (49 C.F.R. s. 571.209);

531 5. A windshield and an appropriate windshield wiper and  
532 washer system that are certified by the vehicle manufacturer to



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533 meet the requirements of Federal Motor Vehicle Safety Standard  
534 No. 205, "Glazing Materials" (49 C.F.R. s. 571.205) and Federal  
535 Motor Vehicle Safety Standard No. 104, "Windshield Wiping and  
536 Washing Systems" (49 C.F.R. s. 571.104); and

537         6. A vehicle structure certified by the vehicle  
538 manufacturer to meet the requirements of Federal Motor Vehicle  
539 Safety Standard No. 216, "Rollover crush resistance" (49 C.F.R.  
540 s. 571.216).

541         ~~(77)-(89)~~ SWAMP BUGGY.—A motorized off-road vehicle that is  
542 designed or modified to travel over swampy or varied terrain and  
543 that may use large tires or tracks operated from an elevated  
544 platform. The term does not include any vehicle defined in  
545 chapter 261 or otherwise defined or classified in this chapter.

546         ~~(2)-(90)~~ AUTONOMOUS VEHICLE.—Any vehicle equipped with  
547 autonomous technology. The term "autonomous technology" means  
548 technology installed on a motor vehicle that has the capability  
549 to drive the vehicle on which the technology is installed  
550 without the active control or monitoring by a human operator.  
551 The term excludes a motor vehicle enabled with active safety  
552 systems or driver assistance systems, including, without  
553 limitation, a system to provide electronic blind spot  
554 assistance, crash avoidance, emergency braking, parking  
555 assistance, adaptive cruise control, lane keep assistance, lane  
556 departure warning, or traffic jam and queuing assistant, unless  
557 any such system alone or in combination with other systems  
558 enables the vehicle on which the technology is installed to  
559 drive without the active control or monitoring by a human  
560 operator.

561         ~~(34)-(91)~~ LOCAL HEARING OFFICER.—The person, designated by a



562 department, county, or municipality that elects to authorize  
563 traffic infraction enforcement officers to issue traffic  
564 citations under s. 316.0083(1)(a), who is authorized to conduct  
565 hearings related to a notice of violation issued pursuant to s.  
566 316.0083. The charter county, noncharter county, or municipality  
567 may use its currently appointed code enforcement board or  
568 special magistrate to serve as the local hearing officer. The  
569 department may enter into an interlocal agreement to use the  
570 local hearing officer of a county or municipality.

571 (65)~~(92)~~ SANITATION VEHICLE.—A motor vehicle that bears an  
572 emblem that is visible from the roadway and clearly identifies  
573 that the vehicle belongs to or is under contract with a person,  
574 entity, cooperative, board, commission, district, or unit of  
575 local government that provides garbage, trash, refuse, or  
576 recycling collection.

577 (92)~~(93)~~ UTILITY SERVICE VEHICLE.—A motor vehicle that  
578 bears an emblem that is visible from the roadway and clearly  
579 identifies that the vehicle belongs to or is under contract with  
580 a person, entity, cooperative, board, commission, district, or  
581 unit of local government that provides electric, natural gas,  
582 water, wastewater, cable, telephone, or communications services.

583 (95) VULNERABLE USER OF A PUBLIC ROADWAY OR VULNERABLE  
584 USER.—

585 (a) A pedestrian, including a person actually engaged in  
586 work upon a highway, work upon utility facilities along a  
587 highway, or the provision of emergency services within the  
588 right-of-way;

589 (b) A person operating, or who is a passenger on, a  
590 bicycle, motorcycle, scooter, or moped lawfully on the roadway;



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- 591           (c) A person riding an animal; or  
592           (d) A person lawfully operating on a public roadway,  
593 crosswalk, or shoulder of the roadway:  
594           1. A farm tractor or similar vehicle designed primarily for  
595 farm use;  
596           2. A horse-drawn carriage;  
597           3. An electric personal assistive mobility device; or  
598           4. A wheelchair.

599           Section 2. Subsection (1) and paragraphs (e) and (f) of  
600 subsection (2) of section 316.027, Florida Statutes, are amended  
601 to read:

602           316.027 Crash involving death or personal injuries.—

603           (1) As used in this section, the term—

604           ~~(a) "serious bodily injury" means an injury to a person,~~  
605 ~~including the driver, which consists of a physical condition~~  
606 ~~that creates a substantial risk of death, serious personal~~  
607 ~~disfigurement, or protracted loss or impairment of the function~~  
608 ~~of a bodily member or organ.~~

609           ~~(b) "Vulnerable road user" means:~~

610           ~~1. A pedestrian, including a person actually engaged in~~  
611 ~~work upon a highway, or in work upon utility facilities along a~~  
612 ~~highway, or engaged in the provision of emergency services~~  
613 ~~within the right-of-way;~~

614           ~~2. A person operating a bicycle, motorcycle, scooter, or~~  
615 ~~moped lawfully on the roadway;~~

616           ~~3. A person riding an animal; or~~

617           ~~4. A person lawfully operating on a public right-of-way,~~  
618 ~~crosswalk, or shoulder of the roadway;~~

619           ~~a. A farm tractor or similar vehicle designed primarily for~~





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620 ~~farm use;~~

621 ~~b. A skateboard, roller skates, or in-line skates;~~

622 ~~e. A horse drawn carriage;~~

623 ~~d. An electric personal assistive mobility device; or~~

624 ~~e. A wheelchair.~~

625 (2)

626 (e) A driver who violates paragraph (a), paragraph (b), or  
627 paragraph (c) shall have his or her driver license revoked for  
628 at least 3 years as provided in s. 322.28(4).

629 1. A person convicted of violating paragraph (a), paragraph  
630 (b), or paragraph (c) shall, before his or her driving privilege  
631 may be reinstated, present to the department proof of completion  
632 of a victim's impact panel session in a judicial circuit if such  
633 a panel exists, or if such a panel does not exist, a department-  
634 approved driver improvement course relating to the rights of  
635 vulnerable ~~road~~ users relative to vehicles on the roadway as  
636 provided in s. 322.0261(2).

637 2. The department may reinstate an offender's driving  
638 privilege after he or she satisfies the 3-year revocation period  
639 as provided in s. 322.28(4) and successfully completes either a  
640 victim's impact panel session or a department-approved driver  
641 improvement course relating to the rights of vulnerable ~~road~~  
642 users relative to vehicles on the roadway as provided in s.  
643 322.0261(2).

644 3. For purposes of this paragraph, an offender's driving  
645 privilege may be reinstated only after the department verifies  
646 that the offender participated in and successfully completed a  
647 victim's impact panel session or a department-approved driver  
648 improvement course.



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649 (f) For purposes of sentencing under chapter 921 and  
650 determining incentive gain-time eligibility under chapter 944,  
651 an offense listed in this subsection is ranked one level above  
652 the ranking specified in s. 921.0022 or s. 921.0023 for the  
653 offense committed if the victim of the offense was a vulnerable  
654 ~~road~~ user.

655 Section 3. Section 316.083, Florida Statutes, is amended to  
656 read:

657 316.083 Overtaking and passing a vehicle.—The following  
658 provisions ~~rules~~ shall govern the overtaking and passing of a  
659 vehicle ~~vehicles~~ proceeding in the same direction, ~~subject to~~  
660 ~~those limitations, exceptions, and special rules hereinafter~~  
661 ~~stated:~~

662 (1) The driver of a vehicle overtaking another vehicle  
663 proceeding in the same direction shall give an appropriate  
664 signal as provided for in s. 316.156, shall pass to the left  
665 thereof at a safe distance, and shall not again drive to the  
666 right side of the roadway until safely clear of the overtaken  
667 vehicle.

668 (2) The driver of a motor vehicle overtaking a person  
669 operating a bicycle or other vulnerable user of a public roadway  
670 ~~nonmotorized vehicle~~ must pass the person operating the bicycle  
671 or other vulnerable user ~~nonmotorized vehicle~~ at a safe distance  
672 of not less than 3 feet between any part of or attachment to the  
673 motor vehicle, anything extending from the motor vehicle, or any  
674 trailer or other thing being towed by the motor vehicle and the  
675 bicycle, the person operating the bicycle, or other vulnerable  
676 user ~~nonmotorized vehicle~~.

677 (3) ~~(2)~~ Except when overtaking and passing on the right is



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678 permitted, the driver of an overtaken vehicle shall give way to  
679 the right in favor of the overtaking vehicle, on audible signal  
680 or upon the visible blinking of the headlamps of the overtaking  
681 vehicle if such overtaking is being attempted at nighttime, and  
682 shall not increase the speed of his or her vehicle until  
683 completely passed by the overtaking vehicle.

684 (4) ~~(3)~~ A violation of this section is a noncriminal traffic  
685 infraction, punishable as a moving violation as provided in  
686 chapter 318. If a violation of this section contributed to the  
687 bodily injury of a vulnerable user of a public roadway, the law  
688 enforcement officer issuing the citation for the violation shall  
689 note such information on the citation.

690 Section 4. Section 316.084, Florida Statutes, is amended to  
691 read:

692 316.084 When overtaking on the right is permitted.—

693 (1) The driver of a vehicle may overtake and pass on the  
694 right of another vehicle only under the following conditions:

695 (a) When the vehicle overtaken is making or about to make a  
696 left turn;

697 (b) Upon a street or highway with unobstructed pavement not  
698 occupied by parked vehicles of sufficient width for two or more  
699 lines of moving traffic in each direction;

700 (c) Upon a one-way street, or upon any roadway on which  
701 traffic is restricted to one direction of movement, where the  
702 roadway is free from obstructions and of sufficient width for  
703 two or more lines of moving vehicles.

704 (2) The driver of a vehicle may overtake and pass another  
705 vehicle on the right only under conditions permitting such  
706 movement in safety. In no event shall such movement be made by



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707 driving off the pavement or main-traveled portion of the  
708 roadway.

709 (3) This section does not prohibit a bicycle that is in a  
710 bicycle lane or on the shoulder of a roadway or highway from  
711 passing another vehicle on the right.

712 (4)~~(3)~~ A violation of this section is a noncriminal traffic  
713 infraction, punishable as a moving violation as provided in  
714 chapter 318.

715 Section 5. Section 316.0875, Florida Statutes, is amended  
716 to read:

717 316.0875 No-passing zones.—

718 (1) The Department of Transportation and local authorities  
719 are authorized to determine those portions of any highway under  
720 their respective jurisdiction where overtaking and passing or  
721 driving to the left of the roadway would be especially hazardous  
722 and may, by appropriate signs or markings on the roadway,  
723 indicate the beginning and end of such zones, and, when such  
724 signs or markings are in place and clearly visible to an  
725 ordinarily observant person, each ~~every~~ driver of a vehicle  
726 shall obey the directions thereof.

727 (2) Where signs or markings are in place to define a no-  
728 passing zone as set forth in subsection (1), a ~~no~~ driver may  
729 not, shall at any time, drive on the left side of the roadway  
730 with such no-passing zone or on the left side of any pavement  
731 striping designed to mark such no-passing zone throughout its  
732 length.

733 (3) This section does not apply to a person who safely and  
734 briefly drives to the left of the center of the roadway or  
735 pavement striping only to the extent necessary to:



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736           (a) Avoid ~~When an obstruction; exists making it necessary~~  
737 ~~to drive to the left of the center of the highway, nor~~

738           (b) Turn ~~To the driver of a vehicle turning~~ left into or  
739 from an alley, private road, or driveway; or

740           (c) Comply with the requirements regarding a safe distance  
741 to pass a vulnerable user, as required by s. 316.083(2).

742           (4) A violation of this section is a noncriminal traffic  
743 infraction, punishable as a moving violation as provided in  
744 chapter 318.

745           Section 6. Section 316.151, Florida Statutes, is amended to  
746 read:

747           316.151 Required position and method of turning at  
748 intersections.—

749           (1) (a) Right turn.—The driver of a vehicle intending to  
750 turn right at an intersection onto a highway, public or private  
751 roadway, or driveway shall do so as follows:

752           1. (a) Right turn.—Both the approach for a right turn and a  
753 right turn shall be made as close as practicable to the right-  
754 hand curb or edge of the roadway.

755           2. When overtaking and passing a bicycle or other  
756 vulnerable user proceeding in the same direction, the driver of  
757 a motor vehicle shall give an appropriate signal as provided for  
758 in s. 316.155 and shall make the right turn only if it can be  
759 made at a safe distance from the bicycle or other vulnerable  
760 user.

761           3. When crossing a sidewalk, bicycle lane, or bicycle path  
762 to turn right, the driver of a motor vehicle shall yield the  
763 right-of-way to a bicycle or pedestrian.

764           (b) *Left turn.*—The driver of a vehicle intending to turn



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765 left at an any intersection onto a highway, public or private  
766 roadway, or driveway shall do so as follows:

767 1. The driver shall approach the intersection in the  
768 extreme left-hand lane lawfully available to traffic moving in  
769 the direction of travel of such vehicle. Thereafter, and, after  
770 ~~entering the intersection,~~ the left turn shall be made so as to  
771 leave the intersection in a lane lawfully available to traffic  
772 moving in such direction upon the roadway being entered.

773 2. A person riding a bicycle and intending to turn left in  
774 accordance with this section is entitled to the full use of the  
775 lane from which the turn may legally be made. Whenever  
776 practicable the left turn shall be made in that portion of the  
777 intersection to the left of the center of the intersection.

778 ~~(c) Left turn by bicycle.~~ In addition ~~to the method of~~  
779 ~~making a left turn described in paragraph (b),~~ a person riding a  
780 bicycle and intending to turn left may do so as follows ~~has the~~  
781 ~~option of following the course described hereafter:~~

782 a. The rider shall approach the turn as close as  
783 practicable to the right curb or edge of the roadway;

784 b. After proceeding across the intersecting roadway, the  
785 turn shall be made as close as practicable to the curb or edge  
786 of the roadway on the far side of the intersection; and,

787 c. Before proceeding, the bicyclist shall comply with any  
788 official traffic control device or police officer regulating  
789 traffic on the highway along which the bicyclist intends to  
790 proceed.

791 (2) The state, county, and local authorities in their  
792 respective jurisdictions may cause official traffic control  
793 devices to be placed within or adjacent to intersections and



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794 thereby require and direct that a different course from that  
795 specified in this section be traveled by vehicles turning at an  
796 intersection. When such devices are so placed, the ~~no~~ driver of  
797 a vehicle may not turn a vehicle at an intersection other than  
798 as directed and required by such devices.

799 (3) A violation of this section is a noncriminal traffic  
800 infraction, punishable as a moving violation as provided in  
801 chapter 318. If a violation of this section contributes to the  
802 bodily injury of a vulnerable user of a public roadway, the law  
803 enforcement officer issuing the citation for the violation shall  
804 note such information on the citation.

805 Section 7. Section 316.1925, Florida Statutes, is amended  
806 to read:

807 316.1925 Careless driving.—

808 (1) A ~~Any~~ person operating a vehicle upon the streets or  
809 highways within the state shall drive the same in a careful and  
810 prudent manner, having regard for the width, grade, curves,  
811 corners, traffic, and all other attendant circumstances, so as  
812 not to endanger the life, limb, or property of any person. A  
813 person who fails ~~Failure~~ to drive in such manner commits ~~shall~~  
814 ~~constitute~~ careless driving and ~~a violation of this section.~~

815 ~~(2) Any person who violates this section shall be cited for~~  
816 ~~a moving violation, punishable as provided in chapter 318.~~

817 (2) If a violation under subsection (1) contributed to the  
818 bodily injury of a vulnerable user of a public roadway, the law  
819 enforcement officer issuing the citation for the violation shall  
820 note such information on the citation.

821 Section 8. Subsections (1), (5), and (6) of section  
822 316.2065, Florida Statutes, are amended to read:



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823 316.2065 Bicycle regulations.-

824 (1) A bicycle is a vehicle under Florida law and shall be  
825 operated in the same manner as any other vehicle and every  
826 person operating a bicycle propelling a vehicle by human power  
827 has all of the rights and all of the duties applicable to the  
828 driver of any other vehicle under this chapter, except as to  
829 special regulations in this chapter, and except as to provisions  
830 of this chapter which by their nature can have no application.

831 (5) (a) Any person operating a bicycle upon a roadway at  
832 less than the normal speed of traffic at the time and place and  
833 under the conditions then existing shall ride in the bicycle  
834 lane marked for bicycle use or, if there is no bicycle lane in  
835 the roadway is marked for bicycle use, as close as practicable  
836 to the right-hand curb or edge of the roadway except under any  
837 of the following situations:

838 1. When overtaking and passing another bicycle or vehicle  
839 proceeding in the same direction.

840 2. When preparing for a left turn at an intersection or  
841 into a private road or driveway.

842 3. When reasonably necessary to avoid any condition or  
843 potential conflict, including, but not limited to, a fixed or  
844 moving object, parked or moving vehicle, bicycle, pedestrian,  
845 animal, surface hazard, turn lane, or substandard-width lane,  
846 which makes it unsafe to continue along the right-hand curb or  
847 edge or within a bicycle lane. For the purposes of this  
848 subsection, a "substandard-width lane" is a lane that is too  
849 narrow for a bicycle and another vehicle to travel safely side  
850 by side within the lane.

851 (b) Any person operating a bicycle upon a one-way highway





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852 with two or more marked traffic lanes may ride as near the left-  
853 hand curb or edge of such roadway as practicable.

854 (6) (a) Persons riding bicycles upon a roadway or in a  
855 bicycle lane may not ride more than two abreast except on  
856 bicycle paths or parts of roadways set aside for the exclusive  
857 use of bicycles. Persons riding two abreast may not impede  
858 traffic when traveling at less than the normal speed of traffic  
859 at the time and place and under the conditions then existing and  
860 shall ride within a single lane.

861 (b) When stopping at a stop sign, persons riding bicycles  
862 in groups of four or more, after coming to a full stop and  
863 obeying all traffic laws, may proceed through the stop sign in a  
864 group and motor vehicle operators shall allow the entire group  
865 to travel through the intersection before moving forward.

866 Section 9. Section 318.142, Florida Statutes, is created to  
867 read:

868 318.142 Infractions contributing to bodily injury of a  
869 vulnerable user of a public roadway.—In addition to any other  
870 penalty imposed for a violation under s. 316.083, s. 316.151, or  
871 s. 316.1925, if the violation contributed to the bodily injury  
872 of a vulnerable user of a public roadway as defined in s.  
873 316.003, the law enforcement officer issuing the citation for  
874 the infraction shall note such information on the citation and  
875 the designated official may impose a fine of not more than  
876 \$2,500.

877 Section 10. Section 318.19, Florida Statutes, is amended to  
878 read:

879 318.19 Infractions requiring a mandatory hearing.—Any  
880 person cited for the infractions listed in this section shall



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881 not have the provisions of s. 318.14(2), (4), and (9) available  
882 to him or her but must appear before the designated official at  
883 the time and location of the scheduled hearing:

884 (1) Any infraction which results in a crash that causes the  
885 death of another;

886 (2) Any infraction which results in a crash that causes  
887 "serious bodily injury" of another as defined in s. 316.1933(1);

888 (3) Any infraction of s. 316.172(1)(b);

889 (4) Any infraction of s. 316.520(1) or (2); ~~or~~

890 (5) Any infraction of s. 316.183(2), s. 316.187, or s.

891 316.189 of exceeding the speed limit by 30 m.p.h. or more; or

892 (6) Any infraction of s. 316.083, s. 316.151, or s.

893 316.1925 which contributes to bodily injury of a vulnerable user

894 of a public roadway as defined in s. 316.003. If an infraction

895 listed in this subsection contributes to the bodily injury of a

896 vulnerable user of a public roadway, the law enforcement officer

897 issuing the citation for the infraction shall note such

898 information on the citation.

899 Section 11. Paragraph (c) of subsection (1) of section  
900 212.05, Florida Statutes, is amended to read:

901 212.05 Sales, storage, use tax.—It is hereby declared to be  
902 the legislative intent that every person is exercising a taxable  
903 privilege who engages in the business of selling tangible

904 personal property at retail in this state, including the

905 business of making mail order sales, or who rents or furnishes

906 any of the things or services taxable under this chapter, or who

907 stores for use or consumption in this state any item or article

908 of tangible personal property as defined herein and who leases

909 or rents such property within the state.



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910 (1) For the exercise of such privilege, a tax is levied on  
911 each taxable transaction or incident, which tax is due and  
912 payable as follows:

913 (c) At the rate of 6 percent of the gross proceeds derived  
914 from the lease or rental of tangible personal property, as  
915 defined herein; however, the following special provisions apply  
916 to the lease or rental of motor vehicles:

917 1. When a motor vehicle is leased or rented for a period of  
918 less than 12 months:

919 a. If the motor vehicle is rented in Florida, the entire  
920 amount of such rental is taxable, even if the vehicle is dropped  
921 off in another state.

922 b. If the motor vehicle is rented in another state and  
923 dropped off in Florida, the rental is exempt from Florida tax.

924 2. Except as provided in subparagraph 3., for the lease or  
925 rental of a motor vehicle for a period of not less than 12  
926 months, sales tax is due on the lease or rental payments if the  
927 vehicle is registered in this state; provided, however, that no  
928 tax shall be due if the taxpayer documents use of the motor  
929 vehicle outside this state and tax is being paid on the lease or  
930 rental payments in another state.

931 3. The tax imposed by this chapter does not apply to the  
932 lease or rental of a commercial motor vehicle as defined in s.  
933 316.003(13)(a) ~~316.003(66)(a)~~ to one lessee or rentee for a  
934 period of not less than 12 months when tax was paid on the  
935 purchase price of such vehicle by the lessor. To the extent tax  
936 was paid with respect to the purchase of such vehicle in another  
937 state, territory of the United States, or the District of  
938 Columbia, the Florida tax payable shall be reduced in accordance



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939 with the provisions of s. 212.06(7). This subparagraph shall  
940 only be available when the lease or rental of such property is  
941 an established business or part of an established business or  
942 the same is incidental or germane to such business.

943 Section 12. Subsection (1) of section 316.1303, Florida  
944 Statutes, is amended to read:

945 316.1303 Traffic regulations to assist mobility-impaired  
946 persons.—

947 (1) Whenever a pedestrian who is mobility impaired is in  
948 the process of crossing a public street or highway with the  
949 assistance of a guide dog or service animal designated as such  
950 with a visible means of identification, a walker, a crutch, an  
951 orthopedic cane, or a wheelchair, the driver of a vehicle  
952 approaching the intersection, as defined in s. 316.003  
953 ~~316.003(17)~~, shall bring his or her vehicle to a full stop  
954 before arriving at the intersection and, before proceeding,  
955 shall take precautions necessary to avoid injuring the  
956 pedestrian.

957 Section 13. Subsection (5) of section 316.235, Florida  
958 Statutes, is amended to read:

959 316.235 Additional lighting equipment.—

960 (5) A bus, as defined in s. 316.003 ~~316.003(3)~~, may be  
961 equipped with a deceleration lighting system which cautions  
962 following vehicles that the bus is slowing, preparing to stop,  
963 or is stopped. Such lighting system shall consist of amber  
964 lights mounted in horizontal alignment on the rear of the  
965 vehicle at or near the vertical centerline of the vehicle, not  
966 higher than the lower edge of the rear window or, if the vehicle  
967 has no rear window, not higher than 72 inches from the ground.



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968 Such lights shall be visible from a distance of not less than  
969 300 feet to the rear in normal sunlight. Lights are permitted to  
970 light and flash during deceleration, braking, or standing and  
971 idling of the bus. Vehicular hazard warning flashers may be used  
972 in conjunction with or in lieu of a rear-mounted deceleration  
973 lighting system.

974 Section 14. Paragraph (b) of subsection (2) and paragraph  
975 (a) of subsection (4) of section 316.545, Florida Statutes, are  
976 amended to read:

977 316.545 Weight and load unlawful; special fuel and motor  
978 fuel tax enforcement; inspection; penalty; review.—

979 (2)

980 (b) The officer or inspector shall inspect the license  
981 plate or registration certificate of the commercial motor  
982 vehicle, as defined in s. 316.003 ~~316.003(66)~~, to determine if  
983 its gross weight is in compliance with the declared gross  
984 vehicle weight. If its gross weight exceeds the declared weight,  
985 the penalty shall be 5 cents per pound on the difference between  
986 such weights. In those cases when the commercial motor vehicle,  
987 as defined in s. 316.003 ~~316.003(66)~~, is being operated over the  
988 highways of the state with an expired registration or with no  
989 registration from this or any other jurisdiction or is not  
990 registered under the applicable provisions of chapter 320, the  
991 penalty herein shall apply on the basis of 5 cents per pound on  
992 that scaled weight which exceeds 35,000 pounds on laden truck  
993 tractor-semitrailer combinations or tandem trailer truck  
994 combinations, 10,000 pounds on laden straight trucks or straight  
995 truck-trailer combinations, or 10,000 pounds on any unladen  
996 commercial motor vehicle. If the license plate or registration



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997 has not been expired for more than 90 days, the penalty imposed  
998 under this paragraph may not exceed \$1,000. In the case of  
999 special mobile equipment as defined in s. 316.003 ~~316.003(48)~~,  
1000 which qualifies for the license tax provided for in s.  
1001 320.08(5) (b), being operated on the highways of the state with  
1002 an expired registration or otherwise not properly registered  
1003 under the applicable provisions of chapter 320, a penalty of \$75  
1004 shall apply in addition to any other penalty which may apply in  
1005 accordance with this chapter. A vehicle found in violation of  
1006 this section may be detained until the owner or operator  
1007 produces evidence that the vehicle has been properly registered.  
1008 Any costs incurred by the retention of the vehicle shall be the  
1009 sole responsibility of the owner. A person who has been assessed  
1010 a penalty pursuant to this paragraph for failure to have a valid  
1011 vehicle registration certificate pursuant to the provisions of  
1012 chapter 320 is not subject to the delinquent fee authorized in  
1013 s. 320.07 if such person obtains a valid registration  
1014 certificate within 10 working days after such penalty was  
1015 assessed.

1016 (4) (a) No commercial motor vehicle, as defined in s.  
1017 316.003 ~~316.003(66)~~, shall be operated over the highways of this  
1018 state unless it has been properly registered under the  
1019 provisions of s. 207.004. Whenever any law enforcement officer  
1020 identified in s. 207.023(1), upon inspecting the vehicle or  
1021 combination of vehicles, determines that the vehicle is in  
1022 violation of s. 207.004, a penalty in the amount of \$50 shall be  
1023 assessed, and the vehicle may be detained until payment is  
1024 collected by the law enforcement officer.

1025 Section 15. Subsection (2) of section 316.605, Florida



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1026 Statutes, is amended to read:

1027 316.605 Licensing of vehicles.—

1028 (2) Any commercial motor vehicle, as defined in s. 316.003  
1029 ~~316.003(66)~~, operating over the highways of this state with an  
1030 expired registration, with no registration from this or any  
1031 other jurisdiction, or with no registration under the applicable  
1032 provisions of chapter 320 shall be in violation of s. 320.07(3)  
1033 and shall subject the owner or operator of such vehicle to the  
1034 penalty provided. In addition, a commercial motor vehicle found  
1035 in violation of this section may be detained by any law  
1036 enforcement officer until the owner or operator produces  
1037 evidence that the vehicle has been properly registered and that  
1038 any applicable delinquent penalties have been paid.

1039 Section 16. Subsection (6) of section 316.6105, Florida  
1040 Statutes, is amended to read:

1041 316.6105 Violations involving operation of motor vehicle in  
1042 unsafe condition or without required equipment; procedure for  
1043 disposition.—

1044 (6) This section does not apply to commercial motor  
1045 vehicles as defined in s. 316.003 ~~316.003(66)~~ or transit buses  
1046 owned or operated by a governmental entity.

1047 Section 17. Paragraph (a) of subsection (2) of section  
1048 316.613, Florida Statutes, is amended to read:

1049 316.613 Child restraint requirements.—

1050 (2) As used in this section, the term "motor vehicle" means  
1051 a motor vehicle as defined in s. 316.003 that is operated on the  
1052 roadways, streets, and highways of the state. The term does not  
1053 include:

1054 (a) A school bus as defined in s. 316.003 ~~316.003(45)~~.



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1055 Section 18. Subsection (8) of section 316.622, Florida  
1056 Statutes, is amended to read:

1057 316.622 Farm labor vehicles.—

1058 (8) The department shall provide to the Department of  
1059 Business and Professional Regulation each quarter a copy of each  
1060 accident report involving a farm labor vehicle, as defined in s.  
1061 316.003 ~~316.003(62)~~, commencing with the first quarter of the  
1062 2006-2007 fiscal year.

1063 Section 19. Paragraph (b) of subsection (1) of section  
1064 316.650, Florida Statutes, is amended to read:

1065 316.650 Traffic citations.—

1066 (1)

1067 (b) The department shall prepare, and supply to every  
1068 traffic enforcement agency in the state, an appropriate  
1069 affidavit-of-compliance form that shall be issued along with the  
1070 form traffic citation for any violation of s. 316.610 and that  
1071 indicates the specific defect needing to be corrected. However,  
1072 such affidavit of compliance shall not be issued in the case of  
1073 a violation of s. 316.610 by a commercial motor vehicle as  
1074 defined in s. 316.003 ~~316.003(66)~~. Such affidavit-of-compliance  
1075 form shall be distributed in the same manner and to the same  
1076 parties as is the form traffic citation.

1077 Section 20. Subsection (1) of section 316.70, Florida  
1078 Statutes, is amended to read:

1079 316.70 Nonpublic sector buses; safety rules.—

1080 (1) The Department of Transportation shall establish and  
1081 revise standards to assure the safe operation of nonpublic  
1082 sector buses, as defined in s. 316.003 ~~316.003(78)~~, which  
1083 standards shall be those contained in 49 C.F.R. parts 382, 385,





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1084 and 390-397 and which shall be directed towards assuring that:

1085 (a) Nonpublic sector buses are safely maintained, equipped,  
1086 and operated.

1087 (b) Nonpublic sector buses are carrying the insurance  
1088 required by law and carrying liability insurance on the checked  
1089 baggage of passengers not to exceed the standard adopted by the  
1090 United States Department of Transportation.

1091 (c) Florida license tags are purchased for nonpublic sector  
1092 buses pursuant to s. 320.38.

1093 (d) The driving records of drivers of nonpublic sector  
1094 buses are checked by their employers at least once each year to  
1095 ascertain whether the driver has a suspended or revoked driver  
1096 license.

1097 Section 21. Paragraph (a) of subsection (1) of section  
1098 320.01, Florida Statutes, is amended to read:

1099 320.01 Definitions, general.—As used in the Florida  
1100 Statutes, except as otherwise provided, the term:

1101 (1) "Motor vehicle" means:

1102 (a) An automobile, motorcycle, truck, trailer, semitrailer,  
1103 truck tractor and semitrailer combination, or any other vehicle  
1104 operated on the roads of this state, used to transport persons  
1105 or property, and propelled by power other than muscular power,  
1106 but the term does not include traction engines, road rollers,  
1107 special mobile equipment as defined in s. 316.003 ~~316.003(48)~~,  
1108 vehicles that run only upon a track, bicycles, swamp buggies, or  
1109 mopeds.

1110 Section 22. Section 320.08, Florida Statutes, is amended to  
1111 read:

1112 320.08 License taxes.—Except as otherwise provided herein,



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1113 there are hereby levied and imposed annual license taxes for the  
1114 operation of motor vehicles, mopeds, motorized bicycles as  
1115 defined in s. 316.003(3) ~~316.003(2)~~, tri-vehicles as defined in  
1116 s. 316.003, and mobile homes, as defined in s. 320.01, which  
1117 shall be paid to and collected by the department or its agent  
1118 upon the registration or renewal of registration of the  
1119 following:

1120 (1) MOTORCYCLES AND MOPEDS.—

1121 (a) Any motorcycle: \$10 flat.

1122 (b) Any moped: \$5 flat.

1123 (c) Upon registration of a motorcycle, motor-driven cycle,  
1124 or moped, in addition to the license taxes specified in this  
1125 subsection, a nonrefundable motorcycle safety education fee in  
1126 the amount of \$2.50 shall be paid. The proceeds of such  
1127 additional fee shall be deposited in the Highway Safety  
1128 Operating Trust Fund to fund a motorcycle driver improvement  
1129 program implemented pursuant to s. 322.025, the Florida  
1130 Motorcycle Safety Education Program established in s. 322.0255,  
1131 or the general operations of the department.

1132 (d) An ancient or antique motorcycle: \$7.50 flat, of which  
1133 \$2.50 shall be deposited into the General Revenue Fund.

1134 (2) AUTOMOBILES OR TRI-VEHICLES FOR PRIVATE USE.—

1135 (a) An ancient or antique automobile, as defined in s.  
1136 320.086, or a street rod, as defined in s. 320.0863: \$7.50 flat.

1137 (b) Net weight of less than 2,500 pounds: \$14.50 flat.

1138 (c) Net weight of 2,500 pounds or more, but less than 3,500  
1139 pounds: \$22.50 flat.

1140 (d) Net weight of 3,500 pounds or more: \$32.50 flat.

1141 (3) TRUCKS.—



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- 1142 (a) Net weight of less than 2,000 pounds: \$14.50 flat.  
1143 (b) Net weight of 2,000 pounds or more, but not more than  
1144 3,000 pounds: \$22.50 flat.  
1145 (c) Net weight more than 3,000 pounds, but not more than  
1146 5,000 pounds: \$32.50 flat.  
1147 (d) A truck defined as a "goat," or other vehicle if used  
1148 in the field by a farmer or in the woods for the purpose of  
1149 harvesting a crop, including naval stores, during such  
1150 harvesting operations, and which is not principally operated  
1151 upon the roads of the state: \$7.50 flat. The term "goat" means a  
1152 motor vehicle designed, constructed, and used principally for  
1153 the transportation of citrus fruit within citrus groves or for  
1154 the transportation of crops on farms, and which can also be used  
1155 for hauling associated equipment or supplies, including required  
1156 sanitary equipment, and the towing of farm trailers.  
1157 (e) An ancient or antique truck, as defined in s. 320.086:  
1158 \$7.50 flat.  
1159 (4) HEAVY TRUCKS, TRUCK TRACTORS, FEES ACCORDING TO GROSS  
1160 VEHICLE WEIGHT.—  
1161 (a) Gross vehicle weight of 5,001 pounds or more, but less  
1162 than 6,000 pounds: \$60.75 flat, of which \$15.75 shall be  
1163 deposited into the General Revenue Fund.  
1164 (b) Gross vehicle weight of 6,000 pounds or more, but less  
1165 than 8,000 pounds: \$87.75 flat, of which \$22.75 shall be  
1166 deposited into the General Revenue Fund.  
1167 (c) Gross vehicle weight of 8,000 pounds or more, but less  
1168 than 10,000 pounds: \$103 flat, of which \$27 shall be deposited  
1169 into the General Revenue Fund.  
1170 (d) Gross vehicle weight of 10,000 pounds or more, but less



1171 than 15,000 pounds: \$118 flat, of which \$31 shall be deposited  
1172 into the General Revenue Fund.

1173 (e) Gross vehicle weight of 15,000 pounds or more, but less  
1174 than 20,000 pounds: \$177 flat, of which \$46 shall be deposited  
1175 into the General Revenue Fund.

1176 (f) Gross vehicle weight of 20,000 pounds or more, but less  
1177 than 26,001 pounds: \$251 flat, of which \$65 shall be deposited  
1178 into the General Revenue Fund.

1179 (g) Gross vehicle weight of 26,001 pounds or more, but less  
1180 than 35,000: \$324 flat, of which \$84 shall be deposited into the  
1181 General Revenue Fund.

1182 (h) Gross vehicle weight of 35,000 pounds or more, but less  
1183 than 44,000 pounds: \$405 flat, of which \$105 shall be deposited  
1184 into the General Revenue Fund.

1185 (i) Gross vehicle weight of 44,000 pounds or more, but less  
1186 than 55,000 pounds: \$773 flat, of which \$201 shall be deposited  
1187 into the General Revenue Fund.

1188 (j) Gross vehicle weight of 55,000 pounds or more, but less  
1189 than 62,000 pounds: \$916 flat, of which \$238 shall be deposited  
1190 into the General Revenue Fund.

1191 (k) Gross vehicle weight of 62,000 pounds or more, but less  
1192 than 72,000 pounds: \$1,080 flat, of which \$280 shall be  
1193 deposited into the General Revenue Fund.

1194 (l) Gross vehicle weight of 72,000 pounds or more: \$1,322  
1195 flat, of which \$343 shall be deposited into the General Revenue  
1196 Fund.

1197 (m) Notwithstanding the declared gross vehicle weight, a  
1198 truck tractor used within a 150-mile radius of its home address  
1199 is eligible for a license plate for a fee of \$324 flat if:



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1200           1. The truck tractor is used exclusively for hauling  
1201 forestry products; or  
1202           2. The truck tractor is used primarily for the hauling of  
1203 forestry products, and is also used for the hauling of  
1204 associated forestry harvesting equipment used by the owner of  
1205 the truck tractor.  
1206  
1207 Of the fee imposed by this paragraph, \$84 shall be deposited  
1208 into the General Revenue Fund.  
1209           (n) A truck tractor or heavy truck, not operated as a for-  
1210 hire vehicle, which is engaged exclusively in transporting raw,  
1211 unprocessed, and nonmanufactured agricultural or horticultural  
1212 products within a 150-mile radius of its home address, is  
1213 eligible for a restricted license plate for a fee of:  
1214           1. If such vehicle's declared gross vehicle weight is less  
1215 than 44,000 pounds, \$87.75 flat, of which \$22.75 shall be  
1216 deposited into the General Revenue Fund.  
1217           2. If such vehicle's declared gross vehicle weight is  
1218 44,000 pounds or more and such vehicle only transports from the  
1219 point of production to the point of primary manufacture; to the  
1220 point of assembling the same; or to a shipping point of a rail,  
1221 water, or motor transportation company, \$324 flat, of which \$84  
1222 shall be deposited into the General Revenue Fund.  
1223  
1224 Such not-for-hire truck tractors and heavy trucks used  
1225 exclusively in transporting raw, unprocessed, and  
1226 nonmanufactured agricultural or horticultural products may be  
1227 incidentally used to haul farm implements and fertilizers  
1228 delivered direct to the growers. The department may require any



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1229 documentation deemed necessary to determine eligibility prior to  
1230 issuance of this license plate. For the purpose of this  
1231 paragraph, "not-for-hire" means the owner of the motor vehicle  
1232 must also be the owner of the raw, unprocessed, and  
1233 nonmanufactured agricultural or horticultural product, or the  
1234 user of the farm implements and fertilizer being delivered.

1235 (5) SEMITRAILERS, FEES ACCORDING TO GROSS VEHICLE WEIGHT;  
1236 SCHOOL BUSES; SPECIAL PURPOSE VEHICLES.—

1237 (a)1. A semitrailer drawn by a GVW truck tractor by means  
1238 of a fifth-wheel arrangement: \$13.50 flat per registration year  
1239 or any part thereof, of which \$3.50 shall be deposited into the  
1240 General Revenue Fund.

1241 2. A semitrailer drawn by a GVW truck tractor by means of a  
1242 fifth-wheel arrangement: \$68 flat per permanent registration, of  
1243 which \$18 shall be deposited into the General Revenue Fund.

1244 (b) A motor vehicle equipped with machinery and designed  
1245 for the exclusive purpose of well drilling, excavation,  
1246 construction, spraying, or similar activity, and which is not  
1247 designed or used to transport loads other than the machinery  
1248 described above over public roads: \$44 flat, of which \$11.50  
1249 shall be deposited into the General Revenue Fund.

1250 (c) A school bus used exclusively to transport pupils to  
1251 and from school or school or church activities or functions  
1252 within their own county: \$41 flat, of which \$11 shall be  
1253 deposited into the General Revenue Fund.

1254 (d) A wrecker, as defined in s. 320.01, which is used to  
1255 tow a vessel as defined in s. 327.02, a disabled, abandoned,  
1256 stolen-recovered, or impounded motor vehicle as defined in s.  
1257 320.01, or a replacement motor vehicle as defined in s. 320.01:



1258 \$41 flat, of which \$11 shall be deposited into the General  
1259 Revenue Fund.

1260 (e) A wrecker that is used to tow any nondisabled motor  
1261 vehicle, a vessel, or any other cargo unless used as defined in  
1262 paragraph (d), as follows:

1263 1. Gross vehicle weight of 10,000 pounds or more, but less  
1264 than 15,000 pounds: \$118 flat, of which \$31 shall be deposited  
1265 into the General Revenue Fund.

1266 2. Gross vehicle weight of 15,000 pounds or more, but less  
1267 than 20,000 pounds: \$177 flat, of which \$46 shall be deposited  
1268 into the General Revenue Fund.

1269 3. Gross vehicle weight of 20,000 pounds or more, but less  
1270 than 26,000 pounds: \$251 flat, of which \$65 shall be deposited  
1271 into the General Revenue Fund.

1272 4. Gross vehicle weight of 26,000 pounds or more, but less  
1273 than 35,000 pounds: \$324 flat, of which \$84 shall be deposited  
1274 into the General Revenue Fund.

1275 5. Gross vehicle weight of 35,000 pounds or more, but less  
1276 than 44,000 pounds: \$405 flat, of which \$105 shall be deposited  
1277 into the General Revenue Fund.

1278 6. Gross vehicle weight of 44,000 pounds or more, but less  
1279 than 55,000 pounds: \$772 flat, of which \$200 shall be deposited  
1280 into the General Revenue Fund.

1281 7. Gross vehicle weight of 55,000 pounds or more, but less  
1282 than 62,000 pounds: \$915 flat, of which \$237 shall be deposited  
1283 into the General Revenue Fund.

1284 8. Gross vehicle weight of 62,000 pounds or more, but less  
1285 than 72,000 pounds: \$1,080 flat, of which \$280 shall be  
1286 deposited into the General Revenue Fund.



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1287           9. Gross vehicle weight of 72,000 pounds or more: \$1,322  
1288 flat, of which \$343 shall be deposited into the General Revenue  
1289 Fund.

1290           (f) A hearse or ambulance: \$40.50 flat, of which \$10.50  
1291 shall be deposited into the General Revenue Fund.

1292           (6) MOTOR VEHICLES FOR HIRE.—

1293           (a) Under nine passengers: \$17 flat, of which \$4.50 shall  
1294 be deposited into the General Revenue Fund; plus \$1.50 per cwt,  
1295 of which 50 cents shall be deposited into the General Revenue  
1296 Fund.

1297           (b) Nine passengers and over: \$17 flat, of which \$4.50  
1298 shall be deposited into the General Revenue Fund; plus \$2 per  
1299 cwt, of which 50 cents shall be deposited into the General  
1300 Revenue Fund.

1301           (7) TRAILERS FOR PRIVATE USE.—

1302           (a) Any trailer weighing 500 pounds or less: \$6.75 flat per  
1303 year or any part thereof, of which \$1.75 shall be deposited into  
1304 the General Revenue Fund.

1305           (b) Net weight over 500 pounds: \$3.50 flat, of which \$1  
1306 shall be deposited into the General Revenue Fund; plus \$1 per  
1307 cwt, of which 25 cents shall be deposited into the General  
1308 Revenue Fund.

1309           (8) TRAILERS FOR HIRE.—

1310           (a) Net weight under 2,000 pounds: \$3.50 flat, of which \$1  
1311 shall be deposited into the General Revenue Fund; plus \$1.50 per  
1312 cwt, of which 50 cents shall be deposited into the General  
1313 Revenue Fund.

1314           (b) Net weight 2,000 pounds or more: \$13.50 flat, of which  
1315 \$3.50 shall be deposited into the General Revenue Fund; plus





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1316 \$1.50 per cwt, of which 50 cents shall be deposited into the  
1317 General Revenue Fund.

1318 (9) RECREATIONAL VEHICLE-TYPE UNITS.—

1319 (a) A travel trailer or fifth-wheel trailer, as defined by  
1320 s. 320.01(1)(b), that does not exceed 35 feet in length: \$27  
1321 flat, of which \$7 shall be deposited into the General Revenue  
1322 Fund.

1323 (b) A camping trailer, as defined by s. 320.01(1)(b)2.:  
1324 \$13.50 flat, of which \$3.50 shall be deposited into the General  
1325 Revenue Fund.

1326 (c) A motor home, as defined by s. 320.01(1)(b)4.:

1327 1. Net weight of less than 4,500 pounds: \$27 flat, of which  
1328 \$7 shall be deposited into the General Revenue Fund.

1329 2. Net weight of 4,500 pounds or more: \$47.25 flat, of  
1330 which \$12.25 shall be deposited into the General Revenue Fund.

1331 (d) A truck camper as defined by s. 320.01(1)(b)3.:

1332 1. Net weight of less than 4,500 pounds: \$27 flat, of which  
1333 \$7 shall be deposited into the General Revenue Fund.

1334 2. Net weight of 4,500 pounds or more: \$47.25 flat, of  
1335 which \$12.25 shall be deposited into the General Revenue Fund.

1336 (e) A private motor coach as defined by s. 320.01(1)(b)5.:

1337 1. Net weight of less than 4,500 pounds: \$27 flat, of which  
1338 \$7 shall be deposited into the General Revenue Fund.

1339 2. Net weight of 4,500 pounds or more: \$47.25 flat, of  
1340 which \$12.25 shall be deposited into the General Revenue Fund.

1341 (10) PARK TRAILERS; TRAVEL TRAILERS; FIFTH-WHEEL TRAILERS;  
1342 35 FEET TO 40 FEET.—

1343 (a) Park trailers.—Any park trailer, as defined in s.  
1344 320.01(1)(b)7.: \$25 flat.



