

By the Committee on Transportation and Representative
Fuller

1 A bill to be entitled
2 An act relating to highway safety and motor
3 vehicles; reenacting s. 316.003, F.S.; relating
4 to the definition of hazardous material;
5 amending s. 316.008, F.S.; deleting obsolete
6 language; amending ss. 316.061, 316.062,
7 316.063, 316.064, 316.065, 316.066, 316.068,
8 316.069, 316.070, and 316.072, F.S.; changing
9 the term "accident" to "crash"; amending s.
10 316.067, F.S.; providing a second degree
11 misdemeanor penalty for certain false reports;
12 amending ss. 316.0745, 316.0747, 316.1895,
13 316.193, and 316.2065, F.S.; deleting obsolete
14 language; amending s. 316.1935, F.S.; providing
15 a first degree misdemeanor penalty for certain
16 violations with respect to fleeing or
17 attempting to elude a law enforcement officer;
18 amending s. 316.2074, F.S.; deleting certain
19 findings of the Legislature with respect to
20 all-terrain vehicles; amending ss. 316.3027 and
21 316.70, F.S.; providing reference to the United
22 States Department of Transportation; amending
23 s. 316.615, F.S., relating to school buses;
24 amending ss. 316.613, 316.6135, and 316.635,
25 F.S.; correcting reference to the Department of
26 Children and Family Services; revising various
27 provisions in chapter 316, F.S., to correct
28 cross references, delete obsolete language, and
29 to provide uniform references to penalties for
30 moving and nonmoving noncriminal traffic
31 offenses punishable under chapter 318, F.S.;

1 amending s. 318.12, F.S.; revising references;
2 amending ss. 318.13 and 318.14, F.S.;
3 correcting cross references; amending s.
4 318.18, F.S.; revising language with respect to
5 civil penalties; amending s. 318.21, F.S.;
6 correcting cross references and obsolete
7 language; amending s. 319.28, F.S.; revising
8 language with respect to repossession; amending
9 s. 319.33, F.S.; correcting cross references;
10 amending ss. 320.02 and 320.03, F.S.; deleting
11 obsolete language; amending s. 320.031, F.S.;
12 revising language with respect to the mailing
13 of registration certificates, license plates,
14 and validation stickers; amending s. 320.055,
15 F.S.; correcting cross references; amending ss.
16 320.06 and 320.061, F.S.; deleting obsolete
17 language; amending ss. 320.0605 and 320.07,
18 F.S.; providing uniform reference to
19 noncriminal traffic infractions; repealing s.
20 320.073, F.S., relating to refund of impact
21 fees; amending s. 320.0802, F.S.; providing
22 reference to the Department of Management
23 Services; amending s. 320.08058, F.S.; revising
24 language with respect to Florida Special
25 Olympics license plates; amending s. 320.087,
26 F.S.; providing reference to the United States
27 Department of Transportation; amending s.
28 320.1325, F.S.; deleting a cross reference;
29 amending s. 320.20, F.S.; deleting obsolete
30 language; amending s. 320.8255, F.S.; providing
31 reference to labels rather than seals with

1 respect to certain mobile home inspections;
2 repealing s. 320.8256, F.S., relating to
3 recreational vehicle inspection; amending s.
4 321.05, F.S.; deleting obsolete language;
5 repealing ss. 321.06, 321.07, 321.09, 321.15,
6 321.17, 321.18, 321.19, 321.191, 321.20,
7 321.201, 321.202, 321.203, 321.21, 321.22,
8 321.2205, 321.221, 321.222, and 321.223, F.S.,
9 relating to the Florida Highway Patrol and the
10 pension system therefor; amending s. 322.055,
11 F.S.; providing reference to the Department of
12 Health; amending s. 322.08, F.S.; deleting
13 obsolete language; amending ss. 322.12 and
14 322.121, F.S.; correcting cross references;
15 amending s. 322.141, F.S.; deleting obsolete
16 language; amending s. 322.15, F.S.; providing
17 reference to noncriminal traffic infractions;
18 amending s. 322.20, F.S.; providing reference
19 to the Department of Health; reenacting s.
20 322.264, F.S., relating to habitual traffic
21 offenders; amending s. 322.27, F.S.; correcting
22 cross references; amending s. 322.292, F.S.;
23 revising language with respect to DUI programs
24 supervision; amending s. 322.293, F.S.;
25 deleting obsolete language; amending s. 322.57,
26 F.S.; revising language with respect to driving
27 tests; amending s. 324.202, F.S.; deleting
28 obsolete language; repealing ss. 325.01,
29 325.02, 325.03, 325.04, 325.05, 325.06, 325.07,
30 325.08, 325.09, and 325.10, F.S., relating to
31 vehicle safety equipment and inspections;

1 amending s. 325.209, F.S.; revising language
2 with respect to waivers; reenacting s.
3 325.212(2), F.S., relating to reinspections;
4 amending s. 327.25, F.S.; correcting a cross
5 reference; reenacting s. 328.17(1), F.S.,
6 relating to nonjudicial sale of vessels;
7 amending s. 627.7415, F.S., relating to
8 commercial motor vehicles, to include reference
9 to noncriminal traffic infractions; amending s.
10 627.742, F.S.; providing reference to
11 noncriminal traffic infractions with respect to
12 certain violations with respect to nonpublic
13 sector buses; providing an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

16
17 Section 1. Subsection (69) of section 316.003, Florida
18 Statutes, is reenacted to read:

19 316.003 Definitions.--The following words and phrases,
20 when used in this chapter, shall have the meanings
21 respectively ascribed to them in this section, except where
22 the context otherwise requires:

23 (69) HAZARDOUS MATERIAL.--Any substance or material
24 which has been determined by the secretary of the United
25 States Department of Transportation to be capable of imposing
26 an unreasonable risk to health, safety, and property. This
27 term includes hazardous waste as defined in s. 403.703(21).