1345 (b) A travel trailer or fifth-wheel trailer, as defined in  
1346 s. 320.01(1)(b), that exceeds 35 feet: \$25 flat.  
1347 (11) MOBILE HOMES.—  
1348 (a) A mobile home not exceeding 35 feet in length: \$20  
1349 flat.  
1350 (b) A mobile home over 35 feet in length, but not exceeding  
1351 40 feet: \$25 flat.  
1352 (c) A mobile home over 40 feet in length, but not exceeding  
1353 45 feet: \$30 flat.  
1354 (d) A mobile home over 45 feet in length, but not exceeding  
1355 50 feet: \$35 flat.  
1356 (e) A mobile home over 50 feet in length, but not exceeding  
1357 55 feet: \$40 flat.  
1358 (f) A mobile home over 55 feet in length, but not exceeding  
1359 60 feet: \$45 flat.  
1360 (g) A mobile home over 60 feet in length, but not exceeding  
1361 65 feet: \$50 flat.  
1362 (h) A mobile home over 65 feet in length: \$80 flat.  
1363 (12) DEALER AND MANUFACTURER LICENSE PLATES.—A franchised  
1364 motor vehicle dealer, independent motor vehicle dealer, marine  
1365 boat trailer dealer, or mobile home dealer and manufacturer  
1366 license plate: \$17 flat, of which \$4.50 shall be deposited into  
1367 the General Revenue Fund.  
1368 (13) EXEMPT OR OFFICIAL LICENSE PLATES.—Any exempt or  
1369 official license plate: \$4 flat, of which \$1 shall be deposited  
1370 into the General Revenue Fund.  
1371 (14) LOCALLY OPERATED MOTOR VEHICLES FOR HIRE.—A motor  
1372 vehicle for hire operated wholly within a city or within 25  
1373 miles thereof: \$17 flat, of which \$4.50 shall be deposited into



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1374 the General Revenue Fund; plus \$2 per cwt, of which 50 cents  
1375 shall be deposited into the General Revenue Fund.

1376 (15) TRANSPORTER.—Any transporter license plate issued to a  
1377 transporter pursuant to s. 320.133: \$101.25 flat, of which  
1378 \$26.25 shall be deposited into the General Revenue Fund.

1379 Section 23. Subsection (1) of section 320.0801, Florida  
1380 Statutes, is amended to read:

1381 320.0801 Additional license tax on certain vehicles.—

1382 (1) In addition to the license taxes specified in s. 320.08  
1383 and in subsection (2), there is hereby levied and imposed an  
1384 annual license tax of 10 cents for the operation of a motor  
1385 vehicle, as defined in s. 320.01, and moped, as defined in s.  
1386 316.003 ~~316.003(77)~~, which tax shall be paid to the department  
1387 or its agent upon the registration or renewal of registration of  
1388 the vehicle. Notwithstanding the provisions of s. 320.20,  
1389 revenues collected from the tax imposed in this subsection shall  
1390 be deposited in the Emergency Medical Services Trust Fund and  
1391 used solely for the purpose of carrying out the provisions of  
1392 ss. 395.401, 395.4015, 395.404, and 395.4045 and s. 11, chapter  
1393 87-399, Laws of Florida.

1394 Section 24. Section 320.38, Florida Statutes, is amended to  
1395 read:

1396 320.38 When nonresident exemption not allowed.—The  
1397 provisions of s. 320.37 authorizing the operation of motor  
1398 vehicles over the roads of this state by nonresidents of this  
1399 state when such vehicles are duly registered or licensed under  
1400 the laws of some other state or foreign country do not apply to  
1401 any nonresident who accepts employment or engages in any trade,  
1402 profession, or occupation in this state, except a nonresident



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1403 migrant or seasonal farm worker as defined in s. 316.003  
1404 ~~316.003(61)~~. In every case in which a nonresident, except a  
1405 nonresident migrant or seasonal farm worker as defined in s.  
1406 316.003 ~~316.003(61)~~, accepts employment or engages in any trade,  
1407 profession, or occupation in this state or enters his or her  
1408 children to be educated in the public schools of this state,  
1409 such nonresident shall, within 10 days after the commencement of  
1410 such employment or education, register his or her motor vehicles  
1411 in this state if such motor vehicles are proposed to be operated  
1412 on the roads of this state. Any person who is enrolled as a  
1413 student in a college or university and who is a nonresident but  
1414 who is in this state for a period of up to 6 months engaged in a  
1415 work-study program for which academic credits are earned from a  
1416 college whose credits or degrees are accepted for credit by at  
1417 least three accredited institutions of higher learning, as  
1418 defined in s. 1005.02, is not required to have a Florida  
1419 registration for the duration of the work-study program if the  
1420 person's vehicle is properly registered in another jurisdiction.  
1421 Any nonresident who is enrolled as a full-time student in such  
1422 institution of higher learning is also exempt for the duration  
1423 of such enrollment.

1424 Section 25. Subsection (2) of section 322.0261, Florida  
1425 Statutes, is amended to read:

1426 322.0261 Driver improvement course; requirement to maintain  
1427 driving privileges; failure to complete; department approval of  
1428 course.—

1429 (2) With respect to an operator convicted of, or who  
1430 pleaded nolo contendere to, a traffic offense giving rise to a  
1431 crash identified in paragraph (1)(a) or paragraph (1)(b), the



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1432 department shall require that the operator, in addition to other  
1433 applicable penalties, attend a department-approved driver  
1434 improvement course in order to maintain his or her driving  
1435 privileges. The department shall include in the course  
1436 curriculum instruction specifically addressing the rights of  
1437 vulnerable ~~road~~ users as defined in s. 316.003 ~~316.027~~ relative  
1438 to vehicles on the roadway. If the operator fails to complete  
1439 the course within 90 days after receiving notice from the  
1440 department, the operator's driver license shall be canceled by  
1441 the department until the course is successfully completed.

1442 Section 26. Subsection (1) of section 322.031, Florida  
1443 Statutes, is amended to read:

1444 322.031 Nonresident; when license required.—

1445 (1) In each case in which a nonresident, except a  
1446 nonresident migrant or seasonal farm worker as defined in s.  
1447 316.003 ~~316.003(61)~~, accepts employment or engages in a trade,  
1448 profession, or occupation in this state or enters his or her  
1449 children to be educated in the public schools of this state,  
1450 such nonresident shall, within 30 days after beginning such  
1451 employment or education, be required to obtain a Florida driver  
1452 license if such nonresident operates a motor vehicle on the  
1453 highways of this state. The spouse or dependent child of such  
1454 nonresident shall also be required to obtain a Florida driver  
1455 license within that 30-day period before operating a motor  
1456 vehicle on the highways of this state.

1457 Section 27. Subsection (3) of section 450.181, Florida  
1458 Statutes, is amended to read:

1459 450.181 Definitions.—As used in part II, unless the context  
1460 clearly requires a different meaning:



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1461 (3) The term "migrant laborer" has the same meaning as  
1462 migrant or seasonal farm workers as defined in s. 316.003  
1463 ~~316.003(61)~~.

1464 Section 28. Subsection (5) of section 559.903, Florida  
1465 Statutes, is amended to read:

1466 559.903 Definitions.—As used in this act:

1467 (5) "Motor vehicle" means any automobile, truck, bus,  
1468 recreational vehicle, motorcycle, motor scooter, or other motor  
1469 powered vehicle, but does not include trailers, mobile homes,  
1470 travel trailers, trailer coaches without independent motive  
1471 power, watercraft or aircraft, or special mobile equipment as  
1472 defined in s. 316.003 ~~316.003(48)~~.

1473 Section 29. Subsection (1) of section 655.960, Florida  
1474 Statutes, is amended to read:

1475 655.960 Definitions; ss. 655.960-655.965.—As used in this  
1476 section and ss. 655.961-655.965, unless the context otherwise  
1477 requires:

1478 (1) "Access area" means any paved walkway or sidewalk which  
1479 is within 50 feet of any automated teller machine. The term does  
1480 not include any street or highway open to the use of the public,  
1481 as defined in s. 316.003(75)(a) or (b) ~~316.003(53)(a) or (b)~~,  
1482 including any adjacent sidewalk, as defined in s. 316.003  
1483 ~~316.003(47)~~.

1484 Section 30. Paragraph (b) of subsection (2) of section  
1485 732.402, Florida Statutes, is amended to read:

1486 732.402 Exempt property.—

1487 (2) Exempt property shall consist of:

1488 (b) Two motor vehicles as defined in s. 316.003  
1489 ~~316.003(21)~~, which do not, individually as to either such motor



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1490 vehicle, have a gross vehicle weight in excess of 15,000 pounds,  
1491 held in the decedent's name and regularly used by the decedent  
1492 or members of the decedent's immediate family as their personal  
1493 motor vehicles.

1494 Section 31. Subsection (1) of section 860.065, Florida  
1495 Statutes, is amended to read:

1496 860.065 Commercial transportation; penalty for use in  
1497 commission of a felony.—

1498 (1) It is unlawful for any person to attempt to obtain,  
1499 solicit to obtain, or obtain any means of public or commercial  
1500 transportation or conveyance, including vessels, aircraft,  
1501 railroad trains, or commercial motor vehicles as defined in s.  
1502 316.003 ~~316.003(66)~~, with the intent to use such public or  
1503 commercial transportation or conveyance to commit any felony or  
1504 to facilitate the commission of any felony.

1505 Section 32. For the purpose of incorporating the amendment  
1506 made by this act to section 316.1925, Florida Statutes, in a  
1507 reference thereto, paragraph (b) of subsection (4) of section  
1508 316.072, Florida Statutes, is reenacted to read:

1509 316.072 Obedience to and effect of traffic laws.—

1510 (4) PUBLIC OFFICERS AND EMPLOYEES TO OBEY CHAPTER;  
1511 EXCEPTIONS.—

1512 (b) Unless specifically made applicable, the provisions of  
1513 this chapter, except those contained in ss. 316.192, 316.1925,  
1514 and 316.193, shall not apply to persons, teams, or motor  
1515 vehicles and other equipment while actually engaged in work upon  
1516 the surface of a highway, but shall apply to such persons and  
1517 vehicles when traveling to or from such work.

1518 Section 33. For the purpose of incorporating the amendment



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1519 made by this act to sections 316.083 and 316.084, Florida  
1520 Statutes, in references thereto, subsection (5) of section  
1521 316.1923, Florida Statutes, is reenacted to read:

1522       316.1923 Aggressive careless driving.—“Aggressive careless  
1523 driving” means committing two or more of the following acts  
1524 simultaneously or in succession:

1525       (5) Improperly passing as defined in s. 316.083, s.  
1526 316.084, or s. 316.085.

1527       Section 34. For the purpose of incorporating the amendment  
1528 made by this act to section 318.19, Florida Statutes, in a  
1529 reference thereto, subsection (2) of section 318.14, Florida  
1530 Statutes, is reenacted to read:

1531       318.14 Noncriminal traffic infractions; exception;  
1532 procedures.—

1533       (2) Except as provided in ss. 316.1001(2) and 316.0083, any  
1534 person cited for a violation requiring a mandatory hearing  
1535 listed in s. 318.19 or any other criminal traffic violation  
1536 listed in chapter 316 must sign and accept a citation indicating  
1537 a promise to appear. The officer may indicate on the traffic  
1538 citation the time and location of the scheduled hearing and must  
1539 indicate the applicable civil penalty established in s. 318.18.  
1540 For all other infractions under this section, except for  
1541 infractions under s. 316.1001, the officer must certify by  
1542 electronic, electronic facsimile, or written signature that the  
1543 citation was delivered to the person cited. This certification  
1544 is prima facie evidence that the person cited was served with  
1545 the citation.

1546       Section 35. For the purpose of incorporating the amendment  
1547 made by this act to section 316.2065, Florida Statutes, in a





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1548 reference thereto, paragraph (b) of subsection (1) of section  
1549 318.18, Florida Statutes, is reenacted to read:

1550         318.18 Amount of penalties.—The penalties required for a  
1551 noncriminal disposition pursuant to s. 318.14 or a criminal  
1552 offense listed in s. 318.17 are as follows:

1553             (1) Fifteen dollars for:

1554             (b) All infractions of s. 316.2065, unless otherwise  
1555 specified.

1556         Section 36. This act shall take effect October 1, 2016.

1557

1558 ===== T I T L E   A M E N D M E N T =====

1559 And the title is amended as follows:

1560         Delete everything before the enacting clause  
1561 and insert:

1562                             A bill to be entitled  
1563         An act relating to highway safety; amending s.  
1564         316.003, F.S.; providing definitions; amending s.  
1565         316.027, F.S.; deleting the definition of the term  
1566         “vulnerable road user”; conforming provisions to  
1567         changes made by the act; amending s. 316.083, F.S.;  
1568         revising provisions relating to the passing of a  
1569         vehicle; directing a law enforcement officer issuing a  
1570         citation for specified violations to note certain  
1571         information on the citation; amending s. 316.084,  
1572         F.S.; exempting bicycles from provisions for passing a  
1573         vehicle on the right under certain circumstances;  
1574         amending s. 316.0875, F.S.; revising exceptions to  
1575         provisions for designated no-passing zones; amending  
1576         s. 316.151, F.S.; revising provisions for turning at



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1577 intersections; directing a law enforcement officer  
1578 issuing a citation for specified violations to note  
1579 certain information on the citation; amending s.  
1580 316.1925, F.S.; revising provisions relating to  
1581 careless driving; directing a law enforcement officer  
1582 issuing a citation for specified violations to note  
1583 certain information on the citation; amending s.  
1584 316.2065, F.S.; revising provisions for operation of a  
1585 bicycle; requiring motor vehicle operators to allow a  
1586 group of bicycles to travel through an intersection  
1587 under certain circumstances; creating s. 318.142,  
1588 F.S.; providing penalties for specified infractions  
1589 contributing to bodily injury of a vulnerable user;  
1590 amending s. 318.19, F.S.; requiring a hearing for  
1591 specified offenses; directing a law enforcement  
1592 officer issuing a citation for specified violations to  
1593 note certain information on the citation; amending s.  
1594 322.0261, F.S., relating to driver improvement  
1595 courses; revising the definition of "vulnerable road  
1596 users"; amending ss. 212.05, 316.1303, 316.235,  
1597 316.545, 316.605, 316.6105, 316.613, 316.622, 316.650,  
1598 316.70, 320.01, 320.08, 320.0801, 320.38, 322.031,  
1599 450.181, 559.903, 655.960, 732.402, and 860.065, F.S.;  
1600 conforming cross-references; reenacting ss.  
1601 316.072(4)(b), 316.1923(5), 318.14(2), and  
1602 318.18(1)(b), F.S., relating to obedience to and  
1603 effect of traffic laws, aggressive careless driving,  
1604 noncriminal traffic infractions, and amount of  
1605 penalties, respectively, to incorporate amendments



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1606 made by the act in references thereto; providing an  
1607 effective date.

1608  
1609 WHEREAS, the Legislature recognizes that everyone must  
1610 share the road, and

1611 WHEREAS, there are laws in place, such as ss. 316.2065 and  
1612 316.2068, Florida Statutes, that require certain vulnerable road  
1613 users to follow safe practices when operating on the roadways of  
1614 the state, and

1615 WHEREAS, there are laws in place that similarly require  
1616 persons who operate a vehicle on the highways of the state to  
1617 operate the vehicle in a safe manner, and

1618 WHEREAS, it is the intent of the Legislature to amend the  
1619 Florida Uniform Traffic Control laws to protect vulnerable road  
1620 users while balancing their rights against the rights of those  
1621 who choose to travel by motor vehicle, NOW, THEREFORE,



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/27/2016	.	
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The Committee on Transportation (Grimsley) recommended the following:

**Senate Amendment to Amendment (376070)**

Delete lines 33 - 1481

and insert:

(7)~~(3)~~ BUS.—Any motor vehicle designed for carrying more than 10 passengers and used for the transportation of persons and any motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

(8)~~(4)~~ BUSINESS DISTRICT.—The territory contiguous to, and including, a highway when 50 percent or more of the frontage



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11 thereon, for a distance of 300 feet or more, is occupied by  
12 buildings in use for business.

13 (4) BICYCLE LANE.—A portion of a roadway or highway that  
14 has been designated by pavement markings and signs for the  
15 preferential or exclusive use by bicycles.

16 (9)~~(5)~~ CANCELLATION.—Cancellation means that a license  
17 which was issued through error or fraud is declared void and  
18 terminated. A new license may be obtained only as permitted in  
19 this chapter.

20 (14)~~(6)~~ CROSSWALK.—

21 (a) That part of a roadway at an intersection included  
22 within the connections of the lateral lines of the sidewalks on  
23 opposite sides of the highway, measured from the curbs or, in  
24 the absence of curbs, from the edges of the traversable roadway.

25 (b) Any portion of a roadway at an intersection or  
26 elsewhere distinctly indicated for pedestrian crossing by lines  
27 or other markings on the surface.

28 (15)~~(7)~~ DAYTIME.—The period from a half hour before sunrise  
29 to a half hour after sunset. Nighttime means at any other hour.

30 (16)~~(8)~~ DEPARTMENT.—The Department of Highway Safety and  
31 Motor Vehicles as defined in s. 20.24. Any reference herein to  
32 Department of Transportation shall be construed as referring to  
33 the Department of Transportation, defined in s. 20.23, or the  
34 appropriate division thereof.

35 (17)~~(9)~~ DIRECTOR.—The Director of the Division of the  
36 Florida Highway Patrol of the Department of Highway Safety and  
37 Motor Vehicles.

38 (18)~~(10)~~ DRIVER.—Any person who drives or is in actual  
39 physical control of a vehicle on a highway or who is exercising



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40 control of a vehicle or steering a vehicle being towed by a  
41 motor vehicle.

42 (20)~~(11)~~ EXPLOSIVE.—Any chemical compound or mechanical  
43 mixture that is commonly used or intended for the purpose of  
44 producing an explosion and which contains any oxidizing and  
45 combustive units or other ingredients in such proportions,  
46 quantities, or packing that an ignition by fire, friction,  
47 concussion, percussion, or detonator of any part of the compound  
48 or mixture may cause such a sudden generation of highly heated  
49 gases that the resultant gaseous pressures are capable of  
50 producing destructive effect on contiguous objects or of  
51 destroying life or limb.

52 (22)~~(12)~~ FARM TRACTOR.—Any motor vehicle designed and used  
53 primarily as a farm implement for drawing plows, mowing  
54 machines, and other implements of husbandry.

55 (23)~~(13)~~ FLAMMABLE LIQUID.—Any liquid which has a flash  
56 point of 70 degrees Fahrenheit or less, as determined by a  
57 Tagliabue or equivalent closed-cup test device.

58 (25)~~(14)~~ GROSS WEIGHT.—The weight of a vehicle without load  
59 plus the weight of any load thereon.

60 (27)~~(15)~~ HOUSE TRAILER.—

61 (a) A trailer or semitrailer which is designed,  
62 constructed, and equipped as a dwelling place, living abode, or  
63 sleeping place (either permanently or temporarily) and is  
64 equipped for use as a conveyance on streets and highways, or

65 (b) A trailer or a semitrailer the chassis and exterior  
66 shell of which is designed and constructed for use as a house  
67 trailer, as defined in paragraph (a), but which is used instead,  
68 permanently or temporarily, for the advertising, sales, display,



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69 or promotion of merchandise or services or for any other  
70 commercial purpose except the transportation of property for  
71 hire or the transportation of property for distribution by a  
72 private carrier.

73 (28)~~(16)~~ IMPLEMENT OF HUSBANDRY.—Any vehicle designed and  
74 adapted exclusively for agricultural, horticultural, or  
75 livestock-raising operations or for lifting or carrying an  
76 implement of husbandry and in either case not subject to  
77 registration if used upon the highways.

78 (29)~~(17)~~ INTERSECTION.—

79 (a) The area embraced within the prolongation or connection  
80 of the lateral curblines; or, if none, then the lateral boundary  
81 lines of the roadways of two highways which join one another at,  
82 or approximately at, right angles; or the area within which  
83 vehicles traveling upon different highways joining at any other  
84 angle may come in conflict.

85 (b) Where a highway includes two roadways 30 feet or more  
86 apart, then every crossing of each roadway of such divided  
87 highway by an intersecting highway shall be regarded as a  
88 separate intersection. In the event such intersecting highway  
89 also includes two roadways 30 feet or more apart, then every  
90 crossing of two roadways of such highways shall be regarded as a  
91 separate intersection.

92 (30)~~(18)~~ LANED HIGHWAY.—A highway the roadway of which is  
93 divided into two or more clearly marked lanes for vehicular  
94 traffic.

95 (31)~~(19)~~ LIMITED ACCESS FACILITY.—A street or highway  
96 especially designed for through traffic and over, from, or to  
97 which owners or occupants of abutting land or other persons have



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98 no right or easement, or only a limited right or easement, of  
99 access, light, air, or view by reason of the fact that their  
100 property abuts upon such limited access facility or for any  
101 other reason. Such highways or streets may be parkways from  
102 which trucks, buses, and other commercial vehicles are excluded;  
103 or they may be freeways open to use by all customary forms of  
104 street and highway traffic.

105 (32)~~(20)~~ LOCAL AUTHORITIES.—Includes all officers and  
106 public officials of the several counties and municipalities of  
107 this state.

108 (38)~~(21)~~ MOTOR VEHICLE.—Except when used in s. 316.1001, a  
109 self-propelled vehicle not operated upon rails or guideway, but  
110 not including any bicycle, motorized scooter, electric personal  
111 assistive mobility device, swamp buggy, or moped. For purposes  
112 of s. 316.1001, "motor vehicle" has the same meaning as in s.  
113 320.01(1)(a).

114 (39)~~(22)~~ MOTORCYCLE.—Any motor vehicle having a seat or  
115 saddle for the use of the rider and designed to travel on not  
116 more than three wheels in contact with the ground, but excluding  
117 a tractor or a moped.

118 (42)~~(23)~~ OFFICIAL TRAFFIC CONTROL DEVICES.—All signs,  
119 signals, markings, and devices, not inconsistent with this  
120 chapter, placed or erected by authority of a public body or  
121 official having jurisdiction for the purpose of regulating,  
122 warning, or guiding traffic.

123 (43)~~(24)~~ OFFICIAL TRAFFIC CONTROL SIGNAL.—Any device,  
124 whether manually, electrically, or mechanically operated, by  
125 which traffic is alternately directed to stop and permitted to  
126 proceed.





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127        ~~(44)(25)~~ OPERATOR.—Any person who is in actual physical  
128 control of a motor vehicle upon the highway, or who is  
129 exercising control over or steering a vehicle being towed by a  
130 motor vehicle.

131        ~~(45)(26)~~ OWNER.—A person who holds the legal title of a  
132 vehicle, or, in the event a vehicle is the subject of an  
133 agreement for the conditional sale or lease thereof with the  
134 right of purchase upon performance of the conditions stated in  
135 the agreement and with an immediate right of possession vested  
136 in the conditional vendee or lessee, or in the event a mortgagor  
137 of a vehicle is entitled to possession, then such conditional  
138 vendee, or lessee, or mortgagor shall be deemed the owner, for  
139 the purposes of this chapter.

140        ~~(46)(27)~~ PARK OR PARKING.—The standing of a vehicle,  
141 whether occupied or not, otherwise than temporarily for the  
142 purpose of and while actually engaged in loading or unloading  
143 merchandise or passengers as may be permitted by law under this  
144 chapter.

145        ~~(47)(28)~~ PEDESTRIAN.—Any person afoot.

146        ~~(48)(29)~~ PERSON.—Any natural person, firm, copartnership,  
147 association, or corporation.

148        ~~(49)(30)~~ PNEUMATIC TIRE.—Any tire in which compressed air  
149 is designed to support the load.

150        ~~(50)(31)~~ POLE TRAILER.—Any vehicle without motive power  
151 designed to be drawn by another vehicle and attached to the  
152 towing vehicle by means of a reach or pole, or by being boomed  
153 or otherwise secured to the towing vehicle, and ordinarily used  
154 for transporting long or irregularly shaped loads such as poles,  
155 pipes, or structural members capable, generally, of sustaining



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156 themselves as beams between the supporting connections.

157       (51)~~(32)~~ POLICE OFFICER.—Any officer authorized to direct  
158 or regulate traffic or to make arrests for violations of traffic  
159 regulations, including Florida highway patrol officers,  
160 sheriffs, deputy sheriffs, and municipal police officers.

161       (52)~~(33)~~ PRIVATE ROAD OR DRIVEWAY.—Except as otherwise  
162 provided in paragraph (74) (b) ~~(53) (b)~~, any privately owned way  
163 or place used for vehicular travel by the owner and those having  
164 express or implied permission from the owner, but not by other  
165 persons.

166       (53)~~(34)~~ RADIOACTIVE MATERIALS.—Any materials or  
167 combination of materials which emit ionizing radiation  
168 spontaneously in which the radioactivity per gram of material,  
169 in any form, is greater than 0.002 microcuries.

170       (54)~~(35)~~ RAILROAD.—A carrier of persons or property upon  
171 cars operated upon stationary rails.

172       (55)~~(36)~~ RAILROAD SIGN OR SIGNAL.—Any sign, signal, or  
173 device erected by authority of a public body or official, or by  
174 a railroad, and intended to give notice of the presence of  
175 railroad tracks or the approach of a railroad train.

176       (56)~~(37)~~ RAILROAD TRAIN.—A steam engine, electric or other  
177 motor, with or without cars coupled thereto, operated upon  
178 rails, except a streetcar.

179       (57)~~(38)~~ RESIDENCE DISTRICT.—The territory contiguous to,  
180 and including, a highway, not comprising a business district,  
181 when the property on such highway, for a distance of 300 feet or  
182 more, is, in the main, improved with residences or residences  
183 and buildings in use for business.

184       (58)~~(39)~~ REVOCATION.—Revocation means that a licensee's



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185 privilege to drive a motor vehicle is terminated. A new license  
186 may be obtained only as permitted by law.

187 (59)~~(40)~~ RIGHT-OF-WAY.—The right of one vehicle or  
188 pedestrian to proceed in a lawful manner in preference to  
189 another vehicle or pedestrian approaching under such  
190 circumstances of direction, speed, and proximity as to give rise  
191 to danger of collision unless one grants precedence to the  
192 other.

193 (60)~~(41)~~ ROAD TRACTOR.—Any motor vehicle designed and used  
194 for drawing other vehicles and not so constructed as to carry  
195 any load thereon, either independently or as any part of the  
196 weight of a vehicle or load so drawn.

197 (61)~~(42)~~ ROADWAY.—That portion of a highway improved,  
198 designed, or ordinarily used for vehicular travel, exclusive of  
199 the berm or shoulder. In the event a highway includes two or  
200 more separate roadways, the term "roadway" as used herein refers  
201 to any such roadway separately, but not to all such roadways  
202 collectively.

203 (62)~~(43)~~ SADDLE MOUNT; FULL MOUNT.—An arrangement whereby  
204 the front wheels of one vehicle rest in a secured position upon  
205 another vehicle. All of the wheels of the towing vehicle are  
206 upon the ground, and only the rear wheels of the towed vehicle  
207 rest upon the ground. Such combinations may include one full  
208 mount, whereby a smaller transport vehicle is placed completely  
209 on the last towed vehicle.

210 (63)~~(44)~~ SAFETY ZONE.—The area or space officially set  
211 apart within a roadway for the exclusive use of pedestrians and  
212 protected or so marked by adequate signs or authorized pavement  
213 markings as to be plainly visible at all times while set apart



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214 as a safety zone.

215 ~~(65)(45)~~ SCHOOL BUS.—Any motor vehicle that complies with  
216 the color and identification requirements of chapter 1006 and is  
217 used to transport children to or from public or private school  
218 or in connection with school activities, but not including buses  
219 operated by common carriers in urban transportation of school  
220 children. The term “school” includes all preelementary,  
221 elementary, secondary, and postsecondary schools.

222 ~~(66)(46)~~ SEMITRAILER.—Any vehicle with or without motive  
223 power, other than a pole trailer, designed for carrying persons  
224 or property and for being drawn by a motor vehicle and so  
225 constructed that some part of its weight and that of its load  
226 rests upon, or is carried by, another vehicle.

227 ~~(67)(47)~~ SIDEWALK.—That portion of a street between the  
228 curblineline, or the lateral line, of a roadway and the adjacent  
229 property lines, intended for use by pedestrians.

230 ~~(68)(48)~~ SPECIAL MOBILE EQUIPMENT.—Any vehicle not designed  
231 or used primarily for the transportation of persons or property  
232 and only incidentally operated or moved over a highway,  
233 including, but not limited to, ditchdigging apparatus, well-  
234 boring apparatus, and road construction and maintenance  
235 machinery, such as asphalt spreaders, bituminous mixers, bucket  
236 loaders, tractors other than truck tractors, ditchers, leveling  
237 graders, finishing machines, motor graders, road rollers,  
238 scarifiers, earthmoving carryalls and scrapers, power shovels  
239 and draglines, and self-propelled cranes and earthmoving  
240 equipment. The term does not include house trailers, dump  
241 trucks, truck-mounted transit mixers, cranes or shovels, or  
242 other vehicles designed for the transportation of persons or



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243 property to which machinery has been attached.

244 (69)~~(49)~~ STAND OR STANDING.—The halting of a vehicle,  
245 whether occupied or not, otherwise than temporarily, for the  
246 purpose of, and while actually engaged in, receiving or  
247 discharging passengers, as may be permitted by law under this  
248 chapter.

249 (70)~~(50)~~ STATE ROAD.—Any highway designated as a state-  
250 maintained road by the Department of Transportation.

251 (71)~~(51)~~ STOP.—When required, complete cessation from  
252 movement.

253 (72)~~(52)~~ STOP OR STOPPING.—When prohibited, any halting,  
254 even momentarily, of a vehicle, whether occupied or not, except  
255 when necessary to avoid conflict with other traffic or to comply  
256 with the directions of a law enforcement officer or traffic  
257 control sign or signal.

258 (74)~~(53)~~ STREET OR HIGHWAY.—

259 (a) The entire width between the boundary lines of every  
260 way or place of whatever nature when any part thereof is open to  
261 the use of the public for purposes of vehicular traffic;

262 (b) The entire width between the boundary lines of any  
263 privately owned way or place used for vehicular travel by the  
264 owner and those having express or implied permission from the  
265 owner, but not by other persons, or any limited access road  
266 owned or controlled by a special district, whenever, by written  
267 agreement entered into under s. 316.006(2)(b) or (3)(b), a  
268 county or municipality exercises traffic control jurisdiction  
269 over said way or place;

270 (c) Any area, such as a runway, taxiway, ramp, clear zone,  
271 or parking lot, within the boundary of any airport owned by the



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272 state, a county, a municipality, or a political subdivision,  
273 which area is used for vehicular traffic but which is not open  
274 for vehicular operation by the general public; or

275 (d) Any way or place used for vehicular traffic on a  
276 controlled access basis within a mobile home park recreation  
277 district which has been created under s. 418.30 and the  
278 recreational facilities of which district are open to the  
279 general public.

280 (75)~~(54)~~ SUSPENSION.—Temporary withdrawal of a licensee's  
281 privilege to drive a motor vehicle.

282 (81)~~(55)~~ THROUGH HIGHWAY.—Any highway or portion thereof on  
283 which vehicular traffic is given the right-of-way and at the  
284 entrances to which vehicular traffic from intersecting highways  
285 is required to yield right-of-way to vehicles on such through  
286 highway in obedience to either a stop sign or yield sign, or  
287 otherwise in obedience to law.

288 (82)~~(56)~~ TIRE WIDTH.—Tire width is that width stated on the  
289 surface of the tire by the manufacturer of the tire, if the  
290 width stated does not exceed 2 inches more than the width of the  
291 tire contacting the surface.

292 (83)~~(57)~~ TRAFFIC.—Pedestrians, ridden or herded animals,  
293 and vehicles, streetcars, and other conveyances either singly or  
294 together while using any street or highway for purposes of  
295 travel.

296 (86)~~(58)~~ TRAILER.—Any vehicle with or without motive power,  
297 other than a pole trailer, designed for carrying persons or  
298 property and for being drawn by a motor vehicle.

299 (89)~~(59)~~ TRUCK.—Any motor vehicle designed, used, or  
300 maintained primarily for the transportation of property.



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301        (90)~~(60)~~ TRUCK TRACTOR.—Any motor vehicle designed and used  
302 primarily for drawing other vehicles and not so constructed as  
303 to carry a load other than a part of the weight of the vehicle  
304 and load so drawn.

305        (35)~~(61)~~ MIGRANT OR SEASONAL FARM WORKER.—Any person  
306 employed in hand labor operations in planting, cultivation, or  
307 harvesting agricultural crops.

308        (21)~~(62)~~ FARM LABOR VEHICLE.—Any vehicle equipped and used  
309 for the transportation of nine or more migrant or seasonal farm  
310 workers, in addition to the driver, to or from a place of  
311 employment or employment-related activities. The term does not  
312 include:

313            (a) Any vehicle carrying only members of the immediate  
314 family of the owner or driver.

315            (b) Any vehicle being operated by a common carrier of  
316 passengers.

317            (c) Any carpool as defined in s. 450.28(3).

318        (5)~~(63)~~ BICYCLE PATH.—Any road, path, or way that is open  
319 to bicycle travel, which road, path, or way is physically  
320 separated from motorized vehicular traffic by an open space or  
321 by a barrier and is located either within the highway right-of-  
322 way or within an independent right-of-way.

323        (10)~~(64)~~ CHIEF ADMINISTRATIVE OFFICER.—The head, or his or  
324 her designee, of any law enforcement agency which is authorized  
325 to enforce traffic laws.

326        (11)~~(65)~~ CHILD.—A child as defined in s. 39.01, s. 984.03,  
327 or s. 985.03.

328        (12)~~(66)~~ COMMERCIAL MOTOR VEHICLE.—Any self-propelled or  
329 towed vehicle used on the public highways in commerce to



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330 transport passengers or cargo, if such vehicle:

331 (a) Has a gross vehicle weight rating of 10,000 pounds or  
332 more;

333 (b) Is designed to transport more than 15 passengers,  
334 including the driver; or

335 (c) Is used in the transportation of materials found to be  
336 hazardous for the purposes of the Hazardous Materials  
337 Transportation Act, as amended (49 U.S.C. ss. 1801 et seq.).

338

339 A vehicle that occasionally transports personal property to and  
340 from a closed-course motorsport facility, as defined in s.  
341 549.09(1)(a), is not a commercial motor vehicle if it is not  
342 used for profit and corporate sponsorship is not involved. As  
343 used in this subsection, the term "corporate sponsorship" means  
344 a payment, donation, gratuity, in-kind service, or other benefit  
345 provided to or derived by a person in relation to the underlying  
346 activity, other than the display of product or corporate names,  
347 logos, or other graphic information on the property being  
348 transported.

349 (13)~~(67)~~ COURT.—The court having jurisdiction over traffic  
350 offenses.

351 (24)~~(68)~~ GOLF CART.—A motor vehicle designed and  
352 manufactured for operation on a golf course for sporting or  
353 recreational purposes.

354 (26)~~(69)~~ HAZARDOUS MATERIAL.—Any substance or material  
355 which has been determined by the secretary of the United States  
356 Department of Transportation to be capable of imposing an  
357 unreasonable risk to health, safety, and property. This term  
358 includes hazardous waste as defined in s. 403.703(13).





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359        ~~(73)(70)~~ STRAIGHT TRUCK.—Any truck on which the cargo unit  
360 and the motive power unit are located on the same frame so as to  
361 form a single, rigid unit.

362        ~~(78)(71)~~ TANDEM TRAILER TRUCK.—Any combination of a truck  
363 tractor, semitrailer, and trailer coupled together so as to  
364 operate as a complete unit.

365        ~~(79)(72)~~ TANDEM TRAILER TRUCK HIGHWAY NETWORK.—A highway  
366 network consisting primarily of four or more lanes, including  
367 all interstate highways; highways designated by the United  
368 States Department of Transportation as elements of the National  
369 Network; and any street or highway designated by the Florida  
370 Department of Transportation for use by tandem trailer trucks,  
371 in accordance with s. 316.515, except roads on which truck  
372 traffic was specifically prohibited on January 6, 1983.

373        ~~(80)(73)~~ TERMINAL.—Any location where:

374            (a) Freight either originates, terminates, or is handled in  
375 the transportation process; or

376            (b) Commercial motor carriers maintain operating  
377 facilities.

378        ~~(87)(74)~~ TRANSPORTATION.—The conveyance or movement of  
379 goods, materials, livestock, or persons from one location to  
380 another on any road, street, or highway open to travel by the  
381 public.

382        ~~(92)(75)~~ VEHICLE.—Every device, in, upon, or by which any  
383 person or property is or may be transported or drawn upon a  
384 highway, excepting devices used exclusively upon stationary  
385 rails or tracks.

386        ~~(6)(76)~~ BRAKE HORSEPOWER.—The actual unit of torque  
387 developed per unit of time at the output shaft of an engine, as



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388 measured by a dynamometer.

389 (36)~~(77)~~ MOPED.—Any vehicle with pedals to permit  
390 propulsion by human power, having a seat or saddle for the use  
391 of the rider and designed to travel on not more than three  
392 wheels; with a motor rated not in excess of 2 brake horsepower  
393 and not capable of propelling the vehicle at a speed greater  
394 than 30 miles per hour on level ground; and with a power-drive  
395 system that functions directly or automatically without  
396 clutching or shifting gears by the operator after the drive  
397 system is engaged. If an internal combustion engine is used, the  
398 displacement may not exceed 50 cubic centimeters.

399 (41)~~(78)~~ NONPUBLIC SECTOR BUS.—Any bus which is used for  
400 the transportation of persons for compensation and which is not  
401 owned, leased, operated, or controlled by a municipal, county,  
402 or state government or a governmentally owned or managed  
403 nonprofit corporation.

404 (95)~~(79)~~ WORK ZONE AREA.—The area and its approaches on any  
405 state-maintained highway, county-maintained highway, or  
406 municipal street where construction, repair, maintenance, or  
407 other street-related or highway-related work is being performed  
408 or where one or more lanes is closed to traffic.

409 (34)~~(80)~~ MAXI-CUBE VEHICLE.—A specialized combination  
410 vehicle consisting of a truck carrying a separable cargo-  
411 carrying unit combined with a semitrailer designed so that the  
412 separable cargo-carrying unit is to be loaded and unloaded  
413 through the semitrailer. The entire combination may not exceed  
414 65 feet in length, and a single component of that combination  
415 may not exceed 34 feet in length.

416 (77)~~(81)~~ TANDEM AXLE.—Any two axles whose centers are more



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417 than 40 inches but not more than 96 inches apart and are  
418 individually attached to or articulated from, or both, a common  
419 attachment to the vehicle, including a connecting mechanism  
420 designed to equalize the load between axles.

421 (40)~~(82)~~ MOTORIZED SCOOTER.—Any vehicle not having a seat  
422 or saddle for the use of the rider, designed to travel on not  
423 more than three wheels, and not capable of propelling the  
424 vehicle at a speed greater than 30 miles per hour on level  
425 ground.

426 (19)~~(83)~~ ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE.—Any  
427 self-balancing, two-nontandem-wheeled device, designed to  
428 transport only one person, with an electric propulsion system  
429 with average power of 750 watts (1 horsepower), the maximum  
430 speed of which, on a paved level surface when powered solely by  
431 such a propulsion system while being ridden by an operator who  
432 weighs 170 pounds, is less than 20 miles per hour. Electric  
433 personal assistive mobility devices are not vehicles as defined  
434 in this section.

435 (85)~~(84)~~ TRAFFIC SIGNAL PREEMPTION SYSTEM.—Any system or  
436 device with the capability of activating a control mechanism  
437 mounted on or near traffic signals which alters a traffic  
438 signal's timing cycle.

439 (93)~~(85)~~ VICTIM SERVICES PROGRAMS.—Any community-based  
440 organization whose primary purpose is to act as an advocate for  
441 the victims and survivors of traffic crashes and for their  
442 families. The victims services offered by these programs may  
443 include grief and crisis counseling, assistance with preparing  
444 victim compensation claims excluding third-party legal action,  
445 or connecting persons with other service providers, and



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446 providing emergency financial assistance.

447 (37)~~(86)~~ MOTOR CARRIER TRANSPORTATION CONTRACT.—

448 (a) A contract, agreement, or understanding covering:

449 1. The transportation of property for compensation or hire  
450 by the motor carrier;

451 2. Entrance on property by the motor carrier for the  
452 purpose of loading, unloading, or transporting property for  
453 compensation or hire; or

454 3. A service incidental to activity described in  
455 subparagraph 1. or subparagraph 2., including, but not limited  
456 to, storage of property.

457 (b) "Motor carrier transportation contract" does not  
458 include the Uniform Intermodal Interchange and Facilities Access  
459 Agreement administered by the Intermodal Association of North  
460 America or other agreements providing for the interchange, use,  
461 or possession of intermodal chassis, containers, or other  
462 intermodal equipment.

463 (84)~~(87)~~ TRAFFIC INFRACTION DETECTOR.—A vehicle sensor  
464 installed to work in conjunction with a traffic control signal  
465 and a camera or cameras synchronized to automatically record two  
466 or more sequenced photographic or electronic images or streaming  
467 video of only the rear of a motor vehicle at the time the  
468 vehicle fails to stop behind the stop bar or clearly marked stop  
469 line when facing a traffic control signal steady red light. Any  
470 notification under s. 316.0083(1)(b) or traffic citation issued  
471 by the use of a traffic infraction detector must include a  
472 photograph or other recorded image showing both the license tag  
473 of the offending vehicle and the traffic control device being  
474 violated.



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475 (88) TRI-VEHICLE.—An enclosed three-wheeled passenger  
476 vehicle that:  
477 (a) Is designed to operate with three wheels in contact  
478 with the ground;  
479 (b) Has a minimum unladen weight of 900 pounds;  
480 (c) Has a single, completely enclosed, occupant  
481 compartment;  
482 (d) Is produced in a minimum quantity of 300 in any  
483 calendar year;  
484 (e) Is capable of a speed greater than 60 miles per hour on  
485 level ground; and  
486 (f) Is equipped with:  
487 1. Seats that are certified by the vehicle manufacturer to  
488 meet the requirements of Federal Motor Vehicle Safety Standard  
489 No. 207, "Seating systems" (49 C.F.R. s. 571.207);  
490 2. A steering wheel used to maneuver the vehicle;  
491 3. A propulsion unit located forward or aft of the enclosed  
492 occupant compartment;  
493 4. A seat belt for each vehicle occupant certified to meet  
494 the requirements of Federal Motor Vehicle Safety Standard No.  
495 209, "Seat belt assemblies" (49 C.F.R. s. 571.209);  
496 5. A windshield and an appropriate windshield wiper and  
497 washer system that are certified by the vehicle manufacturer to  
498 meet the requirements of Federal Motor Vehicle Safety Standard  
499 No. 205, "Glazing Materials" (49 C.F.R. s. 571.205) and Federal  
500 Motor Vehicle Safety Standard No. 104, "Windshield Wiping and  
501 Washing Systems" (49 C.F.R. s. 571.104); and  
502 6. A vehicle structure certified by the vehicle  
503 manufacturer to meet the requirements of Federal Motor Vehicle



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504 Safety Standard No. 216, "Rollover crush resistance" (49 C.F.R.  
505 s. 571.216).

506 ~~(76)(89)~~ SWAMP BUGGY.—A motorized off-road vehicle that is  
507 designed or modified to travel over swampy or varied terrain and  
508 that may use large tires or tracks operated from an elevated  
509 platform. The term does not include any vehicle defined in  
510 chapter 261 or otherwise defined or classified in this chapter.

511 ~~(2)(90)~~ AUTONOMOUS VEHICLE.—Any vehicle equipped with  
512 autonomous technology. The term "autonomous technology" means  
513 technology installed on a motor vehicle that has the capability  
514 to drive the vehicle on which the technology is installed  
515 without the active control or monitoring by a human operator.  
516 The term excludes a motor vehicle enabled with active safety  
517 systems or driver assistance systems, including, without  
518 limitation, a system to provide electronic blind spot  
519 assistance, crash avoidance, emergency braking, parking  
520 assistance, adaptive cruise control, lane keep assistance, lane  
521 departure warning, or traffic jam and queuing assistant, unless  
522 any such system alone or in combination with other systems  
523 enables the vehicle on which the technology is installed to  
524 drive without the active control or monitoring by a human  
525 operator.

526 ~~(33)(91)~~ LOCAL HEARING OFFICER.—The person, designated by a  
527 department, county, or municipality that elects to authorize  
528 traffic infraction enforcement officers to issue traffic  
529 citations under s. 316.0083(1)(a), who is authorized to conduct  
530 hearings related to a notice of violation issued pursuant to s.  
531 316.0083. The charter county, noncharter county, or municipality  
532 may use its currently appointed code enforcement board or



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533 special magistrate to serve as the local hearing officer. The  
534 department may enter into an interlocal agreement to use the  
535 local hearing officer of a county or municipality.

536 (64)-(92) SANITATION VEHICLE.—A motor vehicle that bears an  
537 emblem that is visible from the roadway and clearly identifies  
538 that the vehicle belongs to or is under contract with a person,  
539 entity, cooperative, board, commission, district, or unit of  
540 local government that provides garbage, trash, refuse, or  
541 recycling collection.

542 (91)-(93) UTILITY SERVICE VEHICLE.—A motor vehicle that  
543 bears an emblem that is visible from the roadway and clearly  
544 identifies that the vehicle belongs to or is under contract with  
545 a person, entity, cooperative, board, commission, district, or  
546 unit of local government that provides electric, natural gas,  
547 water, wastewater, cable, telephone, or communications services.

548 (94) VULNERABLE USER OF A PUBLIC ROADWAY OR VULNERABLE  
549 USER.—

550 (a) A pedestrian, including a person actually engaged in  
551 work upon a highway, work upon utility facilities along a  
552 highway, or the provision of emergency services within the  
553 right-of-way;

554 (b) A person operating, or who is a passenger on, a  
555 bicycle, motorcycle, scooter, or moped lawfully on the roadway;

556 (c) A person riding an animal; or

557 (d) A person lawfully operating on a public roadway,  
558 crosswalk, or shoulder of the roadway:

559 1. A farm tractor or similar vehicle designed primarily for  
560 farm use;

561 2. A horse-drawn carriage;



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- 562           3. An electric personal assistive mobility device; or  
563           4. A wheelchair.