28 Section 2. Subsection (6) of section 316.008, Florida
29 Statutes, is amended to read:

30 316.008 Powers of local authorities.--
31

1 (6) A county or municipality may enact an ordinance
2 providing for the establishment of a "combat automobile theft"
3 program, and may charge a fee for the administration of the
4 program and the cost of the decal. Such a program shall
5 include:

6 (a) Consent forms for motor vehicle owners who wish to
7 enroll their vehicles.

8 (b) Decals indicating a vehicle's enrollment in the
9 "combat automobile theft" program. The Department of Law
10 Enforcement shall, ~~no later than October 1, 1993,~~ approve the
11 color, design, and other specifications of the program decal.

12 (c) A consent form signed by a motor vehicle owner
13 provides authorization for a law enforcement officer to stop
14 the vehicle when it is being driven between the hours of 1
15 a.m. and 5 a.m., provided that a decal is conspicuously
16 affixed to the bottom left corner of the back window of the
17 vehicle to provide notice of its enrollment in the "combat
18 automobile theft" program. The owner of the motor vehicle is
19 responsible for removing the decal when terminating
20 participation in the program, or when selling or otherwise
21 transferring ownership of the vehicle. No civil liabilities
22 will arise from the actions of a law enforcement officer when
23 stopping a vehicle with a yellow decal evidencing enrollment
24 in the program when the driver is not enrolled in the program
25 provided that the stop is made in accordance with the
26 requirements of the "combat automobile theft" program.

27 Section 3. Section 316.061, Florida Statutes, is
28 amended to read:

29 316.061 Crashes ~~Accidents~~ involving damage to vehicle
30 or property.--

31

1 (1) The driver of any vehicle involved in a crash ~~an~~
2 ~~accident~~ resulting only in damage to a vehicle or other
3 property which is driven or attended by any person shall
4 immediately stop such vehicle at the scene of such crash
5 ~~accident~~ or as close thereto as possible, and shall forthwith
6 return to, and in every event shall remain at, the scene of
7 the crash ~~accident~~ until he or she has fulfilled the
8 requirements of s. 316.062. A person who violates this
9 subsection commits a misdemeanor of the second degree,
10 punishable as provided in s. 775.082 or s. 775.083. ~~Any person~~
11 ~~failing to stop or comply with said requirements shall, upon~~
12 ~~conviction, be punished by a fine of not more than \$500 or by~~
13 ~~imprisonment for not more than 60 days or by both such fine~~
14 ~~and imprisonment.~~ Notwithstanding any other provision of this
15 section, \$5 shall be added to a fine imposed pursuant to this
16 section, which \$5 shall be deposited in the Emergency Medical
17 Services Trust Fund.

18 (2) Every stop must be made without obstructing
19 traffic more than is necessary, and, if a damaged vehicle is
20 obstructing traffic, the driver of such vehicle must make
21 every reasonable effort to move the vehicle or have it moved
22 so as not to block the regular flow of traffic. Any person
23 failing to comply with this subsection shall be cited for a
24 nonmoving violation, punishable as provided in chapter 318.

25 Section 4. Section 316.062, Florida Statutes, is
26 amended to read:

27 316.062 Duty to give information and render aid.--

28 (1) The driver of any vehicle involved in a crash ~~an~~
29 ~~accident~~ resulting in injury to or death of any person or
30 damage to any vehicle or other property which is driven or
31 attended by any person shall give his or her name, address,

1 and the registration number of the vehicle he or she is
2 driving, and shall upon request and if available exhibit his
3 or her license or permit to drive, to any person injured in
4 such crash ~~accident~~ or to the driver or occupant of or person
5 attending any vehicle or other property damaged in the crash
6 ~~accident~~ and shall give such information and, upon request,
7 exhibit such license or permit to any police officer at the
8 scene of the crash ~~accident~~ or who is investigating the crash
9 ~~accident~~ and shall render to any person injured in the crash
10 ~~accident~~ reasonable assistance, including the carrying, or the
11 making of arrangements for the carrying, of such person to a
12 physician, surgeon, or hospital for medical or surgical
13 treatment if it is apparent that treatment is necessary, or if
14 such carrying is requested by the injured person.

15 (2) In the event none of the persons specified are in
16 condition to receive the information to which they otherwise
17 would be entitled under subsection (1), and no police officer
18 is present, the driver of any vehicle involved in such crash
19 ~~accident~~, after fulfilling all other requirements of s.
20 316.027 and subsection (1), insofar as possible on his or her
21 part to be performed, shall forthwith report the crash
22 ~~accident~~ to the nearest office of a duly authorized police
23 authority and submit thereto the information specified in
24 subsection (1).

25 (3) The statutory duty of a person to make a report or
26 give information to a law enforcement officer making a written
27 report relating to a crash ~~an accident~~ shall not be construed
28 as extending to information which would violate the privilege
29 of such person against self-incrimination.

30
31

1 (4) A violation of this section is a noncriminal
2 traffic infraction, punishable as a nonmoving violation as
3 provided in chapter 318.

4 Section 5. Section 316.063, Florida Statutes, is
5 amended to read:

6 316.063 Duty upon damaging unattended vehicle or other
7 property.--

8 (1) The driver of any vehicle which collides with, or
9 is involved in a crash ~~an accident~~ with, any vehicle or other
10 property which is unattended, resulting in any damage to such
11 other vehicle or property, shall immediately stop and shall
12 then and there either locate and notify the operator or owner
13 of the vehicle or other property of the driver's name and
14 address and the registration number of the vehicle he or she
15 is driving, or shall attach securely in a conspicuous place in
16 or on the vehicle or other property a written notice giving
17 the driver's name and address and the registration number of
18 the vehicle he or she is driving, and shall without
19 unnecessary delay notify the nearest office of a duly
20 authorized police authority. Every such stop shall be made
21 without obstructing traffic more than is necessary. If a
22 damaged vehicle is obstructing traffic, the driver shall make
23 every reasonable effort to move the vehicle or have it moved
24 so as not to obstruct the regular flow of traffic. Any person
25 who fails to comply with this subsection commits a misdemeanor
26 of the second degree, punishable as provided in s. 775.082 or
27 s. 775.083.