564           Section 2. Subsection (1) and paragraphs (e) and (f) of  
565 subsection (2) of section 316.027, Florida Statutes, are amended  
566 to read:

567           316.027 Crash involving death or personal injuries.—

568           (1) As used in this section, the term—

569           ~~(a) "serious bodily injury" means an injury to a person,~~  
570 including the driver, which consists of a physical condition  
571 that creates a substantial risk of death, serious personal  
572 disfigurement, or protracted loss or impairment of the function  
573 of a bodily member or organ.

574           ~~(b) "Vulnerable road user" means:~~

575           ~~1. A pedestrian, including a person actually engaged in~~  
576 ~~work upon a highway, or in work upon utility facilities along a~~  
577 ~~highway, or engaged in the provision of emergency services~~  
578 ~~within the right-of-way;~~

579           ~~2. A person operating a bicycle, motorcycle, scooter, or~~  
580 ~~moped lawfully on the roadway;~~

581           ~~3. A person riding an animal; or~~

582           ~~4. A person lawfully operating on a public right-of-way,~~  
583 ~~crosswalk, or shoulder of the roadway;~~

584           ~~a. A farm tractor or similar vehicle designed primarily for~~  
585 ~~farm use;~~

586           ~~b. A skateboard, roller skates, or in-line skates;~~

587           ~~c. A horse-drawn carriage;~~

588           ~~d. An electric personal assistive mobility device; or~~

589           ~~e. A wheelchair.~~

590           (2)





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591 (e) A driver who violates paragraph (a), paragraph (b), or  
592 paragraph (c) shall have his or her driver license revoked for  
593 at least 3 years as provided in s. 322.28(4).

594 1. A person convicted of violating paragraph (a), paragraph  
595 (b), or paragraph (c) shall, before his or her driving privilege  
596 may be reinstated, present to the department proof of completion  
597 of a victim's impact panel session in a judicial circuit if such  
598 a panel exists, or if such a panel does not exist, a department-  
599 approved driver improvement course relating to the rights of  
600 vulnerable ~~road~~ users relative to vehicles on the roadway as  
601 provided in s. 322.0261(2).

602 2. The department may reinstate an offender's driving  
603 privilege after he or she satisfies the 3-year revocation period  
604 as provided in s. 322.28(4) and successfully completes either a  
605 victim's impact panel session or a department-approved driver  
606 improvement course relating to the rights of vulnerable ~~road~~  
607 users relative to vehicles on the roadway as provided in s.  
608 322.0261(2).

609 3. For purposes of this paragraph, an offender's driving  
610 privilege may be reinstated only after the department verifies  
611 that the offender participated in and successfully completed a  
612 victim's impact panel session or a department-approved driver  
613 improvement course.

614 (f) For purposes of sentencing under chapter 921 and  
615 determining incentive gain-time eligibility under chapter 944,  
616 an offense listed in this subsection is ranked one level above  
617 the ranking specified in s. 921.0022 or s. 921.0023 for the  
618 offense committed if the victim of the offense was a vulnerable  
619 ~~road~~ user.



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620 Section 3. Section 316.083, Florida Statutes, is amended to  
621 read:

622 316.083 Overtaking and passing a vehicle.—The following  
623 provisions ~~rules shall~~ govern the overtaking and passing of a  
624 vehicle ~~vehicles~~ proceeding in the same direction, ~~subject to~~  
625 ~~those limitations, exceptions, and special rules hereinafter~~  
626 ~~stated:~~

627 (1) The driver of a vehicle overtaking another vehicle  
628 proceeding in the same direction shall give an appropriate  
629 signal as provided for in s. 316.156, shall pass to the left  
630 thereof at a safe distance, and shall not again drive to the  
631 right side of the roadway until safely clear of the overtaken  
632 vehicle.

633 (2) The driver of a motor vehicle overtaking a person  
634 operating a bicycle or other vulnerable user of a public roadway  
635 ~~nonmotorized vehicle~~ must pass the person operating the bicycle  
636 or other vulnerable user ~~nonmotorized vehicle~~ at a safe distance  
637 of not less than 3 feet between any part of or attachment to the  
638 motor vehicle, anything extending from the motor vehicle, or any  
639 trailer or other thing being towed by the motor vehicle and the  
640 bicycle, the person operating the bicycle, or other vulnerable  
641 user ~~nonmotorized vehicle~~.

642 (3) ~~(2)~~ Except when overtaking and passing on the right is  
643 permitted, the driver of an overtaken vehicle shall give way to  
644 the right in favor of the overtaking vehicle, on audible signal  
645 or upon the visible blinking of the headlamps of the overtaking  
646 vehicle if such overtaking is being attempted at nighttime, and  
647 shall not increase the speed of his or her vehicle until  
648 completely passed by the overtaking vehicle.



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649           ~~(4)(3)~~ A violation of this section is a noncriminal traffic  
650 infraction, punishable as a moving violation as provided in  
651 chapter 318. If a violation of this section contributed to the  
652 bodily injury of a vulnerable user of a public roadway, the law  
653 enforcement officer issuing the citation for the violation shall  
654 note such information on the citation.

655           Section 4. Section 316.084, Florida Statutes, is amended to  
656 read:

657           316.084 When overtaking on the right is permitted.—

658           (1) The driver of a vehicle may overtake and pass on the  
659 right of another vehicle only under the following conditions:

660           (a) When the vehicle overtaken is making or about to make a  
661 left turn;

662           (b) Upon a street or highway with unobstructed pavement not  
663 occupied by parked vehicles of sufficient width for two or more  
664 lines of moving traffic in each direction;

665           (c) Upon a one-way street, or upon any roadway on which  
666 traffic is restricted to one direction of movement, where the  
667 roadway is free from obstructions and of sufficient width for  
668 two or more lines of moving vehicles.

669           (2) The driver of a vehicle may overtake and pass another  
670 vehicle on the right only under conditions permitting such  
671 movement in safety. In no event shall such movement be made by  
672 driving off the pavement or main-traveled portion of the  
673 roadway.

674           (3) This section does not prohibit a bicycle that is in a  
675 bicycle lane or on the shoulder of a roadway or highway from  
676 passing another vehicle on the right.

677           ~~(4)(3)~~ A violation of this section is a noncriminal traffic



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678 infraction, punishable as a moving violation as provided in  
679 chapter 318.

680 Section 5. Section 316.0875, Florida Statutes, is amended  
681 to read:

682 316.0875 No-passing zones.—

683 (1) The Department of Transportation and local authorities  
684 are authorized to determine those portions of any highway under  
685 their respective jurisdiction where overtaking and passing or  
686 driving to the left of the roadway would be especially hazardous  
687 and may, by appropriate signs or markings on the roadway,  
688 indicate the beginning and end of such zones, and, when such  
689 signs or markings are in place and clearly visible to an  
690 ordinarily observant person, each ~~every~~ driver of a vehicle  
691 shall obey the directions thereof.

692 (2) Where signs or markings are in place to define a no-  
693 passing zone as set forth in subsection (1), a ~~no~~ driver may  
694 not, shall at any time, drive on the left side of the roadway  
695 with such no-passing zone or on the left side of any pavement  
696 striping designed to mark such no-passing zone throughout its  
697 length.

698 (3) This section does not apply to a person who safely and  
699 briefly drives to the left of the center of the roadway or  
700 pavement striping only to the extent necessary to:

701 (a) Avoid ~~When an obstruction; exists making it necessary~~  
702 ~~to drive to the left of the center of the highway, nor~~

703 (b) Turn ~~To the driver of a vehicle turning~~ left into or  
704 from an alley, private road, or driveway; or

705 (c) Comply with the requirements regarding a safe distance  
706 to pass a vulnerable user, as required by s. 316.083(2).



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707 (4) A violation of this section is a noncriminal traffic  
708 infraction, punishable as a moving violation as provided in  
709 chapter 318.

710 Section 6. Section 316.151, Florida Statutes, is amended to  
711 read:

712 316.151 Required position and method of turning at  
713 intersections.—

714 (1) (a) Right turn.—The driver of a vehicle intending to  
715 turn right at an intersection onto a highway, public or private  
716 roadway, or driveway shall do so as follows:

717 1. (a) Right turn.—Both the approach for a right turn and a  
718 right turn shall be made as close as practicable to the right-  
719 hand curb or edge of the roadway.

720 2. When overtaking and passing a bicycle or other  
721 vulnerable user proceeding in the same direction, the driver of  
722 a motor vehicle shall give an appropriate signal as provided for  
723 in s. 316.155 and shall make the right turn only if it can be  
724 made at a safe distance from the bicycle or other vulnerable  
725 user.

726 3. When crossing a sidewalk, bicycle lane, or bicycle path  
727 to turn right, the driver of a motor vehicle shall yield the  
728 right-of-way to a bicycle or pedestrian.

729 (b) Left turn.—The driver of a vehicle intending to turn  
730 left at an any intersection onto a highway, public or private  
731 roadway, or driveway shall do so as follows:

732 1. The driver shall approach the intersection in the  
733 extreme left-hand lane lawfully available to traffic moving in  
734 the direction of travel of such vehicle. Thereafter, and, after  
735 entering the intersection, the left turn shall be made so as to



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736 leave the intersection in a lane lawfully available to traffic  
737 moving in such direction upon the roadway being entered.

738 2. A person riding a bicycle and intending to turn left in  
739 accordance with this section is entitled to the full use of the  
740 lane from which the turn may legally be made. Whenever  
741 practicable the left turn shall be made in that portion of the  
742 intersection to the left of the center of the intersection.

743 ~~(c) Left turn by bicycle.~~ In addition to the method of  
744 making a left turn described in paragraph (b), a person riding a  
745 bicycle and intending to turn left may do so as follows ~~has the~~  
746 ~~option of following the course described hereafter:~~

747 a. The rider shall approach the turn as close as  
748 practicable to the right curb or edge of the roadway;

749 b. After proceeding across the intersecting roadway, the  
750 turn shall be made as close as practicable to the curb or edge  
751 of the roadway on the far side of the intersection; and,

752 c. Before proceeding, the bicyclist shall comply with any  
753 official traffic control device or police officer regulating  
754 traffic on the highway along which the bicyclist intends to  
755 proceed.

756 (2) The state, county, and local authorities in their  
757 respective jurisdictions may cause official traffic control  
758 devices to be placed within or adjacent to intersections and  
759 thereby require and direct that a different course from that  
760 specified in this section be traveled by vehicles turning at an  
761 intersection. When such devices are so placed, the ~~no~~ driver of  
762 a vehicle may not turn a vehicle at an intersection other than  
763 as directed and required by such devices.

764 (3) A violation of this section is a noncriminal traffic



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765 infraction, punishable as a moving violation as provided in  
766 chapter 318. If a violation of this section contributes to the  
767 bodily injury of a vulnerable user of a public roadway, the law  
768 enforcement officer issuing the citation for the violation shall  
769 note such information on the citation.

770 Section 7. Section 316.1925, Florida Statutes, is amended  
771 to read:

772 316.1925 Careless driving.—

773 (1) A Any person operating a vehicle upon the streets or  
774 highways within the state shall drive the same in a careful and  
775 prudent manner, having regard for the width, grade, curves,  
776 corners, traffic, and all other attendant circumstances, so as  
777 not to endanger the life, limb, or property of any person. A  
778 person who fails ~~Failure~~ to drive in such manner commits ~~shall~~  
779 ~~constitute~~ careless driving and ~~a violation of this section.~~

780 ~~(2) Any person who violates this section shall be cited for~~  
781 ~~a moving violation, punishable as provided in chapter 318.~~

782 (2) If a violation under subsection (1) contributed to the  
783 bodily injury of a vulnerable user of a public roadway, the law  
784 enforcement officer issuing the citation for the violation shall  
785 note such information on the citation.

786 Section 8. Subsections (1), (5), and (6) of section  
787 316.2065, Florida Statutes, are amended to read:

788 316.2065 Bicycle regulations.—

789 (1) A bicycle is a vehicle under Florida law and shall be  
790 operated in the same manner as any other vehicle and every  
791 person operating a bicycle ~~propelling a vehicle by human power~~  
792 has all of the rights and all of the duties applicable to the  
793 driver of any other vehicle under this chapter, except as to



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794 special regulations in this chapter, and except as to provisions  
795 of this chapter which by their nature can have no application.

796 (5) (a) Any person operating a bicycle upon a roadway at  
797 less than the normal speed of traffic at the time and place and  
798 under the conditions then existing shall ride in the bicycle  
799 lane ~~marked for bicycle use~~ or, if there is no bicycle lane in  
800 the roadway is marked for bicycle use, as close as practicable  
801 to the right-hand curb or edge of the roadway except under any  
802 of the following situations:

803 1. When overtaking and passing another bicycle or vehicle  
804 proceeding in the same direction.

805 2. When preparing for a left turn at an intersection or  
806 into a private road or driveway.

807 3. When reasonably necessary to avoid any condition or  
808 potential conflict, including, but not limited to, a fixed or  
809 moving object, parked or moving vehicle, bicycle, pedestrian,  
810 animal, surface hazard, turn lane, or substandard-width lane,  
811 which makes it unsafe to continue along the right-hand curb or  
812 edge or within a bicycle lane. For the purposes of this  
813 subsection, a "substandard-width lane" is a lane that is too  
814 narrow for a bicycle and another vehicle to travel safely side  
815 by side within the lane.

816 (b) Any person operating a bicycle upon a one-way highway  
817 with two or more marked traffic lanes may ride as near the left-  
818 hand curb or edge of such roadway as practicable.

819 (6) (a) Persons riding bicycles upon a roadway or in a  
820 bicycle lane may not ride more than two abreast except on  
821 bicycle paths or parts of roadways set aside for the exclusive  
822 use of bicycles. Persons riding two abreast may not impede





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823 traffic when traveling at less than the normal speed of traffic  
824 at the time and place and under the conditions then existing and  
825 shall ride within a single lane.

826 (b) When stopping at a stop sign, persons riding bicycles  
827 in groups of four or more, after coming to a full stop and  
828 obeying all traffic laws, may proceed through the stop sign in a  
829 group and motor vehicle operators shall allow the entire group  
830 to travel through the intersection before moving forward.

831 Section 9. Section 318.142, Florida Statutes, is created to  
832 read:

833 318.142 Infractions contributing to bodily injury of a  
834 vulnerable user of a public roadway.—In addition to any other  
835 penalty imposed for a violation under s. 316.083, s. 316.151, or  
836 s. 316.1925, if the violation contributed to the bodily injury  
837 of a vulnerable user of a public roadway as defined in s.  
838 316.003, the law enforcement officer issuing the citation for  
839 the infraction shall note such information on the citation and  
840 the designated official may impose a fine of not more than  
841 \$2,500.

842 Section 10. Section 318.19, Florida Statutes, is amended to  
843 read:

844 318.19 Infractions requiring a mandatory hearing.—Any  
845 person cited for the infractions listed in this section shall  
846 not have the provisions of s. 318.14(2), (4), and (9) available  
847 to him or her but must appear before the designated official at  
848 the time and location of the scheduled hearing:

849 (1) Any infraction which results in a crash that causes the  
850 death of another;

851 (2) Any infraction which results in a crash that causes



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852 "serious bodily injury" of another as defined in s. 316.1933(1);  
853 (3) Any infraction of s. 316.172(1)(b);  
854 (4) Any infraction of s. 316.520(1) or (2); ~~or~~  
855 (5) Any infraction of s. 316.183(2), s. 316.187, or s.  
856 316.189 of exceeding the speed limit by 30 m.p.h. or more; or  
857 (6) Any infraction of s. 316.083, s. 316.151, or s.  
858 316.1925 which contributes to bodily injury of a vulnerable user  
859 of a public roadway as defined in s. 316.003. If an infraction  
860 listed in this subsection contributes to the bodily injury of a  
861 vulnerable user of a public roadway, the law enforcement officer  
862 issuing the citation for the infraction shall note such  
863 information on the citation.

864 Section 11. Paragraph (c) of subsection (1) of section  
865 212.05, Florida Statutes, is amended to read:

866 212.05 Sales, storage, use tax.—It is hereby declared to be  
867 the legislative intent that every person is exercising a taxable  
868 privilege who engages in the business of selling tangible  
869 personal property at retail in this state, including the  
870 business of making mail order sales, or who rents or furnishes  
871 any of the things or services taxable under this chapter, or who  
872 stores for use or consumption in this state any item or article  
873 of tangible personal property as defined herein and who leases  
874 or rents such property within the state.

875 (1) For the exercise of such privilege, a tax is levied on  
876 each taxable transaction or incident, which tax is due and  
877 payable as follows:

878 (c) At the rate of 6 percent of the gross proceeds derived  
879 from the lease or rental of tangible personal property, as  
880 defined herein; however, the following special provisions apply



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881 to the lease or rental of motor vehicles:

882 1. When a motor vehicle is leased or rented for a period of  
883 less than 12 months:

884 a. If the motor vehicle is rented in Florida, the entire  
885 amount of such rental is taxable, even if the vehicle is dropped  
886 off in another state.

887 b. If the motor vehicle is rented in another state and  
888 dropped off in Florida, the rental is exempt from Florida tax.

889 2. Except as provided in subparagraph 3., for the lease or  
890 rental of a motor vehicle for a period of not less than 12  
891 months, sales tax is due on the lease or rental payments if the  
892 vehicle is registered in this state; provided, however, that no  
893 tax shall be due if the taxpayer documents use of the motor  
894 vehicle outside this state and tax is being paid on the lease or  
895 rental payments in another state.

896 3. The tax imposed by this chapter does not apply to the  
897 lease or rental of a commercial motor vehicle as defined in s.  
898 316.003(12)(a) ~~316.003(66)(a)~~ to one lessee or rentee for a  
899 period of not less than 12 months when tax was paid on the  
900 purchase price of such vehicle by the lessor. To the extent tax  
901 was paid with respect to the purchase of such vehicle in another  
902 state, territory of the United States, or the District of  
903 Columbia, the Florida tax payable shall be reduced in accordance  
904 with the provisions of s. 212.06(7). This subparagraph shall  
905 only be available when the lease or rental of such property is  
906 an established business or part of an established business or  
907 the same is incidental or germane to such business.

908 Section 12. Subsection (1) of section 316.1303, Florida  
909 Statutes, is amended to read:



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910           316.1303 Traffic regulations to assist mobility-impaired  
911 persons.—

912           (1) Whenever a pedestrian who is mobility impaired is in  
913 the process of crossing a public street or highway with the  
914 assistance of a guide dog or service animal designated as such  
915 with a visible means of identification, a walker, a crutch, an  
916 orthopedic cane, or a wheelchair, the driver of a vehicle  
917 approaching the intersection, as defined in s. 316.003  
918 ~~316.003(17)~~, shall bring his or her vehicle to a full stop  
919 before arriving at the intersection and, before proceeding,  
920 shall take precautions necessary to avoid injuring the  
921 pedestrian.

922           Section 13. Subsection (5) of section 316.235, Florida  
923 Statutes, is amended to read:

924           316.235 Additional lighting equipment.—

925           (5) A bus, as defined in s. 316.003 ~~316.003(3)~~, may be  
926 equipped with a deceleration lighting system which cautions  
927 following vehicles that the bus is slowing, preparing to stop,  
928 or is stopped. Such lighting system shall consist of amber  
929 lights mounted in horizontal alignment on the rear of the  
930 vehicle at or near the vertical centerline of the vehicle, not  
931 higher than the lower edge of the rear window or, if the vehicle  
932 has no rear window, not higher than 72 inches from the ground.  
933 Such lights shall be visible from a distance of not less than  
934 300 feet to the rear in normal sunlight. Lights are permitted to  
935 light and flash during deceleration, braking, or standing and  
936 idling of the bus. Vehicular hazard warning flashers may be used  
937 in conjunction with or in lieu of a rear-mounted deceleration  
938 lighting system.



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939 Section 14. Paragraph (b) of subsection (2) and paragraph  
940 (a) of subsection (4) of section 316.545, Florida Statutes, are  
941 amended to read:

942 316.545 Weight and load unlawful; special fuel and motor  
943 fuel tax enforcement; inspection; penalty; review.—

944 (2)

945 (b) The officer or inspector shall inspect the license  
946 plate or registration certificate of the commercial motor  
947 vehicle, as defined in s. 316.003 ~~316.003(66)~~, to determine if  
948 its gross weight is in compliance with the declared gross  
949 vehicle weight. If its gross weight exceeds the declared weight,  
950 the penalty shall be 5 cents per pound on the difference between  
951 such weights. In those cases when the commercial motor vehicle,  
952 as defined in s. 316.003 ~~316.003(66)~~, is being operated over the  
953 highways of the state with an expired registration or with no  
954 registration from this or any other jurisdiction or is not  
955 registered under the applicable provisions of chapter 320, the  
956 penalty herein shall apply on the basis of 5 cents per pound on  
957 that scaled weight which exceeds 35,000 pounds on laden truck  
958 tractor-semitrailer combinations or tandem trailer truck  
959 combinations, 10,000 pounds on laden straight trucks or straight  
960 truck-trailer combinations, or 10,000 pounds on any unladen  
961 commercial motor vehicle. If the license plate or registration  
962 has not been expired for more than 90 days, the penalty imposed  
963 under this paragraph may not exceed \$1,000. In the case of  
964 special mobile equipment as defined in s. 316.003 ~~316.003(48)~~,  
965 which qualifies for the license tax provided for in s.  
966 320.08(5)(b), being operated on the highways of the state with  
967 an expired registration or otherwise not properly registered



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968 under the applicable provisions of chapter 320, a penalty of \$75  
969 shall apply in addition to any other penalty which may apply in  
970 accordance with this chapter. A vehicle found in violation of  
971 this section may be detained until the owner or operator  
972 produces evidence that the vehicle has been properly registered.  
973 Any costs incurred by the retention of the vehicle shall be the  
974 sole responsibility of the owner. A person who has been assessed  
975 a penalty pursuant to this paragraph for failure to have a valid  
976 vehicle registration certificate pursuant to the provisions of  
977 chapter 320 is not subject to the delinquent fee authorized in  
978 s. 320.07 if such person obtains a valid registration  
979 certificate within 10 working days after such penalty was  
980 assessed.

981 (4) (a) No commercial motor vehicle, as defined in s.  
982 316.003 ~~316.003(66)~~, shall be operated over the highways of this  
983 state unless it has been properly registered under the  
984 provisions of s. 207.004. Whenever any law enforcement officer  
985 identified in s. 207.023(1), upon inspecting the vehicle or  
986 combination of vehicles, determines that the vehicle is in  
987 violation of s. 207.004, a penalty in the amount of \$50 shall be  
988 assessed, and the vehicle may be detained until payment is  
989 collected by the law enforcement officer.

990 Section 15. Subsection (2) of section 316.605, Florida  
991 Statutes, is amended to read:

992 316.605 Licensing of vehicles.—

993 (2) Any commercial motor vehicle, as defined in s. 316.003  
994 ~~316.003(66)~~, operating over the highways of this state with an  
995 expired registration, with no registration from this or any  
996 other jurisdiction, or with no registration under the applicable



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997 provisions of chapter 320 shall be in violation of s. 320.07(3)  
998 and shall subject the owner or operator of such vehicle to the  
999 penalty provided. In addition, a commercial motor vehicle found  
1000 in violation of this section may be detained by any law  
1001 enforcement officer until the owner or operator produces  
1002 evidence that the vehicle has been properly registered and that  
1003 any applicable delinquent penalties have been paid.

1004 Section 16. Subsection (6) of section 316.6105, Florida  
1005 Statutes, is amended to read:

1006 316.6105 Violations involving operation of motor vehicle in  
1007 unsafe condition or without required equipment; procedure for  
1008 disposition.-

1009 (6) This section does not apply to commercial motor  
1010 vehicles as defined in s. 316.003 ~~316.003(66)~~ or transit buses  
1011 owned or operated by a governmental entity.

1012 Section 17. Paragraph (a) of subsection (2) of section  
1013 316.613, Florida Statutes, is amended to read:

1014 316.613 Child restraint requirements.-

1015 (2) As used in this section, the term "motor vehicle" means  
1016 a motor vehicle as defined in s. 316.003 that is operated on the  
1017 roadways, streets, and highways of the state. The term does not  
1018 include:

1019 (a) A school bus as defined in s. 316.003 ~~316.003(45)~~.

1020 Section 18. Subsection (8) of section 316.622, Florida  
1021 Statutes, is amended to read:

1022 316.622 Farm labor vehicles.-

1023 (8) The department shall provide to the Department of  
1024 Business and Professional Regulation each quarter a copy of each  
1025 accident report involving a farm labor vehicle, as defined in s.



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1026 316.003 ~~316.003(62)~~, commencing with the first quarter of the  
1027 2006-2007 fiscal year.

1028 Section 19. Paragraph (b) of subsection (1) of section  
1029 316.650, Florida Statutes, is amended to read:

1030 316.650 Traffic citations.—

1031 (1)

1032 (b) The department shall prepare, and supply to every  
1033 traffic enforcement agency in the state, an appropriate  
1034 affidavit-of-compliance form that shall be issued along with the  
1035 form traffic citation for any violation of s. 316.610 and that  
1036 indicates the specific defect needing to be corrected. However,  
1037 such affidavit of compliance shall not be issued in the case of  
1038 a violation of s. 316.610 by a commercial motor vehicle as  
1039 defined in s. 316.003 ~~316.003(66)~~. Such affidavit-of-compliance  
1040 form shall be distributed in the same manner and to the same  
1041 parties as is the form traffic citation.

1042 Section 20. Subsection (1) of section 316.70, Florida  
1043 Statutes, is amended to read:

1044 316.70 Nonpublic sector buses; safety rules.—

1045 (1) The Department of Transportation shall establish and  
1046 revise standards to assure the safe operation of nonpublic  
1047 sector buses, as defined in s. 316.003 ~~316.003(78)~~, which  
1048 standards shall be those contained in 49 C.F.R. parts 382, 385,  
1049 and 390-397 and which shall be directed towards assuring that:

1050 (a) Nonpublic sector buses are safely maintained, equipped,  
1051 and operated.

1052 (b) Nonpublic sector buses are carrying the insurance  
1053 required by law and carrying liability insurance on the checked  
1054 baggage of passengers not to exceed the standard adopted by the





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1055 United States Department of Transportation.

1056 (c) Florida license tags are purchased for nonpublic sector  
1057 buses pursuant to s. 320.38.

1058 (d) The driving records of drivers of nonpublic sector  
1059 buses are checked by their employers at least once each year to  
1060 ascertain whether the driver has a suspended or revoked driver  
1061 license.

1062 Section 21. Paragraph (a) of subsection (1) of section  
1063 320.01, Florida Statutes, is amended to read:

1064 320.01 Definitions, general.—As used in the Florida  
1065 Statutes, except as otherwise provided, the term:

1066 (1) "Motor vehicle" means:

1067 (a) An automobile, motorcycle, truck, trailer, semitrailer,  
1068 truck tractor and semitrailer combination, or any other vehicle  
1069 operated on the roads of this state, used to transport persons  
1070 or property, and propelled by power other than muscular power,  
1071 but the term does not include traction engines, road rollers,  
1072 special mobile equipment as defined in s. 316.003 ~~316.003(48)~~,  
1073 vehicles that run only upon a track, bicycles, swamp buggies, or  
1074 mopeds.

1075 Section 22. Section 320.08, Florida Statutes, is amended to  
1076 read:

1077 320.08 License taxes.—Except as otherwise provided herein,  
1078 there are hereby levied and imposed annual license taxes for the  
1079 operation of motor vehicles, mopeds, motorized bicycles as  
1080 defined in s. 316.003 ~~316.003(2)~~, tri-vehicles as defined in s.  
1081 316.003, and mobile homes, as defined in s. 320.01, which shall  
1082 be paid to and collected by the department or its agent upon the  
1083 registration or renewal of registration of the following:



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- 1084 (1) MOTORCYCLES AND MOPEDS.—  
1085 (a) Any motorcycle: \$10 flat.  
1086 (b) Any moped: \$5 flat.  
1087 (c) Upon registration of a motorcycle, motor-driven cycle,  
1088 or moped, in addition to the license taxes specified in this  
1089 subsection, a nonrefundable motorcycle safety education fee in  
1090 the amount of \$2.50 shall be paid. The proceeds of such  
1091 additional fee shall be deposited in the Highway Safety  
1092 Operating Trust Fund to fund a motorcycle driver improvement  
1093 program implemented pursuant to s. 322.025, the Florida  
1094 Motorcycle Safety Education Program established in s. 322.0255,  
1095 or the general operations of the department.  
1096 (d) An ancient or antique motorcycle: \$7.50 flat, of which  
1097 \$2.50 shall be deposited into the General Revenue Fund.  
1098 (2) AUTOMOBILES OR TRI-VEHICLES FOR PRIVATE USE.—  
1099 (a) An ancient or antique automobile, as defined in s.  
1100 320.086, or a street rod, as defined in s. 320.0863: \$7.50 flat.  
1101 (b) Net weight of less than 2,500 pounds: \$14.50 flat.  
1102 (c) Net weight of 2,500 pounds or more, but less than 3,500  
1103 pounds: \$22.50 flat.  
1104 (d) Net weight of 3,500 pounds or more: \$32.50 flat.  
1105 (3) TRUCKS.—  
1106 (a) Net weight of less than 2,000 pounds: \$14.50 flat.  
1107 (b) Net weight of 2,000 pounds or more, but not more than  
1108 3,000 pounds: \$22.50 flat.  
1109 (c) Net weight more than 3,000 pounds, but not more than  
1110 5,000 pounds: \$32.50 flat.  
1111 (d) A truck defined as a "goat," or other vehicle if used  
1112 in the field by a farmer or in the woods for the purpose of



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1113 harvesting a crop, including naval stores, during such  
1114 harvesting operations, and which is not principally operated  
1115 upon the roads of the state: \$7.50 flat. The term "goat" means a  
1116 motor vehicle designed, constructed, and used principally for  
1117 the transportation of citrus fruit within citrus groves or for  
1118 the transportation of crops on farms, and which can also be used  
1119 for hauling associated equipment or supplies, including required  
1120 sanitary equipment, and the towing of farm trailers.

1121 (e) An ancient or antique truck, as defined in s. 320.086:  
1122 \$7.50 flat.

1123 (4) HEAVY TRUCKS, TRUCK TRACTORS, FEES ACCORDING TO GROSS  
1124 VEHICLE WEIGHT.—

1125 (a) Gross vehicle weight of 5,001 pounds or more, but less  
1126 than 6,000 pounds: \$60.75 flat, of which \$15.75 shall be  
1127 deposited into the General Revenue Fund.

1128 (b) Gross vehicle weight of 6,000 pounds or more, but less  
1129 than 8,000 pounds: \$87.75 flat, of which \$22.75 shall be  
1130 deposited into the General Revenue Fund.

1131 (c) Gross vehicle weight of 8,000 pounds or more, but less  
1132 than 10,000 pounds: \$103 flat, of which \$27 shall be deposited  
1133 into the General Revenue Fund.

1134 (d) Gross vehicle weight of 10,000 pounds or more, but less  
1135 than 15,000 pounds: \$118 flat, of which \$31 shall be deposited  
1136 into the General Revenue Fund.

1137 (e) Gross vehicle weight of 15,000 pounds or more, but less  
1138 than 20,000 pounds: \$177 flat, of which \$46 shall be deposited  
1139 into the General Revenue Fund.

1140 (f) Gross vehicle weight of 20,000 pounds or more, but less  
1141 than 26,001 pounds: \$251 flat, of which \$65 shall be deposited



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1142 into the General Revenue Fund.

1143 (g) Gross vehicle weight of 26,001 pounds or more, but less  
1144 than 35,000: \$324 flat, of which \$84 shall be deposited into the  
1145 General Revenue Fund.

1146 (h) Gross vehicle weight of 35,000 pounds or more, but less  
1147 than 44,000 pounds: \$405 flat, of which \$105 shall be deposited  
1148 into the General Revenue Fund.

1149 (i) Gross vehicle weight of 44,000 pounds or more, but less  
1150 than 55,000 pounds: \$773 flat, of which \$201 shall be deposited  
1151 into the General Revenue Fund.

1152 (j) Gross vehicle weight of 55,000 pounds or more, but less  
1153 than 62,000 pounds: \$916 flat, of which \$238 shall be deposited  
1154 into the General Revenue Fund.

1155 (k) Gross vehicle weight of 62,000 pounds or more, but less  
1156 than 72,000 pounds: \$1,080 flat, of which \$280 shall be  
1157 deposited into the General Revenue Fund.

1158 (l) Gross vehicle weight of 72,000 pounds or more: \$1,322  
1159 flat, of which \$343 shall be deposited into the General Revenue  
1160 Fund.

1161 (m) Notwithstanding the declared gross vehicle weight, a  
1162 truck tractor used within a 150-mile radius of its home address  
1163 is eligible for a license plate for a fee of \$324 flat if:

1164 1. The truck tractor is used exclusively for hauling  
1165 forestry products; or

1166 2. The truck tractor is used primarily for the hauling of  
1167 forestry products, and is also used for the hauling of  
1168 associated forestry harvesting equipment used by the owner of  
1169 the truck tractor.

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1171 Of the fee imposed by this paragraph, \$84 shall be deposited  
1172 into the General Revenue Fund.

1173 (n) A truck tractor or heavy truck, not operated as a for-  
1174 hire vehicle, which is engaged exclusively in transporting raw,  
1175 unprocessed, and nonmanufactured agricultural or horticultural  
1176 products within a 150-mile radius of its home address, is  
1177 eligible for a restricted license plate for a fee of:

1178 1. If such vehicle's declared gross vehicle weight is less  
1179 than 44,000 pounds, \$87.75 flat, of which \$22.75 shall be  
1180 deposited into the General Revenue Fund.

1181 2. If such vehicle's declared gross vehicle weight is  
1182 44,000 pounds or more and such vehicle only transports from the  
1183 point of production to the point of primary manufacture; to the  
1184 point of assembling the same; or to a shipping point of a rail,  
1185 water, or motor transportation company, \$324 flat, of which \$84  
1186 shall be deposited into the General Revenue Fund.

1187  
1188 Such not-for-hire truck tractors and heavy trucks used  
1189 exclusively in transporting raw, unprocessed, and  
1190 nonmanufactured agricultural or horticultural products may be  
1191 incidentally used to haul farm implements and fertilizers  
1192 delivered direct to the growers. The department may require any  
1193 documentation deemed necessary to determine eligibility prior to  
1194 issuance of this license plate. For the purpose of this  
1195 paragraph, "not-for-hire" means the owner of the motor vehicle  
1196 must also be the owner of the raw, unprocessed, and  
1197 nonmanufactured agricultural or horticultural product, or the  
1198 user of the farm implements and fertilizer being delivered.

1199 (5) SEMITRAILERS, FEES ACCORDING TO GROSS VEHICLE WEIGHT;



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1200 SCHOOL BUSES; SPECIAL PURPOSE VEHICLES.—

1201 (a)1. A semitrailer drawn by a GVW truck tractor by means  
1202 of a fifth-wheel arrangement: \$13.50 flat per registration year  
1203 or any part thereof, of which \$3.50 shall be deposited into the  
1204 General Revenue Fund.

1205 2. A semitrailer drawn by a GVW truck tractor by means of a  
1206 fifth-wheel arrangement: \$68 flat per permanent registration, of  
1207 which \$18 shall be deposited into the General Revenue Fund.

1208 (b) A motor vehicle equipped with machinery and designed  
1209 for the exclusive purpose of well drilling, excavation,  
1210 construction, spraying, or similar activity, and which is not  
1211 designed or used to transport loads other than the machinery  
1212 described above over public roads: \$44 flat, of which \$11.50  
1213 shall be deposited into the General Revenue Fund.

1214 (c) A school bus used exclusively to transport pupils to  
1215 and from school or school or church activities or functions  
1216 within their own county: \$41 flat, of which \$11 shall be  
1217 deposited into the General Revenue Fund.

1218 (d) A wrecker, as defined in s. 320.01, which is used to  
1219 tow a vessel as defined in s. 327.02, a disabled, abandoned,  
1220 stolen-recovered, or impounded motor vehicle as defined in s.  
1221 320.01, or a replacement motor vehicle as defined in s. 320.01:  
1222 \$41 flat, of which \$11 shall be deposited into the General  
1223 Revenue Fund.

1224 (e) A wrecker that is used to tow any nondisabled motor  
1225 vehicle, a vessel, or any other cargo unless used as defined in  
1226 paragraph (d), as follows:

1227 1. Gross vehicle weight of 10,000 pounds or more, but less  
1228 than 15,000 pounds: \$118 flat, of which \$31 shall be deposited



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1229 into the General Revenue Fund.  
1230         2. Gross vehicle weight of 15,000 pounds or more, but less  
1231 than 20,000 pounds: \$177 flat, of which \$46 shall be deposited  
1232 into the General Revenue Fund.  
1233         3. Gross vehicle weight of 20,000 pounds or more, but less  
1234 than 26,000 pounds: \$251 flat, of which \$65 shall be deposited  
1235 into the General Revenue Fund.  
1236         4. Gross vehicle weight of 26,000 pounds or more, but less  
1237 than 35,000 pounds: \$324 flat, of which \$84 shall be deposited  
1238 into the General Revenue Fund.  
1239         5. Gross vehicle weight of 35,000 pounds or more, but less  
1240 than 44,000 pounds: \$405 flat, of which \$105 shall be deposited  
1241 into the General Revenue Fund.  
1242         6. Gross vehicle weight of 44,000 pounds or more, but less  
1243 than 55,000 pounds: \$772 flat, of which \$200 shall be deposited  
1244 into the General Revenue Fund.  
1245         7. Gross vehicle weight of 55,000 pounds or more, but less  
1246 than 62,000 pounds: \$915 flat, of which \$237 shall be deposited  
1247 into the General Revenue Fund.  
1248         8. Gross vehicle weight of 62,000 pounds or more, but less  
1249 than 72,000 pounds: \$1,080 flat, of which \$280 shall be  
1250 deposited into the General Revenue Fund.  
1251         9. Gross vehicle weight of 72,000 pounds or more: \$1,322  
1252 flat, of which \$343 shall be deposited into the General Revenue  
1253 Fund.  
1254         (f) A hearse or ambulance: \$40.50 flat, of which \$10.50  
1255 shall be deposited into the General Revenue Fund.  
1256         (6) MOTOR VEHICLES FOR HIRE.—  
1257         (a) Under nine passengers: \$17 flat, of which \$4.50 shall



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1258 be deposited into the General Revenue Fund; plus \$1.50 per cwt,  
1259 of which 50 cents shall be deposited into the General Revenue  
1260 Fund.

1261 (b) Nine passengers and over: \$17 flat, of which \$4.50  
1262 shall be deposited into the General Revenue Fund; plus \$2 per  
1263 cwt, of which 50 cents shall be deposited into the General  
1264 Revenue Fund.

1265 (7) TRAILERS FOR PRIVATE USE.—

1266 (a) Any trailer weighing 500 pounds or less: \$6.75 flat per  
1267 year or any part thereof, of which \$1.75 shall be deposited into  
1268 the General Revenue Fund.

1269 (b) Net weight over 500 pounds: \$3.50 flat, of which \$1  
1270 shall be deposited into the General Revenue Fund; plus \$1 per  
1271 cwt, of which 25 cents shall be deposited into the General  
1272 Revenue Fund.

1273 (8) TRAILERS FOR HIRE.—

1274 (a) Net weight under 2,000 pounds: \$3.50 flat, of which \$1  
1275 shall be deposited into the General Revenue Fund; plus \$1.50 per  
1276 cwt, of which 50 cents shall be deposited into the General  
1277 Revenue Fund.

1278 (b) Net weight 2,000 pounds or more: \$13.50 flat, of which  
1279 \$3.50 shall be deposited into the General Revenue Fund; plus  
1280 \$1.50 per cwt, of which 50 cents shall be deposited into the  
1281 General Revenue Fund.

1282 (9) RECREATIONAL VEHICLE-TYPE UNITS.—

1283 (a) A travel trailer or fifth-wheel trailer, as defined by  
1284 s. 320.01(1)(b), that does not exceed 35 feet in length: \$27  
1285 flat, of which \$7 shall be deposited into the General Revenue  
1286 Fund.





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1287 (b) A camping trailer, as defined by s. 320.01(1)(b)2.:  
1288 \$13.50 flat, of which \$3.50 shall be deposited into the General  
1289 Revenue Fund.

1290 (c) A motor home, as defined by s. 320.01(1)(b)4.:  
1291 1. Net weight of less than 4,500 pounds: \$27 flat, of which  
1292 \$7 shall be deposited into the General Revenue Fund.  
1293 2. Net weight of 4,500 pounds or more: \$47.25 flat, of  
1294 which \$12.25 shall be deposited into the General Revenue Fund.

1295 (d) A truck camper as defined by s. 320.01(1)(b)3.:  
1296 1. Net weight of less than 4,500 pounds: \$27 flat, of which  
1297 \$7 shall be deposited into the General Revenue Fund.  
1298 2. Net weight of 4,500 pounds or more: \$47.25 flat, of  
1299 which \$12.25 shall be deposited into the General Revenue Fund.

1300 (e) A private motor coach as defined by s. 320.01(1)(b)5.:  
1301 1. Net weight of less than 4,500 pounds: \$27 flat, of which  
1302 \$7 shall be deposited into the General Revenue Fund.  
1303 2. Net weight of 4,500 pounds or more: \$47.25 flat, of  
1304 which \$12.25 shall be deposited into the General Revenue Fund.

1305 (10) PARK TRAILERS; TRAVEL TRAILERS; FIFTH-WHEEL TRAILERS;  
1306 35 FEET TO 40 FEET.—  
1307 (a) Park trailers.—Any park trailer, as defined in s.  
1308 320.01(1)(b)7.: \$25 flat.  
1309 (b) A travel trailer or fifth-wheel trailer, as defined in  
1310 s. 320.01(1)(b), that exceeds 35 feet: \$25 flat.

1311 (11) MOBILE HOMES.—  
1312 (a) A mobile home not exceeding 35 feet in length: \$20  
1313 flat.  
1314 (b) A mobile home over 35 feet in length, but not exceeding  
1315 40 feet: \$25 flat.



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1316 (c) A mobile home over 40 feet in length, but not exceeding  
1317 45 feet: \$30 flat.

1318 (d) A mobile home over 45 feet in length, but not exceeding  
1319 50 feet: \$35 flat.

1320 (e) A mobile home over 50 feet in length, but not exceeding  
1321 55 feet: \$40 flat.

1322 (f) A mobile home over 55 feet in length, but not exceeding  
1323 60 feet: \$45 flat.

1324 (g) A mobile home over 60 feet in length, but not exceeding  
1325 65 feet: \$50 flat.

1326 (h) A mobile home over 65 feet in length: \$80 flat.

1327 (12) DEALER AND MANUFACTURER LICENSE PLATES.—A franchised  
1328 motor vehicle dealer, independent motor vehicle dealer, marine  
1329 boat trailer dealer, or mobile home dealer and manufacturer  
1330 license plate: \$17 flat, of which \$4.50 shall be deposited into  
1331 the General Revenue Fund.

1332 (13) EXEMPT OR OFFICIAL LICENSE PLATES.—Any exempt or  
1333 official license plate: \$4 flat, of which \$1 shall be deposited  
1334 into the General Revenue Fund.

1335 (14) LOCALLY OPERATED MOTOR VEHICLES FOR HIRE.—A motor  
1336 vehicle for hire operated wholly within a city or within 25  
1337 miles thereof: \$17 flat, of which \$4.50 shall be deposited into  
1338 the General Revenue Fund; plus \$2 per cwt, of which 50 cents  
1339 shall be deposited into the General Revenue Fund.

1340 (15) TRANSPORTER.—Any transporter license plate issued to a  
1341 transporter pursuant to s. 320.133: \$101.25 flat, of which  
1342 \$26.25 shall be deposited into the General Revenue Fund.

1343 Section 23. Subsection (1) of section 320.0801, Florida  
1344 Statutes, is amended to read:



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1345           320.0801 Additional license tax on certain vehicles.-  
1346           (1) In addition to the license taxes specified in s. 320.08  
1347 and in subsection (2), there is hereby levied and imposed an  
1348 annual license tax of 10 cents for the operation of a motor  
1349 vehicle, as defined in s. 320.01, and moped, as defined in s.  
1350 316.003 ~~316.003(77)~~, which tax shall be paid to the department  
1351 or its agent upon the registration or renewal of registration of  
1352 the vehicle. Notwithstanding the provisions of s. 320.20,  
1353 revenues collected from the tax imposed in this subsection shall  
1354 be deposited in the Emergency Medical Services Trust Fund and  
1355 used solely for the purpose of carrying out the provisions of  
1356 ss. 395.401, 395.4015, 395.404, and 395.4045 and s. 11, chapter  
1357 87-399, Laws of Florida.

1358           Section 24. Section 320.38, Florida Statutes, is amended to  
1359 read:

1360           320.38 When nonresident exemption not allowed.-The  
1361 provisions of s. 320.37 authorizing the operation of motor  
1362 vehicles over the roads of this state by nonresidents of this  
1363 state when such vehicles are duly registered or licensed under  
1364 the laws of some other state or foreign country do not apply to  
1365 any nonresident who accepts employment or engages in any trade,  
1366 profession, or occupation in this state, except a nonresident  
1367 migrant or seasonal farm worker as defined in s. 316.003  
1368 ~~316.003(61)~~. In every case in which a nonresident, except a  
1369 nonresident migrant or seasonal farm worker as defined in s.  
1370 316.003 ~~316.003(61)~~, accepts employment or engages in any trade,  
1371 profession, or occupation in this state or enters his or her  
1372 children to be educated in the public schools of this state,  
1373 such nonresident shall, within 10 days after the commencement of



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1374 such employment or education, register his or her motor vehicles  
1375 in this state if such motor vehicles are proposed to be operated  
1376 on the roads of this state. Any person who is enrolled as a  
1377 student in a college or university and who is a nonresident but  
1378 who is in this state for a period of up to 6 months engaged in a  
1379 work-study program for which academic credits are earned from a  
1380 college whose credits or degrees are accepted for credit by at  
1381 least three accredited institutions of higher learning, as  
1382 defined in s. 1005.02, is not required to have a Florida  
1383 registration for the duration of the work-study program if the  
1384 person's vehicle is properly registered in another jurisdiction.  
1385 Any nonresident who is enrolled as a full-time student in such  
1386 institution of higher learning is also exempt for the duration  
1387 of such enrollment.

1388 Section 25. Subsection (2) of section 322.0261, Florida  
1389 Statutes, is amended to read:

1390 322.0261 Driver improvement course; requirement to maintain  
1391 driving privileges; failure to complete; department approval of  
1392 course.-

1393 (2) With respect to an operator convicted of, or who  
1394 pleaded nolo contendere to, a traffic offense giving rise to a  
1395 crash identified in paragraph (1) (a) or paragraph (1) (b), the  
1396 department shall require that the operator, in addition to other  
1397 applicable penalties, attend a department-approved driver  
1398 improvement course in order to maintain his or her driving  
1399 privileges. The department shall include in the course  
1400 curriculum instruction specifically addressing the rights of  
1401 vulnerable ~~road~~ users as defined in s. 316.003 ~~316.027~~ relative  
1402 to vehicles on the roadway. If the operator fails to complete



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1403 the course within 90 days after receiving notice from the  
1404 department, the operator's driver license shall be canceled by  
1405 the department until the course is successfully completed.

1406 Section 26. Subsection (1) of section 322.031, Florida  
1407 Statutes, is amended to read:

1408 322.031 Nonresident; when license required.—

1409 (1) In each case in which a nonresident, except a  
1410 nonresident migrant or seasonal farm worker as defined in s.  
1411 316.003 ~~316.003(61)~~, accepts employment or engages in a trade,  
1412 profession, or occupation in this state or enters his or her  
1413 children to be educated in the public schools of this state,  
1414 such nonresident shall, within 30 days after beginning such  
1415 employment or education, be required to obtain a Florida driver  
1416 license if such nonresident operates a motor vehicle on the  
1417 highways of this state. The spouse or dependent child of such  
1418 nonresident shall also be required to obtain a Florida driver  
1419 license within that 30-day period before operating a motor  
1420 vehicle on the highways of this state.

1421 Section 27. Subsection (3) of section 450.181, Florida  
1422 Statutes, is amended to read:

1423 450.181 Definitions.—As used in part II, unless the context  
1424 clearly requires a different meaning:

1425 (3) The term "migrant laborer" has the same meaning as  
1426 migrant or seasonal farm workers as defined in s. 316.003  
1427 ~~316.003(61)~~.

1428 Section 28. Subsection (5) of section 559.903, Florida  
1429 Statutes, is amended to read:

1430 559.903 Definitions.—As used in this act:

1431 (5) "Motor vehicle" means any automobile, truck, bus,



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1432 recreational vehicle, motorcycle, motor scooter, or other motor  
1433 powered vehicle, but does not include trailers, mobile homes,  
1434 travel trailers, trailer coaches without independent motive  
1435 power, watercraft or aircraft, or special mobile equipment as  
1436 defined in s. 316.003 ~~316.003(48)~~.

1437 Section 29. Subsection (1) of section 655.960, Florida  
1438 Statutes, is amended to read:

1439 655.960 Definitions; ss. 655.960-655.965.—As used in this  
1440 section and ss. 655.961-655.965, unless the context otherwise  
1441 requires:

1442 (1) "Access area" means any paved walkway or sidewalk which  
1443 is within 50 feet of any automated teller machine. The term does  
1444 not include any street or highway open to the use of the public,  
1445 as defined in s. 316.003(74) (a) or (b) ~~316.003(53) (a) or (b)~~,



224900

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/27/2016	.	
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The Committee on Transportation (Brandes) recommended the following:

**Senate Amendment to Amendment (376070)**

Delete lines 870 - 871

and insert:

penalty imposed for a violation under s. 316.192, if the violation contributed to the bodily injury

By Senator Altman

16-00087-16

2016332\_\_

1 A bill to be entitled  
 2 An act relating to traffic safety; amending s.  
 3 316.003, F.S.; providing definitions; amending s.  
 4 316.027, F.S.; redefining the term "vulnerable user";  
 5 deleting obsolete provisions; amending s. 316.083,  
 6 F.S.; revising provisions relating to the passing of a  
 7 vehicle; creating s. 316.0833, F.S.; prohibiting  
 8 passing and turning in front of a vulnerable user in  
 9 an unsafe manner; providing penalties; amending s.  
 10 316.0875, F.S.; revising exceptions to provisions for  
 11 designated no-passing zones; amending s. 316.1925,  
 12 F.S.; revising provisions relating to careless  
 13 driving; creating s. 318.142, F.S.; providing fines  
 14 and penalties for specified infractions contributing  
 15 to bodily injury of a vulnerable user; amending s.  
 16 318.19, F.S.; requiring a hearing for specified  
 17 offenses; amending s. 322.0261, F.S.; conforming a  
 18 cross-reference; providing an effective date.

19  
 20 Be It Enacted by the Legislature of the State of Florida:

21  
 22 Section 1. Subsections (94) and (95) are added to section  
 23 316.003, Florida Statutes, to read:

24 316.003 Definitions.—The following words and phrases, when  
 25 used in this chapter, shall have the meanings respectively  
 26 ascribed to them in this section, except where the context  
 27 otherwise requires:

28 (94) BODILY INJURY.—

29 (a) A cut, abrasion, bruise, burn, or disfigurement;

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**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

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30 (b) Physical pain;  
 31 (c) Illness;  
 32 (d) Impairment of the function of a bodily member, organ,  
 33 or mental faculty; or  
 34 (e) Any other injury to the body, no matter how temporary.  
 35 (95) VULNERABLE USER OF A PUBLIC ROADWAY OR VULNERABLE  
 36 USER.—  
 37 (a) A pedestrian, including a person actually engaged in  
 38 work upon a highway, work upon utility facilities along a  
 39 highway, or the provision of emergency services within the  
 40 right-of-way;  
 41 (b) A person operating, or who is a passenger on, a  
 42 bicycle, motorcycle, scooter, or moped lawfully on the roadway;  
 43 (c) A person riding an animal; or  
 44 (d) A person lawfully operating on a public roadway,  
 45 crosswalk, or shoulder of the roadway:  
 46 1. A farm tractor or similar vehicle designed primarily for  
 47 farm use;  
 48 2. A horse-drawn carriage;  
 49 3. An electric personal assistive mobility device; or  
 50 4. A wheelchair.  
 51 Section 2. Paragraph (b) of subsection (1) of section  
 52 316.027, Florida Statutes, is amended to read:  
 53 316.027 Crash involving death or personal injuries.—  
 54 (1) As used in this section, the term:  
 55 (b) "Vulnerable ~~road~~ user" has the same meaning as in s.  
 56 316.003 means:  
 57 1. A pedestrian, including a person actually engaged in  
 58 work upon a highway, or in work upon utility facilities along a

Page 2 of 7

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.



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59 ~~highway, or engaged in the provision of emergency services~~  
 60 ~~within the right-of-way;~~

61 ~~2. A person operating a bicycle, motorcycle, scooter, or~~  
 62 ~~moped lawfully on the roadway;~~

63 ~~3. A person riding an animal; or~~

64 ~~4. A person lawfully operating on a public right-of-way,~~  
 65 ~~crosswalk, or shoulder of the roadway;~~

66 ~~a. A farm tractor or similar vehicle designed primarily for~~  
 67 ~~farm use;~~

68 ~~b. A skateboard, roller skates, or in-line skates;~~

69 ~~c. A horse-drawn carriage;~~

70 ~~d. An electric personal assistive mobility device; or~~

71 ~~e. A wheelchair.~~

72 Section 3. Section 316.083, Florida Statutes, is amended to  
 73 read:

74 316.083 Overtaking and passing a vehicle.—The following  
 75 ~~provisions rules shall~~ govern the overtaking and passing of  
 76 ~~vehicles proceeding in the same direction, subject to those~~  
 77 ~~limitations, exceptions, and special rules hereinafter stated:~~

78 (1) The driver of a vehicle overtaking another vehicle  
 79 proceeding in the same direction shall give an appropriate  
 80 signal as provided for in s. 316.156, shall pass to the left  
 81 thereof at a safe distance, and ~~may shall~~ not again drive to the  
 82 right side of the roadway until safely clear of the overtaken  
 83 vehicle.

84 (2) The driver of a motor vehicle overtaking a person  
 85 operating a bicycle or other vulnerable user of a public roadway  
 86 ~~nonmotorized vehicle~~ must pass the person operating the bicycle  
 87 or other vulnerable user ~~nonmotorized vehicle~~ at a safe distance

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88 of not less than 3 feet between any part of or attachment to the  
 89 motor vehicle, anything extending from the motor vehicle, any  
 90 trailer or other thing being towed by the motor vehicle and the  
 91 bicycle, the person operating the bicycle, or other vulnerable  
 92 user ~~nonmotorized vehicle~~.

93 (3) ~~(2)~~ Except when overtaking and passing on the right is  
 94 permitted, the driver of an overtaken vehicle shall give way to  
 95 the right in favor of the overtaking vehicle, on audible signal  
 96 or upon the visible blinking of the headlamps of the overtaking  
 97 vehicle if such overtaking is being attempted at nighttime, and  
 98 may shall not increase the speed of his or her vehicle until  
 99 completely passed by the overtaking vehicle.

100 (4) ~~(3)~~ A violation of this section is a noncriminal traffic  
 101 infraction, punishable as a moving violation as provided in  
 102 chapter 318. If a violation of this section contributed to the  
 103 bodily injury of a vulnerable user of a public roadway, the law  
 104 enforcement officer issuing the citation for the violation shall  
 105 note such information on the citation.

106 Section 4. Section 316.0833, Florida Statutes, is created  
 107 to read:

108 316.0833 Turning when passing vulnerable user.—

109 (1) A person operating a motor vehicle who overtakes and  
 110 passes a vulnerable user of a public roadway proceeding in the  
 111 same direction may not make a right or left turn at an  
 112 intersection or into a private road or driveway unless the turn  
 113 can be made at a safe distance from the vulnerable user with  
 114 reasonable safety and will not impede the travel of the  
 115 vulnerable user.

116 (2) A violation of subsection (1) is a noncriminal traffic

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117 infraction, punishable as a moving violation as provided in  
 118 chapter 318. If a violation of subsection (1) contributed to the  
 119 bodily injury of a vulnerable user of a public roadway, the law  
 120 enforcement officer issuing the citation for the violation shall  
 121 note such information on the citation.

122 Section 5. Subsection (3) of section 316.0875, Florida  
 123 Statutes, is amended to read:

124 316.0875 No-passing zones.—

125 (3) This section does not apply:

126 (a) When an obstruction exists making it necessary to drive  
 127 to the left of the center of the highway; ~~or~~

128 (b) To the driver of a vehicle turning left into or from an  
 129 alley, private road, or driveway; or

130 (c) When the driver of a motor vehicle is required to cross  
 131 pavement striping indicating a no-passing zone when passing a  
 132 vulnerable user of a public roadway in order to provide at least  
 133 3 feet between the motor vehicle and the vulnerable user.

134 Section 6. Section 316.1925, Florida Statutes, is amended  
 135 to read:

136 316.1925 Careless driving.—

137 (1) A ~~Any~~ person operating a vehicle upon the streets or  
 138 highways within the state shall drive the same in a careful and  
 139 prudent manner, having regard for the width, grade, curves,  
 140 corners, traffic, and all other attendant circumstances, so as  
 141 not to endanger the life, limb, or property of any person. A  
 142 person who fails ~~Failure~~ to drive in such manner commits shall  
 143 constitute ~~careless driving and a violation of this section.~~

144 ~~(2) Any person who violates this section shall be cited for~~  
 145 ~~a moving violation, punishable as provided in chapter 318.~~

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146 (2) If a violation under this section contributed to the  
 147 bodily injury of a vulnerable user of a public roadway, the law  
 148 enforcement officer issuing the citation for the violation shall  
 149 note such information on the citation.

150 Section 7. Section 318.142, Florida Statutes, is created to  
 151 read:

152 318.142 Infractions contributing to bodily injury of a  
 153 vulnerable user of a public roadway.—In addition to any other  
 154 penalty imposed for a violation under s. 316.083, s. 316.0833,  
 155 or s. 316.1925, if the violation contributed to the bodily  
 156 injury of a vulnerable user of a public roadway as defined in s.  
 157 316.003, the designated official shall impose a fine of not more  
 158 than \$2,000.

159 Section 8. Section 318.19, Florida Statutes, is amended to  
 160 read:

161 318.19 Infractions requiring a mandatory hearing.—Any  
 162 person cited for the infractions listed in this section may  
 163 ~~shall~~ not have the provisions of s. 318.14(2), (4), and (9)  
 164 available to him or her but must appear before the designated  
 165 official at the time and location of the scheduled hearing:

166 (1) Any infraction which results in a crash that causes the  
 167 death of another;

168 (2) Any infraction which results in a crash that causes  
 169 "serious bodily injury" of another as defined in s. 316.1933(1);

170 (3) Any infraction of s. 316.172(1)(b);

171 (4) Any infraction of s. 316.520(1) or (2); ~~or~~

172 (5) Any infraction of s. 316.183(2), s. 316.187, or s.

173 316.189 of exceeding the speed limit by 30 m.p.h. or more; or

174 (6) Any infraction of s. 316.083, s. 316.0833, or s.

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175 316.1925 which contributes to bodily injury of a vulnerable user  
176 of a public roadway as defined in s. 316.003.

177 Section 9. Subsection (2) of section 322.0261, Florida  
178 Statutes, is amended to read:

179 322.0261 Driver improvement course; requirement to maintain  
180 driving privileges; failure to complete; department approval of  
181 course.-

182 (2) With respect to an operator convicted of, or who  
183 pleaded nolo contendere to, a traffic offense giving rise to a  
184 crash identified in paragraph (1)(a) or paragraph (1)(b), the  
185 department shall require that the operator, in addition to other  
186 applicable penalties, attend a department-approved driver  
187 improvement course in order to maintain his or her driving  
188 privileges. The department shall include in the course  
189 curriculum instruction specifically addressing the rights of  
190 vulnerable ~~road~~ users as defined in s. 316.003 ~~s. 316.027~~  
191 relative to vehicles on the roadway. If the operator fails to  
192 complete the course within 90 days after receiving notice from  
193 the department, the operator's driver license shall be canceled  
194 by the department until the course is successfully completed.

195 Section 10. This act shall take effect October 1, 2016.

# THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

## COMMITTEES:

Military and Veterans Affairs, Space, and Domestic Security, *Chair*  
Children, Families, and Elder Affairs, *Vice-Chair*  
Appropriations  
Appropriations Subcommittee on General Government  
Environmental Preservation and Conservation  
Finance and Tax

## SENATOR THAD ALTMAN

16th District

January 26, 2016

The Honorable Jeff Brandes  
Senate Committee on Transportation  
410 Knott Building  
404 S. Monroe Street  
Tallahassee, FL 32399-1100

Dear Chairman Brandes:

Senate Bill 332, related to *Traffic Safety* is on the Transportation Committee agenda on January 27, 2016. Due to a scheduling conflict I will be unable to attend.

Please recognize my Legislative Assistant Devon West to present SB 332 on my behalf. Please feel free to contact me if you have any questions.

Sincerely,



Thad Altman

CC: Kurt Eichin, Staff Director, 410 Knott Building  
Marilyn Hudson, Committee Administrative Assistant

TA/dv

## REPLY TO:

8910 Astronaut Blvd, Cape Canaveral, FL 32920 (321) 868-2132

314 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5016

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**ANDY GARDINER**  
President of the Senate

**GARRETT RICHTER**  
President Pro Tempore

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Jan 27, 2016

*Meeting Date*

SB 332

*Bill Number (if applicable)*

Topic Traffic Safety - Vulnerable Users

*Amendment Barcode (if applicable)*

Name H Lee Moffitt

Job Title Legislative Counsel AAA Auto Club of Florida

Address 3327 NW Perimeter Road

*Street*

Phone 813 760-5712

Palm City

FL

34990

Email MrSpeaker@aol.com

*City*

*State*

*Zip*

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
*(The Chair will read this information into the record.)*

Representing AAA Auto Club of Florida

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

***This form is part of the public record for this meeting.***

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/27/16  
Meeting Date

332  
Bill Number (if applicable)

Topic Safety Amendment Barcode (if applicable)

Name James D. "Doc" Reichenbacher

Job Title State President

Address PO Box 712

Phone (352) 369-2150

Street Silver Springs FL 34489  
City State Zip

Email abatefl@att.net

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing ABATE of Florida, Inc.

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/27/16  
Meeting Date

SB 332  
Bill Number (if applicable)

Topic Traffic Safety

Amendment Barcode (if applicable)

Name Zayne Smith

Job Title ASD

Address 200 W. College Ave.

Phone 850 228-4243

Tally FL 32301  
City State Zip

Email Zsmith@aarp.org

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing AARP

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

**This form is part of the public record for this meeting.**

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11/27  
Meeting Date

332  
Bill Number (if applicable)

Topic TRAFFIC SAFETY

Amendment Barcode (if applicable)

Name KEVIN SWEENEY

Job Title \_\_\_\_\_

Address \_\_\_\_\_  
Street

Phone \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Email \_\_\_\_\_

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing FLORIDA JUSTICE ASS

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

**This form is part of the public record for this meeting.**



**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Transportation

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BILL: SB 1110

INTRODUCER: Senator Simmons

SUBJECT: Central Florida Expressway Authority

DATE: January 27, 2016

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Eichin	TR	<b>Favorable</b>
2.			ATD	
3.			RC	

---

**I. Summary:**

SB 1110 addresses issues relating to the Central Florida Expressway Authority (CFX). Specifically, the bill clarifies that members of CFX's governing body from Seminole, Lake, and Osceola Counties must be a county commission member or chair, or a county mayor from the respective counties. Governor-appointed citizen members, who must be residents of either Orange, Seminole, Lake, or Osceola County, are made subject to Senate confirmation, and refusal or failure to confirm creates a vacancy. The bill provides that the 4-year term of Governor-appointed members ends on December 31 of the last year of service. The requirement to elect a governing body member as secretary is removed.

The bill also clarifies that CFX is a party to a 1985 lease-purchase agreement between the former Orlando-Orange County Expressway Authority (OOCEA) and the Florida Department of Transportation (FDOT), and repeals superseded language requiring that title to the former Orlando-Orange County Expressway System be transferred to the state under certain conditions.

The bill has no apparent fiscal impact on state or local governments.

The bill takes effect July 1, 2016.

**II. Present Situation:**

**Historical Background of the Orlando-Orange County Expressway Authority**

The Orlando-Orange County Expressway Authority (OOCEA) was created by the Legislature in 1963 for the purpose of construction and operation of an expressway road system in Central Florida.<sup>1</sup> The OOCEA was granted the power to construct, operate, and maintain roads, bridges,

---

<sup>1</sup> See ch. 348, part II, F.S. (2013).

avenues of access, thoroughfares, and boulevards in Orange County, as well as in any consenting county within whose jurisdiction the activities occurred. The OOCEA was also authorized to issue toll revenue bonds to help finance the project.<sup>2</sup>

### ***Lease-Purchase Agreement***

The Orlando-Orange County Expressway System is operated pursuant to a lease-purchase agreement.<sup>3</sup> Under the lease-purchase agreement the FDOT, as lessee, agrees to pay the operation and maintenance costs of the associated toll facility.<sup>4</sup> Upon completion of the lease-purchase agreement, ownership of the facility is transferred to the state and the FDOT would retain all revenues collected, as well as operation and maintenance responsibility.<sup>5</sup> Lease-purchase agreements benefit the authority by delaying when the authority (lessor) is responsible for paying for the financial obligations of operating and maintaining the system.<sup>6</sup>

Currently, the lease-purchase agreement is statutorily required to provide that upon termination of the agreement, title to the expressway system must be transferred to the state.<sup>7</sup> The most recent supplemented and extended lease-purchase agreement was to remain in effect until all bonds and any refunding bonds were fully paid and the FDOT was reimbursed for all amounts owed to it under the agreement. The OOCEA's obligation to the FDOT as of December 31, 2015, was approximately \$173 million, with full repayment to the FDOT expected in 2025.<sup>8</sup>

### ***The Wekiva Parkway***

In 2012, the OOCEA and the FDOT agreed, pursuant to a Memorandum of Understanding (MOU) to jointly undertake construction of the Wekiva Parkway (Parkway), a beltway around the Metropolitan Orlando area.<sup>9</sup> An Interlocal Agreement was approved in 2014 that included specific terms and conditions governing the project that are consistent with the MOU. The agreement called for the OOCEA to independently finance, build, own, and manage sections of the Parkway primarily in Orange County, and the FDOT to be responsible for the remaining portions of the Parkway in Lake and Seminole Counties.<sup>10</sup> As part of the agreement, OOCEA agreed to repay long-term debt owed to the FDOT.

To ensure available funds for the FDOT portion of the Wekiva Parkway, the 2012 Legislature required the OOCEA to repay the FDOT for the operation and maintenance of the expressway system in accordance with the lease-purchase agreement. A repayment schedule was established

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<sup>2</sup> Bonds are payable from and secured by a pledge of net toll revenues collected from the operation of the expressway system.

<sup>3</sup> Section 348.757, F.S.

<sup>4</sup> Section 348.757(6), F.S.

<sup>5</sup> Section 348.757(2), F.S.

<sup>6</sup> See Senate Budget Committee Bill Analysis for SB 1998, February 20, 2012, p. 7, for more detail on the lease-purchase agreement history.

<sup>7</sup> Section 348.757(2), F.S.

<sup>8</sup> See the FDOT email to Senate Transportation Committee staff, January 29, 2016. (On file in the Senate Transportation Committee.)

<sup>9</sup> See Metroplan Orlando website, *The Wekiva Parkway Project is Preparing to Move Forward* (June 30, 2012), available at <http://www.metroplanorlando.com/news/press-releases/wekiva-parkway-project-moves-forward/>. Last visited April 3, 2015.

<sup>10</sup> See the Florida Transportation Commission's *Transportation Authority Monitoring and Oversight Fiscal Year 2014 Report*, at p. 5, available at: <http://www.ftc.state.fl.us/reports/documents.shtm>. Last visited January 19, 2016).

for the OOCEA to reimburse the FDOT for all costs of the expressway system which were paid, advanced, or reimbursed to the OOCEA by the FDOT.<sup>11</sup>

The Legislature also required that upon the earlier of the defeasance, redemption, or payment in full of bonds issued before July 1, 2012, or the earlier date to which the purchasers of the bonds have consented:

- The obligations of the FDOT under the lease-purchase agreement terminate, including payment of any cost of operation, maintenance, repair, or rehabilitation of the system;
- The lease-purchase agreement terminates;
- The expressway system remains the property of the CFX and may not be transferred to the FDOT; and
- The OOCEA remains obligated to reimburse the FDOT according to the terms of the MOU.<sup>12</sup>

These provisions superseded the previously enacted statutory requirement in s. 348.757(2), F.S., that the lease-purchase agreement provide for transfer of title to the former expressway system to the state upon termination of the agreement.

### ***The OOCEA System Transfer to the Central Florida Expressway Authority***

In 2014, the Legislature re-named the OOCEA as the Central Florida Expressway Authority (CFX) and transferred governance and control, legal rights and powers, responsibilities, terms, and obligations to the CFX. The area served by the CFX was expanded to include Seminole, Lake, and Osceola Counties, in addition to Orange County.<sup>13</sup>

The Legislature also amended the composition and membership terms of the CFX governing body. Currently, the governing body consists of nine members:

- The chairs of the Seminole, Lake, and Osceola County Commissions appoint one member each who may be a commission member or the commission chair;
- The Mayor Orange County appoints one member from the Orange County Commission;
- The Governor appoints three members each of whom must be a citizen of either Orange, Seminole, Lake, or Osceola County;
- The eighth member must be the Orange County Mayor; and
- The ninth member must be City of Orlando Mayor.<sup>14</sup>

The executive director of the Florida Turnpike Enterprise serves as a non-voting advisor. Members hold office until a successor has been appointed and qualified.<sup>15</sup>

### **III. Effect of Proposed Changes:**

The bill clarifies provisions relating to membership and elections of the CFX governing body. It specifies CFX as a party to a certain lease-purchase agreement and repeals superseded language, more specifically as follows:

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<sup>11</sup> Chapter 2012-128, s. 36, L.O.F. See also s. 348.7546, F.S.

<sup>12</sup> Section 348.757(9), F.S.

<sup>13</sup> Chapter 2014-171, L.O.F.

<sup>14</sup> Section 348.753(3), F.S.

<sup>15</sup> *Id.*

**Section 1** amends s. 348.753(3), F.S., to revise requirements related to the appointments to the CFX governing body by the chairs of the County Commissions of Seminole, Lake, and Osceola Counties. Currently each of these appointees *may* be a commission member or chair. The bill provides that each of the three appointees *must* be a county commission member or chair *or a county mayor*.<sup>16</sup> The Governor's appointees are made subject to Senate confirmation, and refusal or failure of the Senate to confirm creates a vacancy.

The bill also provides that the four-year term of each member appointed by the Governor, who currently serve four years, ends on December 31 of his or her last year of service. The CFX advises this revision is to accommodate the CFX's January officer elections.<sup>17</sup> This section also makes editorial changes and repeals an obsolete date reference related to expiration of the terms of standing board members.

**Section 2** amends s. 348.754(2)(e), F.S. to clarify that CFX is a party to a 1985 lease-purchase agreement between the OOCEA and the FDOT.

**Section 3** amends s. 348.757(2), F.S., to repeal the requirement that the title in fee simple absolute to the former OOCEA be transferred to the FDOT upon termination of the lease-purchase agreement. The language has been superseded by the repayment and transfer provisions enacted by the 2012 Legislature<sup>18</sup> and the Interlocal Agreement between the FDOT and the CFX regarding the Wekiva Parkway.<sup>19</sup>

**Section 4** provides that the bill takes effect July 1, 2015

#### IV. Constitutional Issues:

##### A. Municipality/County Mandates Restrictions:

The mandate restrictions do not apply because the bill does not require counties and municipalities to spend funds, reduce counties' or municipalities' ability to raise revenue, or reduce the percentage of a state tax shared with counties or municipalities.

##### B. Public Records/Open Meetings Issues:

None.

##### C. Trust Funds Restrictions:

None.

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<sup>16</sup> The CFX advises this change is to accommodate different forms of county government structure. See CFX email to Senate Transportation Committee staff, March 5, 2015. (On file with the Senate Transportation Committee.)

<sup>17</sup> *Id.*

<sup>18</sup> *Supra note 11.*

<sup>19</sup> The Interlocal Agreement includes a supplement to the lease-purchase agreement that provides for the authority to retain its system upon termination of the lease purchase agreement as provided in s. 348.757(9), F.S. See the 2015 FDOT Legislative Bill Analysis for CS/SB 1024, March 13, 2015. (On file in the Senate Transportation Committee.)

**V. Fiscal Impact Statement:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

None.

## C. Government Sector Impact:

None.<sup>20</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 348.753, 348.754, and 348.757.

**IX. Additional Information:**

## A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

## B. Amendments:

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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<sup>20</sup> See the 2015 FDOT Legislative Bill Analysis for CS/SB 1024, March 13, 2015. (On file in the Senate Transportation Committee.)

By Senator Simmons

10-00410-16

20161110\_\_

A bill to be entitled

An act relating to the Central Florida Expressway Authority; amending s. 348.753, F.S.; requiring the chairs of the boards of specified county commissions each to appoint one member from his or her respective county who is a commission member or chair or the county mayor to serve on the governing body of the authority; requiring Senate confirmation of members appointed to the authority by the Governor; providing that the Senate's refusal or failure to confirm a member appointed by the Governor creates a vacancy; specifying that the terms of members appointed by the Governor end on a specified date; removing the requirement that the authority elect one of its members as secretary; amending s. 348.754, F.S.; specifying that the Central Florida Expressway Authority is a party to a certain lease-purchase agreement between the Department of Transportation and the Orlando-Orange County Expressway Authority; amending s. 348.757, F.S.; removing the requirement that title in fee simple absolute to the former Orlando-Orange County Expressway System be transferred to the state upon the completion of the faithful performance and termination of a specified lease-purchase agreement; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (3) and paragraph (a) of subsection (4) of section 348.753, Florida Statutes, are amended to read:

348.753 Central Florida Expressway Authority.—

(3) The governing body of the authority shall consist of

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nine members. The chairs of the boards of the county commissions of Seminole, Lake, and Osceola Counties shall each appoint one member from his or her respective county, who ~~must~~ may be a commission member or chair or the county mayor. The Mayor of Orange County shall appoint a member from the Orange County Commission. Subject to confirmation by the Senate during the next regular session of the Legislature, the Governor shall appoint three citizen members, each of whom must be a resident ~~citizen~~ of either Orange County, Seminole County, Lake County, or Osceola County. Refusal or failure of the Senate to confirm an appointment shall create a vacancy. The eighth member must be the Mayor of Orange County and. The ninth member must be the Mayor of the City of Orlando shall also serve as members. The executive director of the Florida Turnpike Enterprise shall serve as a nonvoting advisor to the governing body of the authority. Each member appointed by the Governor shall serve for 4 years, with his or her term ending on December 31 of his or her last year of service. Each county-appointed member shall serve for 2 years. ~~The terms of standing board members expire June 20, 2014.~~ Each appointed member shall hold office until his or her successor has been appointed and has qualified. A vacancy occurring during a term must be filled only for the balance of the unexpired term. Each appointed member of the authority must ~~shall~~ be a person of outstanding reputation for integrity, responsibility, and business ability, but, except as provided in this subsection, a person who is an officer or employee of a municipality or county may not be an appointed member of the authority. Any member of the authority is eligible for reappointment.

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62 (4) (a) The authority shall elect one of its members as the  
 63 chair of the authority, ~~The authority shall also elect one of~~  
 64 its members as vice chair, ~~one of its members as secretary,~~ and  
 65 one of its members as treasurer. The chair, vice chair,  
 66 ~~secretary,~~ and treasurer shall hold such offices at the will of  
 67 the authority. Five members of the authority constitute a  
 68 quorum, and the vote of five members is required ~~necessary~~ for  
 69 any action taken by the authority. A vacancy in the authority  
 70 does not impair the right of a quorum of the authority to  
 71 exercise all of the rights and perform all of the duties of the  
 72 authority.

73 Section 2. Paragraph (e) of subsection (2) of section  
 74 348.754, Florida Statutes, is amended to read:

75 348.754 Purposes and powers.—

76 (2) The authority may exercise all powers necessary,  
 77 appurtenant, convenient, or incidental to the implementation of  
 78 the stated purposes, including, but not limited to, the  
 79 following rights and powers:

80 (e) To enter into and make lease-purchase agreements with  
 81 the department for terms not exceeding 99 years, or until any  
 82 bonds secured by a pledge of rentals pursuant to the agreement,  
 83 and any refundings pursuant to the agreement, are fully paid as  
 84 to both principal and interest, whichever is longer. The  
 85 authority is a party to a lease-purchase agreement between the  
 86 department and the Orlando-Orange County Expressway Authority  
 87 dated December 23, 1985, as supplemented by a first supplement  
 88 to the lease-purchase agreement dated November 25, 1986, and a  
 89 second supplement to the lease-purchase agreement dated October  
 90 27, 1988. The authority may not enter into other lease-purchase

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91 agreements with the department and may not amend the existing  
 92 agreement in a manner that expands or increases the department's  
 93 obligations unless the department determines that the agreement  
 94 or amendment is necessary to permit the refunding of bonds  
 95 issued before July 1, 2013.

96 Section 3. Subsection (2) of section 348.757, Florida  
 97 Statutes, is amended to read:

98 348.757 Lease-purchase agreement.—

99 (2) The lease-purchase agreement must provide for the  
 100 leasing of the former Orlando-Orange County Expressway System,  
 101 by the authority, as lessor, to the department, as lessee, and  
 102 must prescribe the term of such lease and the rentals to be  
 103 paid, ~~and must provide that upon the completion of the faithful~~  
 104 ~~performance and the termination of the lease-purchase agreement,~~  
 105 ~~title in fee simple absolute to the former Orlando-Orange County~~  
 106 ~~Expressway System as then constituted shall be transferred in~~  
 107 ~~accordance with law by the authority, to the state and the~~  
 108 ~~authority shall deliver to the department such deeds and~~  
 109 ~~conveyances as shall be necessary or convenient to vest title in~~  
 110 ~~fee simple absolute in the state.~~

111 Section 4. This act shall take effect July 1, 2016.

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Transportation

**BILL:** CS/SB 1392

**INTRODUCER:** Transportation Committee and Senator Brandes

**SUBJECT:** Transportation

**DATE:** January 28, 2016      **REVISED:** \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Eichin	TR	<b>Fav/CS</b>
2.			ATD	
3.			AP	

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

**I. Summary:**

CS/SB 1392 reflects a number of transportation-related provisions. More specifically, the bill:

- Authorizes the transfer of the Florida Department of Transportation’s (FDOT) Pinellas Bayway System to become part of the turnpike system and, in such event, also requires the transfer of certain funds to be used to help fund the costs of repair and replacement of the transferred facilities.
- Clarifies the FDOT’s authority with respect to noncompliant traffic and pedestrian control devices.
- Extends the authorized term of certain airport-related leases.
- Requires signage at toll facilities notifying drivers if cash payment is not an option.
- Increases from three years to ten years the period after which a dormant prepaid toll account is presumed unclaimed.
- Increases the population ceiling in the definition of “small county” for purposes of the Small County Outreach Program.
- Expands the list of project types of the Tampa-Hillsborough County Expressway Authority which are approved to be financed by certain revenue bonds.
- Repeals obsolete bond language relating to the already-repealed Broward County Expressway Authority.



- The bill makes a number of statutory changes specific to the operation and regulation of autonomous vehicles. It:
  - Clarifies that the authorization for a person holding a valid driver license to operate an autonomous vehicle applies on the public roads of this state.
  - Removes provisions regarding the operation of autonomous vehicles on roads for testing purposes.
  - Revises equipment requirements for autonomous vehicles, requiring a system to alert an operator of a technology failure and to take control, or to stop the vehicle under certain conditions.
  - Provides an exemption from required minimum following distance, and from a prohibition on certain television-type equipment visible from a driver’s seat, to users of driver-assistive truck platooning technology, as defined in the bill.
  - Requires metropolitan planning organizations to accommodate advances in vehicle technology when developing long-range transportation plans.
  - Requires the FDOT to accommodate advances in vehicle technology when updating the Strategic Intermodal System (SIS) Plan.
  - Authorizes television-type receiving equipment visible from the driver’s seat if the vehicle is equipped with the autonomous technology and operated in autonomous mode.

The fiscal impact of the bill is indeterminate. Please see Section V.

The bill takes effect on July 1, 2016.

## II. Present Situation:

Due to the disparate issues in the bill, the present situation for each section is discussed below in conjunction with the Effect of Proposed Changes.

## III. Effect of Proposed Changes:

### Pinellas Bayway System (Sections 10 and 11)

#### *Present Situation*

The Pinellas Bayway System, currently owned by the FDOT, is a tolled system of bridges and causeways that provides an east-west link between St. Petersburg and St. Petersburg Beach via State Road 682. Tolls on the Pinellas Bayway System are collected by the Florida Turnpike Enterprise.<sup>1</sup> The system also serves Tierra Verde and Fort De Soto Park to the south via State Road 679. One of the bridges on State Road 679 over Boca Ciega Bay was classified as structurally deficient in 2013. “Structurally deficient,” according to the FDOT, “means that a bridge has to be repaired or replaced within six years.” The term does not mean that a bridge is unsafe.<sup>2</sup>

<sup>1</sup> See the Florida Transportation Commission’s *Transportation Authority Monitoring and Oversight Fiscal year 2014 Report*, at p. 95: <http://www.ftc.state.fl.us/reports/TAMO.shtm>. Last visited January 21, 2016.

<sup>2</sup> See the Bay News 9 article, “6 Bay area bridges “structurally deficient:” [http://www.baynews9.com/content/news/baynews9/news/article.html/content/news/articles/bn9/2016/1/13/tampa\\_bay\\_deficient.html](http://www.baynews9.com/content/news/baynews9/news/article.html/content/news/articles/bn9/2016/1/13/tampa_bay_deficient.html). Last visited January 21, 2016. See also the FDOT’s e-mailed response to committee staff questions re Pinellas Bayway dated January 5, 2016. (On file in the Senate Transportation Committee.)

FDOT's policy is to replace a structurally deficient bridge within six years of the deficient classification.<sup>3, 4</sup> The scope of the work for the bridge over Boca Ciega Bay is to replace the existing movable bridge with a high-level fixed bridge through a design-build contract, at a proposed cost of \$52.1 million.<sup>5</sup> However, no funds for replacement of the bridge are currently included in the FDOT's District 7 work program. The FDOT advises that the balance of an existing reserve construction account for Pinellas Bayway improvements as of December 31, 2015, was \$7,326,346.13.<sup>6</sup>

### ***Bayway System Construction and Tolls***

In 1968, the predecessor of the FDOT entered into a settlement agreement in *Leonard Lee Ratner, Esther Ratner, and LEECO Gas and Oil Co., vs. State Road Department of the State of Florida*.<sup>7</sup> In the settlement agreement, the State Road Department agreed that owners and residents of real property in the Bayway Isles Development would have the right to purchase an annual pass through the toll gate at the easterly terminus of the Bayway system in St. Petersburg for \$15 per vehicle. That agreement remains in place.

Chapter 85-364, L.O.F., required a toll of \$.50 cents, following completion of widening to four lanes from the eastern toll booth to State Road 679, at the eastern and western toll plazas on State Road 682. The FDOT was required, after payment of annual operating costs and discharge of bond indebtedness, to establish a reserve construction account to be used for widening to four lanes State Road 682 from State Road 679 west to Gulf Boulevard. Continued collection of tolls was required upon completion of the widening to reimburse the FDOT for all accrued maintenance costs for the Pinellas Bayway. In addition, chapter 85-364, L.O.F., required the FDOT to allow any person to purchase an annual pass for each motor vehicle they own at a cost of \$50 per year which exempts the motor vehicle from any Pinellas Bayway System tolls during its term. Currently the \$50 pass remains available.

Chapter 95-382, L.O.F., required tolls collected to first be placed in the construction reserve account, after payment of operating costs and bond indebtedness, to be used for construction of Blind Pass Road, State Road 699 improvements in Pinellas County, *and then* for Phase II of the Pinellas Bayway widening to four lanes of State Road 682 from State Road 679 west to Gulf Boulevard. Tolls continue to be collected to reimburse the FDOT for all accrued maintenance costs.

Section 48 of chapter 2014-223, L.O.F., repealed reference to the Blind Pass Road/State Road 699 improvements and provided that funds in the reserve construction account be used for the widening of State Road 682 from State Road 679 west to Gulf Boulevard. These improvements

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<sup>3</sup> *Id.*

<sup>4</sup> Note that replacement of the old drawbridge on State Road 682 connecting St. Petersburg and St. Petersburg Beach was completed in 2014 at a cost of approximately \$41 million. See the 10 News article, "New Pinellas Bayway grand opening Friday:" <http://www.wtsp.com/story/news/traffic/road-warrior/2014/10/16/bayway/17352735/>. Last visited January 21, 2016.

<sup>5</sup> See the FDOT's e-mailed response to committee staff questions re Pinellas Bayway System dated January 5, 2016. (On file in the Senate Transportation Committee.)

<sup>6</sup> See the FDOT email to committee staff dated January 21, 2016. (On file in the Senate Transportation Committee.)

<sup>7</sup> Copy on file in the Senate Transportation Committee.

have been completed. As noted, however, the bridge on State Road 679 over Boca Ciega Bay has been declared structurally deficient.

Currently, for a two-axle vehicle, the toll, other than for those that hold the \$15 or the \$50 annual pass, is:

- \$.53 cents for SunPass customers and \$.75 cents for cash customers, both westbound at the East Plaza and eastbound at the West Plaza, plus \$.53 cents and \$.75 cents, respectively, for each additional axle.
- \$.26 cents for SunPass customers and \$.50 cents for cash customers southbound at the south plaza, plus an additional \$.26 cents and \$.50 cents, respectively, for each additional axle.<sup>8</sup>

### *Effect of Proposed Changes*

**Section 10** creates s. 338.165(11), F.S., authorizing the FDOT to transfer the Pinellas Bayway System to become part of the turnpike system. The bill also preserves the provisions of the settlement agreement and final judgment by retaining the ability to purchase a \$15 annual pass. Additionally, the bill transfers the construction reserve account to the FDOT Turnpike Enterprise when ownership of the system is transferred to the Florida Turnpike Enterprise.

The FDOT advises that the transfer of the system would allow replacement of the structurally deficient bridge over Boca Ciega Bay on SR 679 to be moved up from 2020 to 2017 in the FDOT work program, and funded through a combination of the accrued reserve account revenues and other financing available to the Florida Turnpike.

**Section 11** repeals chapter 85-634, L.O.F., as amended by ch. 95-382 and section 48 of ch. 2014-223, L.O.F. The ability of the specified owners and residents to purchase the \$15 annual passage through the easterly terminus of the Bayway System will remain in place, pursuant to the 1968 settlement agreement. As a result of the repeal of ch. 85-364, L.O.F., the \$50 annual pass authorized in that law would no longer be available for purchase. Current holders of those passes would be required to pay tolls at all of the Bayway toll collection points.

### **Toll Facilities No Longer Owned by the FDOT (Section 10)**

#### *Present Situation*

The Beeline-East Expressway (renamed the Beachline East Expressway) became part of the Turnpike Enterprise on July 1, 2012, pursuant to ch. 2012-128, L.O.F.<sup>9</sup> The Navarre Bridge is now county-owned and no longer a state toll facility. The references to each facility in s. 338.165(4), F.S., are now obsolete.

#### *Effect of Proposed Changes*

**Section 10** amends subsection (4) of s. 338.165, F.S., is amended to remove obsolete references to the Beeline-East Expressway and the Navarre Bridge within the FDOT's authority to request

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<sup>8</sup> See the Florida Turnpike Toll Calculator, click on "Tampa Area," roll over hot buttons to select the Pinellas Toll Plazas: <http://www.floridasturnpike.com/TollCalcV3/index.htm>. Last visited January 21, 2016.

<sup>9</sup> See s. 338.165(10), F.S.

issuance of bonds secured by toll revenues from certain toll facilities, as the expressway and bridge are no longer owned by the FDOT. The reference to the Pinellas Bayway is also removed.

## **Uniform Traffic Control Devices/School Zones (Section 2)**

### ***Present Situation***

Section 316.0745, F.S., requires the FDOT to adopt a uniform system of traffic control devices for use on the streets and highways of this state. The FDOT has adopted the Federal Highway Administration's Manual on Uniform Traffic Control Devices (MUTCD) by rule.<sup>10</sup> All official traffic control signals and devices purchased and installed in this state must conform to the MUTCD.<sup>11</sup> An "official traffic control device" includes all signs, signals, markings, and devices, not inconsistent with ch. 316, F.S., placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning, or guiding traffic. An "official traffic control signal" includes any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.<sup>12</sup>

Similarly, s. 316.1895, F.S., requires the FDOT, pursuant to its authority in s. 316.0745, F.S., to adopt a uniform system of traffic control and pedestrian control devices for use on the streets and highways in the state surrounding all schools, public and private. Each county and municipality in the state is required to install and maintain traffic and pedestrian control devices in conformity with the MUTCD.<sup>13</sup> A school zone located on a state-maintained primary or secondary road must be maintained by the FDOT;<sup>14</sup> if located outside of a municipality and on a county road, by the county; and if located in a municipality, by the municipality.<sup>15</sup>

The FDOT is currently authorized, after hearing pursuant to 14 days' notice, to direct the removal of any purported traffic control device, wherever located, that fails to meet the MUTCD requirements.<sup>16</sup> In such case, the erecting or installing public agency must immediately remove the device or signal upon the FDOT's direction. For five years from the required removal, installation of any replacement or new device paid for with any revenues raised by the state is prohibited, unless prior written approval is received from the FDOT. Any additional violation is cause for withholding of state funds for traffic control purposes until the public body or official demonstrates compliance to the FDOT.

Disputes have arisen over the FDOT's authority to require compliant school signage that is erected or installed in a municipal school zone.<sup>17</sup>

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<sup>10</sup> See Rule 14-15.010, F.A.C.

<sup>11</sup> Section 316.0745(3), F.S.

<sup>12</sup> Sections 316.003(23) and (24), F.S.

<sup>13</sup> Section 316.1895(1), F.S.

<sup>14</sup> However, the FDOT may enter into agreements with counties or municipalities under which the local entity maintains specified school zones on state-maintained primary or secondary roads. Section 316.1895(3)(a), F.S.

<sup>15</sup> Section 316.0895(3), F.S. "Maintained" is defined to mean the care and maintenance of all school zone signs, markers, and traffic and pedestrian control devices.

<sup>16</sup> Section 316.0745(7), F.S.

<sup>17</sup> See the 10 News article, *Is city staff downplaying school zone speed traps?*, available at:

<http://www.wtsp.com/story/news/investigations/2015/09/29/st-pete-council-not-getting-all-facts-on-school-zone-speed-traps/73049462/>. Last visited January 25, 2016.