28 (2) The law enforcement officer at the scene of a
29 crash ~~an accident~~ required to be reported in accordance with
30 the provisions of subsection (1) or the law enforcement
31 officer receiving a report by a driver as required by

1 subsection (1) shall, if part or any of the property damaged
2 is a fence or other structure used to house or contain
3 livestock, promptly make a reasonable effort to notify the
4 owner, occupant, or agent of this damage.

5 Section 6. Section 316.064, Florida Statutes, is
6 amended to read:

7 316.064 When driver unable to report.--

8 (1) A crash ~~An accident~~ report is not required under
9 this chapter from any person who is physically incapable of
10 making a report during the period of such incapacity.

11 (2) Whenever the driver of a vehicle is physically
12 incapable of making an immediate or a written report of a
13 crash ~~an accident~~, as required in ss. 316.065 and 316.066, and
14 there was another occupant in the vehicle at the time of the
15 crash ~~accident~~ capable of making a report, such occupant shall
16 make or cause to be made the report not made by the driver.

17 (3) Whenever the driver is physically incapable of
18 making a written report of a crash ~~an accident~~ as required in
19 this chapter, then the owner of the vehicle involved in the
20 crash ~~accident~~ shall, within 10 days after the crash ~~accident~~,
21 make such report not made by the driver.

22 (4) A violation of this section is a noncriminal
23 traffic infraction, punishable as a nonmoving violation as
24 provided in chapter 318.

25 Section 7. Section 316.065, Florida Statutes, is
26 amended to read:

27 316.065 Crashes ~~Accidents~~; reports; penalties.--

28 (1) The driver of a vehicle involved in a crash ~~an~~
29 ~~accident~~ resulting in injury to or death of any persons or
30 damage to any vehicle or other property in an apparent amount
31 of at least \$500 shall immediately by the quickest means of

1 communication give notice of the crash ~~accident~~ to the local
2 police department, if such crash ~~accident~~ occurs within a
3 municipality; otherwise, to the office of the county sheriff
4 or the nearest office or station of the Florida Highway
5 Patrol. A violation of this subsection is a noncriminal
6 traffic infraction, punishable as a nonmoving violation as
7 provided in chapter 318.

8 (2) Every coroner or other official performing like
9 functions, upon learning of the death of a person in his or
10 her jurisdiction as the result of a traffic crash ~~accident~~,
11 shall immediately notify the nearest office or station of the
12 department.

13 (3) Any person in charge of any garage or repair shop
14 to which is brought any motor vehicle which shows evidence of
15 having been struck by a bullet, or any other person to whom is
16 brought for the purpose of repair a motor vehicle showing such
17 evidence, shall make a report, or cause a report to be made,
18 to the nearest local police station or Florida Highway Patrol
19 office within 24 hours after the motor vehicle is received and
20 before any repairs are made to the vehicle. The report shall
21 contain the year, license number, make, model, and color of
22 the vehicle and the name and address of the owner or person in
23 possession of the vehicle.

24 (4) Any person who knowingly repairs a motor vehicle
25 without having made a report as required by subsection (3) is
26 guilty of a misdemeanor of the first degree, punishable as
27 provided in s. 775.082 or s. 775.083. The owner and driver of
28 a vehicle involved in a crash ~~an accident~~ who makes a report
29 thereof in accordance with subsection (1) or s. 316.066(1) is
30 not liable under this section.

31

1 Section 8. Section 316.066, Florida Statutes, is
2 amended to read:

3 316.066 Written reports of crashes ~~accidents~~.--

4 (1) The driver of a vehicle which is in any manner
5 involved in a crash ~~an accident~~ resulting in bodily injury to
6 or death of any person or damage to any vehicle or other
7 property in an apparent amount of at least \$500 shall, within
8 10 days after the crash ~~accident~~, forward a written report of
9 such crash ~~accident~~ to the department or traffic records
10 center. However, when the investigating officer has made a
11 written report of the crash ~~accident~~ pursuant to paragraph
12 (3)(a), no written report need be forwarded to the department
13 or traffic records center by the driver.

14 (2) The receiving entity may require any driver of a
15 vehicle involved in a crash ~~an accident~~ of which a written
16 report must be made as provided in this section to file
17 supplemental written reports whenever the original report is
18 insufficient in the opinion of the department and may require
19 witnesses of crashes ~~accidents~~ to render reports to the
20 department.

21 (3)(a) Every law enforcement officer who in the
22 regular course of duty investigates a motor vehicle crash
23 ~~accident~~:

24 1. Which crash ~~accident~~ resulted in death or personal
25 injury shall, within 10 days after completing the
26 investigation, forward a written report of the crash ~~accident~~
27 to the department or traffic records center.

28 2. Which crash ~~accident~~ involved a violation of s.
29 316.061(1) or s. 316.193 shall, within 10 days after
30 completing the investigation, forward a written report of the
31 crash ~~accident~~ to the department or traffic records center.

1 3. In which crash ~~accident~~ a vehicle was rendered
2 inoperative to a degree which required a wrecker to remove it
3 from traffic may, within 10 days after completing the
4 investigation, forward a written report of the crash ~~accident~~
5 to the department or traffic records center if such action is
6 appropriate, in the officer's discretion.

7
8 However, in every case in which a crash ~~an accident~~ report is
9 required by this section and a written report to a law
10 enforcement officer is not prepared, the law enforcement
11 officer shall provide each party involved in the crash
12 ~~accident~~ a short-form report, prescribed by the state, to be
13 completed by the party. The short-form report must include,
14 but is not limited to: the date, time, and location of the
15 crash ~~accident~~; a description of the vehicles involved; the
16 names and addresses of the parties involved; the names and
17 addresses of witnesses; the name, badge number, and law
18 enforcement agency of the officer investigating the crash
19 ~~accident~~; and the names of the insurance companies for the
20 respective parties involved in the crash ~~accident~~. Each party
21 to the crash ~~accident~~ shall provide the law enforcement
22 officer with proof of insurance to be included in the crash
23 ~~accident~~ report. If a law enforcement officer submits a report
24 on the accident, proof of insurance must be provided to the
25 officer by each party involved in the crash ~~accident~~. Any
26 party who fails to provide the required information is guilty
27 of an infraction for a nonmoving violation, punishable as
28 provided in chapter 318 unless the officer determines that due
29 to injuries or other special circumstances such insurance
30 information cannot be provided immediately. If the person
31 provides the law enforcement agency, within 24 hours after the

1 ~~crash accident~~, proof of insurance that was valid at the time
2 of the ~~crash accident~~, the law enforcement agency may void the
3 citation.

4 (b) One or more counties may enter into an agreement
5 with the appropriate state agency to be certified by the
6 agency to have a traffic records center for the purpose of
7 tabulating and analyzing countywide traffic ~~crash accident~~
8 reports. The agreement must include: certification by the
9 agency that the center has adequate auditing and monitoring
10 mechanisms in place to ensure the quality and accuracy of the
11 data; the time period in which the traffic records center must
12 report ~~crash accident~~ data to the agency; and the medium in
13 which the traffic records must be submitted to the agency. In
14 the case of a county or multicounty area that has a certified
15 central traffic records center, a law enforcement agency or
16 driver must submit to the center within the time limit
17 prescribed in this section a written report of the ~~crash~~
18 ~~accident~~. A driver who is required to file a ~~crash~~ ~~an accident~~
19 report must be notified of the proper place to submit the
20 completed report. Fees for copies of public records provided
21 by a certified traffic records center shall be charged and
22 collected as follows:

23 For a ~~crash~~ ~~an accident~~ report.....\$2 per copy.
24 For a homicide report.....\$25 per copy.
25 For a uniform traffic citation.....\$0.50 per copy.

26
27 The fees collected for copies of the public records provided
28 by a certified traffic records center shall be used to fund
29 the center or otherwise as designated by the county or
30 counties participating in the center.

31

1 (c) Crash ~~Accident~~ reports made by law enforcement
2 officers shall not be used for commercial solicitation
3 purposes; ~~provided, however, the that~~ use of a crash ~~an~~
4 ~~accident~~ report for purposes of publication in a newspaper or
5 other news periodical or a radio or television broadcast shall
6 not be construed as "commercial purpose."

7 (4) Except as specified in this subsection, each crash
8 ~~accident~~ report made by a person involved in a crash ~~an~~
9 ~~accident~~ and any statement made by such person to a law
10 enforcement officer for the purpose of completing a crash ~~an~~
11 ~~accident~~ report required by this section shall be without
12 prejudice to the individual so reporting. No such report or
13 statement shall be used as evidence in any trial, civil or
14 criminal. However, subject to the applicable rules of
15 evidence, a law enforcement officer at a criminal trial may
16 testify as to any statement made to the officer by the person
17 involved in the crash ~~accident~~ if that person's privilege
18 against self-incrimination is not violated. The results of
19 breath, urine, and blood tests administered as provided in s.
20 316.1932 or s. 316.1933 are not confidential and shall be
21 admissible into evidence in accordance with the provisions of
22 s. 316.1934(2). Crash ~~Accident~~ reports made by persons
23 involved in crashes ~~accidents~~ shall not be used for commercial
24 solicitation purposes; ~~provided, however, the that~~ use of a
25 crash ~~an accident~~ report for purposes of publication in a
26 newspaper or other news periodical or a radio or television
27 broadcast shall not be construed as "commercial purpose."

28 (5) For purposes of this section, a written report
29 includes a report generated by a law enforcement agency
30 through the use of a computer.

31

1 (6) Any driver failing to file the written report
2 required under subsection (1) or subsection (2) commits a
3 noncriminal traffic infraction, punishable as a nonmoving
4 violation as provided in chapter 318 ~~is subject to the penalty~~
5 ~~provided in s. 318.18(2).~~

6 Section 9. Section 316.067, Florida Statutes, is
7 amended to read:

8 316.067 False reports.--Any person who gives
9 information in oral, electronic, or written reports as
10 required in this chapter, knowing or having reason to believe
11 that such information is false, commits a misdemeanor of the
12 second degree, punishable as provided in s. 775.082 or s.
13 775.083 ~~shall be punished by a fine of not more than \$500 or~~
14 ~~by imprisonment for not more than 60 days or by both such fine~~
15 ~~and imprisonment.~~

16 Section 10. Section 316.068, Florida Statutes, is
17 amended to read:

18 316.068 Crash ~~Accident~~ report forms.--

19 (1) The department shall prepare and, upon request,
20 supply to police departments, sheriffs, and other appropriate
21 agencies or individuals forms for crash ~~accident~~ reports as
22 required in this chapter, suitable with respect to the persons
23 required to make such reports and the purposes to be served.
24 The form must call for sufficiently detailed information to
25 disclose, with reference to a vehicle crash ~~accident~~, the
26 cause and conditions then existing and the persons and
27 vehicles involved. Every crash ~~accident~~ report form must call
28 for the policy numbers of liability insurance and the names of
29 carriers covering any vehicle involved in a crash ~~an accident~~
30 required to be reported by this chapter.

31

1 (2) Every crash ~~accident~~ report required to be made in
2 writing must be made on the appropriate form approved by the
3 department and must contain all the information required
4 therein unless not available. Notwithstanding any other
5 provisions of this section, a crash ~~an accident~~ report
6 produced electronically by a law enforcement officer must, at
7 a minimum, contain the same information as is called for on
8 those forms approved by the department.