### *Effect of Proposed Changes*

**Section 2** amends s. 316.0745(7), F.S., to clarify the FDOT's authority with respect to uniform signals and devices. The FDOT is authorized, *upon receipt and investigation of reported noncompliance*, and after hearing pursuant to 14 days' notice, to direct the removal of any traffic control device that fails to meet the requirements of that section, wherever the device is located *and without regard to assigned responsibility under s. 316.1895, F.S.* The FDOT may allow the erecting or installing public agency to *immediately bring the device into compliance* or remove the device or signal at the FDOT's direction. The five-year suspension provision absent the FDOT's written approval, and the penalty for any additional violation, remain unchanged. If the FDOT receives a report of noncompliance, it is authorized to investigate the noncompliance, provide the notice and hearing, and order that a device or signal be made compliant or order the removal of the device or signal, regardless of existing assignment of maintenance responsibility under s. 316.1895, F.S.

### **Airport and Airport-Related Lease Terms (Section 8)**

#### *Present Situation*

In addition to certain other powers,<sup>18</sup> a municipality that has or may establish an airport or other air navigation facilities, or that has acquired, set apart, or may acquire or set apart real property for such purposes, is authorized to:

- Lease for a term not exceeding 30 years such airports or other air navigation facilities, or real property, to private parties, any municipal or state government or the national government, or any department of either, for operation.
- Lease or assign for a term not exceeding 30 years, to the same parties, space, area, improvements, or equipment on such airports.<sup>19</sup>

Lease terms reportedly vary, depending on when a lease is negotiated, the size of the tenant's investment, and the useful life of improvements made by a tenant.

While there are no set rules, and different airports have differing guidelines based upon applicable state and local statutes, it is important to consider that leases that are too long in term may prevent land from being developed in the most advantageous manner. Conversely, a lease term that is too short may prevent the potential tenant from being able to fully amortize their initial investment for the necessary improvements, thus dissuading interested tenants from entering into airport development projects.<sup>20</sup>

The Federal Aviation Administration (FAA) has opined that *most* tenant ground leases of 30 to 35 years are sufficient to retire a tenant's initial financing and provide a reasonable return for the

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<sup>18</sup> See ss. 332.01-332.12, F.S.

<sup>19</sup> Section 332.08(1)(c), F.S. A municipality may also confer the privileges of concessions of supplying upon its airports goods, commodities, things, services, and facilities.

<sup>20</sup> See the Airport Cooperative Research Program Report 47, *Guidebook for Developing and Leasing Airport Property*, at p. 17. (On file in the Senate Transportation Committee.)

tenant's development of major facilities.<sup>21</sup> However, leases of up to 50 years are allowed.<sup>22</sup> Concern has been raised that the current 30-year limitation is adversely impacting the ability of municipal airports to attract tenants due to the potential inability to fully amortize initial investments.

### *Effect of Proposed Changes*

**Section 8** amends s. 332.08(1)(c), F.S., to extend the allowable term of the specified leases from 30 years to 50 years. This revision may facilitate airport development and continued economic health by providing tenant confidence in a reasonable rate of return, thereby increasing the likelihood of tenants who are willing to make investments in municipal airports.

### **Toll Facility Signage (Section 9)**

#### *Present Situation*

As the use of electronic toll collection becomes more commonplace, some toll roads have reduced the availability of cash toll collection and it is foreseeable that someday, cash toll collections will be eliminated entirely. As more and more toll roads do away with a cash-payment option, frequent toll road users are likely to use SunPass or receive toll invoices by mail.

Drivers using rental cars are a different story since the vehicle is not registered to the driver. Currently, rental car companies regularly charge their customers a daily fee for the "convenience" of using the rental car's SunPass transponder. Fees are also charged if the rental is assessed a toll-by-plate charge. Renters can sometimes avoid such charges and fees by using the cash payment lanes at toll booths. However, as many toll roads move towards all-electronic toll collection and cash payment options dwindle, renters are finding they have no option other than to pay the rental companies' additional charges and fees, or choose non-tolled roads.

#### *Effect of Proposed Changes*

**Section 9** amends s. 338.155, F.S., to require toll road operators such as the FDOT and expressway and bridge authorities to clearly and plainly alert drivers that no cash payment option is available. This signage posted at on-ramps will allow drivers to choose a non-tolled alternative route and avoid administrative charges associated with toll-by-plate. Drivers of rental cars could also choose an alternative non-tolled route, rather than be forced to pay the rental companies additional charges and fees.

### **Turnpike Dormant Toll Accounts (Section 12)**

#### *Present Situation*

SunPass, the Florida Turnpike's electronic prepaid tolls program, uses transponders to debit a customer's pre-paid account. The pre-paid accounts may be set up and replenished with a credit

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<sup>21</sup> See the FAA Airport Compliance Manual, Order 5190.6B, Chapter 12, 12.3.b.(3), available at: [http://www.faa.gov/airports/resources/publications/orders/compliance\\_5190\\_6/](http://www.faa.gov/airports/resources/publications/orders/compliance_5190_6/). Last visited January 27, 2016.

<sup>22</sup> *Id.*

card or with cash.<sup>23</sup> Currently, any prepaid toll account which has been inactive for three years is presumed unclaimed. The Department of Financial Services (DFS) is required to process any such inactive account in accordance with applicable provisions of ch. 717, F.S., relating to the disposition of unclaimed property, and the FDOT is directed to close such accounts.<sup>24</sup>

### *Effect of Proposed Changes*

**Section 12** amends s. 338.231(3)(c), F.S., to increase the period after which a dormant prepaid toll account is presumed unclaimed from three years to ten years, thereby delaying disposition by the DFS and closing of the account by the FDOT. The FDOT advises:

[T]he deletion is desired because, with multi-state toll interoperability already implemented, and national toll interoperability mandated by federal law,<sup>25</sup> prepaid customers may live outside Florida and use their Florida prepaid toll account only when vacationing or otherwise visiting the state.

We believe that the affected citizens and businesses would react positively to the proposal as funds on a prepaid toll account continue to be managed by the Department. This provides the customers that have had no activity on a prepaid toll account for the 10 year time with continued direct access to the same agency with whom they established the account.<sup>26</sup>

### **Small County Outreach Program (Section 14)**

#### *Present Situation*

The Small County Outreach Program (SCOP) is authorized in s. 339.2818, F.S. The purpose of the program is to assist small county governments in repairing or rehabilitating county bridges, paving unpaved roads, addressing road-related drainage improvements, resurfacing or reconstruction county roads, or construction capacity or safety improvements to county roads. A small county is defined as any county that has a population of 150,000 or less as determined by the most recent official population estimate as determined by the Office of Economic and Demographic Research (OEDR).<sup>27</sup> However, for fiscal year 2015-2016, a small county is any county with a population of 165,000 or less.<sup>28</sup>

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<sup>23</sup> See the SunPass website, *Frequently Asked Questions*: <https://www.sunpass.com/faq>. Last visited January 25, 2016.

<sup>24</sup> Section 338.231(3)(c), F.S.

<sup>25</sup> The Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21) requires implementation of technologies or business practices that provide for the interoperability of electronic toll collection on all Federal-aid highway toll facilities by October 1, 2016. See the FHWA website, *Investment* heading, *Tolling [1512]* subheading: <http://www.fhwa.dot.gov/map21/summaryinfo.cfm>. Last visited January 25, 2016.

<sup>26</sup> See the FDOT 2015 Legislative Proposal, *Dormant Accounts/Tolls/SunPass*. On file in the Senate Transportation Committee.

<sup>27</sup> Section 186.901, F.S., requires the OEDR to provide annually on April 1 population estimates of local government units, using accepted statistical practice and employing the same general guidelines used by the U.S. Bureau of the Census. See the OEDR website for population and demographic data as of April 1, 2015, available at: <http://www.edr.state.fl.us/Content/population-demographics/data/index.cfm>. Last visited January 26, 2016.

<sup>28</sup> This provision is set to expire on July 1, 2016. Section 339.2818(2)(b), F.S.

Small counties are eligible to compete for funds designated for projects on county roads. The FDOT provides 75 percent of the cost of the projects funded under this program. Funds paid into the State Transportation Trust Fund pursuant to s. 201.15, F.S., for the purposes of the SCOP are annually appropriated for expenditure to support the program.<sup>29</sup>

### *Effect of Proposed Changes*

**Section 14** amends s. 339.2818, F.S., increasing the population ceiling in the definition of “small county” from 150,000 to 170,000. The increase allows counties that have exceeded the current cap, Charlotte, Martin, and Santa Rosa, to be eligible for the SCOP in terms of the increased population ceiling. Those counties would still have to compete for funding and priority using the criteria noted above. The bill also repeals the alternative 2015-2016 fiscal year definition of “small county,” already set to expire on July 1, 2016.

## **Tampa-Hillsborough County Expressway Authority Bonding (Section 17)**

### *Present Situation*

The Tampa-Hillsborough County Expressway Authority (THEA) is an agency of the state, created in s. 348.52, F.S., for the purpose of constructing, reconstructing, improving, extending, repairing, maintaining, and operating the expressway system in the metropolitan area of the City of Tampa or within any area of Hillsborough County.<sup>30</sup> With the consent of the county within whose jurisdiction the activities occur, THEA may also construct, operate, and maintain roads, bridges, avenues of access, thoroughfares, and boulevards and managed lanes and other transit supporting facilities within the jurisdictional boundaries of contiguous counties.<sup>31</sup>

Bonds may be issued on behalf of THEA pursuant to the State Bond Act, or THEA may issue revenue bonds for construction, reconstruction, improvement, extension, repair, maintenance, and operation of the expressway system.<sup>32</sup> In addition, THEA may issue revenue bonds to finance or refinance the following projects:

- Brandon area feeder roads.
- Capital improvements to the expressway system, including safety and operational improvements and toll collection equipment.
- Lee Roy Selmon Crosstown Expressway System widening.
- The connector highway linking the Lee Roy Selmon Crosstown Expressway to I-4.<sup>33</sup>

THEA may also issue revenue bonds to refund any bonds outstanding, regardless of whether the bonds being refunded were issued by THEA or on behalf of THEA.<sup>34</sup> THEA is further authorized to issue bonds for the combined purpose of:

<sup>29</sup> Additional SCOP funding is provided under ss. 215.211, 320.072, and 339.0801, F.S.

<sup>30</sup> “Expressway system” or “system” means a modern highway system of roads, bridges, causeways, and tunnels in the metropolitan area of the City of Tampa, or within any area of Hillsborough County, with access limited or unlimited as the authority may determine, and such buildings and structures and appurtenances and facilities related thereto, including all approaches, streets, roads, bridges, and avenues of access for such system. Section 348.51(7), F.S.

<sup>31</sup> Section 348.54(15), F.S.

<sup>32</sup> Section 348.56, F.S.

<sup>33</sup> Section 348.565, F.S.

<sup>34</sup> Section 348.57, F.S.



- Paying the cost of constructing, reconstructing, improving, extending, repairing, maintaining, and operating the expressway system.
- Refunding outstanding bonds.

THEA owns and operates the Lee Roy Selmon Expressway,<sup>35</sup> which is a 15-mile, four-lane limited access toll road crossing the City of Tampa from Gandy Boulevard and MacDill Airforce Base in the south, through downtown Tampa and east to Brandon. The Selmon connects St. Petersburg with Tampa and Brandon via the Gandy Bridge and a short segment of Gandy Boulevard. THEA also owns and operates the Brandon Parkway, a 3.1 mile set of non-tolled feeder roads, and reversible express lanes within the median of the Selmon.<sup>36</sup>

### *Effect of Proposed Changes*

**Section 17** amends s. 348.565, F.S., to revise the list of specified THEA projects for which revenue bonds may be issued for financing or refinancing purposes. The bill adds *extensions* of the Lee Roy Selmon Crosstown Expressway system widening as eligible projects. It also adds capital projects that THEA is authorized to acquire, construct, reconstruct, equip, operate, and maintain pursuant to part II of ch. 348, F.S., governing THEA, including without limitation projects identified in s. 348.54(15), F.S.; *i.e.*, projects within the jurisdictional boundaries of a consenting contiguous county, provided that any financing does not pledge the full faith and credit of the state.

### **Broward County Expressway Authority/Obsolete Bond Language (Section 12)**

#### *Present Situation*

The Broward County Expressway Authority built the Sawgrass Expressway, a 23-mile facility in Broward County. In 1990, the FDOT acquired the expressway, and it became a part of Florida's Turnpike System.<sup>37</sup> The Expressway Authority was abolished in 2011.<sup>38</sup> Section 338.221(5), F.S., generally authorizes the FDOT to pledge revenues from the turnpike system to the payment of Broward County Expressway Authority bond series 1984 and series 1986-A bonds. No such bonds are currently outstanding,<sup>39</sup> and the language is obsolete.

#### *Effect of Proposed Changes*

**Section 12** repeals the obsolete language in s. 338.231(5), F.S., relating to bonds of the abolished Broward County Expressway Authority.

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<sup>35</sup> The Research and Innovative Technology Administration and the U.S.D.O.T. have designated THEA as a test bed for autonomous vehicle technology. The REL is reportedly the only test bed in the U.S. that has the ability to do real-time traffic tests and have a closed course environment in the same location. *See* the Florida Transportation Commission's *Transportation Authority Monitoring and Oversight Fiscal year 2014 Report*, at p. 80: <http://www.ftc.state.fl.us/reports/TAMO.shtm>. Last visited January 21, 2016.

<sup>36</sup> *Id.* at p. 79.

<sup>37</sup> *See* the Florida Turnpike website: [http://www.floridasturnpike.com/about\\_system.cfm#7](http://www.floridasturnpike.com/about_system.cfm#7) Last visited January 25, 2016.

<sup>38</sup> *See* s. 18, ch. 2011-64, Laws of Florida.

<sup>39</sup> *See* the FDOT email to committee staff dated February 26, 2015. On file in the Senate Transportation Committee.

## **Transportation Corridors (Section 16)**

### ***Present Situation***

Section 341.0532, F.S., enacted in 2003, currently defines “statewide transportation corridor” as a system of transportation infrastructure that collectively provides for the efficient movement of significant volumes of intrastate, interstate, and international commerce by seamlessly linking multiple modes of transport. That section also lists eight corridors deemed “Florida’s statewide transportation corridors.”

In the same year, the Legislature enacted the Strategic Intermodal System (SIS) which collectively serves 56 percent of State Highway System traffic, 70 percent of State Highway System truck traffic, 89 percent of interregional bus and rail passengers, 99 percent of commercial air passengers and cargo, and 100 percent of rail and waterborne freight tonnage and cruise ship passengers.<sup>40, 41</sup> The corridors currently listed in s. 341.0532, F.S., with limited exception,<sup>42</sup> are also part of the SIS. Section 341.0532, F.S., is not referenced elsewhere in the Florida Statutes, and the FDOT advises that section is not used in performing any of its duties and responsibilities.<sup>43</sup> The statute appears to be obsolete.

### ***Effect of Proposed Changes***

Section 16 repeals s. 341.0532, F.S., which created Florida’s statewide transportation corridors. The corridors continue to be managed through their inclusion in the SIS.

## **Autonomous Vehicles (Sections 1, 4-7, 13, and 15)**

### ***Present Situation***

Once thought of as a futuristic possibility rather than a near-present reality, self-driving or “autonomous” vehicles, offer significant potential to improve safety and save lives, improve the environment through the reduction of greenhouse gas emissions, and increase mobility for the traveling public.<sup>44</sup> Autonomous vehicle technology is rapidly developing. Federal law regarding the deployment of autonomous technology in vehicles is transforming, and some states, including Florida, have taken steps to accommodate the emerging advancements in the autonomous vehicle field.

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<sup>40</sup> The Strategic Intermodal System (SIS) is the statewide network of high priority transportation facilities, including the state’s largest and most significant airports, spaceports, deepwater seaports, freight rail terminals, interregional rail and bus terminals, rail corridors, urban fixed guideway transit corridors, waterways, and highways. The SIS is the state’s highest statewide priority for transportation capacity improvements. See the FDOT SIS brochure, available at: <http://www.dot.state.fl.us/planning/sis/Strategicplan/>. Last visited January 25, 2016.

<sup>41</sup> See the 2014 FDOT *Strategic Intermodal System Briefing*. (On file in the Senate Transportation Committee.)

<sup>42</sup> See the FDOT email, March 2, 2015. (On file in the Senate Transportation Committee.)

<sup>43</sup> *Id.*

<sup>44</sup> See the Rand Transportation, Technology, and Space Program’s “*Autonomous Vehicle Technology, A Guide for Policymakers*,” for an extensive discussion of the potential benefits, summarized at p. xiv:

[http://www.rand.org/content/dam/rand/pubs/research\\_reports/RR400/RR443-1/RAND\\_RR443-1.pdf](http://www.rand.org/content/dam/rand/pubs/research_reports/RR400/RR443-1/RAND_RR443-1.pdf). Last visited January 23, 2016.

### ***Levels of Vehicle Automation and Evolving Federal Policy***

Self-driving cars are just one form of vehicle automation. The National Highway Traffic Safety Administration (NHTSA) in 2013<sup>45</sup> defined a range of vehicle automation, from vehicles that do not have any of their control systems automated, through fully automated vehicles.

NHTSA also made a number of recommendations in its 2013 Policy Statement, including those for:

- Licensing Drivers to Operate Self-Driving Vehicles for Testing.
- State Regulations Governing Testing of Self-Driving Vehicles.
- Basic Principles for Testing of Self-Driving Vehicles.
- Regulations Governing the Operation of Self-Driving Vehicles for Purposes Other than Testing.
- Regulations Governing the Operation of Self-Driving Vehicles for Purposes Other than Testing.<sup>46</sup>

The arrival of general availability of autonomous vehicles has been the subject of much discussion. NHTSA, however, recently updated its policy, acknowledging rapid development of emerging automation technologies and recognizing the feasibility of widespread deployment of partially and fully automated vehicles.<sup>47</sup> NHTSA's administrator announced NHTSA's use of available tools to accelerate deployment of technologies that can eliminate 94 percent of crashes involving human error.<sup>48</sup> NHTSA committed to working with state partners on a consistent national policy to provide options, now and in the future, for manufacturers to seek deployment of autonomous vehicles.

In addition, the U.S. D.O.T. outlined the following 2016 milestones:

- NHTSA will work with industry and other stakeholders within six months to develop guidance on the safe deployment and operation of autonomous vehicles, providing a common understanding of the performance characteristics necessary for fully autonomous vehicles and the testing and analysis methods needed to assess them.
- In the same six months, NHTSA will work with state partners, the American Association of Motor Vehicle Administrators, and other stakeholders to develop a model state policy on automated vehicles that offers a path to consistent national policy.
- Manufacturers are encouraged to submit rule interpretation requests where appropriate to help enable technology innovation.<sup>49</sup>

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<sup>45</sup> See NHTSA's 2013 *Preliminary Statement of Policy Concerning Automated Vehicles*, at p. 4. (On file in the Senate Transportation Committee.)

<sup>46</sup> NHTSA at that time recommended against states authorizing the operation of self-driving vehicles for purposes other than testing and suggested: "Should a state nevertheless decide to permit such non-testing operation of self-driving vehicles, at a minimum the state should require that a properly licensed driver (i.e., one licensed to drive self-driving vehicles) be seated in the driver's seat and be available at all times in order to operate the vehicle in situations in which the automated technology is not able to safely control the vehicle." *Id.*, at pp. 11-14.

<sup>47</sup> See NHTSA's 2016 *Update to Preliminary Statement of Policy Concerning Automated Vehicles*, at p. 1: <file:///C:/Users/One/Downloads/Autonomous-Vehicles-Policy-Update-2016.pdf>. Last visited January 23, 2016.

<sup>48</sup> See the U.S.D.O.T. announcement: <https://www.transportation.gov/briefing-room/secretary-foxx-unveils-president-obama%E2%80%99s-fy17-budget-proposal-nearly-4-billion>. Last visited January 23, 2016.

<sup>49</sup> As an example, the announcement links to a NHTSA response to a BMW request for an interpretation confirming that BMW's remote self-parking system meets the Federal Motor Vehicle Safety Standards. The response notes that NHTSA does

- When interpretation authority is not sufficient, manufacturers are encouraged to submit requests for use of the agency’s exemption authority to allow the deployment of fully autonomous vehicles.<sup>50</sup> Exemption authority allows NHTSA to enable the deployment of up to 2,500 vehicles for up to two years if the agency determines that an exemption would ease development of new safety features.<sup>51</sup>
- DOT and NHTSA will develop the new tools necessary for this new era of vehicle safety and mobility, and will consider seeking new authorities when they are necessary to ensure that fully autonomous vehicles, including those designed without a human driver in mind, are deployable in large numbers when they are demonstrated to provide an equivalent or higher level of safety than is now available.

Also announced is an executive budget proposal for fiscal year 2017. If enacted, nearly \$4 billion would be used to test connected vehicle systems in designated corridors throughout the county. These pilot programs would also allow funding to be used for working with industry leaders on a common multistate structure for connected and autonomous vehicles.<sup>52</sup>

### ***State Regulation of Autonomous Vehicles***

Nevada, in 2011, was the first state to authorize operation of autonomous vehicles.<sup>53</sup> In various forms, legislation has also been enacted in Washington, D.C., and five other states, including Florida.<sup>54</sup> The Florida Legislature first enacted legislation on the matter in 2012.<sup>55</sup> The legislation provided legislative intent, defined relevant terms, provided vehicle requirements and guidelines for testing, set out certain liability provisions, and required the Florida Department of Highway Safety & Motor Vehicles (DHSMV) to submit a report on autonomous vehicles.<sup>56</sup>

Sixteen states introduced legislation related to autonomous vehicles in 2015, up from 12 states in 2014, nine states and D.C. in 2013, and six states in 2012.<sup>57</sup> The most recent development at the state level occurred in California in December of 2015, in which its Department of Motor Vehicles released draft autonomous vehicle deployment regulations for public comment, in preparation for “the next step toward allowing the public to operate self-driving cars on California roadways in the future.”<sup>58</sup>

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not provide approvals of vehicles or vehicle equipment or make determinations as to whether a product conforms to the Federal Motor Vehicle Safety Standards (FMVSSs) outside of an agency compliance test. Instead, federal law requires manufacturers to self-certify that a product conforms to all applicable FMVSSs in effect on the date of product manufacture. See the NHTSA response: <file:///C:/Users/One/Downloads/BMW-response-01042016.pdf>. Last visited January 23, 2016.

<sup>50</sup> See 49 C.F.R. Part 555.

<sup>51</sup> See 49 C.F.R., Subpart A, s. 555.6.

<sup>52</sup> *Supra* note 45.

<sup>53</sup> See the National Conference of State Legislatures website for additional detail on legislation already enacted by specified states: [http://www.ncsl.org/research/transportation/autonomous-vehicles-legislation.aspx#Enacted Autonomous Vehicles Legislation](http://www.ncsl.org/research/transportation/autonomous-vehicles-legislation.aspx#Enacted%20Autonomous%20Vehicles%20Legislation). Last visited January 23, 2016.

<sup>54</sup> The other four states are California, Michigan, North Dakota, and Tennessee. *Id.*

<sup>55</sup> Chapter 2012-174, L.O.F. See also ch. 2014-216, L.O.F.

<sup>56</sup> See the report at: <http://www.flhsmv.gov/html/HSMVAutonomousVehicleReport2014.pdf>. Last visited January 24, 2016.

<sup>57</sup> *Supra* note 50.

<sup>58</sup> This followed California’s legislation directing the adoption of safety standards and performance requirements to ensure the safe operation and testing of autonomous vehicles. See the California Department of Motor Vehicles Press Release: [https://www.dmv.ca.gov/portal/dmv/detail/pubs/newsrel/newsrel15/2015\\_63](https://www.dmv.ca.gov/portal/dmv/detail/pubs/newsrel/newsrel15/2015_63). Last visited January 23, 2016.

### ***Current Florida Law***

*Definitions:* Section 316.003(90), F.S., defines “autonomous vehicle” as any vehicle equipped with autonomous technology. That subsection also includes a definition of “autonomous technology,” which means technology installed on a motor vehicle that has the capability to drive the vehicle on which the technology is installed without the active control or monitoring by a human operator.<sup>59</sup>

*Operation:* Operation of autonomous vehicles is authorized as specified in s. 316.85, F.S. A person who possesses a valid driver license may operate an autonomous vehicle in autonomous mode.<sup>60</sup> When a person causes the vehicle’s autonomous technology to engage, regardless of whether the person is physically present in the vehicle while the vehicle is operating in autonomous mode, that person is deemed the operator of the vehicle.

*Testing:* Testing of vehicles equipped with autonomous technology is authorized in s. 316.86, F.S. Employees, contractors, or other persons designated by manufacturers of autonomous technology, or by research organizations associated with accredited educational institutions, are authorized to operate such vehicles on roads in this state to test autonomous technology. A human operator must be present in the vehicle being tested, with the ability to monitor the vehicle’s performance and intervene, if necessary, unless the vehicle is being tested or demonstrated on a closed course.<sup>61</sup> Before testing, the entity performing the testing must submit an instrument of insurance, surety bond, or proof of self-insurance acceptable to the DHSMV in the amount of \$5 million.<sup>62</sup>

*Vehicle Requirements:* Section 319.145, F.S., requires an autonomous vehicle registered in this state<sup>63</sup> to meet federal standards and regulations for a motor vehicle. This section of law is expressly superseded when in conflict with NHTSA federal regulations. In addition, an autonomous vehicle must:

- Have a means to engage and disengage the autonomous technology which is easily accessible to the operator.
- Have a means, inside the vehicle, to visually indicate when the vehicle is operating in autonomous mode.

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<sup>59</sup> The latter definition does not include a motor vehicle enabled with active safety systems or driver assistance systems, including, without limitation, a system to provide electronic blind spot assistance, crash avoidance, emergency braking, parking assistance, adaptive cruise control, lane keep assistance, lane departure warning, or traffic jam and queuing assistant, unless any such system alone or in combination with other systems enables the vehicle on which the technology is installed to drive without the active control or monitoring by a human operator.

<sup>60</sup> The DHSMV will authorize a person who possesses a valid driver license to operate an autonomous vehicle in autonomous mode on a Florida roadway, but only if manufacturers of the technology designate the person as a driver for testing purposes. See the DHSMV publication, *Excellence in Service, Education, and Enforcement*, Summer 2012, heading “2012 Legislative Update,” at p. 1: <http://www.flhsmv.gov/html/CJSummer2012.pdf>. Last visited January 24, 2016.

<sup>61</sup> The DHSMV will authorize operation of an autonomous vehicle in autonomous mode without a human physically present in the vehicle only on a closed course. See the DHSMV email to committee staff dated January 25, 2016. On filed in the Senate Transportation Committee.

<sup>62</sup> This section of the law also provides immunity from certain liability for the original manufacturer of a vehicle converted by a third party into an autonomous vehicle under specified conditions. Section 316.86.(2), F.S.

<sup>63</sup> Chapter 320, F.S., reflects no vehicle registration provision specific to autonomous vehicles.

- Have a means to alert the operator of the vehicle if a technology failure affecting the ability of the vehicle to safely operate autonomously is detected while the vehicle is operating autonomously in order to indicate to the operator to take control of the vehicle.
- Be capable of being operated in compliance with the applicable traffic and motor vehicle laws of this state.

### ***Local Regulation of Autonomous Vehicles***

Current Florida law reflects no provision addressing local regulation of autonomous vehicles.

### ***Transportation Planning and Autonomous Vehicles***

Section 339.175(7), F.S., requires metropolitan planning organizations (MPOs) to develop a long-range transportation plan addressing at least a 20-year planning horizon. The plans must be consistent, to the maximum extent feasible, with local government comprehensive plans of the local governments located within the jurisdiction of the MPO.

Section 339.64, F.S., requires the FDOT to develop and update every five years, in cooperation with MPOs, regional planning councils, local governments, and other transportation providers, a Strategic Intermodal System (SIS) Plan. The plan must be consistent with the Florida Transportation Plan.<sup>64</sup>

### ***Effect of Proposed Changes:***

**Section 5** amends s. 316.85, F.S., expressly authorizes a person holding a valid driver license to operate an autonomous vehicle in autonomous mode on roads in this state if the vehicle is equipped with autonomous technology, as defined in s. 316.003, F.S. Operation of an autonomous vehicle on roads in this state is no longer limited to licensed drivers designated for testing purposes.

**Section 6** amends s. 316.86, F.S., to remove provisions regarding the operation of vehicles equipped with autonomous technology on roads for testing purposes, including the provisions:

- Authorizing employees, contractors, or other persons designated by manufacturers of autonomous technology, or by research organizations associated with accredited educational institutions, to operate such vehicles on roads in this state to test autonomous technology.
- Requiring a human operator to be present in the vehicle being tested, with the ability to monitor the vehicle's performance and intervene, if necessary, unless the vehicle is being tested or demonstrated on a closed course.
- Requiring the specified security before testing.

Left in place are the original manufacture liability protections.

**Section 7** amends s. 319.145, F.S., to clarify that registered autonomous vehicles must meet *applicable* federal standards and regulations for such vehicles. This section also requires an autonomous vehicle to have a system to safely alert the operator if an autonomous technology

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<sup>64</sup> The Florida Transportation Plan is a statewide transportation plan that considers the needs of the entire state transportation system and examines the use of all modes of transportation to meet such needs. The purpose of the plan is to establish and define the state's long-range transportation goals and objectives over a period of at least 20 years. See s. 339.155, F.S.

failure is detected while the autonomous technology is engaged. When an alert is given, the system must:

- Require the operator to take control of the autonomous vehicle, or
- If the operator does not or is unable to take control, be capable of bringing the vehicle to a complete stop.

The latter revision replaces the currently required easily accessible means by which the operator engages and disengages the technology, and the required means to alert the operator of a described technology failure to indicate to the operator to take control of the vehicle.

Taken together, these sections of the bill authorize on the public roads of this state operation of autonomous vehicles equipped with the defined autonomous technology by any person holding a valid driver license, without the need to be designated by an autonomous vehicle manufacturer for testing purposes, and without any testing. The physical presence of an operator is no longer required. Autonomous vehicles registered in this state must continue to meet federal standards and regulations that apply to such vehicles. To the extent that any new provision in the bill regarding vehicle equipment is or becomes in conflict with federal law, the bill's provision would be superseded.

**Section 13** amends s. 339.175(3)(c)2., F.S., to include in an MPO's capital investment assessment the goal of improving safety while making the most efficient use of existing transportation facilities. In addition, MPOs are required to consider in developing long-range transportation plans infrastructure and technological improvements necessary to accommodate advances in vehicle technology, such as autonomous vehicle technology and other developments.

**Section 15** amends s. 339.64, F.S., to require the FDOT to coordinate with federal, regional, and local partners, as well as industry representatives, to consider when updating the SIS Plan infrastructure and technological improvements to the SIS necessary to accommodate advances in vehicle technology. The bill also requires the same consideration to be included in the needs assessment.

**Section 1** amends s. 316.003, F.S., separating the unchanged definition of "autonomous technology" from the existing definition of "autonomous vehicle."

**Section 4** amends s. 316.303(1) and (3), F.S., which currently prohibits operation of a motor vehicle if it is equipped with television-type receiving equipment that is visible from the driver's seat, but an electronic display used in conjunction with a vehicle navigation system is not prohibited. The bill authorizes television-type receiving equipment visible from the driver's seat if the vehicle is equipped with the autonomous technology and operated in autonomous mode, both as defined in s. 316.003, F.S.

#### **Driver-Assistive Truck Platooning (Sections 1, 3, and 4)**

##### ***Present Situation***

In August of 2014, the National Highway Traffic Safety Administration (NHTSA) issued an advance notice of proposed rulemaking, following NHTSA's earlier announcement that the

agency will begin working on a regulatory proposal to require vehicle-to-vehicle (V2V) devices in passenger cars and light trucks in a future year. V2V is a crash avoidance technology, relying on communication of information between nearby vehicles to warn drivers about dangerous situations that could lead to a crash.<sup>65</sup> NHTSA advises that, “Using V2V technology, vehicles ranging from cars to trucks and buses to trains could one day be able to communicate important safety and mobility information to one another that can help save lives, prevent injuries, ease traffic congestion, and improve the environment.”<sup>66</sup>

One form of V2V technology is known as driver-assistive truck platooning (DATP), which allows trucks to communicate with each other and to travel as close as thirty feet apart with automatic acceleration and braking. A draft is created, reducing wind resistance and cutting down on fuel consumption.<sup>67</sup>

The DATP concept is based on a system that controls inter-vehicle spacing based on information from forward-looking radars and direct vehicle-to-vehicle communications. Braking and other operational data is constantly exchanged between the trucks, enabling the control system to automatically adjust engine and brakes in real-time. This allows equipped trucks to travel closer together than manual operations would safely allow. Platooning technology is increasingly a subject of interest in the truck community, with multiple companies developing prototypes.<sup>68</sup>

One such system uses integrated sensors, controls, and wireless communications for “connected” trucks. The system is cloud-based, determining in real time whether conditions are appropriate to allow specific trucks to engage in platooning operations. The system synchronizes acceleration and braking between tractor-trailers, leaving steering to the drivers, but eliminating braking distance otherwise caused by lags in the front or rear driver’s response time. The following vehicle is provided video showing the lead truck’s line of sight while the lead vehicle is provided video showing the area behind the following truck. If another vehicle enters between platooning trucks, the system will automatically increase following distance or delink the trucks and then relink once the cut-in risk has passed. If data transfer between platooning trucks ceases, the driver is immediately notified that manual acceleration and braking control is about to resume.<sup>69</sup> The term “driver-assistive truck platooning” is not currently defined or otherwise addressed in current state law.

### ***Following Too Closely/Television-Type Receiving Equipment***

Section 316.0895(2), F.S., currently deems it unlawful for the driver of any motor truck, motor truck drawing another vehicle, or vehicle towing another vehicle or trailer, when traveling upon a roadway outside of a business or residence district, to follow within 300 feet of another motor

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<sup>65</sup> See the U.S.D.O.T. Fact Sheet on Vehicle-To-Vehicle Communication Technology. On file in the Senate Transportation Committee.

<sup>66</sup> See the NHTSA website: <http://www.safercar.gov/v2v/index.html>. Last visited January 25, 2016.

<sup>67</sup> See the GBT Global News website: <http://www.gobytrucknews.com/driver-survey-platooning/123>. Last visited January 25, 2016.

<sup>68</sup> See the American Transportation Research Institute website: <http://atri-online.org/2014/11/17/atri-seeks-input-on-driver-assistive-truck-platooning/>. Last visited January 25, 2016.

<sup>69</sup> See the Peloton website: <http://www.peloton-tech.com/faq/>. Last visited January 25, 2016.



truck, motor truck drawing another vehicle, or vehicle towing another vehicle or trailer. That subsection expressly does not prevent overtaking and passing and does not apply upon any lane specially designated for use by motor trucks or other slow-moving vehicles.

Section 316.303, F.S., currently prohibits operation of a motor vehicle if it is equipped with television-type receiving equipment that is visible from the driver's seat, but an electronic display used in conjunction with a vehicle navigation system is not prohibited.

### *Effect of Proposed Changes*

**Section 1** amends s. 316.003, F.S., defining "driver-assistive truck platooning technology" as vehicle automation technology that integrates a sensor array, wireless communications, vehicle controls, and specialized software to synchronize the acceleration and braking between no more than two truck tractor-semitrailer combinations, while leaving the vehicle's steering control and systems command in the control of the vehicle's driver.

**Section 3** amends s. 316.0895(2), F.S., to exempt two truck tractor-semitrailer combinations from the minimum 300 foot following distance requirement, when the combination is equipped and connected with driver-assistive truck platooning technology and operating on a multilane limited access facility, if:

- The owner or operator first submits to the DHSMV an instrument of insurance, a surety bond, or proof of self-insurance acceptable to the DHSMV in the amount of \$1 million.
- The vehicles are equipped with an external indication, visible to surrounding motorists, that the vehicles are engaged in truck platooning.
- The vehicles are not required to be placarded due to transporting certain hazardous materials.

**Section 4** amends s. 316.303(3), F.S., to allow vehicles equipped and operating with driver-assistive truck platooning technology to be equipped with electronic displays visible from the driver's seat, and to authorize the operator of a vehicle equipped and operating with truck platooning technology to use an electronic display.

Drivers of platooning trucks meeting the specified conditions are no longer required to maintain 300 feet in distance between the two trucks and are allowed to have television-type receiving equipment visible from the driver's seat.

The bill takes effect July 1, 2016.

## **IV. Constitutional Issues:**

### **A. Municipality/County Mandates Restrictions:**

None.

### **B. Public Records/Open Meetings Issues:**

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

**Sections 1, 4-7, 13, and 15:** The impact of the provisions relating to the operation of autonomous vehicles is unknown. The private sector may realize positive economic benefits in terms of improved safety, environment, mobility, and time savings.

The impact of the driver-assistive truck platooning provisions is unknown. The private sector may realize positive economic benefits in terms of improved safety, environment, mobility, and time savings.

**Section 10:** Transfer of the Pinellas Bayway System from the FDOT to the Florida Turnpike Enterprise does not appear to have an immediate impact on the private sector but a positive fiscal impact may be realized upon construction of the replacement bridge in terms of more efficient travel.

**Section 9:** The required toll facility signage may assist motorists in avoiding unwanted administrative expenses associated with toll-by-plate billing and rental car company charges for use of a company's electronic transponder, by allowing selection of an alternative route.

C. Government Sector Impact:

**Sections 1, 3-7, 13, and 15:** The impact of the provisions relating to the operation of autonomous vehicles is unknown. The government sector may realize positive economic benefits in terms of improved safety, environment, mobility, and time savings.

The impact of the driver-assistive truck platooning provisions is unknown. The government sector may realize positive economic benefits in terms of improved safety, environment, mobility, and time savings.

**Section 5:** The transfer of the Pinellas Bayway System does not appear to have any immediate fiscal impact, as the transfer occurs without the expenditure of any funds. Aside from the project cost information on replacing the structurally deficient bridge over Boca Ciega Bay on SR 679 provided by the FDOT, the method by which replacement will be funded or financed is unknown.

**Section 9:** The required toll facility signage, while indeterminate, presents a negative fiscal impact to the FDOT and expressway and bridge authorities, to the extent that these entities have toll facilities that do not allow cash payment of a toll.

**Section 17:** The THEA bonding provisions pose no immediate fiscal impact. The fiscal impact of any potential bonding is unknown.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

Under current law, the “operator” of an autonomous vehicle is the person who engages the technology. The identity of the “operator” of an unoccupied vehicle is unclear.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 316.003, 316.0745, 316.0895, 316.303, 316.85, 316.866, 319.145, 332.08, 338.155, 338.165, 338.231, 339.175, 339.2818, 339.64, and 348.565.

This bill repeals section 341.0532 of the Florida Statutes.

This bill repeals chapter 85-364, as amended by chapter 95-382 and section 48 of chapter 2014-223, Laws of Florida.

**IX. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Transportation on January 27, 2016:**

The CS modifies the bill by:

- Removing from the bill preemption of regulation and operation of autonomous vehicles to the state.
- Revising equipment requirements for autonomous vehicles by requiring a system to alert an operator of a technology failure and to take control, or to stop the vehicle under certain conditions.
- Extending the authorized term of certain airport-related leases.
- Requiring signage at toll facilities notifying drivers if cash payment is not an option.
- Transferring certain funds to be used to help fund the costs of repair and replacement of the Pinellas Bayway System.
- Increasing the population ceiling in the definition of “small county” for purposes of the Small County Outreach Program.
- Expanding the list of THEA project types approved to finance by certain revenue bonds.

B. Amendments:

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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LEGISLATIVE ACTION

Senate	.	House
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The Committee on Transportation (Brandes) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 164 - 180

and insert:

Section 5. Subsection (1) of section 316.85, Florida Statutes, is amended to read:

316.85 Autonomous vehicles; operation.—

(1) A person who possesses a valid driver license may operate an autonomous vehicle in autonomous mode on roads in this state if the vehicle is equipped with autonomous



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11 technology, as defined in s. 316.003.

12

13 ===== T I T L E A M E N D M E N T =====

14 And the title is amended as follows:

15       Delete line 20

16 and insert:

17       in autonomous mode; amending



495952

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/27/2016	.	
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The Committee on Transportation (Brandes) recommended the following:

**Senate Amendment**

Delete lines 213 - 226  
and insert:  
for such a motor vehicle. The vehicle must ~~shall~~:

(a) Have a system to safely alert the operator if an autonomous technology failure is detected while the autonomous technology is engaged. When an alert is given, the system must:

1. Require the operator to take control of the autonomous vehicle; or



495952

11           2. If the operator does not, or is not able to, take  
12 control of the autonomous vehicle, be capable of bringing the  
13 vehicle to a complete stop ~~Have a means to engage and disengage~~  
14 ~~the autonomous technology which is easily accessible to the~~  
15 ~~operator.~~

16           (b) Have a means, inside the vehicle, to visually indicate  
17 when the vehicle is operating in autonomous mode.

18           ~~(c) Have a means to alert the operator of the vehicle if a~~  
19 ~~technology failure affecting the ability of the vehicle to~~  
20 ~~safely operate autonomously is detected while the vehicle is~~  
21 ~~operating autonomously in order to indicate to the operator to~~  
22 ~~take control of the vehicle.~~

23           (c)-(d) Be capable of being operated in compliance with the  
24 applicable traffic and motor vehicle laws of this state.





232426

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/27/2016	.	
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The Committee on Transportation (Brandes) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 226 and 227  
insert:

Section 8. Paragraph (c) of subsection (1) of section  
332.08, Florida Statutes, is amended to read:

332.08 Additional powers.—

(1) In addition to the general powers in ss. 332.01-332.12  
conferred and without limitation thereof, a municipality that  
has established or may hereafter establish airports, restricted



232426

11 landing areas, or other air navigation facilities, or that has  
12 acquired or set apart or may hereafter acquire or set apart real  
13 property for such purposes, is authorized:

14 (c) To lease for a term not exceeding 50 ~~30~~ years such  
15 airports or other air navigation facilities, or real property  
16 acquired or set apart for airport purposes, to private parties,  
17 any municipal or state government or the national government, or  
18 any department of either thereof, for operation; to lease or  
19 assign for a term not exceeding 50 ~~30~~ years to private parties,  
20 any municipal or state government or the national government, or  
21 any department of either thereof, for operation or use  
22 consistent with the purposes of ss. 332.01-332.12, space, area,  
23 improvements, or equipment on such airports; to sell any part of  
24 such airports, other air navigation facilities, or real property  
25 to any municipal or state government, or the United States or  
26 any department or instrumentality thereof, for aeronautical  
27 purposes or purposes incidental thereto, and to confer the  
28 privileges of concessions of supplying upon its airports goods,  
29 commodities, things, services, and facilities; provided, that in  
30 each case in so doing the public is not deprived of its rightful  
31 equal and uniform use thereof.

32  
33 ===== T I T L E A M E N D M E N T =====

34 And the title is amended as follows:

35 Between lines 30 and 31

36 insert:

37 amending s. 332.08, F.S., extending the authorized  
38 term of certain airport-related leases;



227864

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/27/2016	.	
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The Committee on Transportation (Brandes) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 226 and 227

insert:

Section 8. Section 338.155, Florida Statutes, is amended to read:

338.155 Payment of toll on toll facilities required; exemptions; signage required.—

(1) A person may not use any toll facility without payment of tolls, except employees of the agency operating the toll



11 project when using the toll facility on official state business,  
12 state military personnel while on official military business,  
13 handicapped persons as provided in this section, persons exempt  
14 from toll payment by the authorizing resolution for bonds issued  
15 to finance the facility, and persons exempt on a temporary basis  
16 where use of such toll facility is required as a detour route.  
17 Any law enforcement officer operating a marked official vehicle  
18 is exempt from toll payment when on official law enforcement  
19 business. Any person operating a fire vehicle when on official  
20 business or a rescue vehicle when on official business is exempt  
21 from toll payment. Any person participating in the funeral  
22 procession of a law enforcement officer or firefighter killed in  
23 the line of duty is exempt from toll payment. The secretary or  
24 the secretary's designee may suspend the payment of tolls on a  
25 toll facility when necessary to assist in emergency evacuation.  
26 The failure to pay a prescribed toll constitutes a noncriminal  
27 traffic infraction, punishable as a moving violation as provided  
28 in s. 318.18. The department may adopt rules relating to the  
29 payment, collection, and enforcement of tolls, as authorized in  
30 this chapter and chapters 316, 318, 320, and 322, including, but  
31 not limited to, rules for the implementation of video or other  
32 image billing and variable pricing. With respect to toll  
33 facilities managed by the department, the revenues of which are  
34 not pledged to repayment of bonds, the department may by rule  
35 allow the use of such facilities by public transit vehicles or  
36 by vehicles participating in a funeral procession for an active-  
37 duty military service member without the payment of tolls.

38 (2) Any person driving an automobile or other vehicle  
39 belonging to the Department of Military Affairs used for



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40 transporting military personnel, stores, and property, when  
41 properly identified, shall, together with any such conveyance  
42 and military personnel and property of the state in his or her  
43 charge, be allowed to pass free through all tollgates and over  
44 all toll bridges and ferries in this state.

45 (3) Any handicapped person who has a valid driver license,  
46 who operates a vehicle specially equipped for use by the  
47 handicapped, and who is certified by a physician licensed under  
48 chapter 458 or chapter 459 or by comparable licensing in another  
49 state or by the Adjudication Office of the United States  
50 Department of Veterans Affairs or its predecessor as being  
51 severely physically disabled and having permanent upper limb  
52 mobility or dexterity impairments which substantially impair the  
53 person's ability to deposit coins in toll baskets, shall be  
54 allowed to pass free through all tollgates and over all toll  
55 bridges and ferries in this state. A person who meets the  
56 requirements of this subsection shall, upon application, be  
57 issued a vehicle window sticker by the Department of  
58 Transportation.

59 (4) A copy of this section shall be posted at each toll  
60 bridge and on each ferry.

61 (5) The Department of Transportation shall provide  
62 envelopes for voluntary payments of tolls by those persons  
63 exempted from the payment of tolls pursuant to this section. The  
64 department shall accept any voluntary payments made by exempt  
65 persons.