9 Section 11. Section 316.069, Florida Statutes, is
10 amended to read:

11 316.069 State to tabulate and analyze crash ~~accident~~
12 reports.--The state shall tabulate and may analyze all crash
13 ~~accident~~ reports and shall publish, annually, or at more
14 frequent intervals, statistical information based thereon as
15 to the number and circumstances of traffic crashes ~~accidents~~.
16 The state shall maintain separate statistics on the number and
17 location of crashes ~~accidents~~ involving tandem trailer trucks.

18 Section 12. Section 316.070, Florida Statutes, is
19 amended to read:

20 316.070 Exchange of information at scene of crash
21 ~~accident~~.--The law enforcement officer at the scene of a crash
22 ~~an accident~~ required to be reported in accordance with the
23 provisions of s. 316.066 shall instruct the driver of each
24 vehicle involved in the crash ~~accident~~ to report the following
25 to all other parties suffering injury or property damage as an
26 apparent result of the crash ~~accident~~:

27 (1) The name and address of the owner and the driver
28 of the vehicle.

29 (2) The license number of the vehicle.

30 (3) The name of the liability carrier for the vehicle.

31

1 Section 13. Subsections (2) and (3) of section
2 316.072, Florida Statutes, are amended to read:

3 316.072 Obedience to and effect of traffic laws.--

4 (2) REQUIRED OBEDIENCE TO TRAFFIC LAWS.--It is
5 unlawful for any person to do any act forbidden, or to fail to
6 perform any act required, in this chapter. It is unlawful for
7 the owner, or any other person employing or otherwise
8 directing the driver of any vehicle, to require or knowingly
9 permit the operation of such vehicle upon a highway in any
10 manner contrary to law. A violation of this subsection is a
11 noncriminal traffic infraction, punishable as a moving
12 violation as provided in chapter 318.

13 (3) OBEDIENCE TO POLICE AND FIRE DEPARTMENT
14 OFFICIALS.--It is unlawful and a misdemeanor of the second
15 degree, punishable as provided in s. 775.082 or s. 775.083,
16 for any person willfully to fail or refuse to comply with any
17 lawful order or direction of any law enforcement officer,
18 traffic crash ~~accident~~ investigation officer as described in
19 s. 316.640, traffic infraction enforcement officer as
20 described in s. 316.640 ~~318.141~~, or member of the fire
21 department at the scene of a fire, rescue operation, or other
22 emergency. Notwithstanding the provisions of this subsection,
23 certified emergency medical technicians or paramedics may
24 respond to the scene of emergencies and may provide emergency
25 medical treatment on the scene and provide transport of
26 patients in the performance of their duties for an emergency
27 medical services provider licensed under chapter 401 and in
28 accordance with any local emergency medical response
29 protocols.

30 Section 14. Subsection (6) is added to section
31 316.074, Florida Statutes, to read:

1 316.074 Obedience to and required traffic control
2 devices.--

3 (6) A violation of this section is a noncriminal
4 traffic infraction, punishable as a moving violation as
5 provided in chapter 318.

6 Section 15. Subsection (3) of section 316.0745,
7 Florida Statutes, is amended to read:

8 316.0745 Uniform signals and devices.--

9 (2) The Department of Transportation shall compile and
10 publish a manual of uniform traffic control devices which
11 defines the uniform system adopted pursuant to subsection (1),
12 and shall compile and publish minimum specifications for
13 traffic control signals and devices certified by it as
14 conforming with the uniform system.

15 (a) The department shall make copies of such manual
16 and specifications available to all counties, municipalities,
17 and other public bodies having jurisdiction of streets or
18 highways open to the public in this state.

19 (b) The manual shall provide for the use of regulatory
20 speed signs in work zone areas. The installation of such signs
21 is exempt from the provisions of s. 335.10.

22 (3) All official traffic control signals or official
23 traffic control devices purchased and installed in this state
24 by any public body or official shall conform with the manual
25 and specifications published by the Department of
26 Transportation pursuant to subsection (2). ~~All traffic control~~
27 ~~devices other than traffic control signals purchased prior to~~
28 ~~July 1, 1972, not conforming to said system may continue in~~
29 ~~use until January 1, 1975, after which time such devices must~~
30 ~~comply with the uniform system. All traffic control signals~~
31 ~~purchased prior to January 1, 1972, not conforming to said~~

1 ~~system may continue in use until January 1, 1980, after which~~
2 ~~time such signals must comply with the uniform system.~~

3 Section 16. Section 316.0747, Florida Statutes, is
4 amended to read:

5 316.0747 Sale or purchase of traffic control devices
6 by nongovernmental entities; prohibitions.--

7 (1) It is unlawful for any nongovernmental entity to
8 use any traffic control device at any place where the general
9 public is invited, unless such device conforms to the uniform
10 system of traffic control devices adopted by the Department of
11 Transportation pursuant to this chapter.

12 ~~(2) Any nonconforming traffic control device in use by~~
13 ~~a nongovernmental entity prior to January 1, 1980, may be used~~
14 ~~for the remainder of its useful life, but no longer than~~
15 ~~January 1, 1992, after which any replacement device shall~~
16 ~~conform to the uniform system of traffic control devices~~
17 ~~adopted by the Department of Transportation.~~

18 (2)~~(3)~~ Nongovernmental entities to which the general
19 public is invited to travel shall install and maintain uniform
20 traffic control devices at appropriate locations pursuant to
21 the standards set forth by the Manual on Uniform Traffic
22 Control Devices as adopted by the Department of Transportation
23 pursuant to s. 316.0745. Such traffic control devices shall
24 be installed no later than January 1, 1992. Businesses the
25 parking lots of which do not provide intersecting lanes of
26 traffic and businesses having fewer than 25 parking spaces are
27 exempt from the provisions of this subsection. The Department
28 of Transportation shall adopt rules to implement this section.

29 (3)~~(4)~~ A person who violates this section commits a
30 misdemeanor of the second degree, punishable as provided in s.
31 775.082 or s. 775.083.

1 Section 17. Section 316.075, Florida Statutes, is
2 amended to read:

3 316.075 Traffic control signal devices.--

4 (1) Except for automatic warning signal lights
5 installed or to be installed at railroad crossings, whenever
6 traffic, including municipal traffic, is controlled by traffic
7 control signals exhibiting different colored lights, or
8 colored lighted arrows, successively one at a time or in
9 combination, only the colors green, red, and yellow shall be
10 used, except for special pedestrian signals carrying a word
11 legend, and the lights shall indicate and apply to drivers of
12 vehicles and pedestrians as follows:

13 (a)~~(1)~~ Green indication.--

14 1.~~(a)~~ Vehicular traffic facing a circular green signal
15 may proceed cautiously straight through or turn right or left
16 unless a sign at such place prohibits either such turn. But
17 vehicular traffic, including vehicles turning right or left,
18 shall yield the right-of-way to other vehicles and to
19 pedestrians lawfully within the intersection or an adjacent
20 crosswalk at the time such signal is exhibited.

21 2.~~(b)~~ Vehicular traffic facing a green arrow signal,
22 shown alone or in combination with another indication, as
23 directed by the manual, may cautiously enter the intersection
24 only to make the movement indicated by such arrow, or such
25 other movement as is permitted by other indications shown at
26 the same time, except the driver of any vehicle may U-turn, so
27 as to proceed in the opposite direction unless such movement
28 is prohibited by posted traffic control signs. Such vehicular
29 traffic shall yield the right-of-way to pedestrians lawfully
30 within an adjacent crosswalk and to other traffic lawfully
31 using the intersection.

1 ~~3.(c)~~ Unless otherwise directed by a pedestrian
2 control signal as provided in s. 316.0755, pedestrians facing
3 any green signal, except when the sole green signal is a turn
4 arrow, may proceed across the roadway within any marked or
5 unmarked crosswalk.

6 ~~(b)(2)~~ Steady yellow indication.--

7 ~~1.(a)~~ Vehicular traffic facing a steady yellow signal
8 is thereby warned that the related green movement is being
9 terminated or that a red indication will be exhibited
10 immediately thereafter when vehicular traffic shall not enter
11 the intersection.

12 ~~2.(b)~~ Pedestrians facing a steady yellow signal,
13 unless otherwise directed by a pedestrian control signal as
14 provided in s. 316.0755, are thereby advised that there is
15 insufficient time to cross the roadway before a red indication
16 is shown and no pedestrian shall start to cross the roadway.

17 ~~(c)(3)~~ Steady red indication.--

18 ~~1.(a)~~ Vehicular traffic facing a steady red signal
19 shall stop before entering the crosswalk on the near side of
20 the intersection or, if none, then before entering the
21 intersection and shall remain standing until a green
22 indication is shown; however:

23 ~~a.1.~~ The driver of a vehicle which is stopped at a
24 clearly marked stop line, but if none, before entering the
25 crosswalk on the near side of the intersection, or, if none
26 then at the point nearest the intersecting roadway where the
27 driver has a view of approaching traffic on the intersecting
28 roadway before entering the intersection in obedience to a
29 steady red signal may make a right turn, but shall yield the
30 right-of-way to pedestrians and other traffic proceeding as
31 directed by the signal at the intersection, except that

1 municipal and county authorities may prohibit any such right
2 turn against a steady red signal at any intersection, which
3 prohibition shall be effective when a sign giving notice
4 thereof is erected in a location visible to traffic
5 approaching the intersection.

6 b.2. The driver of a vehicle on a one-way street that
7 intersects another one-way street on which traffic moves to
8 the left shall stop in obedience to a steady red signal, but
9 may then make a left turn into the one-way street, but shall
10 yield the right-of-way to pedestrians and other traffic
11 proceeding as directed by the signal at the intersection,
12 except that municipal and county authorities may prohibit any
13 such left turn as described, which prohibition shall be
14 effective when a sign giving notice thereof is attached to the
15 traffic control signal device at the intersection.

16 2.(b) Unless otherwise directed by a pedestrian
17 control signal as provided in s. 316.0755, pedestrians facing
18 a steady red signal shall not enter the roadway.

19 (2)(4) In the event an official traffic control signal
20 is erected and maintained at a place other than an
21 intersection, the provisions of this section shall be
22 applicable except as to those provisions which by their nature
23 can have no application. Any stop required shall be made at a
24 sign or marking on the pavement indicating where the stop
25 shall be made, but in the absence of any such sign or marking
26 the stop shall be made at the signal.

27 (3)(5)(a) No traffic control signal device shall be
28 used which does not exhibit a yellow or "caution" light
29 between the green or "go" signal and the red or "stop" signal.

30 (b) No traffic control signal device shall display
31 other than the color red at the top of the vertical signal,

1 nor shall it display other than the color red at the extreme
2 left of the horizontal signal.

3 (4) A violation of this section is a noncriminal
4 traffic infraction, punishable pursuant to chapter 318 as
5 either a pedestrian violation or, if the infraction resulted
6 from the operation of a vehicle, as a moving violation.

7 Section 18. Section 316.076, Florida Statutes, is
8 amended to read:

9 316.076 Flashing signals.--

10 (1) Whenever an illuminated flashing red or yellow
11 signal is used in a traffic sign or signal it shall require
12 obedience by vehicular traffic as follows:

13 (a)~~(1)~~ Flashing red (stop signal).--When a red lens is
14 illuminated with rapid intermittent flashes, drivers of
15 vehicles shall stop at a clearly marked stop line, but if
16 none, before entering the crosswalk on the near side of the
17 intersection, or if none, then at the point nearest the
18 intersecting roadway where the driver has a view of
19 approaching traffic on the intersecting roadway before
20 entering the intersection, and the right to proceed shall be
21 subject to the rules applicable after making a stop at a stop
22 sign.