66 (6) Personal identifying information held by the Department  
67 of Transportation, a county, a municipality, or an expressway  
68 authority for the purpose of paying, prepaying, or collecting



227864

69 tolls and associated administrative charges due for the use of  
70 toll facilities is exempt from s. 119.07(1) and s. 24(a), Art. I  
71 of the State Constitution. This exemption applies to such  
72 information held by the Department of Transportation, a county,  
73 a municipality, or an expressway authority before, on, or after  
74 the effective date of the exemption. This subsection is subject  
75 to the Open Government Sunset Review Act in accordance with s.  
76 119.15 and shall stand repealed on October 2, 2019, unless  
77 reviewed and saved from repeal through reenactment by the  
78 Legislature.

79 (7) A toll facility must ensure the presence of signage  
80 notifying drivers if cash payment of the applicable toll at such  
81 facility is not an available option.

82  
83

84 ===== T I T L E A M E N D M E N T =====

85 And the title is amended as follows:

86 Between lines 30 and 31

87 insert:

88 amending s. 338.155, F.S.; requiring a toll facility  
89 to ensure the presence of signage notifying drivers if  
90 cash payment is not an option;



952892

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/27/2016	.	
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The Committee on Transportation (Brandes) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 227 - 237

and insert:

Section 8. Subsection (4) of section 338.165, Florida Statutes, is amended, and subsection (11) is added to that section, to read:

338.165 Continuation of tolls.—

(4) Notwithstanding any other law to the contrary, pursuant to s. 11, Art. VII of the State Constitution, and subject to the



952892

11 requirements of subsection (2), the Department of Transportation  
12 may request the Division of Bond Finance to issue bonds secured  
13 by toll revenues collected on the Alligator Alley and, the  
14 Sunshine Skyway Bridge, ~~the Beeline East Expressway, the Navarre~~  
15 ~~Bridge, and the Pinellas Bayway~~ to fund transportation projects  
16 located within the county or counties in which the project is  
17 located and contained in the adopted work program of the  
18 department.

19 (11) The department's Pinellas Bayway System may be  
20 transferred by the department and become part of the turnpike  
21 system under the Florida Turnpike Enterprise Law. The transfer  
22 does not affect the rights of the parties, or their successors  
23 in interest, under the settlement agreement and final judgment  
24 in Leonard Lee Ratner, Esther Ratner, and Leeco Gas and Oil Co.  
25 v. State Road Department of the State of Florida, No. 67-1081  
26 (Fla. 2nd Cir. Ct. 1968). Upon transfer of the Pinellas Bayway  
27 System to the turnpike system, the department shall also  
28 transfer to the Florida Turnpike Enterprise the funds deposited  
29 in the reserve account established by chapter 85-364, Laws of  
30 Florida, as amended by chapters 95-382 and 2014-223, Laws of  
31 Florida, which funds shall be used by the Florida Turnpike  
32 Enterprise solely to help fund the costs of repair or  
33 replacement of the transferred facilities.

34 Section 9. Chapter 85-364, Laws of Florida, as amended by  
35 chapters 95-382 and section 48 of 2014-223, Laws of Florida, is  
36 repealed.

37 ===== T I T L E A M E N D M E N T =====

38 And the title is amended as follows:

39 Delete lines 31 - 35





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40 and insert:  
41       amending s. 338.165, F.S.; deleting an authorization  
42       to issue certain bonds secured by toll revenues  
43       collected on the Beeline-East Expressway, the Navarre  
44       Bridge, and the Pinellas Bayway; authorizing the  
45       department's Pinellas Bayway System to be transferred  
46       by the department and become part of the turnpike  
47       system under the Florida Turnpike Enterprise Law;  
48       providing applicability; requiring the department to  
49       transfer certain funds to the Florida Turnpike  
50       Enterprise for certain purposes; repealing chapter 85-  
51       364, Laws of Florida, as amended, relating to the  
52       Pinellas Bayway; amending s. 338.231,



772324

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/27/2016	.	
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The Committee on Transportation (Brandes) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 331 and 332  
insert:

Section 11. Subsection (2) of section 339.2818, Florida Statutes, is amended to read:

339.2818 Small County Outreach Program.—

(2) ~~(a)~~ For the purposes of this section, the term "small county" means any county that has a population of 170,000 ~~150,000~~ or less as determined by the most recent official



772324

11 estimate pursuant to s. 186.901.

12 ~~(b) Notwithstanding paragraph (a), for the 2015-2016 fiscal~~  
13 ~~year, for purposes of this section, the term "small county"~~  
14 ~~means any county that has a population of 165,000 or less as~~  
15 ~~determined by the most recent official estimate pursuant to s.~~  
16 ~~186.901. This paragraph expires July 1, 2016.~~

17 ===== T I T L E A M E N D M E N T =====

18 And the title is amended as follows:

19 Between lines 49 and 50

20 insert:

21 s. 339.2818, F.S.; increasing the population ceiling  
22 in the definition of the term "small county" for  
23 purposes of the Small County Outreach Program;  
24 deleting an alternative definition of the term "small  
25 county" for a specified fiscal year; amending



557494

LEGISLATIVE ACTION

Senate	.	House
Comm: PEND	.	
01/27/2016	.	
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The Committee on Transportation (Brandes) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 351 and 352  
insert:

Section 13. Section 348.565, Florida Statutes, is amended  
to read:

348.565 Revenue bonds for specified projects.—The existing  
facilities that constitute the Tampa-Hillsborough County  
Expressway System are hereby approved to be refinanced by  
revenue bonds issued by the Division of Bond Finance of the



11 State Board of Administration pursuant to s. 11(f), Art. VII of  
12 the State Constitution and the State Bond Act or by revenue  
13 bonds issued by the authority pursuant to s. 348.56(1)(b). In  
14 addition, the following projects of the Tampa-Hillsborough  
15 County Expressway Authority are approved to be financed or  
16 refinanced by the issuance of revenue bonds in accordance with  
17 this part and s. 11(f), Art. VII of the State Constitution:

18 (1) Brandon area feeder roads.

19 (2) Capital improvements to the expressway system,  
20 including safety and operational improvements and toll  
21 collection equipment.

22 (3) Lee Roy Selmon Crosstown Expressway System widening and  
23 any extensions thereof.

24 (4) The connector highway linking the Lee Roy Selmon  
25 Crosstown Expressway to Interstate 4.

26 (5) Capital projects within its jurisdiction, or within the  
27 jurisdiction of a contiguous county with whom it has an  
28 interlocal agreement that authorizes a capital project, which:

29 (a) Will be or are located on a state road right-of-way and  
30 are consistent with the department's plans or use; or

31 (b) Are located on or create local roads that are  
32 consistent with a metropolitan planning organization's approved  
33 long-range transportation plans.

34  
35 ===== T I T L E A M E N D M E N T =====

36 And the title is amended as follows:

37 Between lines 59 and 60

38 insert:

39 amending s. 348.565, F.S.; expanding the list of



557494

40 projects of the Tampa-Hillsborough County Expressway  
41 Authority which are approved to be financed or  
42 refinanced by the issuance of certain revenue bonds;



337938

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/27/2016	.	
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The Committee on Transportation (Brandes) recommended the following:

1           **Senate Substitute for Amendment (557494) (with title**  
2 **amendment)**

3  
4           Between lines 351 and 352  
5 insert:

6           Section 13. Subsection (3) of section 348.565, Florida  
7 Statutes, is amended, and subsection (5) is added to that  
8 section, to read:

9           348.565 Revenue bonds for specified projects.—The existing  
10 facilities that constitute the Tampa-Hillsborough County



337938

11 Expressway System are hereby approved to be refinanced by  
12 revenue bonds issued by the Division of Bond Finance of the  
13 State Board of Administration pursuant to s. 11(f), Art. VII of  
14 the State Constitution and the State Bond Act or by revenue  
15 bonds issued by the authority pursuant to s. 348.56(1)(b). In  
16 addition, the following projects of the Tampa-Hillsborough  
17 County Expressway Authority are approved to be financed or  
18 refinanced by the issuance of revenue bonds in accordance with  
19 this part and s. 11(f), Art. VII of the State Constitution:

20 (3) Lee Roy Selmon Crosstown Expressway System widening,  
21 and any extensions thereof.

22 (5) Capital projects that the authority is authorized to  
23 acquire, construct, reconstruct, equip, operate, and maintain  
24 pursuant to this part, including, without limitation, s.  
25 348.54(15), provided that any financing of such projects does  
26 not pledge the full faith and credit of the state.

27 ===== T I T L E A M E N D M E N T =====

28 And the title is amended as follows:

29 Between lines 59 and 60

30 insert:

31 amending s. 348.565, F.S.; expanding the list of  
32 projects of the Tampa-Hillsborough County Expressway  
33 Authority which are approved to be financed or  
34 refinanced by the issuance of certain revenue bonds;



By Senator Brandes

22-00930C-16

20161392\_\_

1                   A bill to be entitled  
 2       An act relating to transportation; amending s.  
 3       316.003, F.S.; defining and revising the definitions  
 4       of terms; amending s. 316.0745, F.S.; revising the  
 5       circumstances under which the Department of  
 6       Transportation is authorized to direct the removal of  
 7       certain traffic control devices; requiring the public  
 8       agency erecting or installing such a device to bring  
 9       it into compliance with certain requirements or remove  
 10      it upon the direction of the department; amending s.  
 11      316.0895, F.S.; providing that provisions prohibiting  
 12      a driver from following certain vehicles within a  
 13      specified distance do not apply to truck tractor-  
 14      semitrailer combinations under certain circumstances;  
 15      amending s. 316.303, F.S.; providing exceptions to the  
 16      prohibition against certain television-type receiving  
 17      equipment in vehicles; amending s. 316.85, F.S.;  
 18      revising the circumstances under which a licensed  
 19      driver is authorized to operate an autonomous vehicle  
 20      in autonomous mode; providing applicability; amending  
 21      s. 316.86, F.S.; deleting a provision authorizing the  
 22      operation of vehicles equipped with autonomous  
 23      technology on roads in this state for testing purposes  
 24      by certain persons or research organizations; deleting  
 25      a requirement that a human operator be present in an  
 26      autonomous vehicle for testing purposes; deleting  
 27      certain financial responsibility requirements for  
 28      entities performing such testing; amending s. 319.145,  
 29      F.S.; revising provisions relating to required  
 30      equipment and operation of autonomous vehicles;  
 31      amending s. 338.165, F.S.; authorizing the Department  
 32      of Transportation's Pinellas Bayway System to be

Page 1 of 13

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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33           transferred by the department and become part of the  
 34           turnpike system under the Florida Turnpike Enterprise  
 35           Law; providing applicability; amending s. 338.231,  
 36           F.S.; increasing the number of years before an  
 37           inactive prepaid toll account shall be presumed  
 38           unclaimed; deleting provisions relating to the use of  
 39           revenues from the turnpike system to pay the principal  
 40           and interest of a specified series of bonds and  
 41           certain expenses of the Sawgrass Expressway; amending  
 42           s. 339.175, F.S.; requiring certain long-range  
 43           transportation plans to include assessment of capital  
 44           investment and other measures necessary to make the  
 45           most efficient use of existing transportation  
 46           facilities to improve safety; requiring the  
 47           assessments to include consideration of infrastructure  
 48           and technological improvements necessary to  
 49           accommodate advances in vehicle technology; amending  
 50           s. 339.64, F.S.; requiring the Department of  
 51           Transportation to coordinate with certain partners and  
 52           industry representatives to consider infrastructure  
 53           and technological improvements necessary to  
 54           accommodate advances in vehicle technology in  
 55           Strategic Intermodal System facilities; requiring the  
 56           Strategic Intermodal System Plan to include a needs  
 57           assessment regarding such infrastructure and  
 58           technological improvements; repealing s. 341.0532,  
 59           F.S., relating to statewide transportation corridors;  
 60           providing an effective date.  
 61

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62 Be It Enacted by the Legislature of the State of Florida:

63  
64 Section 1. Present subsections (90) through (93) of section  
65 316.003, Florida Statutes, are redesignated as subsections (91),  
66 (93), (94), and (95), respectively, present subsection (90) of  
67 that section is amended, and new subsections (90) and (92) are  
68 added to that section, to read:

69 316.003 Definitions.—The following words and phrases, when  
70 used in this chapter, shall have the meanings respectively  
71 ascribed to them in this section, except where the context  
72 otherwise requires:

73 (90) AUTONOMOUS TECHNOLOGY.—Technology installed on a motor  
74 vehicle which has the capability to drive the vehicle on which  
75 the technology is installed without the active control of or  
76 monitoring by a human operator.

77 (91)(90) AUTONOMOUS VEHICLE.—Any vehicle equipped with  
78 autonomous technology. The term “autonomous technology” means  
79 technology installed on a motor vehicle that has the capability  
80 to drive the vehicle on which the technology is installed  
81 without the active control or monitoring by a human operator.

82 The term excludes a motor vehicle enabled with active safety  
83 systems or driver assistance systems, including, without  
84 limitation, a system to provide electronic blind spot  
85 assistance, crash avoidance, emergency braking, parking  
86 assistance, adaptive cruise control, lane keep assistance, lane  
87 departure warning, or traffic jam and queuing assistant, unless  
88 any such system alone or in combination with other systems  
89 enables the vehicle on which the technology is installed to  
90 drive without the active control or monitoring by a human

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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91 operator.

92 (92) DRIVER-ASSISTIVE TRUCK PLATOONING TECHNOLOGY.—Vehicle  
93 automation technology that integrates a sensor array, wireless  
94 communications, vehicle controls, and specialized software to  
95 synchronize the acceleration and braking between no more than  
96 two truck tractor-semitrailer combinations, while leaving each  
97 vehicle’s steering control and systems command in the control of  
98 the vehicle’s driver.

99 Section 2. Subsection (7) of section 316.0745, Florida  
100 Statutes, is amended to read:

101 316.0745 Uniform signals and devices.—

102 (7) The Department of Transportation may, upon receipt and  
103 investigation of reported noncompliance and is authorized, after  
104 hearing pursuant to 14 days’ notice, to direct the removal of  
105 any purported traffic control device that fails to meet the  
106 requirements of this section, wherever the device is located and  
107 without regard to assigned responsibility under s. 316.1895  
108 which fails to meet the requirements of this section. The public  
109 agency erecting or installing the same shall immediately bring  
110 it into compliance with the requirements of this section or  
111 remove said device or signal upon the direction of the  
112 Department of Transportation and may not, for a period of 5  
113 years, install any replacement or new traffic control devices  
114 paid for in part or in full with revenues raised by the state  
115 unless written prior approval is received from the Department of  
116 Transportation. Any additional violation by a public body or  
117 official shall be cause for the withholding of state funds for  
118 traffic control purposes until such public body or official  
119 demonstrates to the Department of Transportation that it is

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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120 complying with this section.

121 Section 3. Subsection (2) of section 316.0895, Florida  
122 Statutes, is amended to read:

123 316.0895 Following too closely.—

124 (2) It is unlawful for the driver of any motor truck, motor  
125 truck drawing another vehicle, or vehicle towing another vehicle  
126 or trailer, when traveling upon a roadway outside of a business  
127 or residence district, to follow within 300 feet of another  
128 motor truck, motor truck drawing another vehicle, or vehicle  
129 towing another vehicle or trailer. ~~The provisions of This~~  
130 ~~subsection may shall~~ not be construed to prevent overtaking and  
131 ~~passing, nor does it nor shall the same~~ apply upon any lane  
132 specially designated for use by motor trucks or other slow-  
133 moving vehicles. This subsection does not apply to two truck  
134 tractor-semitrailer combinations equipped and connected with  
135 driver-assistive truck platooning technology, as defined in s.  
136 316.003, and operating on a multilane limited access facility,  
137 if:

138 (a) The owner or operator first submits to the department  
139 an instrument of insurance, a surety bond, or proof of self-  
140 insurance acceptable to the department in the amount of \$1  
141 million;

142 (b) The vehicles are equipped with an external indication,  
143 visible to surrounding motorists, that the vehicles are engaged  
144 in truck platooning; and

145 (c) The vehicles are not required to be placarded pursuant  
146 to 49 C.F.R. parts 171-179.

147 Section 4. Subsections (1) and (3) of section 316.303,  
148 Florida Statutes, are amended to read:

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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20161392\_\_

149 316.303 Television receivers.—

150 (1) ~~A No~~ motor vehicle ~~may not be~~ operated on the highways  
151 of this state ~~if the vehicle is shall be~~ equipped with  
152 television-type receiving equipment so located that the viewer  
153 or screen is visible from the driver's seat, unless the vehicle  
154 is equipped with autonomous technology, as defined in s.  
155 316.003, and is being operated in autonomous mode, as provided  
156 in s. 316.85(2).

157 (3) This section does not prohibit the use of an electronic  
158 display used in conjunction with a vehicle navigation system; an  
159 electronic display used by an operator of a vehicle equipped  
160 with autonomous technology, as defined in s. 316.003; or an  
161 electronic display used by an operator of a vehicle equipped and  
162 operating with driver-assistive truck platooning technology, as  
163 defined in s. 316.003.

164 Section 5. Section 316.85, Florida Statutes, is amended to  
165 read:

166 316.85 Autonomous vehicles; operation; preemption.—

167 (1) A person who possesses a valid driver license may  
168 operate an autonomous vehicle in autonomous mode on roads in  
169 this state if the vehicle is equipped with autonomous  
170 technology, as defined in s. 316.003.

171 (2) For purposes of this chapter, unless the context  
172 otherwise requires, a person shall be deemed to be the operator  
173 of an autonomous vehicle operating in autonomous mode when the  
174 person causes the vehicle's autonomous technology to engage,  
175 regardless of whether the person is physically present in the  
176 vehicle while the vehicle is operating in autonomous mode.

177 (3) All matters relating to the regulation and operation of

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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178 autonomous vehicles on the public roads in this state are  
 179 preempted to the state, except as otherwise specifically  
 180 authorized by state or federal law.

181 Section 6. Section 316.86, Florida Statutes, is amended to  
 182 read:

183 ~~316.86 Operation of vehicles equipped with autonomous~~  
 184 ~~technology on roads for testing purposes; financial~~  
 185 ~~responsibility;~~ Exemption from liability for manufacturer when  
 186 third party converts vehicle.-

187 ~~(1) Vehicles equipped with autonomous technology may be~~  
 188 ~~operated on roads in this state by employees, contractors, or~~  
 189 ~~other persons designated by manufacturers of autonomous~~  
 190 ~~technology, or by research organizations associated with~~  
 191 ~~accredited educational institutions, for the purpose of testing~~  
 192 ~~the technology. For testing purposes, a human operator shall be~~  
 193 ~~present in the autonomous vehicle such that he or she has the~~  
 194 ~~ability to monitor the vehicle's performance and intervene, if~~  
 195 ~~necessary, unless the vehicle is being tested or demonstrated on~~  
 196 ~~a closed course. Before the start of testing in this state, the~~  
 197 ~~entity performing the testing must submit to the department an~~  
 198 ~~instrument of insurance, surety bond, or proof of self-insurance~~  
 199 ~~acceptable to the department in the amount of \$5 million.~~

200 ~~(2) The original manufacturer of a vehicle converted by a~~  
 201 ~~third party into an autonomous vehicle is shall not be liable~~  
 202 ~~in, and shall have a defense to and be dismissed from, any legal~~  
 203 ~~action brought against the original manufacturer by any person~~  
 204 ~~injured due to an alleged vehicle defect caused by the~~  
 205 ~~conversion of the vehicle, or by equipment installed by the~~  
 206 ~~converter, unless the alleged defect was present in the vehicle~~

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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207 as originally manufactured.

208 Section 7. Subsection (1) of section 319.145, Florida  
 209 Statutes, is amended to read:

210 319.145 Autonomous vehicles.-

211 (1) An autonomous vehicle registered in this state must  
 212 continue to meet applicable federal standards and regulations  
 213 for such a motor vehicle. The vehicle shall:

214 (a) Have a means to engage and disengage the autonomous  
 215 technology which is easily accessible to the operator or  
 216 passenger.

217 (b) Have a means, inside the vehicle, to visually indicate  
 218 when the vehicle is operating in autonomous mode.

219 (c) Have a means to alert the operator of or passenger in  
 220 the vehicle if a technology failure affecting the ability of the  
 221 vehicle to safely operate autonomously is detected while the  
 222 vehicle is operating autonomously in order to indicate to the  
 223 operator or passenger that he or she should ~~to~~ take control of  
 224 the vehicle.

225 (d) Be capable of being operated in compliance with the  
 226 applicable traffic and motor vehicle laws of this state.

227 Section 8. Subsection (11) is added to section 338.165,  
 228 Florida Statutes, to read:

229 338.165 Continuation of tolls.-

230 (11) The department's Pinellas Bayway System may be  
 231 transferred by the department and become part of the turnpike  
 232 system under the Florida Turnpike Enterprise Law. The transfer  
 233 may not affect the rights of the parties, or their successors in  
 234 interest, under the settlement agreement and final judgment in  
 235 Leonard Lee Ratner, Esther Ratner, and Leeco Gas and Oil Co. v.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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 236 State Road Department of the State of Florida, No. 67-1081 (Fla.  
 237 2nd Cir. Ct. 1968).

238 Section 9. Paragraph (c) of subsection (3) and subsections  
 239 (5) and (6) of section 338.231, Florida Statutes, are amended to  
 240 read:

241 338.231 Turnpike tolls, fixing; pledge of tolls and other  
 242 revenues.—The department shall at all times fix, adjust, charge,  
 243 and collect such tolls and amounts for the use of the turnpike  
 244 system as are required in order to provide a fund sufficient  
 245 with other revenues of the turnpike system to pay the cost of  
 246 maintaining, improving, repairing, and operating such turnpike  
 247 system; to pay the principal of and interest on all bonds issued  
 248 to finance or refinance any portion of the turnpike system as  
 249 the same become due and payable; and to create reserves for all  
 250 such purposes.

251 (3)

252 (c) Notwithstanding any other ~~provision of~~ law to the  
 253 contrary, any prepaid toll account of any kind which has  
 254 remained inactive for 10 ~~3~~ years shall be presumed unclaimed and  
 255 its disposition shall be handled by the Department of Financial  
 256 Services in accordance with all applicable provisions of chapter  
 257 717 relating to the disposition of unclaimed property, and the  
 258 prepaid toll account shall be closed by the department.

259 ~~(5) In each fiscal year while any of the bonds of the~~  
 260 ~~Broward County Expressway Authority series 1984 and series 1986~~  
 261 ~~remain outstanding, the department is authorized to pledge~~  
 262 ~~revenues from the turnpike system to the payment of principal~~  
 263 ~~and interest of such series of bonds and the operation and~~  
 264 ~~maintenance expenses of the Sawgrass Expressway, to the extent~~

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 265 ~~gross toll revenues of the Sawgrass Expressway are insufficient~~  
 266 ~~to make such payments. The terms of an agreement relative to the~~  
 267 ~~pledge of turnpike system revenue will be negotiated with the~~  
 268 ~~parties of the 1984 and 1986 Broward County Expressway Authority~~  
 269 ~~lease purchase agreements, and subject to the covenants of those~~  
 270 ~~agreements. The agreement must establish that the Sawgrass~~  
 271 ~~Expressway is subject to the planning, management, and operating~~  
 272 ~~control of the department limited only by the terms of the~~  
 273 ~~lease purchase agreements. The department shall provide for the~~  
 274 ~~payment of operation and maintenance expenses of the Sawgrass~~  
 275 ~~Expressway until such agreement is in effect. This pledge of~~  
 276 ~~turnpike system revenues is subordinate to the debt service~~  
 277 ~~requirements of any future issue of turnpike bonds, the payment~~  
 278 ~~of turnpike system operation and maintenance expenses, and~~  
 279 ~~subject to any subsequent resolution or trust indenture relating~~  
 280 ~~to the issuance of such turnpike bonds.~~

281 (5)(6) The use and disposition of revenues pledged to bonds  
 282 are subject to ss. 338.22-338.241 and such regulations as the  
 283 resolution authorizing the issuance of the bonds or such trust  
 284 agreement may provide.

285 Section 10. Paragraph (c) of subsection (7) of section  
 286 339.175, Florida Statutes, is amended to read:

287 339.175 Metropolitan planning organization.—

288 (7) LONG-RANGE TRANSPORTATION PLAN.—Each M.P.O. must  
 289 develop a long-range transportation plan that addresses at least  
 290 a 20-year planning horizon. The plan must include both long-  
 291 range and short-range strategies and must comply with all other  
 292 state and federal requirements. The prevailing principles to be  
 293 considered in the long-range transportation plan are: preserving

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 294 the existing transportation infrastructure; enhancing Florida's  
 295 economic competitiveness; and improving travel choices to ensure  
 296 mobility. The long-range transportation plan must be consistent,  
 297 to the maximum extent feasible, with future land use elements  
 298 and the goals, objectives, and policies of the approved local  
 299 government comprehensive plans of the units of local government  
 300 located within the jurisdiction of the M.P.O. Each M.P.O. is  
 301 encouraged to consider strategies that integrate transportation  
 302 and land use planning to provide for sustainable development and  
 303 reduce greenhouse gas emissions. The approved long-range  
 304 transportation plan must be considered by local governments in  
 305 the development of the transportation elements in local  
 306 government comprehensive plans and any amendments thereto. The  
 307 long-range transportation plan must, at a minimum:

308 (c) Assess capital investment and other measures necessary  
 309 to:

310 1. Ensure the preservation of the existing metropolitan  
 311 transportation system including requirements for the operation,  
 312 resurfacing, restoration, and rehabilitation of major roadways  
 313 and requirements for the operation, maintenance, modernization,  
 314 and rehabilitation of public transportation facilities; and

315 2. Make the most efficient use of existing transportation  
 316 facilities to relieve vehicular congestion, improve safety, and  
 317 maximize the mobility of people and goods. Such efforts must  
 318 include, but are not limited to, consideration of infrastructure  
 319 and technological improvements necessary to accommodate advances  
 320 in vehicle technology, such as autonomous technology and other  
 321 developments.  
 322

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 323 In the development of its long-range transportation plan, each  
 324 M.P.O. must provide the public, affected public agencies,  
 325 representatives of transportation agency employees, freight  
 326 shippers, providers of freight transportation services, private  
 327 providers of transportation, representatives of users of public  
 328 transit, and other interested parties with a reasonable  
 329 opportunity to comment on the long-range transportation plan.  
 330 The long-range transportation plan must be approved by the  
 331 M.P.O.

332 Section 11. Paragraph (c) is added to subsection (3) of  
 333 section 339.64, Florida Statutes, and paragraph (a) of  
 334 subsection (4) of that section is amended, to read:

335 339.64 Strategic Intermodal System Plan.—

336 (3)

337 (c) The department shall coordinate with federal, regional,  
 338 and local partners, as well as industry representatives, to  
 339 consider infrastructure and technological improvements necessary  
 340 to accommodate advances in vehicle technology, such as  
 341 autonomous technology and other developments, in Strategic  
 342 Intermodal System facilities.

343 (4) The Strategic Intermodal System Plan shall include the  
 344 following:

345 (a) A needs assessment that must include, but is not  
 346 limited to, consideration of infrastructure and technological  
 347 improvements necessary to accommodate advances in vehicle  
 348 technology, such as autonomous technology and other  
 349 developments.

350 Section 12. Section 341.0532, Florida Statutes, is  
 351 repealed.

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352

Section 13. This act shall take effect July 1, 2016.

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

01/27/2014

Meeting Date

1392

Bill Number (if applicable)

772324

Amendment Barcode (if applicable)

Topic Transportation

Name Darrick D. McGhee

Job Title V.P. - Johnson & Blanton, LLC

Address 537 East Park Avenue  
Street

Phone (850) 321-6989

Tallahassee FL 32301  
City State Zip

Email darrick@teamjb.com

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Santa Rosa County

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

**This form is part of the public record for this meeting.**



THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/27

Meeting Date

SB 1392

Bill Number (if applicable)

772 324

Amendment Barcode (if applicable)

Topic SCOP

Name Cari Roth

Job Title \_\_\_\_\_

Address 215 S. Monroe St. Suite 815

Street

Phone 850/591-1094

Tallahassee FL 32301

City

State

Zip

Email c.roth@deanmead.com

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
*(The Chair will read this information into the record.)*

Representing Charlotte County

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

**This form is part of the public record for this meeting.**

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Transportation

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BILL: CS/SB 1394

INTRODUCER: Transportation Committee and Senator Brandes

SUBJECT: Department of Highway Safety and Motor Vehicles

DATE: January 29, 2016

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Eichin	TR	<b>Fav/CS</b>
2.			ATD	
3.			FP	

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1394 revises multiple laws administered by the Department of Highway Safety and Motor Vehicles (DHSMV). Specifically, the bill:

- Defines the terms “Service Patrol Vehicle” and “Driver-Assistive Truck Platooning”;
- Adds Service Patrol Vehicles engaged in certain activities to the “Move Over Act”;
- Requires a qualified sobriety and drug monitoring program be used in addition to an ignition interlock device when such device is required;
- Allows buses to be equipped with two red rear lights that indicate a bus is stopping;
- Allows operators of a vehicle operating with driver-assistive truck platooning technology be exempt from the prohibitions against following too closely and having an electronic display while being operated;
- Modifies the amount of time an individual must notify the DHSMV of an address or name change on a driver license, identification card, or motor vehicle registration to provide consistency;
- Prohibits law enforcement from issuing a citation for an expired registration until the last day of the month of the year the registration expires, as indicated on the registration sticker;

- Provides that the DHSMV will provide identification cards to offenders in custody or under the supervision of the Florida Department of Juvenile Justice (DJJ) at no charge; and
- Requires the DHSMV to issue no-charge identification cards to individuals whose driver license is suspended or revoked due to a physical or mental condition.

The bill takes effect October 1, 2016.

## II. Present Situation:

Due to the various issues addressed in the bill, the present situation for each section is discussed below in Effect of Proposed Changes.

## III. Effect of Proposed Changes:

### Service Patrol Vehicles and the Move Over Act (Sections 1 and 3)

#### *Present Situation*

##### The Move Over Act<sup>1</sup>

The Move Over Act relates to the operation of motor vehicles when approaching:

- An authorized emergency vehicle parked on the roadside and displaying any visual signals;
- A sanitation or utility vehicle performing services on the roadside; or
- A wrecker displaying amber rotating or flashing lights performing a recovery or loading on the roadside.

When approaching these vehicles, if the driver is along a highway with more than two lanes, the driver must vacate the lane closest to the service provider, when safe to do so. If the driver cannot safely vacate the lane, the driver must reduce his or her speed to 20 miles per hour (mph) under the posted speed limit for speed limits greater than 25 mph, or to 5 mph if the posted speed limit is 20 mph or less.

Section 316.126, F.S., also requires a driver yield to a moving emergency vehicle, however, these requirements do not relieve a driver of an emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

A violation of the Move Over Act is a noncriminal traffic infraction punishable as a moving violation. Violators are subject to a \$30 penalty<sup>2</sup>, court costs<sup>3</sup>, and three points assessed against the violator's license<sup>4</sup>.

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<sup>1</sup> Section 316.126(1)(b), F.S.

<sup>2</sup> Section 318.18(2)(d), F.S.

<sup>3</sup> Depending on jurisdiction, court costs may increase the total penalty up to \$128; Florida Court Clerks and Comptrollers, *Distribution Schedule* (July 1, 2015), available at: [http://c.ymcdn.com/sites/www.flclerks.com/resource/resmgr/Public\\_Documents\\_/2015\\_Distribution\\_Schedule\\_w.pdf](http://c.ymcdn.com/sites/www.flclerks.com/resource/resmgr/Public_Documents_/2015_Distribution_Schedule_w.pdf) at 36. (last visited Jan. 22, 2016)

<sup>4</sup> Section 322.27(3)(d)7., F.S.

### Service Patrol Vehicles

Service Patrol Vehicles, also known as Road Rangers, provide free highway assistance services to motorists. Road Rangers provide services along Florida's highway systems, including assisting stranded motorists, removing debris from the roadway, and assisting during traffic accidents. Since the inception of the program in 2000, the Road Rangers have made over 4.3 million service assists.<sup>5</sup>

### *Effect of Proposed Changes*

**Section 1** of the bill amends s. 316.003, F.S., to define the term "service patrol vehicle."

**Section 3** provides that a service patrol vehicle performing official duties or services along a roadside and displaying amber rotating or flashing lights be included in the Move Over Act. Motorists will be required to move a lane over or slow their vehicle while a service patrol vehicle is displaying their lights and performing official duties along the highway.

The bill also adds that a utility service vehicle must display visual signs as part of being included in the act.

This change seeks to provide greater safety for motorists and public safety professionals.

### **Qualified Sobriety and Drug Monitoring Program (Sections 4, 14, and 15)**

#### *Present Situation*

Florida Statutes defines a "qualified sobriety and drug monitoring program" as an evidence-based program<sup>6</sup>, approved by the DHSMV, in which participants are regularly tested for alcohol and drug use.<sup>7</sup> The program may monitor alcohol or drug use through:

- Breath testing twice a day;
- Continuous transdermal alcohol monitoring; or
- Random blood, breath, urine or oral fluid testing.

Preference is given to testing modalities that provide the best ability to sanction a violation as close in time as reasonably feasible to the occurrence of the violation.

For a second or subsequent DUI offense the court may order a person participate in such program in addition to installation of an ignition interlock device (IID).

Federal Law requires states provide a minimum penalty for drivers convicted of a second or subsequent DUI offense. Specifically, the offender shall receive a driver license suspension for at least one year, *or* a combination of suspension followed by a reinstatement of limited driving

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<sup>5</sup> Florida Department of Transportation website, *Road Rangers Service Patrol*, [http://www.dot.state.fl.us/trafficoperations/traf\\_incident/rrangers/rranger.shtm](http://www.dot.state.fl.us/trafficoperations/traf_incident/rrangers/rranger.shtm) (last visited Jan. 22, 2016).

<sup>6</sup> Section 316.193(6)(j)3., F.S., defines an "evidence-based program" as one that satisfies at least two of the following requirements: (a) The program is included in the federal registry of evidence-based programs and practices; (b) The program has been reported in a peer reviewed journal as having positive effects on the primary targeted outcome; and (c) The program has been documented as effective by informed experts and other sources.

<sup>7</sup> Section 316.193(6)(j), F.S.

privileges or alcohol treatment program if used with the installation of an IID.<sup>8</sup> In December 2015, the FAST Act became federal law.<sup>9</sup> Effective October 1, 2016, the FAST Act requires drivers convicted of a second or subsequent DUI penalty receive, for a period of not less than one year:

- A suspension of all driving privileges;
- A restriction on driving privileges that limits the individual operating only motor vehicles with an IID installed<sup>10</sup>;
- A restriction on driving privileges that limits the individual to operating a motor vehicle only if participating in and complying with a 24-7 sobriety program<sup>11</sup>; *or*
- Any combination of the above.

According to the Act, federal grants may be provided to states that provide a 24-7 sobriety program to be used for expenditures designed to reduce impaired driving.

#### Costs Associated with Sobriety and Drug Monitoring Programs

Participation in a qualified sobriety and drug monitoring program, as well as using an IID, is at the participant's sole expense.<sup>12</sup> The expense to the individual participating in a sobriety and drug monitoring program depends on the modalities used to monitor the individual. For example, twice a day breathalyzer testing are \$4 a day, transdermal alcohol monitoring bracelets are \$10 a day, and drug sweat patches are \$40 per patch (which is applied every 7-10 days).<sup>13</sup> By its nature, the monthly expense to individuals required to participate in random drug testing cannot be estimated.

Comparatively, IIDs cost, on average, \$70-\$150 for installation and around \$60-\$80 per month.<sup>14</sup> According to an Office of Program Policy Analysis and Government Accountability (OPPAGA) report, of the offenders required to install an IID in order to reinstate any driving privilege approximately 51 percent do not install the device.<sup>15</sup> According to the report, the costs associated with the installation and monitoring of an IID (in addition to the multiple costs associated with a DUI conviction) may cause some individuals to be unable to install an IID. This leaves no other option for the individual to restore his or her driving privilege.

Estimates of the number of DUI offenders who continue to drive illegally because they cannot afford the cost to participate in a sobriety and drug monitoring program or have an IID installed are unavailable.

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<sup>8</sup> 23 U.S.C. s. 164(a)(5)

<sup>9</sup> See Congress.Gov, *H.R.22 – FAST Act* (2015-2016), <https://www.congress.gov/bill/114th-congress/house-bill/22/text> (last visited Jan. 28, 2016).

<sup>10</sup> *Id.*; Special exceptions apply for individuals required to operate employer's motor vehicles and for individuals certified by a medical doctor as being unable to provide a deep lung breath sample.

<sup>11</sup> 23 U.S.C. 405(d)(7), defines a 24-7 sobriety program as a state law or program that requires an individual who plead guilty or was convicted of a DUI to abstain from alcohol or drugs for a period of time, and be subject to drug or alcohol testing at least twice per day, by continuous transdermal monitoring, or by an alternate method with the concurrence of the Secretary.

<sup>12</sup> Sections 316.193, F.S.

<sup>13</sup> Florida Association of DUI Programs Inc., *24-7 Sobriety Program* (on file with the Senate Committee on Transportation)

<sup>14</sup> MADD, *Ignition Interlock FAQ's*, <http://www.madd.org/drunken-driving/ignition-interlocks/interlockfaq.html> (last visited Jan. 28, 2016).

<sup>15</sup> OPPAGA, *Ignition Interlock Devices and DUI Recidivism Rates* (Dec. 2014), Report No. 14-14, at 4, available at: <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/1414rpt.pdf> (last visited Jan. 28, 2016).

### Efficacy of Programs

According to a National Highway Traffic Safety Administration case study<sup>16</sup>, there are three ways to prevent DUIs:

- Prevent driving (i.e. revoking the offender's privilege);
- Preventing driving after drinking (e.g. using IIDs); or
- Prevent drinking (e.g. 24-7 Sobriety programs).

South Dakota has been using a 24-7 Sobriety Program for "Driving While under the Influence" offenders since 2005.<sup>17</sup> Between 2005 and 2010, South Dakota had over 17,000 residents participate in the program. Counties documented a 12 percent reduction in repeat DUI arrests and a 9 percent reduction in domestic violence arrests since adoption of the program.<sup>18</sup>

IIDs have been shown to reduce DUI recidivism, when compared to administrative suspension of the driver license, while the device is installed in the vehicle; however, data is not clear whether IIDs reduce recidivism rates long term.<sup>19</sup> Additionally, the data do not capture the effects of those 51 percent of individuals ordered to install an IID who do not and who subsequently continue to drive unlawfully.

### *Effect of Proposed Changes*

**Sections 4, 14, and 15** require offenders to also participate in a sobriety and drug monitoring program when an IID is required. This requirement is effective upon October 1, 2016, which is the date the federal law allowing the use of 24-7 sobriety programs for DUI offenders goes into effect. Specifically, a sobriety and drug monitoring program is required to be used in addition to an IID upon:

- A second or subsequent DUI violation;
- A first DUI offense if the court ordered placement of an IID;
- The petition of the DHSMV for a hardship license if the DHSMV required use of an IID and ordered by the court; and
- The order of an IID by the DHSMV.

Section 4 adds that the definition of "qualified sobriety and drug monitoring program" apply to the term as used in chs. 316 and 322, F.S.

Additionally, section 4 of the bill directs the DHSMV to adopt rules providing for the implementation of qualified sobriety and drug monitoring programs.

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<sup>16</sup> NHTSA, *Transdermal Alcohol Monitoring: Case Studies* (August 2012) (on file with Senate Committee on Transportation)

<sup>17</sup> See South Dakota Office of the Attorney General, *24/7 Sobriety Program*, <http://apps.sd.gov/atg/dui247/> (last visited Jan. 28, 2016).

<sup>18</sup> Kilmer, Beau and others, *Efficacy of Frequent Monitoring with Swift, Certain, and Modest Sanctions for Violations: Insights from South Dakota's 24/7 Sobriety Project*, *American Journal of Public Health* (Jan. 2013), available at: <http://ajph.aphapublications.org/doi/abs/10.2105/AJPH.2012.300989> (last visited Jan. 28, 2016).

<sup>19</sup> See OPPAGA report, *supra* note 15.

## **Additional Lighting on Buses (Section 5)**

### ***Present Situation***

Section 316.235, F.S., allows buses to have additional lighting on the rear of the bus to indicate a bus in slowing down, preparing to stop, or is stopped. The deceleration lighting system consists of amber lights mounted horizontally on the back of the bus, which are visible from a distance of not less than 300 feet to the rear in normal sunlight. The lights are permitted to light and flash during deceleration, braking, or idling of the bus.

### ***Effect of Proposed Changes***

**Section 5** adds that the bus deceleration lighting system shall consist of *two red or* amber lights mounted on the rear of a bus, and those lights are to be no greater than 12 inches apart.

The additional lighting will make the rear of buses slowing down, preparing to stop, or stopped more visible; thus, likely to reduce rear end collisions involving buses.

## **Driver-Assistive Truck Platooning (Sections 1, 2, and 6)**

### ***Present Situation***

In August of 2014, the National Highway Traffic Safety Administration (NHTSA) issued an advance notice of proposed rulemaking, following NHTSA's earlier announcement that the agency will begin working on a regulatory proposal to require vehicle-to-vehicle (V2V) devices in passenger cars and light trucks in a future year. V2V is a crash avoidance technology, relying on communication of information between nearby vehicles to warn drivers about dangerous situations that could lead to a crash.<sup>20</sup> NHTSA advises that, "Using V2V technology, vehicles ranging from cars to trucks and buses to trains could one day be able to communicate important safety and mobility information to one another that can help save lives, prevent injuries, ease traffic congestion, and improve the environment."<sup>21</sup>

One form of V2V technology is known as driver-assistive truck platooning (DATP), which allows trucks to communicate with each other and to travel as close as thirty feet apart with automatic acceleration and braking. A draft is created, reducing wind resistance and cutting down on fuel consumption.<sup>22</sup>

The DATP concept is based on a system that controls inter-vehicle spacing based on information from forward-looking radars and direct vehicle-to-vehicle communications. Braking and other operational data is constantly exchanged between the trucks, enabling the control system to automatically adjust engine and brakes in real-time. This allows equipped trucks to travel closer together than manual operations would safely allow. Platooning technology is increasingly

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<sup>20</sup> See the U.S. Department of Transportation Fact Sheet on Vehicle-To-Vehicle Communication Technology, *available at*: [http://www.its.dot.gov/safety\\_pilot/pdf/safetypilot\\_nhtsa\\_factsheet.pdf](http://www.its.dot.gov/safety_pilot/pdf/safetypilot_nhtsa_factsheet.pdf) (last visited Jan. 25, 2016).

<sup>21</sup> See NHTSA, *Vehicle-to-Vehicle Communications*, <http://www.safercar.gov/v2v/index.html>. (last visited Jan. 25, 2016).

<sup>22</sup> See Go by Truck Global News, *Driver Survey: Platooning*, <http://www.gobytrucknews.com/driver-survey-platooning/123> (last visited Jan. 25, 2016).

a subject of interest in the truck community, with multiple companies developing prototypes.<sup>23</sup>

One such system uses integrated sensors, controls, and wireless communications for “connected” trucks. The system is cloud-based, determining in real time whether traffic conditions are appropriate to allow specific trucks to engage in platooning operations. Using V2V communications, the system synchronizes acceleration and braking between tractor-trailers, leaving steering to the drivers, but eliminating braking distance otherwise caused by lags in the front or rear driver’s response time. The following vehicle is provided video showing the lead truck’s line of sight while the lead vehicle is provided video showing the area behind the following truck. If another vehicle enters between platooning trucks, the system will automatically increase following distance or delink the trucks and then relink once the cut-in risk has passed. If data transfer between platooning trucks ceases, the driver is immediately notified that manual acceleration and braking control is about to resume.<sup>24</sup>

Currently, s. 316.0895, F.S., prohibits a driver of a motor vehicle to follow another vehicle more closely than is reasonable and prudent. It is unlawful, when traveling upon a roadway outside a business or residence district, for a motor truck, motor truck drawing another vehicle, or vehicle towing another vehicle or trailer to follow within 300 feet of another vehicle.

Additionally, a motor vehicle operated on the highways of this state may not be equipped with television-type receiving equipment that is visible from the driver’s seat. This prohibition does not apply to an electronic display used in conjunction with a vehicle navigation system.<sup>25</sup>

### *Effect of Proposed Changes*

**Section 1** of the bill amends s. 316.003, F.S., to define the term “driver-assistive truck platooning technology.”

**Section 2** exempts two-truck tractor-semitrailer combinations from the minimum 300 foot following distance requirement when the combination is equipped and connected with driver-assistive truck platooning technology and operating on a multilane limited access facility, if:

- The owner or operator submits to the DHSMV an instrument of insurance, surety bond, or acceptable proof of self-insurance in the amount of \$1 million;
- The vehicles are equipped with external indication, visible to surrounding motorists, that the vehicles are engaged in truck platooning; and
- The vehicles are not required to be placarded pursuant to 49 C.F.R. parts 171-179, for transporting hazardous materials.

**Section 6** amends s. 316.303(3), F.S., to allow vehicles equipped and operating with driver-assistive truck platooning technology to be equipped with electronic displays visible from the driver’s seat, and to authorize the operator of a vehicle equipped and operating with truck platooning technology to use an electronic display.

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<sup>23</sup> See American Transportation Research Institute, *ATRI Seeks Input on Driver Assistive Truck Platooning* (Nov. 17, 2014), <http://atri-online.org/2014/11/17/atri-seeks-input-on-driver-assistive-truck-platooning/> (last visited Jan. 25, 2016).

<sup>24</sup> See Peloton, *FAQ*, <http://www.peloton-tech.com/faq/> (last visited Jan. 25, 2016).

<sup>25</sup> Section 316.303, F.S.