23 (b)~~(2)~~ Flashing yellow (caution signal).--When a
24 yellow lens is illuminated with rapid intermittent flashes,
25 drivers of vehicles may proceed through the intersection or
26 past such signal only with caution.

27 (2)~~(3)~~ This section does not apply at railroad-highway
28 grade crossings. Conduct of drivers of vehicles approaching
29 such crossings shall be governed by the rules as set forth in
30 ss. 316.1575 and 316.159.

31

1 (3) A violation of this section is a noncriminal
2 traffic infraction, punishable as a moving violation as
3 provided in chapter 318.

4 Section 19. Section 316.0765, Florida Statutes, is
5 amended to read:

6 316.0765 Lane direction control signals.--When lane
7 direction control signals are placed over the individual lanes
8 of a street or highway, vehicular traffic may travel in any
9 lane or lanes over which a green signal is shown, but shall
10 not enter or travel in any lane or lanes over which a red
11 signal is shown. A violation of this section is a noncriminal
12 traffic infraction, punishable as a moving violation as
13 provided in chapter 318.

14 Section 20. Subsection (5) is added to section
15 316.077, Florida Statutes, to read:

16 316.077 Display of unauthorized signs, signals or
17 markings.--

18 (5) A violation of this section is a noncriminal
19 traffic infraction, punishable as a nonmoving violation as
20 provided in chapter 318.

21 Section 21. Section 316.0775, Florida Statutes, is
22 amended to read:

23 316.0775 Interference with official traffic control
24 devices or railroad signs or signals.--No person shall,
25 without lawful authority, attempt to or in fact alter, deface,
26 injure, knock down or remove any official traffic control
27 device or any railroad sign or signal or any inscription,
28 shield or insignia thereon, or any other part thereof. A
29 violation of this section is a noncriminal traffic infraction,
30 punishable as a nonmoving violation as provided in chapter
31 318.

1 Section 22. Section 316.078, Florida Statutes, is
2 amended to read:

3 316.078 Detour signs to be respected.--

4 (1) It is unlawful to tear down or deface any detour
5 sign or to break down or drive around any barricade erected
6 for the purpose of closing any section of a public street or
7 highway to traffic during the construction or repair thereof
8 or to drive over such section of public street or highway
9 until again thrown open to public traffic. However, such
10 restriction shall not apply to the person in charge of the
11 construction or repairs.

12 (2) A violation of this section is a noncriminal
13 traffic infraction, punishable pursuant to chapter 318 as:

14 (a) A nonmoving violation for tearing, breaking down,
15 or defacing any detour sign.

16 (b) A moving violation for driving around any
17 barricade erected for the purpose of closing any section of a
18 public street or highway to traffic that is under construction
19 or repair or driving over such section of public street or
20 highway until open to public traffic.

21 Section 23. Subsection (3) is added to section
22 316.079, Florida Statutes, to read:

23 316.079 Duty to yield to highway construction
24 workers.--

25 (3) A violation of this section is a noncriminal
26 traffic infraction, punishable as a moving violation as
27 provided in chapter 318.

28 Section 24. Subsection (4) is added to section
29 316.081, Florida Statutes, to read:

30 316.081 Driving on right side of roadway;
31 exceptions.--

1 (4) A violation of this section is a noncriminal
2 traffic infraction, punishable as a moving violation as
3 provided in chapter 318.

4 Section 25. Subsection (3) is added to section
5 316.082, Florida Statutes, to read:

6 316.082 Passing vehicles proceeding in opposite
7 directions.--

8 (3) A violation of this section is a noncriminal
9 traffic infraction, punishable as a moving violation as
10 provided in chapter 318.

11 Section 26. Section 316.0825, Florida Statutes, is
12 amended to read:

13 316.0825 Vehicle approaching an animal.--Every person
14 operating a motor vehicle shall use reasonable care when
15 approaching or passing a person who is riding or leading an
16 animal upon a roadway or the shoulder thereof, and shall not
17 intentionally startle or injure such an animal. A violation of
18 this section is a noncriminal traffic infraction, punishable
19 as a moving violation as provided in chapter 318.

20 Section 27. Subsection (3) is added to section
21 316.083, Florida Statutes, to read:

22 316.083 Overtaking and passing a vehicle.--The
23 following rules shall govern the overtaking and passing of
24 vehicles proceeding in the same direction, subject to those
25 limitations, exceptions, and special rules hereinafter stated:

26 (3) A violation of this section is a noncriminal
27 traffic infraction, punishable as a moving violation as
28 provided in chapter 318.

29 Section 28. Subsection (3) is added to section
30 316.084, Florida Statutes, to read:

31 316.084 When overtaking on the right is permitted.--

1 (3) A violation of this section is a noncriminal
2 traffic infraction, punishable as a moving violation as
3 provided in chapter 318.

4 Section 29. Subsection (3) is added to section
5 316.085, Florida Statutes, to read:

6 316.085 Limitations on overtaking, passing, changing
7 lanes and changing course.--

8 (3) A violation of this section is a noncriminal
9 traffic infraction, punishable as a moving violation as
10 provided in chapter 318.

11 Section 30. Subsection (3) is added to section
12 316.087, Florida Statutes, to read:

13 316.087 Further limitations on driving to left of
14 center of roadway.--

15 (3) A violation of this section is a noncriminal
16 traffic infraction, punishable as a moving violation as
17 provided in chapter 318.

18 Section 31. Subsection (4) is added to section
19 316.0875, Florida Statutes, to read:

20 316.0875 No-passing zones.--

21 (4) A violation of this section is a noncriminal
22 traffic infraction, punishable as a moving violation as
23 provided in chapter 318.

24 Section 32. Subsection (4) is added to section
25 316.088, Florida Statutes, to read:

26 316.088 One-way roadways and rotary traffic islands.--

27 (4) A violation of this section is a noncriminal
28 traffic infraction, punishable as a moving violation as
29 provided in chapter 318.