## Autonomous Vehicles (Section 6)

### *Present Situation*

Autonomous or “self-driving” vehicles are those operated “without direct driver input to control the steering, acceleration, and braking and ... designed so that the driver is not expected to constantly monitor the roadway while operating in self-driving mode.”<sup>26</sup> According to the NHTSA, autonomous vehicles have the potential to improve highway safety, increase environmental benefits, expand mobility, and create new economic opportunities for jobs and investment.<sup>27</sup>

A review of material obtained via a simple Internet search reveals that common availability and use of such vehicles was not previously anticipated for at least a couple of decades. However, some expect increased availability and use in the relative near future, perhaps no longer than in the next five years.<sup>28</sup>

### *Effect of Proposed Changes*

**Section 6** amends s. 316.303(1), F.S. to allow autonomous vehicles to be equipped with television-type receiving equipment visible from the driver’s seat if the vehicle is equipped with autonomous technology and being operated in autonomous mode.

## Updating Driver License, Identification Card, or Motor Vehicle Registration (Sections 7 and 11)

### *Present Situation*

The required timeframe for updating a driver license or motor vehicle registration to reflect an address or legal name change varies depending on the specific action and residency of the individual. Specifically:

- A new resident of the state is required to obtain a Florida driver license within the 30 days before operating a motor vehicle on the highways of this state;<sup>29</sup>
- An owner of a motor vehicle registered in this state is required to notify the DHSMV in writing of any change of address within 20 days of such change;<sup>30</sup> and
- An individual in possession of a Florida driver license or identification card who changes his or her legal name or mailing address must obtain a replacement card or license within 10 days that reflects the change.<sup>31</sup>

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<sup>26</sup> See the National Highway Traffic Safety Administration’s Press Release: *U.S. Department of Transportation Releases Policy on Automated Vehicle Development*, (May 30, 2013) available at: <http://www.nhtsa.gov/About+NHTSA/Press+Releases/U.S.+Department+of+Transportation+Releases+Policy+on+Automated+Vehicle+Development> (last visited Jan. 25, 2016).

<sup>27</sup> See NHTSA, *Preliminary Statement of Policy Concerning Automated Vehicles*, [http://www.nhtsa.gov/staticfiles/rulemaking/pdf/Automated\\_Vehicles\\_Policy.pdf](http://www.nhtsa.gov/staticfiles/rulemaking/pdf/Automated_Vehicles_Policy.pdf) (last visited Jan. 25, 2016).

<sup>28</sup> See TechCrunch, *Autonomous Cars are Closer Than You Think* (Jan. 18, 2015), <http://techcrunch.com/2015/01/18/autonomous-cars-are-closer-than-you-think/> (last visited Jan. 25, 2016).

<sup>29</sup> Section 322.031, F.S.

<sup>30</sup> Section 320.02, F.S.

<sup>31</sup> Section 322.19, F.S.

### *Effect of Proposed Changes*

**Section 7** requires the owner of a motor vehicle registered in this state to notify the DHSMV in writing of any change of address within 30 days of such change instead of 20.

**Section 11** requires an individual in possession of a Florida driver license or identification card who changes his or her legal name or mailing address card to obtain a replacement card or license within 30 days, instead of 10, reflecting such change.

Both sections exclude these changes from affecting the timeframe a Sexual Offender, Sexual Predator, or Career Offender is required to notify DHSMV of such changes, which is currently 48 hours.

The DHSMV believes this change creates consistency for public benefit and law enforcement purposes.<sup>32</sup>

### **Motor Vehicle Registration Expiration and Renewal (Sections 8 and 9)**

#### *Present Situation*

Except as otherwise provided in law, every owner or person in charge of a motor vehicle that is operated in this state must register the vehicle in this state.<sup>33</sup> Most motor vehicles owned by a natural person have a registration period of either 12 or 24 months during which the registration is valid.<sup>34</sup> Section 320.055, F.S., provides that for a most naturally owned motor vehicles the registration period begins the first day of the month of the owner and ends the last day of the month preceding the owner's birth month in the succeeding year. The renewal period for registration is the 30-day period ending at midnight on the owner's birthday.

Section 320.07, F.S., provides that the vehicle registration expires at midnight on the owner's birthday. An owner of a motor vehicle, requiring registration, who operates the vehicle on the roadways without a valid registration is subject to the following penalties:

- Registration expired for a period of six months or a first offense is a nonmoving violation (\$30 fine and court costs);
- Registration expired for a period of over six months and a second or subsequent offense is a second degree misdemeanor (a fine up to \$500 and up to 60 days imprisonment).

Upon payment of the appropriate registration taxes and fees, a validation sticker is issued showing the owner's birth month a year of expiration, which is placed on the upper right corner of the license plate.<sup>35</sup> The sticker itself does not indicate the day the registration expires, only the month.

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<sup>32</sup> DHSMV, *Substantive Legislative Proposals – Fiscal Year: 2016-2017*, (on file with Senate Committee on Transportation)

<sup>33</sup> Section 320.02, F.S.

<sup>34</sup> Sections 320.055 and 320.01(19)(a), F.S.

<sup>35</sup> Section 320.06(1)(b)1., F.S.

*Effect of Proposed Changes*

**Section 9** prohibits a law enforcement officer from issuing a citation for an expired registration until the last day of the owner's birth month of the year the registration expires, which is indicated on the registration sticker.

**Section 8** extends the registration renewal period to end at midnight on the last day of the vehicle owner's birth month.

**No-Cost Identification Card for Certain Juvenile Offenders (Sections 10 and 12)***Present Situation*

An original identification card is \$25, which is deposited into the General Revenue Fund.<sup>36</sup> Applicants who present evidence satisfactory to the DHSMV that they are homeless or whose annual income is at or below 100 percent of the federal poverty level is exempt from such fee.

Additionally, the DHSMV issues identification cards at no charge to Florida-born inmates prior to their release from the custody of the Department of Corrections or a private correctional facility, if the inmate does not have a valid identification card.<sup>37</sup>

*Effect of Proposed Changes*

**Sections 10 and 12** add that the DHSMV will issue no-charge identification cards to juvenile offenders in the custody or under the supervision of the DJJ and receiving services in order to transition to adulthood.<sup>38</sup> The cards will be processed by the DHSMV's mobile issuing units.

The DHSMV believes this change will help youth offenders transitioning out of the DJJ system by providing them with an important document needed for youth to better prepare for college, employment, and financial assistance or independence.<sup>39</sup>

**No-Cost Identification Card due to Medical Sanction of a Driver License (Section 13)***Present Situation*

Section 322.221, F.S., provides the DHSMV may require an examination or reexamination of a licensee if the DHSMV has good cause<sup>40</sup> to believe the driver is incompetent or otherwise not qualified to be licensed, including being physically or mentally unqualified to operate a motor vehicle. The examination may include determining the competence and driving ability of the driver as well as require the driver to submit medical records to be reviewed by the DHSMV's medical advisory board. Upon the conclusion of such examination, the DHSMV may suspend or revoke the driver license of such person, if the DHSMV deems that appropriate.

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<sup>36</sup> Section 322.21(1)(f), F.S.

<sup>37</sup> Sections 322.051(9) and 944.605(7), F.S.

<sup>38</sup> See s. 985.461, F.S.

<sup>39</sup> *Supra* note 28 at 3.

<sup>40</sup> Good cause as used in s. 322.221, F.S., means a licensee's driving record, report of disability to the DHSMV, or other evidence is sufficient to indicate that his or her driving privilege is detrimental to public safety.

*Effect of Proposed Changes*

**Section 13** requires the DHSMV to issue an identification card at no charge to a person whose driver license has been suspended or revoked by the DHSMV due to his or her physical or mental condition.

**Effective Date (Section 16)**

The bill takes effect October 1, 2016.

**IV. Constitutional Issues:****A. Municipality/County Mandates Restrictions:**

None.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

SB 1394 may have a positive fiscal impact on:

- Companies using driver-assistive truck platooning technology;
- Juvenile offenders under the supervision of DJJ who will receive a state identification card at no-charge to the juvenile; and
- Individuals whose license was suspended or revoked for a physical or mental condition who will be provided a state identification card at no-charge.

The bill will have a negative fiscal impact on DUI offenders required to install an IID on their vehicle, as they will also be required to comply with a sobriety and drug monitoring program at their expense in order to reinstate their driving privilege. With the exception of the random testing modality, the cost of which cannot be estimated, a sobriety and drug monitoring program is estimated to cost between \$120 and \$310 per month.

**C. Government Sector Impact:**

The DHSMV has indicated there could be approximately 2,500 juvenile offenders annually who will receive a free identification card.<sup>41</sup> The Revenue Estimating Conference met January 22, 2016, and estimated this section of the bill will have a recurring \$21,000 to \$23,000 negative impact to the General Revenue Fund, and a negative \$3,000 to \$5,000 negative impact to local tax collector offices.

The DHSMV estimates the cost to provide a free identification card to individuals with a suspended or revoked driver license due to the medical sanctions indicated in the bill, will result in approximately \$36,200 annually in expenditures for the free identification cards.<sup>42</sup>

**VI. Technical Deficiencies:**

Due to a drafting error, Section 8 remains in the bill conflicting with changes made in Section 9. As a result, Section 9 precludes the issuance of a citation for a lawful condition. Staff recommends retaining current law regarding the renewal period's expiration. Section 8 should be removed from the bill.

Section 14 of the bill adds in s. 322.271, F.S., that a qualified sobriety and drug monitoring program shall be ordered by the court in addition to the placement of the IID. This section of statute, however, addresses the DHSMV's review of a licensee's application for reinstatement of driving privilege. The DHSMV may require, upon review of the application, the use of an ignition interlock device. This is not a court order; therefore, it is unclear why the sobriety and drug monitoring program is to be ordered by the court.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 316.003, 316.0895, 316.126, 316.193, 316.235, 316.303, 320.02, 320.055, 320.07, 322.051, 322.19, 322.21, 322.221, 322.271, and 322.2715.

**IX. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by Transportation on January 27, 2016:**

The CS:

- Removes the language from the bill concerning booster seats;

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<sup>41</sup> Email from the DHSMV (Jan. 22, 2016) (on file with Senate Committee on Transportation).

<sup>42</sup> *Id.*

- Removes that vehicle registrations expire at midnight on the last day of the owner's birth month, and instead adds a prohibition on law enforcement from issuing a citation for an expired registration prior to midnight on the last day of the owner's birth month;
- Adds that buses may have, as part of its deceleration lighting system, two red lights no greater than 12 inches apart located on the rear of a bus;
- Adds that a qualified sobriety and drug monitoring program is to be used in addition to placement of an IID when an IID is required; and
- Adds that the DHSMV is directed to adopt rules providing for the implementation of the qualified sobriety and drug monitoring programs.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: PEND	.	
01/27/2016	.	
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The Committee on Transportation (Simpson) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 174 and 175

insert:

Section 4. Subsection (2), paragraph (c) of subsection (4), paragraph (j) of subsection (6), and subsection (11) of section 316.193, Florida Statutes, are amended, paragraphs (k), (l), and (m) of subsection (6) of that section are redesignated as (j), (k), and (l), respectively, and subsection (15) is added to that section, to read:



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11           316.193 Driving under the influence; penalties.-  
12           (2) (a) Except as provided in paragraph (b), subsection (3),  
13 or subsection (4), any person who is convicted of a violation of  
14 subsection (1) shall be punished:  
15           1. By a fine of:  
16           a. Not less than \$500 or more than \$1,000 for a first  
17 conviction.  
18           b. Not less than \$1,000 or more than \$2,000 for a second  
19 conviction; and  
20           2. By imprisonment for:  
21           a. Not more than 6 months for a first conviction.  
22           b. Not more than 9 months for a second conviction.  
23           3. For a second conviction, by mandatory placement for a  
24 period of at least 1 year, at the convicted person's sole  
25 expense, of an ignition interlock device approved by the  
26 department in accordance with s. 316.1938 upon all vehicles that  
27 are individually or jointly leased or owned and routinely  
28 operated by the convicted person, when the convicted person  
29 qualifies for a permanent or restricted license. The  
30 installation of such device may not occur before July 1, 2003.  
31 Effective October 1, 2016, a qualified sobriety and drug  
32 monitoring program as defined in subsection (15) and authorized  
33 by 23 U.S.C. s. 164 may be ordered by the court as an  
34 alternative to the placement of an ignition interlock device  
35 required by this section.  
36           (b)1. Any person who is convicted of a third violation of  
37 this section for an offense that occurs within 10 years after a  
38 prior conviction for a violation of this section commits a  
39 felony of the third degree, punishable as provided in s.





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40 775.082, s. 775.083, or s. 775.084. In addition, the court shall  
41 order the mandatory placement for a period of not less than 2  
42 years, at the convicted person's sole expense, of an ignition  
43 interlock device approved by the department in accordance with  
44 s. 316.1938 upon all vehicles that are individually or jointly  
45 leased or owned and routinely operated by the convicted person,  
46 when the convicted person qualifies for a permanent or  
47 restricted license. The installation of such device may not  
48 occur before July 1, 2003. Effective October 1, 2016, a  
49 qualified sobriety and drug monitoring program as defined in  
50 subsection (15) and authorized by 23 U.S.C. s. 164 may be  
51 ordered by the court as an alternative to the placement of an  
52 ignition interlock device required by this section.

53 2. Any person who is convicted of a third violation of this  
54 section for an offense that occurs more than 10 years after the  
55 date of a prior conviction for a violation of this section shall  
56 be punished by a fine of not less than \$2,000 or more than  
57 \$5,000 and by imprisonment for not more than 12 months. In  
58 addition, the court shall order the mandatory placement for a  
59 period of at least 2 years, at the convicted person's sole  
60 expense, of an ignition interlock device approved by the  
61 department in accordance with s. 316.1938 upon all vehicles that  
62 are individually or jointly leased or owned and routinely  
63 operated by the convicted person, when the convicted person  
64 qualifies for a permanent or restricted license. The  
65 installation of such device may not occur before July 1, 2003.  
66 Effective October 1, 2016, a qualified sobriety and drug  
67 monitoring program as defined in subsection (15) and authorized  
68 by 23 U.S.C. s. 164 may be ordered by the court as an



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69 alternative to the placement of an ignition interlock device  
70 required by this section.

71         3. Any person who is convicted of a fourth or subsequent  
72 violation of this section, regardless of when any prior  
73 conviction for a violation of this section occurred, commits a  
74 felony of the third degree, punishable as provided in s.  
75 775.082, s. 775.083, or s. 775.084. However, the fine imposed  
76 for such fourth or subsequent violation may be not less than  
77 \$2,000.

78         (c) In addition to the penalties in paragraph (a), the  
79 court may order placement, at the convicted person's sole  
80 expense, of an ignition interlock device approved by the  
81 department in accordance with s. 316.1938 for at least 6  
82 continuous months upon all vehicles that are individually or  
83 jointly leased or owned and routinely operated by the convicted  
84 person if, at the time of the offense, the person had a blood-  
85 alcohol level or breath-alcohol level of .08 or higher.

86 Effective October 1, 2016, a qualified sobriety and drug  
87 monitoring program as defined in subsection (15) and authorized  
88 by 23 U.S.C. s. 164 may be ordered by the court as an  
89 alternative to the placement of an ignition interlock device  
90 required by this section.

91         (4) Any person who is convicted of a violation of  
92 subsection (1) and who has a blood-alcohol level or breath-  
93 alcohol level of 0.15 or higher, or any person who is convicted  
94 of a violation of subsection (1) and who at the time of the  
95 offense was accompanied in the vehicle by a person under the age  
96 of 18 years, shall be punished:

97         (c) In addition to the penalties in paragraphs (a) and (b),



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98 the court shall order the mandatory placement, at the convicted  
99 person's sole expense, of an ignition interlock device approved  
100 by the department in accordance with s. 316.1938 upon all  
101 vehicles that are individually or jointly leased or owned and  
102 routinely operated by the convicted person for not less than 6  
103 continuous months for the first offense and for not less than 2  
104 continuous years for a second offense, when the convicted person  
105 qualifies for a permanent or restricted license. Effective  
106 October 1, 2016, a qualified sobriety and drug monitoring  
107 program as defined in subsection (15) and authorized by 23  
108 U.S.C. s. 164 may be ordered by the court as an alternative to  
109 the placement of an ignition interlock device required by this  
110 section.

111 (6) With respect to any person convicted of a violation of  
112 subsection (1), regardless of any penalty imposed pursuant to  
113 subsection (2), subsection (3), or subsection (4):

114 ~~(j)1. Notwithstanding the provisions of this section, s.~~  
115 ~~316.1937, and s. 322.2715 relating to ignition interlock devices~~  
116 ~~required for second or subsequent offenders, in order to~~  
117 ~~strengthen the pretrial and posttrial options available to~~  
118 ~~prosecutors and judges, the court may order, if deemed~~  
119 ~~appropriate, that a person participate in a qualified sobriety~~  
120 ~~and drug monitoring program, as defined in subparagraph 2., in~~  
121 ~~addition to the ignition interlock device requirement.~~  
122 ~~Participation shall be at the person's sole expense.~~

123 ~~2. As used in this paragraph, the term "qualified sobriety~~  
124 ~~and drug monitoring program" means an evidence-based program,~~  
125 ~~approved by the department, in which participants are regularly~~  
126 ~~tested for alcohol and drug use. As the court deems appropriate,~~



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127 ~~the program may monitor alcohol or drugs through one or more of~~  
128 ~~the following modalities: breath testing twice a day; continuous~~  
129 ~~transdermal alcohol monitoring in cases of hardship; or random~~  
130 ~~blood, breath, urine, or oral fluid testing. Testing modalities~~  
131 ~~that provide the best ability to sanction a violation as close~~  
132 ~~in time as reasonably feasible to the occurrence of the~~  
133 ~~violation should be given preference. This paragraph does not~~  
134 ~~preclude a court from ordering an ignition interlock device as a~~  
135 ~~testing modality.~~

136 ~~3. For purposes of this paragraph, the term "evidence-based~~  
137 ~~program" means a program that satisfies the requirements of at~~  
138 ~~least two of the following:~~

139 ~~a. The program is included in the federal registry of~~  
140 ~~evidence-based programs and practices.~~

141 ~~b. The program has been reported in a peer-reviewed journal~~  
142 ~~as having positive effects on the primary targeted outcome.~~

143 ~~c. The program has been documented as effective by informed~~  
144 ~~experts and other sources.~~

145  
146 For the purposes of this section, any conviction for a violation  
147 of s. 327.35; a previous conviction for the violation of former  
148 s. 316.1931, former s. 860.01, or former s. 316.028; or a  
149 previous conviction outside this state for driving under the  
150 influence, driving while intoxicated, driving with an unlawful  
151 blood-alcohol level, driving with an unlawful breath-alcohol  
152 level, or any other similar alcohol-related or drug-related  
153 traffic offense, is also considered a previous conviction for  
154 violation of this section. However, in satisfaction of the fine  
155 imposed pursuant to this section, the court may, upon a finding



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156 that the defendant is financially unable to pay either all or  
157 part of the fine, order that the defendant participate for a  
158 specified additional period of time in public service or a  
159 community work project in lieu of payment of that portion of the  
160 fine which the court determines the defendant is unable to pay.  
161 In determining such additional sentence, the court shall  
162 consider the amount of the unpaid portion of the fine and the  
163 reasonable value of the services to be ordered; however, the  
164 court may not compute the reasonable value of services at a rate  
165 less than the federal minimum wage at the time of sentencing.

166 (11) The Department of Highway Safety and Motor Vehicles is  
167 directed to adopt rules providing for the implementation of the  
168 use of ignition interlock devices and qualified sobriety and  
169 drug monitoring programs defined in subsection (15).

170 (15) As used in this chapter and chapter 322, the term  
171 "qualified sobriety and drug monitoring program" means an  
172 evidence-based program, approved by the department, in which  
173 participants are regularly tested for alcohol and drug use. As  
174 the court deems appropriate, the program may monitor alcohol or  
175 drugs through one or more of the following modalities: breath  
176 testing twice a day; continuous transdermal alcohol monitoring  
177 in cases of hardship; or random blood, breath, urine, drug  
178 patch, or oral fluid testing. Testing modalities that detect a  
179 violation as soon after it occurs as is reasonably feasible  
180 should be given preference. Participation shall be at the  
181 person's sole expense. The term "evidence-based program" means a  
182 program that satisfies the requirements of at least two of the  
183 following:

184 (a) The program is included in the federal registry of



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185 evidence-based programs and practices.

186 (b) The program has been reported in a peer-reviewed  
187 journal as having positive effects on the primary targeted  
188 outcome.

189 (c) The program has been documented as effective by  
190 informed experts and other sources.

191 ===== T I T L E A M E N D M E N T =====

192 And the title is amended as follows:

193 Delete line 15

194 and insert:

195 certain tasks on the roadside; amending s. 316.193,  
196 F.S.; authorizing the court to order a certain  
197 qualified sobriety and drug monitoring program as an  
198 alternative to the placement of an ignition interlock  
199 device on a specified date; deleting provisions  
200 relating to a qualified sobriety and drug monitoring  
201 program ordered by the court in addition to the  
202 ignition interlock device requirement; directing the  
203 department to adopt rules providing for the  
204 implementation of the use of certain qualified  
205 sobriety and drug monitoring programs; redefining the  
206 terms "qualified sobriety and drug monitoring program"  
207 and "evidence-based program"; providing requirements  
208 for the program; amending s. 316.303,



336412

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/27/2016	.	
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The Committee on Transportation (Simpson) recommended the following:

1           **Senate Substitute for Amendment (927104) (with title**  
2 **amendment)**

3  
4           Between lines 174 and 175  
5 insert:

6           Section 4. Subsection (2), paragraph (c) of subsection (4),  
7 paragraph (j) of subsection (6), and subsection (11) of section  
8 316.193, Florida Statutes, are amended, and subsection (15) is  
9 added to that section, to read:

10           316.193 Driving under the influence; penalties.-



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11 (2) (a) Except as provided in paragraph (b), subsection (3),  
12 or subsection (4), any person who is convicted of a violation of  
13 subsection (1) shall be punished:

14 1. By a fine of:

15 a. Not less than \$500 or more than \$1,000 for a first  
16 conviction.

17 b. Not less than \$1,000 or more than \$2,000 for a second  
18 conviction; and

19 2. By imprisonment for:

20 a. Not more than 6 months for a first conviction.

21 b. Not more than 9 months for a second conviction.

22 3. For a second conviction, by mandatory placement for a  
23 period of at least 1 year, at the convicted person's sole  
24 expense, of an ignition interlock device approved by the  
25 department in accordance with s. 316.1938 upon all vehicles that  
26 are individually or jointly leased or owned and routinely  
27 operated by the convicted person, when the convicted person  
28 qualifies for a permanent or restricted license. The  
29 installation of such device may not occur before July 1, 2003.  
30 Effective October 1, 2016, the court shall order a qualified  
31 sobriety and drug monitoring program as defined in subsection  
32 (15) and authorized by 23 U.S.C. s. 164 in addition to the  
33 placement of an ignition interlock device required by this  
34 section.

35 (b)1. Any person who is convicted of a third violation of  
36 this section for an offense that occurs within 10 years after a  
37 prior conviction for a violation of this section commits a  
38 felony of the third degree, punishable as provided in s.  
39 775.082, s. 775.083, or s. 775.084. In addition, the court shall





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40 order the mandatory placement for a period of not less than 2  
41 years, at the convicted person's sole expense, of an ignition  
42 interlock device approved by the department in accordance with  
43 s. 316.1938 upon all vehicles that are individually or jointly  
44 leased or owned and routinely operated by the convicted person,  
45 when the convicted person qualifies for a permanent or  
46 restricted license. The installation of such device may not  
47 occur before July 1, 2003. Effective October 1, 2016, the court  
48 shall order a qualified sobriety and drug monitoring program as  
49 defined in subsection (15) and authorized by 23 U.S.C. s. 164 in  
50 addition to the placement of an ignition interlock device  
51 required by this section.

52 2. Any person who is convicted of a third violation of this  
53 section for an offense that occurs more than 10 years after the  
54 date of a prior conviction for a violation of this section shall  
55 be punished by a fine of not less than \$2,000 or more than  
56 \$5,000 and by imprisonment for not more than 12 months. In  
57 addition, the court shall order the mandatory placement for a  
58 period of at least 2 years, at the convicted person's sole  
59 expense, of an ignition interlock device approved by the  
60 department in accordance with s. 316.1938 upon all vehicles that  
61 are individually or jointly leased or owned and routinely  
62 operated by the convicted person, when the convicted person  
63 qualifies for a permanent or restricted license. The  
64 installation of such device may not occur before July 1, 2003.  
65 Effective October 1, 2016, the court shall order a qualified  
66 sobriety and drug monitoring program as defined in subsection  
67 (15) and authorized by 23 U.S.C. s. 164 in addition to the  
68 placement of an ignition interlock device required by this



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69 section.

70         3. Any person who is convicted of a fourth or subsequent  
71 violation of this section, regardless of when any prior  
72 conviction for a violation of this section occurred, commits a  
73 felony of the third degree, punishable as provided in s.  
74 775.082, s. 775.083, or s. 775.084. However, the fine imposed  
75 for such fourth or subsequent violation may be not less than  
76 \$2,000.

77         (c) In addition to the penalties in paragraph (a), the  
78 court may order placement, at the convicted person's sole  
79 expense, of an ignition interlock device approved by the  
80 department in accordance with s. 316.1938 for at least 6  
81 continuous months upon all vehicles that are individually or  
82 jointly leased or owned and routinely operated by the convicted  
83 person if, at the time of the offense, the person had a blood-  
84 alcohol level or breath-alcohol level of .08 or higher.  
85 Effective October 1, 2016, the court shall order a qualified  
86 sobriety and drug monitoring program as defined in subsection  
87 (15) and authorized by 23 U.S.C. s. 164 in addition to the  
88 placement of an ignition interlock device required by this  
89 section.

90         (4) Any person who is convicted of a violation of  
91 subsection (1) and who has a blood-alcohol level or breath-  
92 alcohol level of 0.15 or higher, or any person who is convicted  
93 of a violation of subsection (1) and who at the time of the  
94 offense was accompanied in the vehicle by a person under the age  
95 of 18 years, shall be punished:

96         (c) In addition to the penalties in paragraphs (a) and (b),  
97 the court shall order the mandatory placement, at the convicted



336412

98 person's sole expense, of an ignition interlock device approved  
99 by the department in accordance with s. 316.1938 upon all  
100 vehicles that are individually or jointly leased or owned and  
101 routinely operated by the convicted person for not less than 6  
102 continuous months for the first offense and for not less than 2  
103 continuous years for a second offense, when the convicted person  
104 qualifies for a permanent or restricted license. Effective  
105 October 1, 2016, the court shall order a qualified sobriety and  
106 drug monitoring program as defined in subsection (15) and  
107 authorized by 23 U.S.C. s. 164 in addition to the placement of  
108 an ignition interlock device required by this section.

109 (6) With respect to any person convicted of a violation of  
110 subsection (1), regardless of any penalty imposed pursuant to  
111 subsection (2), subsection (3), or subsection (4):

112 (j)~~1.~~ Notwithstanding the provisions of this section, s.  
113 316.1937, and s. 322.2715 relating to ignition interlock devices  
114 required for second or subsequent offenders, ~~in order to~~  
115 ~~strengthen the pretrial and posttrial options available to~~  
116 ~~prosecutors and judges,~~ the court shall ~~may~~ order, ~~if deemed~~  
117 ~~appropriate,~~ that a person participate in a qualified sobriety  
118 and drug monitoring program, as defined in subsection (15)  
119 ~~subparagraph 2.~~, in addition to the ignition interlock device  
120 requirement. Participation is ~~shall be~~ at the person's sole  
121 expense.

122 ~~2. As used in this paragraph, the term "qualified sobriety~~  
123 ~~and drug monitoring program" means an evidence-based program,~~  
124 ~~approved by the department, in which participants are regularly~~  
125 ~~tested for alcohol and drug use. As the court deems appropriate,~~  
126 ~~the program may monitor alcohol or drugs through one or more of~~



336412

127 ~~the following modalities: breath testing twice a day; continuous~~  
128 ~~transdermal alcohol monitoring in cases of hardship; or random~~  
129 ~~blood, breath, urine, or oral fluid testing. Testing modalities~~  
130 ~~that provide the best ability to sanction a violation as close~~  
131 ~~in time as reasonably feasible to the occurrence of the~~  
132 ~~violation should be given preference. This paragraph does not~~  
133 ~~preclude a court from ordering an ignition interlock device as a~~  
134 ~~testing modality.~~

135 ~~3. For purposes of this paragraph, the term "evidence-based~~  
136 ~~program" means a program that satisfies the requirements of at~~  
137 ~~least two of the following:~~

138 ~~a. The program is included in the federal registry of~~  
139 ~~evidence-based programs and practices.~~

140 ~~b. The program has been reported in a peer-reviewed journal~~  
141 ~~as having positive effects on the primary targeted outcome.~~

142 ~~c. The program has been documented as effective by informed~~  
143 ~~experts and other sources.~~

144

145 For the purposes of this section, any conviction for a violation  
146 of s. 327.35; a previous conviction for the violation of former  
147 s. 316.1931, former s. 860.01, or former s. 316.028; or a  
148 previous conviction outside this state for driving under the  
149 influence, driving while intoxicated, driving with an unlawful  
150 blood-alcohol level, driving with an unlawful breath-alcohol  
151 level, or any other similar alcohol-related or drug-related  
152 traffic offense, is also considered a previous conviction for  
153 violation of this section. However, in satisfaction of the fine  
154 imposed pursuant to this section, the court may, upon a finding  
155 that the defendant is financially unable to pay either all or



336412

156 part of the fine, order that the defendant participate for a  
157 specified additional period of time in public service or a  
158 community work project in lieu of payment of that portion of the  
159 fine which the court determines the defendant is unable to pay.  
160 In determining such additional sentence, the court shall  
161 consider the amount of the unpaid portion of the fine and the  
162 reasonable value of the services to be ordered; however, the  
163 court may not compute the reasonable value of services at a rate  
164 less than the federal minimum wage at the time of sentencing.

165 (11) The Department of Highway Safety and Motor Vehicles is  
166 directed to adopt rules providing for the implementation of the  
167 use of ignition interlock devices and qualified sobriety and  
168 drug monitoring programs defined in subsection (15).

169 (15) As used in this chapter and chapter 322, the term  
170 "qualified sobriety and drug monitoring program" means an  
171 evidence-based program, approved by the department, in which  
172 participants are regularly tested for alcohol and drug use. As  
173 the court deems appropriate, the program may monitor alcohol or  
174 drugs through one or more of the following modalities: breath  
175 testing twice a day; continuous transdermal alcohol monitoring  
176 in cases of hardship; or random blood, breath, urine, drug  
177 patch, or oral fluid testing. Testing modalities that detect a  
178 violation as soon after it occurs as is reasonably feasible  
179 should be given preference. Participation is at the person's  
180 sole expense. The term "evidence-based program" means a program  
181 that satisfies at least two of the following requirements:

182 (a) The program is included in the federal registry of  
183 evidence-based programs and practices.

184 (b) The program has been reported in a peer-reviewed



336412

185 journal as having positive effects on the primary targeted  
186 outcome.

187 (c) The program has been documented as effective by  
188 informed experts and other sources.

189 ===== T I T L E A M E N D M E N T =====

190 And the title is amended as follows:

191 Delete line 15

192 and insert:

193 certain tasks on the roadside; amending s. 316.193,  
194 F.S.; requiring, as of a specified date, that the  
195 court order a certain qualified sobriety and drug  
196 monitoring program in addition to the placement of an  
197 ignition interlock device; deleting provisions  
198 relating to a qualified sobriety and drug monitoring  
199 program; directing the department to adopt rules  
200 providing for the implementation of the use of certain  
201 qualified sobriety and drug monitoring programs;  
202 redefining the terms "qualified sobriety and drug  
203 monitoring program" and "evidence-based program";  
204 providing requirements for the program; amending s.  
205 316.303,



375936

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/27/2016	.	
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The Committee on Transportation (Brandes) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 174 and 175  
insert:

Section 4. Subsection (5) of section 316.235, Florida Statutes, is amended to read:

316.235 Additional lighting equipment.—

(5) A bus, ~~as defined in s. 316.003(3),~~ may be equipped with a deceleration lighting system that ~~which~~ cautions following vehicles that the bus is slowing, is preparing to



375936

11 stop, or is stopped. Such lighting system shall consist of two  
12 red or amber lights mounted in horizontal alignment on the rear  
13 of the vehicle at ~~or near~~ the vertical centerline of the  
14 vehicle, no greater than 12 inches apart, not higher than the  
15 lower edge of the rear window or, if the vehicle has no rear  
16 window, not higher than 72 inches from the ground. Such lights  
17 shall be visible from a distance of not less than 300 feet to  
18 the rear in normal sunlight. Lights are permitted to light and  
19 flash during deceleration, braking, or standing and idling of  
20 the bus. Vehicular hazard warning flashers may be used in  
21 conjunction with or in lieu of a rear-mounted deceleration  
22 lighting system.

23  
24 ===== T I T L E A M E N D M E N T =====

25 And the title is amended as follows:

26 Delete line 15

27 and insert:

28 certain tasks on the roadside; amending s. 316.235,  
29 F.S.; revising requirements relating to a deceleration  
30 lighting system for buses; amending s. 316.303,





811690

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/27/2016	.	
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The Committee on Transportation (Brandes) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 190 - 228.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete lines 18 - 22

and insert:

vehicles; amending s. 320.02, F.S.; increasing



120702

LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
01/27/2016	.	
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The Committee on Transportation (Thompson) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 228 and 229  
insert:

Section 6. Section 318.1215, Florida Statutes, is amended  
to read:

318.1215 Dori Slosberg Driver Education Safety Act.—  
Notwithstanding ~~the provisions of~~ s. 318.121, a board of county  
commissioners may require, by ordinance, that the clerk of the  
court collect an additional \$7 ~~\$5~~ with each civil traffic



120702

11 penalty, which shall be used to fund driver education programs  
12 in public and nonpublic schools. The ordinance shall provide for  
13 the board of county commissioners to administer the funds, which  
14 shall be used for enhancement, and not replacement, of driver  
15 education program funds. The funds shall be used for direct  
16 educational expenses and shall not be used for administration.  
17 Each driver education program receiving funds pursuant to this  
18 section shall require that a minimum of 30 percent of a  
19 student's time in the program be behind-the-wheel training. This  
20 section may be cited as the "Dori Slosberg Driver Education  
21 Safety Act."

22 ===== T I T L E A M E N D M E N T =====

23 And the title is amended as follows:

24 Delete line 22

25 and insert:

26 "motor vehicle"; amending s. 318.1215, F.S.,  
27 increasing the additional fee that a clerk of court  
28 may be required to collect with each civil traffic  
29 penalty under certain circumstances; amending s.  
30 320.02, F.S.; increasing



747888

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/27/2016	.	
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The Committee on Transportation (Brandes) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 258 - 270

and insert:

Section 8. Paragraph (a) of subsection (3) of section 320.07, Florida Statutes, is amended to read:

320.07 Expiration of registration; renewal required; penalties.—

(3) The operation of any motor vehicle without having attached thereto a registration license plate and validation



747888

11 stickers, or the use of any mobile home without having attached  
12 thereto a mobile home sticker, for the current registration  
13 period shall subject the owner thereof, if he or she is present,  
14 or, if the owner is not present, the operator thereof to the  
15 following penalty provisions:

16 (a) Any person whose motor vehicle or mobile home  
17 registration has been expired for a period of 6 months or less  
18 commits a noncriminal traffic infraction, punishable as a  
19 nonmoving violation as provided in chapter 318. However, a law  
20 enforcement officer may not issue a citation for a violation  
21 under this paragraph until midnight on the last day of the  
22 owner's birth month of the year the registration expires.

23 ===== T I T L E A M E N D M E N T =====

24 And the title is amended as follows:

25 Delete lines 28 - 33

26 and insert:

27 vehicles subject to registration; amending s. 320.07,  
28 F.S.; prohibiting a law enforcement officer from  
29 issuing a citation for a specified violation until a  
30 certain date; amending s. 322.051, F.S.; requiring the



420266

LEGISLATIVE ACTION

Senate	.	House
Comm: PEND	.	
01/27/2016	.	
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The Committee on Transportation (Simpson) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 362 and 363  
insert:

Section 13. Paragraph (e) of subsection (2) of section 322.271, Florida Statutes, is amended to read:

322.271 Authority to modify revocation, cancellation, or suspension order.—

(2) At such hearing, the person whose license has been suspended, canceled, or revoked may show that such suspension,



420266

11 cancellation, or revocation causes a serious hardship and  
12 precludes the person from carrying out his or her normal  
13 business occupation, trade, or employment and that the use of  
14 the person's license in the normal course of his or her business  
15 is necessary to the proper support of the person or his or her  
16 family.

17 (e) The department, based upon review of the licensee's  
18 application for reinstatement, may require use of an ignition  
19 interlock device pursuant to s. 322.2715. Effective October 1,  
20 2016, a qualified sobriety and drug monitoring program as  
21 defined in s. 316.193(15) and authorized by 23 U.S.C. s. 164 may  
22 be ordered by the court as an alternative to the placement of  
23 the ignition interlock device.

24 ===== T I T L E A M E N D M E N T =====

25 And the title is amended as follows:

26 Delete line 53

27 and insert:

28 mental condition; amending s. 322.271, F.S.; providing  
29 that a certain qualified sobriety and drug monitoring  
30 program may be ordered by the court as an alternative  
31 to the placement of an ignition interlock device;  
32 providing an effective date.



225126

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
01/27/2016	.	
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The Committee on Transportation (Simpson) recommended the following:

1           **Senate Substitute for Amendment (420266) (with title**  
2 **amendment)**

3  
4           Between lines 362 and 363  
5 insert:

6           Section 13. Paragraph (e) of subsection (2) of section  
7 322.271, Florida Statutes, is amended to read:

8           322.271 Authority to modify revocation, cancellation, or  
9 suspension order.—

10           (2) At such hearing, the person whose license has been





225126

11 suspended, canceled, or revoked may show that such suspension,  
12 cancellation, or revocation causes a serious hardship and  
13 precludes the person from carrying out his or her normal  
14 business occupation, trade, or employment and that the use of  
15 the person's license in the normal course of his or her business  
16 is necessary to the proper support of the person or his or her  
17 family.

18 (e) The department, based upon review of the licensee's  
19 application for reinstatement, shall ~~may~~ require use of an  
20 ignition interlock device pursuant to s. 322.2715. Effective  
21 October 1, 2016, a qualified sobriety and drug monitoring  
22 program as defined in s. 316.193(15) and authorized by 23 U.S.C.  
23 s. 164 shall be ordered by the court in addition to the  
24 placement of the ignition interlock device.

25 ===== T I T L E A M E N D M E N T =====

26 And the title is amended as follows:

27 Delete line 53

28 and insert:

29 mental condition; amending s. 322.271, F.S.; providing  
30 that a certain qualified sobriety and drug monitoring  
31 program shall be ordered by the court in addition to  
32 the placement of an ignition interlock device;  
33 providing an effective date.



132674

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/27/2016	.	
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The Committee on Transportation (Simpson) recommended the following:

1           **Senate Substitute for Amendment (420266) (with title**  
2 **amendment)**

3  
4           Between lines 362 and 363  
5 insert:

6           Section 13. Paragraph (e) of subsection (2) of section  
7 322.271, Florida Statutes, is amended to read:

8           322.271 Authority to modify revocation, cancellation, or  
9 suspension order.—

10           (2) At such hearing, the person whose license has been



132674

11 suspended, canceled, or revoked may show that such suspension,  
12 cancellation, or revocation causes a serious hardship and  
13 precludes the person from carrying out his or her normal  
14 business occupation, trade, or employment and that the use of  
15 the person's license in the normal course of his or her business  
16 is necessary to the proper support of the person or his or her  
17 family.

18 (e) The department, based upon review of the licensee's  
19 application for reinstatement, may require use of an ignition  
20 interlock device pursuant to s. 322.2715. Effective October 1,  
21 2016, a qualified sobriety and drug monitoring program as  
22 defined in s. 316.193(15) and authorized by 23 U.S.C. s. 164  
23 shall be ordered by the court in addition to the placement of  
24 the ignition interlock device.

25  
26 ===== T I T L E A M E N D M E N T =====

27 And the title is amended as follows:

28 Delete line 53

29 and insert:

30 mental condition; amending s. 322.271, F.S.;

31 providing that a certain qualified sobriety and drug

32 monitoring program shall be ordered by the court in

33 addition to the placement of an ignition interlock

34 device; providing an effective date.



512206

LEGISLATIVE ACTION

Senate	.	House
Comm: PEND	.	
01/27/2016	.	
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The Committee on Transportation (Simpson) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 362 and 363

insert:

Section 13. Subsections (1), (3), and (4) of section 322.2715, Florida Statutes, are amended to read:

322.2715 Ignition interlock device.—

(1) Before issuing a permanent or restricted driver license under this chapter, the department shall require the placement of a department-approved ignition interlock device for any



512206

11 person convicted of committing an offense of driving under the  
12 influence as specified in subsection (3), except that  
13 consideration may be given to those individuals having a  
14 documented medical condition that would prohibit the device from  
15 functioning normally. If a medical waiver has been granted for a  
16 convicted person seeking a restricted license, the convicted  
17 person shall not be entitled to a restricted license until the  
18 required ignition interlock device installation period under  
19 subsection (3) expires, in addition to the time requirements  
20 under s. 322.271. If a medical waiver has been approved for a  
21 convicted person seeking permanent reinstatement of the driver  
22 license, the convicted person must be restricted to an  
23 employment-purposes-only license and be supervised by a licensed  
24 DUI program until the required ignition interlock device  
25 installation period under subsection (3) expires. An interlock  
26 device shall be placed on all vehicles that are individually or  
27 jointly leased or owned and routinely operated by the convicted  
28 person. Effective October 1, 2016, a qualified sobriety and drug  
29 monitoring program as defined in s. 316.193(15) and authorized  
30 by 23 U.S.C. s. 164 may be used by the department as an  
31 alternative to the placement of an ignition interlock device  
32 required by this section.

- 33 (3) If the person is convicted of:
- 34 (a) A first offense of driving under the influence under s.  
35 316.193 and has an unlawful blood-alcohol level or breath-  
36 alcohol level as specified in s. 316.193(1), the ignition  
37 interlock device may be installed for at least 6 continuous  
38 months.
- 39 (b) A first offense of driving under the influence under s.



512206

40 316.193 and has an unlawful blood-alcohol level or breath-  
41 alcohol level as specified in s. 316.193(4), or if a person is  
42 convicted of a violation of s. 316.193 and was at the time of  
43 the offense accompanied in the vehicle by a person younger than  
44 18 years of age, the person shall have the ignition interlock  
45 device installed for at least 6 continuous months for the first  
46 offense and for at least 2 continuous years for a second  
47 offense.

48 (c) A second offense of driving under the influence, the  
49 ignition interlock device shall be installed for a period of at  
50 least 1 continuous year.

51 (d) A third offense of driving under the influence which  
52 occurs within 10 years after a prior conviction for a violation  
53 of s. 316.193, the ignition interlock device shall be installed  
54 for a period of at least 2 continuous years.

55 (e) A third offense of driving under the influence which  
56 occurs more than 10 years after the date of a prior conviction,  
57 the ignition interlock device shall be installed for a period of  
58 at least 2 continuous years.

59 (f) A fourth or subsequent offense of driving under the  
60 influence, the ignition interlock device shall be installed for  
61 a period of at least 5 years.

62  
63 Effective October 1, 2016, for the offenses specified in this  
64 subsection, a qualified sobriety and drug monitoring program as  
65 defined in s. 316.193(15) and authorized by 23 U.S.C. s. 164 may  
66 be used by the department as an alternative to the placement of  
67 an ignition interlock device required by this section.

68 (4) If the court fails to order the mandatory placement of



512206

69 the ignition interlock device or fails to order for the  
70 applicable period the mandatory placement of an ignition  
71 interlock device under s. 316.193 or s. 316.1937 at the time of  
72 imposing sentence or within 30 days thereafter, the department  
73 shall immediately require that the ignition interlock device be  
74 installed as provided in this section, except that consideration  
75 may be given to those individuals having a documented medical  
76 condition that would prohibit the device from functioning  
77 normally. Effective October 1, 2016, a qualified sobriety and  
78 drug monitoring program as defined in s. 316.193(15) and  
79 authorized by 23 U.S.C. s. 164 may be used by the department as  
80 an alternative to the placement of an ignition interlock device  
81 required by this section. This subsection applies to the  
82 reinstatement of the driving privilege following a revocation,  
83 suspension, or cancellation that is based upon a conviction for  
84 the offense of driving under the influence which occurs on or  
85 after July 1, 2005.

86 ===== T I T L E A M E N D M E N T =====

87 And the title is amended as follows:

88 Delete line 53

89 and insert:

90 mental condition; amending s. 322.2715, F.S.;

91 providing that a certain qualified sobriety and drug

92 monitoring program may be used by the department by a

93 specified date as an alternative to the placement of

94 an ignition interlock device; providing an effective

95 date.



119230

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/27/2016	.	
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The Committee on Transportation (Simpson) recommended the following:

1           **Senate Substitute for Amendment (512206) (with title**  
2 **amendment)**

3  
4           Between lines 362 and 363  
5 insert:

6           Section 13. Subsections (1), (3), and (4) of section  
7 322.2715, Florida Statutes, are amended to read:

8           322.2715 Ignition interlock device.—

9           (1) Before issuing a permanent or restricted driver license  
10 under this chapter, the department shall require the placement





119230

11 of a department-approved ignition interlock device for any  
12 person convicted of committing an offense of driving under the  
13 influence as specified in subsection (3), except that  
14 consideration may be given to those individuals having a  
15 documented medical condition that would prohibit the device from  
16 functioning normally. If a medical waiver has been granted for a  
17 convicted person seeking a restricted license, the convicted  
18 person shall not be entitled to a restricted license until the  
19 required ignition interlock device installation period under  
20 subsection (3) expires, in addition to the time requirements  
21 under s. 322.271. If a medical waiver has been approved for a  
22 convicted person seeking permanent reinstatement of the driver  
23 license, the convicted person must be restricted to an  
24 employment-purposes-only license and be supervised by a licensed  
25 DUI program until the required ignition interlock device  
26 installation period under subsection (3) expires. An interlock  
27 device shall be placed on all vehicles that are individually or  
28 jointly leased or owned and routinely operated by the convicted  
29 person. Effective October 1, 2016, a qualified sobriety and drug  
30 monitoring program as defined in s. 316.193(15) and authorized  
31 by 23 U.S.C. s. 164 shall be used by the department in addition  
32 to the placement of an ignition interlock device required by  
33 this section.

34 (3) If the person is convicted of:

35 (a) A first offense of driving under the influence under s.  
36 316.193 and has an unlawful blood-alcohol level or breath-  
37 alcohol level as specified in s. 316.193(1), the ignition  
38 interlock device may be installed for at least 6 continuous  
39 months.



119230

40 (b) A first offense of driving under the influence under s.  
41 316.193 and has an unlawful blood-alcohol level or breath-  
42 alcohol level as specified in s. 316.193(4), or if a person is  
43 convicted of a violation of s. 316.193 and was at the time of  
44 the offense accompanied in the vehicle by a person younger than  
45 18 years of age, the person shall have the ignition interlock  
46 device installed for at least 6 continuous months for the first  
47 offense and for at least 2 continuous years for a second  
48 offense.

49 (c) A second offense of driving under the influence, the  
50 ignition interlock device shall be installed for a period of at  
51 least 1 continuous year.

52 (d) A third offense of driving under the influence which  
53 occurs within 10 years after a prior conviction for a violation  
54 of s. 316.193, the ignition interlock device shall be installed  
55 for a period of at least 2 continuous years.

56 (e) A third offense of driving under the influence which  
57 occurs more than 10 years after the date of a prior conviction,  
58 the ignition interlock device shall be installed for a period of  
59 at least 2 continuous years.

60 (f) A fourth or subsequent offense of driving under the  
61 influence, the ignition interlock device shall be installed for  
62 a period of at least 5 years.

63  
64 Effective October 1, 2016, for the offenses specified in this  
65 subsection, a qualified sobriety and drug monitoring program as  
66 defined in s. 316.193(15) and authorized by 23 U.S.C. s. 164  
67 shall be used by the department in addition to the placement of  
68 an ignition interlock device required by this section.



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69 (4) If the court fails to order the mandatory placement of  
70 the ignition interlock device or fails to order for the  
71 applicable period the mandatory placement of an ignition  
72 interlock device under s. 316.193 or s. 316.1937 at the time of  
73 imposing sentence or within 30 days thereafter, the department  
74 shall immediately require that the ignition interlock device be  
75 installed as provided in this section, except that consideration  
76 may be given to those individuals having a documented medical  
77 condition that would prohibit the device from functioning  
78 normally. Effective October 1, 2016, a qualified sobriety and  
79 drug monitoring program as defined in s. 316.193(15) and  
80 authorized by 23 U.S.C. s. 164 shall be used by the department  
81 in addition to the placement of an ignition interlock device  
82 required by this section. This subsection applies to the  
83 reinstatement of the driving privilege following a revocation,  
84 suspension, or cancellation that is based upon a conviction for  
85 the offense of driving under the influence which occurs on or  
86 after July 1, 2005.

87 ===== T I T L E A M E N D M E N T =====

88 And the title is amended as follows:

89 Delete line 53

90 and insert:

91 mental condition; amending s. 322.2715, F.S.;

92 providing that a certain qualified sobriety and drug

93 monitoring program shall be used by the department on

94 or after a specified date in addition to the placement

95 of an ignition interlock device; providing an

96 effective date.

By Senator Brandes

22-01592B-16

20161394\_\_

1 A bill to be entitled  
 2 An act relating to the Department of Highway Safety  
 3 and Motor Vehicles; amending s. 316.003, F.S.;  
 4 defining the terms "service patrol vehicle" and  
 5 "driver-assistive truck platooning technology";  
 6 amending s. 316.0895, F.S.; providing that provisions  
 7 prohibiting a driver from following certain vehicles  
 8 within a specified distance do not apply to truck  
 9 tractor-semitrailer combinations under certain  
 10 circumstances; amending s. 316.126, F.S.; requiring  
 11 the driver of every other vehicle to take specified  
 12 actions if a utility service vehicle displaying any  
 13 visual signals or a service patrol vehicle displaying  
 14 amber rotating or flashing lights is performing  
 15 certain tasks on the roadside; amending s. 316.303,  
 16 F.S.; providing exceptions to the prohibition against  
 17 certain television-type receiving equipment in  
 18 vehicles; amending s. 316.613, F.S.; revising the  
 19 exceptions to the requirement that a motor vehicle  
 20 operator use a child restraint device under certain  
 21 circumstances; revising the definition of the term  
 22 "motor vehicle"; amending s. 320.02, F.S.; increasing  
 23 the timeframe within which the owner of any motor  
 24 vehicle registered in the state must notify the  
 25 department of a change of address; providing  
 26 exceptions to such notification; amending s. 320.055,  
 27 F.S.; revising the renewal period for certain motor  
 28 vehicles subject to registration; amending s. 320.07,  
 29 F.S.; revising the expiration date of registrations of  
 30 motor vehicles or mobile homes for owners who are  
 31 natural persons and the date after which an owner may  
 32 not operate an unregistered vehicle on the roads of

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33 this state; amending s. 322.051, F.S.; requiring the  
 34 department to issue or renew an identification card to  
 35 certain juvenile offenders; requiring that the  
 36 department's mobile issuing units process certain  
 37 identification cards; amending s. 322.19, F.S.;  
 38 increasing the timeframe within which certain persons  
 39 must obtain a replacement driver license or  
 40 identification card that reflects a change in his or  
 41 her legal name; providing exceptions to such  
 42 requirement; increasing the timeframe within which  
 43 certain persons must obtain a replacement driver  
 44 license or identification card that reflects a change  
 45 in the legal residence or mailing address in his or  
 46 her application, license, or card; amending s. 322.21,  
 47 F.S.; exempting certain juvenile offenders from a  
 48 specified fee for an original, renewal, or replacement  
 49 identification card; amending s. 322.221, F.S.;  
 50 requiring the department to issue an identification  
 51 card at no cost at the time a person's driver license  
 52 is suspended or revoked due to his or her physical or  
 53 mental condition; providing an effective date.

54  
55 Be It Enacted by the Legislature of the State of Florida:

56  
57 Section 1. Subsections (94) and (95) are added to section  
 58 316.003, Florida Statutes, to read:  
 59 316.003 Definitions.—The following words and phrases, when  
 60 used in this chapter, shall have the meanings respectively  
 61 ascribed to them in this section, except where the context

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62 otherwise requires:

63 (94) SERVICE PATROL VEHICLE.-A motor vehicle that bears an  
 64 emblem or markings with the wording "SERVICE VEHICLE" which is  
 65 visible from the roadway and clearly indicates that the vehicle  
 66 belongs to or is under contract with a person, an entity, a  
 67 cooperative, a board, a commission, a district, or a unit of  
 68 government that provides highway assistance services to  
 69 motorists, clears travel lanes, or provides temporary  
 70 maintenance of traffic support for incident response operations.

71 (95) DRIVER-ASSISTIVE TRUCK PLATOONING TECHNOLOGY.-Vehicle  
 72 automation technology that integrates a sensor array, wireless  
 73 communications, vehicle controls, and specialized software to  
 74 synchronize the acceleration and braking between no more than  
 75 two truck tractor-semitrailer combinations, while leaving each  
 76 vehicle's steering control and systems command in the control of  
 77 the vehicle's driver.

78 Section 2. Subsection (2) of section 316.0895, Florida  
 79 Statutes, is amended to read:

80 316.0895 Following too closely.-

81 (2) It is unlawful for the driver of any motor truck, motor  
 82 truck drawing another vehicle, or vehicle towing another vehicle  
 83 or trailer, when traveling upon a roadway outside of a business  
 84 or residence district, to follow within 300 feet of another  
 85 motor truck, motor truck drawing another vehicle, or vehicle  
 86 towing another vehicle or trailer. ~~The provisions of This~~  
 87 ~~subsection may shall not be construed to prevent overtaking and~~  
 88 ~~passing, nor does it nor shall the same~~ apply upon any lane  
 89 specially designated for use by motor trucks or other slow-  
 90 moving vehicles. This subsection does not apply to two truck

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91 tractor-semitrailer combinations equipped and connected with  
 92 driver-assistive truck platooning technology, as defined in s.  
 93 316.003, and operating on a multilane limited access facility,  
 94 if:

95 (a) The owner or operator first submits to the department  
 96 an instrument of insurance, a surety bond, or proof of self-  
 97 insurance acceptable to the department in the amount of \$1  
 98 million;

99 (b) The vehicles are equipped with an external indication,  
 100 visible to surrounding motorists, that the vehicles are engaged  
 101 in truck platooning; and

102 (c) The vehicles are not required to be placarded pursuant  
 103 to 49 C.F.R. parts 171-179.

104 Section 3. Section 316.126, Florida Statutes, is amended to  
 105 read:

106 316.126 Operation of vehicles and actions of pedestrians on  
 107 approach of an authorized emergency, sanitation, ~~or~~ utility  
 108 service vehicle, or service patrol vehicle.-

109 (1) (a) Upon the immediate approach of an authorized  
 110 emergency vehicle, while en route to meet an existing emergency,  
 111 the driver of every other vehicle shall, when such emergency  
 112 vehicle is giving audible signals by siren, exhaust whistle, or  
 113 other adequate device, or visible signals by the use of  
 114 displayed blue or red lights, yield the right-of-way to the  
 115 emergency vehicle and shall immediately proceed to a position  
 116 parallel to, and as close as reasonable to the closest edge of  
 117 the curb of the roadway, clear of any intersection and shall  
 118 stop and remain in position until the authorized emergency  
 119 vehicle has passed, unless otherwise directed by a law

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120 enforcement officer.

121 (b) If an authorized emergency vehicle displaying any  
122 visual signals is parked on the roadside, a sanitation vehicle  
123 is performing a task related to the provision of sanitation  
124 services on the roadside, a utility service vehicle displaying  
125 any visual signals is performing a task related to the provision  
126 of utility services on the roadside, ~~or~~ a wrecker displaying  
127 amber rotating or flashing lights is performing a recovery or  
128 loading on the roadside, or a service patrol vehicle displaying  
129 amber rotating or flashing lights is performing official duties  
130 or services on the roadside, the driver of every other vehicle,  
131 as soon as it is safe:

132 1. Shall vacate the lane closest to the emergency vehicle,  
133 sanitation vehicle, utility service vehicle, ~~or~~ wrecker, or  
134 service patrol vehicle when driving on an interstate highway or  
135 other highway with two or more lanes traveling in the direction  
136 of the emergency vehicle, sanitation vehicle, utility service  
137 vehicle, ~~or~~ wrecker, or service patrol vehicle except when  
138 otherwise directed by a law enforcement officer. If such  
139 movement cannot be safely accomplished, the driver shall reduce  
140 speed as provided in subparagraph 2.

141 2. Shall slow to a speed that is 20 miles per hour less  
142 than the posted speed limit when the posted speed limit is 25  
143 miles per hour or greater; or travel at 5 miles per hour when  
144 the posted speed limit is 20 miles per hour or less, when  
145 driving on a two-lane road, except when otherwise directed by a  
146 law enforcement officer.

147 (c) The Department of Highway Safety and Motor Vehicles  
148 shall provide an educational awareness campaign informing the

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149 motoring public about the Move Over Act. The department shall  
150 provide information about the Move Over Act in all newly printed  
151 driver license educational materials.

152 (2) Every pedestrian using the road right-of-way shall  
153 yield the right-of-way until the authorized emergency vehicle  
154 has passed, unless otherwise directed by a law enforcement  
155 officer.

156 (3) An authorized emergency vehicle, when en route to meet  
157 an existing emergency, shall warn all other vehicular traffic  
158 along the emergency route by an audible signal, siren, exhaust  
159 whistle, or other adequate device or by a visible signal by the  
160 use of displayed blue or red lights. While en route to such  
161 emergency, the emergency vehicle shall otherwise proceed in a  
162 manner consistent with the laws regulating vehicular traffic  
163 upon the highways of this state.

164 (4) This section does not diminish or enlarge any rules of  
165 evidence or liability in any case involving the operation of an  
166 emergency vehicle.

167 (5) This section does not relieve the driver of an  
168 authorized emergency vehicle from the duty to drive with due  
169 regard for the safety of all persons using the highway.

170 (6) A violation of this section is a noncriminal traffic  
171 infraction, punishable pursuant to chapter 318 as either a  
172 moving violation for infractions of subsection (1) or subsection  
173 (3), or as a pedestrian violation for infractions of subsection  
174 (2).

175 Section 4. Subsections (1) and (3) of section 316.303,  
176 Florida Statutes, are amended to read:

177 316.303 Television receivers.—

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178 (1) ~~A No~~ motor vehicle may not be operated on the highways  
 179 of this state if the vehicle is ~~shall be~~ equipped with  
 180 television-type receiving equipment so located that the viewer  
 181 or screen is visible from the driver's seat, unless the vehicle  
 182 is equipped with autonomous technology, as defined in s.  
 183 316.003, and is being operated in autonomous mode, as provided  
 184 in s. 316.85(2).

185 (3) This section does not prohibit the use of an electronic  
 186 display used in conjunction with a vehicle navigation system, or  
 187 an electronic display used by an operator of a vehicle equipped  
 188 and operating with driver-assistive truck platooning technology,  
 189 as defined in s. 316.003.

190 Section 5. Paragraph (a) of subsection (1) and paragraph  
 191 (b) of subsection (2) of section 316.613, Florida Statutes, are  
 192 amended to read:

193 316.613 Child restraint requirements.—

194 (1) (a) Every operator of a motor vehicle as defined in this  
 195 section, while transporting a child in a motor vehicle operated  
 196 on the roadways, streets, or highways of this state, shall, if  
 197 the child is 5 years of age or younger, provide for protection  
 198 of the child by properly using a crash-tested, federally  
 199 approved child restraint device.

200 1. For children aged through 3 years, such restraint device  
 201 must be a separate carrier or a vehicle manufacturer's  
 202 integrated child seat.

203 2. For children aged 4 through 5 years, a separate carrier,  
 204 an integrated child seat, or a child booster seat may be used.  
 205 However, the requirement to use a child restraint device under  
 206 this subparagraph does not apply when a safety belt is used as

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207 required in s. 316.614(4) (a) and the child:

208 a. Is being transported gratuitously by an operator who is  
 209 not a member of the child's immediate family;

210 b. Is being transported in a medical emergency situation  
 211 involving the child; ~~or~~

212 c. Is being transported by a child care facility, family  
 213 day care home, or large family child care home, as those terms  
 214 are defined in s. 402.302; an after-school program not requiring  
 215 licensure pursuant to chapter 402; a child care facility exempt  
 216 pursuant to s. 402.316; or an entity excluded from the  
 217 definition of child care facility pursuant to s. 402.302(2); or

218 d. Has a medical condition that necessitates an exception  
 219 as evidenced by appropriate documentation from a health care  
 220 professional.

221 (2) As used in this section, the term "motor vehicle" means  
 222 a motor vehicle as defined in s. 316.003 that is operated on the  
 223 roadways, streets, and highways of the state. The term does not  
 224 include:

225 (b) A bus used for the transportation of persons for  
 226 compensation, ~~other than a bus regularly used to transport~~  
 227 ~~children to or from school, as defined in s. 316.615(1)(b), or~~  
 228 ~~in conjunction with school activities.~~

229 Section 6. Subsection (4) of section 320.02, Florida  
 230 Statutes, is amended to read:

231 320.02 Registration required; application for registration;  
 232 forms.—

233 (4) Except as provided in ss. 775.21, 775.261, 943.0435,  
 234 944.607, and 985.4815, the owner of any motor vehicle registered  
 235 in the state shall notify the department in writing of any

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236 change of address within 30 ~~20~~ days of such change. The  
 237 notification shall include the registration license plate  
 238 number, the vehicle identification number (VIN) or title  
 239 certificate number, year of vehicle make, and the owner's full  
 240 name.

241 Section 7. Paragraph (a) of subsection (1) of section  
 242 320.055, Florida Statutes, is amended to read:

243 320.055 Registration periods; renewal periods.—The  
 244 following registration periods and renewal periods are  
 245 established:

246 (1) (a) For a motor vehicle subject to registration under s.  
 247 320.08(1), (2), (3), (5) (b), (c), (d), or (f), (6) (a), (7), (8),  
 248 (9), or (10) and owned by a natural person, the registration  
 249 period begins the first day of the birth month of the owner and  
 250 ends the last day of the month immediately preceding the owner's  
 251 birth month in the succeeding year. If such vehicle is  
 252 registered in the name of more than one person, the birth month  
 253 of the person whose name first appears on the registration shall  
 254 be used to determine the registration period. For a vehicle  
 255 subject to this registration period, the renewal period is the  
 256 ~~30-day~~ period ending at midnight on the last day of the vehicle  
 257 owner's ~~date of~~ birth month.

258 Section 8. Subsection (1) of section 320.07, Florida  
 259 Statutes, is amended to read:

260 320.07 Expiration of registration; renewal required;  
 261 penalties.—

262 (1) The registration of a motor vehicle or mobile home  
 263 expires at midnight on the last day of the registration or  
 264 extended registration period, or for a motor vehicle or mobile

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265 home owner who is a natural person, at midnight on the last day  
 266 of the owner's birth month ~~birthday~~. A vehicle may not be  
 267 operated on the roads of this state after expiration of the  
 268 renewal period, or, for a natural person, at midnight on the  
 269 last day of the owner's birth month ~~birthday~~, unless the  
 270 registration has been renewed according to law.

271 Section 9. Subsection (9) of section 322.051, Florida  
 272 Statutes, is amended to read:

273 322.051 Identification cards.—

274 (9) Notwithstanding any other provision of this section or  
 275 s. 322.21 to the contrary, the department shall issue or renew a  
 276 card at no charge to a person who presents evidence satisfactory  
 277 to the department that he or she is homeless as defined in s.  
 278 414.0252(7), to a juvenile offender who is in the custody or  
 279 under the supervision of the Department of Juvenile Justice and  
 280 receiving services pursuant to s. 985.461, to an inmate  
 281 receiving a card issued pursuant to s. 944.605(7), or, if  
 282 necessary, to an inmate receiving a replacement card if the  
 283 department determines that he or she has a valid state  
 284 identification card. If the replacement state identification  
 285 card is scheduled to expire within 6 months, the department may  
 286 also issue a temporary permit valid for at least 6 months after  
 287 the release date. The department's mobile issuing units shall  
 288 process the identification cards for juvenile offenders and  
 289 inmates at no charge, as provided by s. 944.605 (7) (a) and (b).

290 Section 10. Subsections (1) and (2) of section 322.19,  
 291 Florida Statutes, are amended to read:

292 322.19 Change of address or name.—

293 (1) Except as provided in ss. 775.21, 775.261, 943.0435,

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 294 944.607, and 985.4815, whenever any person, after applying for  
 295 or receiving a driver license or identification card, changes  
 296 his or her legal name, that person must within 30 ~~40~~ days  
 297 thereafter obtain a replacement license or card that reflects  
 298 the change.

299 (2) ~~If a~~ ~~Whenever any~~ person, after applying for or  
 300 receiving a driver license or identification card, changes the  
 301 legal residence or mailing address in the application, ~~or~~  
 302 license, or card, the person must, within 30 ~~40~~ calendar days  
 303 after making the change, obtain a replacement license or card  
 304 that reflects the change. A written request to the department  
 305 must include the old and new addresses and the driver license or  
 306 identification card number. Any person who has a valid, current  
 307 student identification card issued by an educational institution  
 308 in this state is presumed not to have changed his or her legal  
 309 residence or mailing address. This subsection does not affect  
 310 any person required to register a permanent or temporary address  
 311 change pursuant to s. 775.13, s. 775.21, s. 775.25, or s.  
 312 943.0435.

313 Section 11. Paragraph (f) of subsection (1) of section  
 314 322.21, Florida Statutes, is amended to read:

315 322.21 License fees; procedure for handling and collecting  
 316 fees.—

317 (1) Except as otherwise provided herein, the fee for:

318 (f) An original, renewal, or replacement identification  
 319 card issued pursuant to s. 322.051 is \$25, except that an  
 320 applicant who presents evidence satisfactory to the department  
 321 that he or she is homeless as defined in s. 414.0252(7); ~~or~~ his  
 322 or her annual income is at or below 100 percent of the federal

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 323 poverty level; or he or she is a juvenile offender who is in the  
 324 custody or under the supervision of the Department of Juvenile  
 325 Justice, is receiving services pursuant to s. 985.461, and whose  
 326 identification card is issued by the department's mobile issuing  
 327 units is exempt from such fee. Funds collected from fees for  
 328 original, renewal, or replacement identification cards shall be  
 329 distributed as follows:

330 1. For an original identification card issued pursuant to  
 331 s. 322.051, the fee shall be deposited into the General Revenue  
 332 Fund.

333 2. For a renewal identification card issued pursuant to s.  
 334 322.051, \$6 shall be deposited into the Highway Safety Operating  
 335 Trust Fund, and \$19 shall be deposited into the General Revenue  
 336 Fund.

337 3. For a replacement identification card issued pursuant to  
 338 s. 322.051, \$9 shall be deposited into the Highway Safety  
 339 Operating Trust Fund, and \$16 shall be deposited into the  
 340 General Revenue Fund. Beginning July 1, 2015, or upon completion  
 341 of the transition of the driver license issuance services, if  
 342 the replacement identification card is issued by the tax  
 343 collector, the tax collector shall retain the \$9 that would  
 344 otherwise be deposited into the Highway Safety Operating Trust  
 345 Fund and the remaining revenues shall be deposited into the  
 346 General Revenue Fund.

347 Section 12. Subsection (3) of section 322.221, Florida  
 348 Statutes, is amended to read:

349 322.221 Department may require reexamination.—

350 (3) (a) Upon the conclusion of such examination or  
 351 reexamination the department shall take action as may be

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352 appropriate and may suspend or revoke the license of such person  
353 or permit him or her to retain such license, or may issue a  
354 license subject to restrictions as permitted under s. 322.16.  
355 Refusal or neglect of the licensee to submit to such examination  
356 or reexamination shall be ground for suspension or revocation of  
357 his or her license.

358 (b) If the department suspends or revokes the license of a  
359 person due to his or her physical or mental condition, the  
360 department shall issue an identification card to the person at  
361 the time of the license suspension or revocation. The department  
362 may not charge fees for the issuance of the identification card.

363 Section 13. This act shall take effect October 1, 2016.

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-27-16

Meeting Date

SB 1394

Bill Number (if applicable)

~~119230, 732674~~

Amendment Barcode (if applicable)

336412

Topic DUI Interlock Devices

Name Patrick Bell

Job Title President

Address P.O. Box 10242

Street

Tallahassee FL 32302

City

State

Zip

Phone 850-544-0754

Email pebell@earthlink.net

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Coalition of Ignition Interlock Manufacturers

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

**This form is part of the public record for this meeting.**

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-27-16  
Meeting Date

1394  
Bill Number (if applicable)

~~119230~~, ~~132621~~, ~~3336412~~  
Amendment Barcode (if applicable)

Topic DUI

Name Kristen Allen

Job Title State Victim Services Manager

Address 101B Thomasville Rd #101

Phone 850-681-0061

Tallahassee, FL 32303  
Street City State Zip

Email Kristen.allen@madd.org

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Mothers Against Drunk Driving

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

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11/27/16

Meeting Date

1394

Bill Number (if applicable)

336412

Amendment Barcode (if applicable)

Topic 2417 Sobriety Program

Name Tara Wildes

Job Title Director of Corrections Jacksonville Sheriff's Office

Address Street

Phone

City

State

Zip

Email

Speaking: [ ] For [ ] Against [ ] Information

Waive Speaking: [ ] In Support [ ] Against (The Chair will read this information into the record.)

Representing Jacksonville Sheriff's Office

Appearing at request of Chair: [ ] Yes [X] No

Lobbyist registered with Legislature: [ ] Yes [X] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/27/ Meeting Date

1394 Bill Number (if applicable)

Topic Ignition Interlock

Simpson Amendment Amendment Barcode (if applicable)

Name Doug Mannheimer

1192304132674

Job Title Atty

336412

Address 215 S. Monroe St

Phone 850-681-6810

Tall FL 32301 City State Zip

Email dmannheimer@broadandcassel.com

Speaking: For Against Information

Waive Speaking: In Support Against (The Chair will read this information into the record.)

Representing Alcolock Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

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01/27/16  
Meeting Date

SB 1394  
Bill Number (if applicable)

927104, 420266, 572206  
Amendment Barcode (if applicable)

Topic \_\_\_\_\_

Name Phyllis E. Talbot

Job Title DUI Program Supervisor

Address 6539 Calusa Drive  
Street

Phone 863-701-1919

Lakeland, FL 33813  
City State Zip

Email ptalbot@tchsonline.org

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing DUI Programs of Polk, Hardee + Highlands

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/27/14  
Meeting Date

SB 1394  
Bill Number (if applicable)

927104, ~~420266~~  
Amendment Barcode (if applicable)

~~512206~~

Topic \_\_\_\_\_

Name Maureen Ferrill

Job Title CEO - Pride Integrated Services Inc

Address 1310 N. Congress Ave.  
Street

Phone (561) 598-5108

West Palm Beach FL. 33409  
City State Zip

Email mferrill@dboutpride.org

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing OUI Programs of Paseo and Palm Beach

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

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1/27/10  
Meeting Date

1394  
Bill Number (if applicable)

927104, 420266  
Amendment Barcode (if applicable)  
512204

Topic \_\_\_\_\_

Name LAURA McLeod

Job Title Executive Director

Address 1725 Mober Drive

Street

Tallahassee, FL 32308

City

State

Zip

Phone 850-671-3384

Email lmcLeod@fladui.org

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Florida Association of Debt Programs & We Save Lives

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

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**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Jan 27, 2016

*Meeting Date*

SB 1394

*Bill Number (if applicable)*

811690

*Amendment Barcode (if applicable)*

Topic DHSMV Bill - Booster Seat exemption for child care facilities

Name H Lee Moffitt

Job Title Legislative Counsel AAA Auto Clubs

Address 3227 NW Perimeter Road

*Street*

Palm City

*City*

FL

*State*

34990

*Zip*

Phone 813 760-5712

Email MrSpeaker@aol.com

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
*(The Chair will read this information into the record.)*

Representing AAA Auto Club of Florida

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

***This form is part of the public record for this meeting.***

S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/27/16  
Meeting Date

1394  
Bill Number (if applicable)  
811690  
Amendment Barcode (if applicable)

Topic Highway Safety

Name Mary-Lynn Cullen

Job Title Legislative Liaison

Address 1674 University Pkwy.

Phone 941-928-0278

Street

Sarasota FL 34243

City

State

Zip

Email aichildren@aol.com

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Advocacy Institute for Children

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

**This form is part of the public record for this meeting.**

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/27/16  
Meeting Date

1394  
Bill Number (if applicable)

Topic Booster Seat

811690  
Amendment Barcode (if applicable)

Name Elyse Bogdanoff

Job Title Exec Director

Address 908 S. Andrews Ave

Phone \_\_\_\_\_

Street FL Land FL 33316

Email \_\_\_\_\_

City State Zip

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing FACCM

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/27/15  
Meeting Date

1394  
Bill Number (if applicable)  
811-690  
Amendment Barcode (if applicable)

Topic 'Booster Seat' Amendment

Name JESSICA SCHER

Job Title Director Public Policy

Address 3250 SW 3 Ave  
Street

Phone 305 322 2193

MIAMI FL 33129  
City State Zip

Email J.Scher@unitedway.com

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing United Way of Miami Dade

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/27  
Meeting Date

1394  
Bill Number (if applicable)  
811690  
Amendment Barcode (if applicable)

Topic BOOSTER SEATS

Name DIANA RAGBECK

Job Title DIRECTOR, PUBLIC POLICY

Address \_\_\_\_\_  
Street

Phone 3055715718

MIA  
City

State

Zip

Email diana@thochildrens

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing THE CHILDREN'S TRUST

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/27

Meeting Date

1394

Bill Number (if applicable)

120702

Amendment Barcode (if applicable)

Topic Transportation

Name Mindy Haas

Job Title President, Florida PTA

Address \_\_\_\_\_

Street

Phone \_\_\_\_\_

City

State

Zip

Email president@tosidaypta.org

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Florida PTA

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/27/16  
Meeting Date

1394  
Bill Number (if applicable)  
420266  
Amendment Barcode (if applicable)

Topic \_\_\_\_\_

Name Laura McLeod

Job Title Executive Director

Address 1725 Mohan Drive  
Street

Phone 850-671-3384

Jalchose FL 32308  
City State Zip

Email lmcLeod@fladvis.org

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Florida Association of Diet Programs

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/27/16  
Meeting Date

SB1394  
Bill Number (if applicable)

420266  
Amendment Barcode (if applicable)

Topic \_\_\_\_\_

Name Phyllis Talbot

Job Title DUI Program Supervisor

Address 1811 Crystal Lake Drive

Phone 863-701-1919

Street

Lakeland FL 33801

City

State

Zip

Email pta/bot@tchsonline.org

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing DUI Programs in Polk, Hardee & Highlands counties

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

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THE FLORIDA SENATE

APPEARANCE RECORD

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1/27/16  
Meeting Date

1394  
Bill Number (if applicable)  
132674  
Amendment Barcode (if applicable)

Topic 24/7 Sobriety Program

Name Tara Wildes

Job Title Director of Corrections

Address 501 E Bay St  
Street

Phone 9046305779

Jacksonville FL 32202  
City State Zip

Email Tara.Wildes@jaxsheriff.org

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Jacksonville Sheriff's Office

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/27/16  
Meeting Date

1394  
Bill Number (if applicable)  
420266  
Amendment Barcode (if applicable)

Topic \_\_\_\_\_

Name Maureen Ferrill

Job Title CEO Pride Integrated Services, Inc

Address 1310 N. Congress Ave

Phone (561) 598-5708

West Palm Beach FL 33409  
City State Zip

Email mferrill@atpride.org

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Pride Integrated Services, Inc

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

01/27/16

Meeting Date

1394

Bill Number (if applicable)

119230

Amendment Barcode (if applicable)

Topic 2/7 Sobriety Program

Name Tara Wildes

Job Title Director of Corrections

Address 501 E Bay St

Phone 9046305779

Jax FL 32202

Email Tara.Wildes@jaxsheriff.org

Speaking: [X] For [ ] Against [X] Information

Waive Speaking: [ ] In Support [ ] Against (The Chair will read this information into the record.)

Representing Jacksonville Sheriff's Office

Appearing at request of Chair: [ ] Yes [X] No

Lobbyist registered with Legislature: [ ] Yes [X] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/27/14  
Meeting Date

1394  
Bill Number (if applicable)

512286  
Amendment Barcode (if applicable)

Topic Phyllis Talbot

Name Phyllis Talbot

Job Title DUI Program Supervisor

Address 1811 Crystal Lake Drive

Phone 863-701-1919

Street

Lakeland FL 33801

City

State

Zip

Email ptalbot@tahsonline.org

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing DUI Programs in Polk, Hardee, Highlands

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/27/16  
Meeting Date

512204  
Bill Number (if applicable)  
Amendment Barcode (if applicable)

Topic \_\_\_\_\_

Name Laven McLeod

Job Title Executive Director

Address 1725 McLean Dr.  
Street  
Tollchessie, FL 32308  
City State Zip

Phone 850-671-3384

Email lmcLeod@fladui.org

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Florida Association of Debt Prognosis

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/27/16  
Meeting Date

1394  
Bill Number (if applicable)

512206  
Amendment Barcode (if applicable)

Topic \_\_\_\_\_

Name Maura Ferrall

Job Title CEO Pride Integrated Services, Inc

Address 1310 N. Congress Ave  
Street

Phone (561) 598-5108

West Palm Beach, FL 33409  
City State Zip

Email mferrall@aboutpride.org

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Pride Integrated Services, Inc

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

1-27-15

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB 1394

Meeting Date

Bill Number (if applicable)

Topic SB 1394

Amendment Barcode (if applicable)

Name Meredith Stanfield

Job Title Director of Legislative Affairs

Address 2737 Centerview Dr.

Phone 717-2716

Street

Tallahassee FL 32399

Email meredith.stanfield@

City

State

Zip

dj.state.fl.us

Speaking: [X] For [ ] Against [ ] Information

Waive Speaking: [X] In Support [ ] Against (The Chair will read this information into the record.)

Representing Department of Juvenile Justice

Appearing at request of Chair: [ ] Yes [X] No

Lobbyist registered with Legislature: [X] Yes [ ] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Transportation

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BILL: CS/SB 1584

INTRODUCER: Transportation Committee and Senator Smith

SUBJECT: Suspended Driver Licenses

DATE: January 27, 2016

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Eichin	TR	<b>Fav/CS</b>
2.			ATD	
3.			AP	

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Technical Changes

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**I. Summary:**

CS/SB 1584 establishes a Driver License Reinstatement Days pilot program in certain counties throughout the state. The program requires the DHSMV, state attorney, public defender's office, circuit and county courts, clerk of court, and interested organizations within each county participate in the pilot program. The purpose of the program is to reinstate suspended driver licenses. The clerk of courts is authorized to waive certain fees to facilitate driver license reinstatements for eligible persons. By October 1, 2017, the DHSMV is required to report the results of the program and a recommendation to continue, discontinue, or expand the program to the Governor, Senate President, and Speaker of the House of Representatives.

This section is repealed October 1, 2017.

The act takes effect July 1, 2016.

**II. Present Situation:**

**Driver License Suspensions and Revocations**

Individuals who violate Florida laws may be sanctioned through the suspension or revocation of their driving privilege. Driver license revocations and suspensions, respectively, terminate or temporarily withdraw one's driving privilege.<sup>1</sup> To reinstate a suspended or revoked license,

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<sup>1</sup> Sections 322.01(36) and (40), F.S.

individuals must fulfill legal and financial obligations. Drivers will need to pay reinstatement fees in addition to any outstanding obligations to legally drive.

Entities at both state and local level play a role in driver license suspensions. At the state level, the DHSMV is responsible for issuing driver licenses and administering driver license examinations, as well as suspending and revoking driver licenses, which includes providing notice required by law and communicating license reinstatement requirements. The role of other state agencies is to notify the department when individuals violate laws that can be sanctioned by driver license suspension. For example, if a parent is delinquent on child support payments, the Department of Revenue (DOR) notifies DHSMV to start the process of driver license suspension.

At the local level, clerks of court are responsible for collecting financial obligations imposed by the court for criminal and traffic offenses, as well as maintaining court records and ensuring that court orders are carried out. Clerks of court use driver license sanctions as a means to improve collections of fines and fees. Section 322.245, F.S., requires clerks of court to notify the DHSMV when a driver fails to pay court-imposed financial obligations for criminal offenses. Failure to pay can result in a license suspension. In addition, clerks of court provide information to the DHSMV about any court actions that require the suspension or revocation of driver licenses. On behalf of DHSMV, clerks of court and county tax collectors may reinstate driving privileges and collect reinstatement fees.

### ***Effectiveness***

It is estimated that as many as three-fourths of drivers with suspended or revoked licenses continue to drive, indicating driver license sanctions may not effectively force compliance.<sup>2</sup> Driver license suspension and revocation penalties are commonly used to punish individuals who do not pay certain financial penalties and obligations, sometimes whether or not the individual can afford to do so. Penalties for driving with a suspended or revoked license increase per offense, causing individuals suffering from financial hardship to become stuck in a self-perpetuating cycle. Drivers who were unable to pay their original fine or court fees may lose their ability to legally get to and from work. If they are caught driving while the license is suspended or revoked, they will incur additional court costs and penalties.

### ***Driver License Reinstatement Fees***

Section 322.21(8), F.S., requires a person who applies for reinstatement following a DL suspension or revocation to pay a service fee of \$45 following a suspension and \$75 following a revocation, in addition to the \$25 fee to replace their license if necessary. “Failure to comply” suspensions require a \$60 reinstatement fee.

### ***Driver License Reinstatement Days<sup>3</sup>***

In July 2015, Sarasota County held a Driver License Reinstatement Day. The purpose of the event was to negotiate fees with people whose licenses were suspended because of a failure to

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<sup>2</sup> *Id.*

<sup>3</sup> Email from the DHSMV, *Draft – SB 1584 Legislative Bill Analysis* (Jan. 22, 2016) (on file with the Senate Committee on Transportation).

pay fines. It was estimated that almost 2,000 people showed up, of which approximately 500 were served. Of those 500 people, 100 were able to reinstate their license. Some were not eligible for reinstatement because they were habitual traffic offenders, under suspension for a DUI, or other were facing charges. All 500 people experienced some level of reduction in the local county fees they owed.

In April 2015, the Duval County Clerk of Court, in conjunction with 59 other Clerk's offices, participated in a statewide campaign called "Operation Green Light." The goal of the operation was to allow individuals who were delinquent in traffic or court fines and fees to make those payments and assist them in getting their licenses reinstated. The 40 percent collections surcharge was waived for these individuals.<sup>4</sup>

### III. Effect of Proposed Changes:

The bill establishes a Driver License Reinstatement Days program in Broward, Duval, Hillsborough, Miami-Dade, Orange, and Pinellas County.

The purpose of the program is to reinstate suspended driver licenses. A person is eligible for reinstatement under this program if the period of his or her suspension has elapsed, the person completed any required course or program, the person is otherwise eligible for reinstatement, and the license was suspended for:

- Driving without a valid license;
- Driving with a suspended license;
- Failing to make payments on penalties in collection;
- Failing to appear in court for a traffic violation; or
- Failing to comply with provisions of ch. 318, F.S., relating to disposition of a traffic citation, or ch. 322, F.S., relating to driver licenses.

A person is not eligible for reinstatement under this program if the person's driver license is suspended or revoked for:

- Failing to fulfill any court-ordered or administratively established child support obligations;
- A violation under s. 316.193, F.S., involving driving under the influence of alcohol or drugs;
- Failing to complete a required driver training program, driver improvement course, or alcohol or substance abuse education or evaluation program;
- Commission of a traffic-related felony;
- Becoming a habitual traffic offender; or
- An offense committed outside a county in which the pilot program is being implemented.

The DHSMV has indicated within these six counties approximately 541,681 licenses are suspended for failure to appear or comply with a traffic summons, failure to pay a traffic fine, or

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<sup>4</sup> See American Safety Council, *Florida's Operation Green Light Program* (April 17, 2015), <http://blog.americansafetycouncil.com/florida-operation-green-light/> (last visited Jan. 24, 2016).

failure to pay or appear on a criminal charge. These counts are broken down by county and suspension categories below<sup>5</sup>:

Suspended Driver Category:	Broward	Duval	Hillsboro.	Dade	Orange	Pinellas	Total
Fail to Appear-Traffic Summons	23,567	17,214	12,454	56,296	9,410	6,177	125,118
Fail to Comply-Traffic Summons	2,073	1,964	1,488	2,198	1,800	872	10,395
Failed to pay Traffic Fine-Penalty	63,221	47,965	44,622	118,794	51,034	28,158	353,794
Criminal-Fail to Pay	17,574	3,352	11,060	4,291	2,646	2,515	41,438
Criminal- Failed to Appear	2,703	998	2,729	2,509	1,003	994	10,936
	109,138	71,493	72,353	184,088	65,893	38,716	541,681

Participants within each county implementing the pilot program shall include the DHSMV, state attorney, public defender’s office, circuit and county courts, clerk of court, and interested organizations within each county participate in the pilot program.

The clerk of court, in consultation with the other participants, will select one or more days for the event. The bill requires a person seeking reinstatement through the program to pay the full reinstatement fee; however, the clerk may compromise or waive other fees and costs to facilitate the reinstatement.

The clerk of court and the DHSMV are responsible for verifying any information necessary for reinstatement of a driver license under the program.

The DHSMV, by October 1, 2017, is required to report the results of the program and a recommendation to continue, discontinue, or expand the program to the Governor, Senate President, and Speaker of the House of Representatives.

This section is repealed October 1, 2017.

The act takes effect July 1, 2016.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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<sup>5</sup> *Supra* note 3.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

The bill will have a positive impact on individuals who may have their financial obligations waived or reduced, and assistance in reinstating their driver license.

**C. Government Sector Impact:**

The bill may have a negative impact to local clerks of court from compromising or waiving fees and costs. For this reason, the bill may also have a negative impact on collection agents working with the clerks.

The costs associated with implementing the program are unknown; therefore, the bill could have a negative impact on the required participants.

The bill will likely have a positive impact on state revenue from the increase in reinstatement fees collected.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

The bill creates an undesignated section of law that will be repealed October 1, 2017.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Transportation on January 27, 2016:**

The CS amended the language of SB 1584 to maintain consistency with statutory provisions.

**B. Amendments:**

None.



690090

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/27/2016	.	
	.	
	.	
	.	

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The Committee on Transportation (Simpson) recommended the following:

**Senate Amendment**

Delete lines 43 - 60  
and insert:  
of suspension has elapsed, the person has completed any required  
course or program as described in paragraph (4) (c), and the  
person is otherwise eligible for reinstatement of his or her  
driver license.

(4) A person is not eligible for reinstatement under the  
pilot program if:



690090

11       (a) The person's driver license is under suspension because  
12 the person failed to fulfill court-ordered or administratively  
13 established child support obligations;

14       (b) The person's driver license is under suspension or has  
15 been revoked for a violation under s. 316.193, Florida Statutes,  
16 involving driving under the influence of alcohol or drugs;

17       (c) The person's driver license is under suspension because  
18 the person has not completed a driver training program, driver  
19 improvement course, or alcohol or substance abuse education or  
20 evaluation program required under s. 316.192, s. 316.193, s.  
21 322.2616, s. 322.271, or s. 322.291, Florida Statutes;

22       (d) The person's driver license has been revoked for

By Senator Smith

31-01608-16

20161584\_\_

A bill to be entitled

An act relating to suspended driver licenses; establishing a Driver License Reinstatement Days pilot program in certain counties to facilitate reinstatement of suspended driver licenses; specifying participants; providing duties of the clerks of court and the Department of Highway Safety and Motor Vehicles; authorizing the clerk of court to compromise certain fees and costs; providing for program eligibility; directing the department to make a report to the Governor and Legislature; providing for future repeal; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Driver License Reinstatement Days.—

(1) There is established a Driver License Reinstatement Days pilot program in Broward, Duval, Hillsborough, Miami-Dade, Orange, and Pinellas Counties for the purpose of reinstating suspended driver licenses. Participants within each county shall include the Department of Highway Safety and Motor Vehicles, the state attorney, the public defender's office, the circuit and county courts, the clerk of court, and interested community organizations.

(2) The clerk of court, in consultation with the other participants, shall select 1 or more days for an event at which persons with suspended driver licenses may have their licenses reinstated pursuant to this section. A person must pay the full reinstatement fee; however, the clerk may compromise or waive other fees and costs to facilitate the reinstatement.

(3) (a) A person is eligible for reinstatement under the pilot program if the person's driver license was suspended

Page 1 of 3

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

31-01608-16

20161584\_\_

because the person:

1. Was driving without a valid driver license;

2. Was driving with a suspended license;

3. Failed to make payments on penalties in collection;

4. Failed to appear in court for a traffic violation; or

5. Failed to comply with provisions of chapter 318, Florida

Statutes, relating to disposition of a traffic citation, or chapter 322, Florida Statutes, relating to driver licenses.

(b) Notwithstanding paragraphs (4) (a)-(c), a person is eligible for reinstatement under the pilot program if the period of suspension or revocation has elapsed, the person has completed any required course or program as described in paragraph (4) (c), and the person is otherwise eligible for reinstatement of his or her driver license.

(4) A person is not eligible for reinstatement under the pilot program if:

(a) The person's driver license is under suspension because the person failed to fulfill court-ordered child support obligations;

(b) The person's driver license is under suspension for a violation under s. 316.193, Florida Statutes, involving driving under the influence of alcohol or drugs;

(c) The person's driver license is under suspension because the person has not completed a driver training program, driver improvement course, or alcohol or substance abuse education or evaluation program required under s. 316.192, s. 316.193, s. 322.2616, s. 322.271, or s. 322.291, Florida Statutes;

(d) The person's driver license is under suspension for commission of a traffic-related felony;

Page 2 of 3

CODING: Words ~~stricken~~ are deletions; words underlined are additions.



31-01608-16

20161584\_\_

62 (e) The person's driver license was revoked because the  
63 person is a habitual traffic offender under s. 322.264, Florida  
64 Statutes; or

65 (f) The person's driver license is under suspension for an  
66 offense committed outside a county in which the pilot program is  
67 being implemented.

68 (5) The clerk of court and the Department of Highway Safety  
69 and Motor Vehicles shall verify any information necessary for  
70 reinstatement of a driver license under the pilot program.

71 (6) By October 1, 2017, the Department of Highway Safety  
72 and Motor Vehicles shall report the results of the pilot program  
73 to the Governor, the President of the Senate, and the Speaker of  
74 the House of Representatives. The report shall include any  
75 recommendation by the department to continue, discontinue, or  
76 expand the pilot program and any necessary legislative action to  
77 facilitate a continuation or expansion of the pilot program.

78 (7) This section is repealed October 1, 2017.

79 Section 2. This act shall take effect July 1, 2016.

# THE FLORIDA SENATE APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/27/2016

1584

*Meeting Date*

*Bill Number (if applicable)*

Topic Suspended Driver's License

*Amendment Barcode (if applicable)*

Name Don Lamonica

Job Title Lobbyist

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Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
*(The Chair will read this information into the record.)*

Representing Florida Public Defender Association, Inc.

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

***This form is part of the public record for this meeting.***