30 Section 33. Subsection (5) is added to section
31 316.089, Florida Statutes, to read:

1 316.089 Driving on roadways laned for
2 traffic.--Whenever any roadway has been divided into two or
3 more clearly marked lanes for traffic, the following rules, in
4 addition to all others consistent herewith, shall apply:

5 (5) A violation of this section is a noncriminal
6 traffic infraction, punishable as a moving violation as
7 provided in chapter 318.

8 Section 34. Subsection (4) is added to section
9 316.0895, Florida Statutes, to read:

10 316.0895 Following too closely.--

11 (4) A violation of this section is a noncriminal
12 traffic infraction, punishable as a moving violation as
13 provided in chapter 318.

14 Section 35. Subsection (3) is added to section
15 316.090, Florida Statutes, to read:

16 316.090 Driving on divided highways.--

17 (3) A violation of this section is a noncriminal
18 traffic infraction, punishable as a moving violation as
19 provided in chapter 318.

20 Section 36. Subsection (5) is added to section
21 316.091, Florida Statutes, to read:

22 316.091 Limited access facilities; interstate
23 highways; use restricted.--

24 (5) A violation of this section is a noncriminal
25 traffic infraction, punishable as a moving violation as
26 provided in chapter 318.

27 Section 37. Subsection (6) is added to section
28 316.121, Florida Statutes, to read:

29 316.121 Vehicles approaching or entering
30 intersections.--

31

1 (6) A violation of this section is a noncriminal
2 traffic infraction, punishable as a moving violation as
3 provided in chapter 318.

4 Section 38. Section 316.122, Florida Statutes, is
5 amended to read:

6 316.122 Vehicle turning left.--The driver of a vehicle
7 intending to turn to the left within an intersection or into
8 an alley, private road, or driveway shall yield the
9 right-of-way to any vehicle approaching from the opposite
10 direction which is within the intersection or so close thereto
11 as to constitute an immediate hazard. A violation of this
12 section is a noncriminal traffic infraction, punishable as a
13 moving violation as provided in chapter 318.

14 Section 39. Subsection (4) is added to section
15 316.123, Florida Statutes, to read:

16 316.123 Vehicle entering stop or yield intersection.--

17 (4) A violation of this section is a noncriminal
18 traffic infraction, punishable as a moving violation as
19 provided in chapter 318.

20 Section 40. Section 316.1235, Florida Statutes, is
21 amended to read:

22 316.1235 Vehicle approaching intersection in which
23 traffic lights are inoperative.--The driver of a vehicle
24 approaching an intersection in which the traffic lights are
25 inoperative shall stop in the manner indicated in s.
26 316.123(2) for approaching a stop intersection. In the event
27 that only some of the traffic lights within an intersection
28 are inoperative, the driver of a vehicle approaching an
29 inoperative light shall stop in the above-prescribed manner. A
30 violation of this section is a noncriminal traffic infraction,
31 punishable as a moving violation as provided in chapter 318.

1 Section 41. Subsection (3) is added to section
2 316.125, Florida Statutes, to read:

3 316.125 Vehicle entering highway from private road or
4 driveway or emerging from alley, driveway or building.--

5 (3) A violation of this section is a noncriminal
6 traffic infraction, punishable as a moving violation as
7 provided in chapter 318.

8 Section 42. Subsection (6) is added to section
9 316.126, Florida Statutes, to read:

10 316.126 Operation of vehicles and actions of
11 pedestrians on approach of authorized emergency vehicle.--

12 (6) A violation of this section is a noncriminal
13 traffic infraction, punishable pursuant to chapter 318 as
14 either a moving violation for infractions of subsection (1) or
15 subsection (3), or as a pedestrian violation for infractions
16 of subsection (2).

17 Section 43. Subsection (19) is added to section
18 316.130, Florida Statutes, to read:

19 316.130 Pedestrian obedience to traffic control
20 devices and traffic regulations.--

21 (19) A violation of this section is a noncriminal
22 traffic infraction, punishable pursuant to chapter 318 as
23 either a pedestrian violation or, if the infraction resulted
24 from the operation of a vehicle, as a moving violation.

25 Section 44. Section 316.1355, Florida Statutes, is
26 amended to read:

27 316.1355 Driving through safety zone prohibited.--No
28 vehicle shall at any time be driven through or within a safety
29 zone. A violation of this section is a noncriminal traffic
30 infraction, punishable as a moving violation as provided in
31 chapter 318.

1 Section 45. Subsection (3) is added to section
2 316.151, Florida Statutes, to read:

3 316.151 Required position and method of turning at
4 intersections.--

5 (3) A violation of this section is a noncriminal
6 traffic infraction, punishable as a moving violation as
7 provided in chapter 318.

8 Section 46. Section 316.1515, Florida Statutes, is
9 amended to read:

10 316.1515 Limitations on turning around.--The driver of
11 any vehicle shall not turn the vehicle so as to proceed in the
12 opposite direction upon any street unless such movement can be
13 made in safety and without interfering with other traffic and
14 unless such movement is not prohibited by posted traffic
15 control signs. A violation of this section is a noncriminal
16 traffic infraction, punishable as a moving violation as
17 provided in chapter 318.

18 Section 47. Section 316.152, Florida Statutes, is
19 amended to read:

20 316.152 Turning on curve or crest of grade
21 prohibited.--No vehicle shall be turned so as to proceed in
22 the opposite direction upon any curve, or upon the approach
23 to, or near, the crest of a grade, where such vehicle cannot
24 be seen by the driver of any other vehicle approaching from
25 either direction within 500 feet. A violation of this section
26 is a noncriminal traffic infraction, punishable as a moving
27 violation as provided in chapter 318.

28 Section 48. Section 316.154, Florida Statutes, is
29 amended to read:

30 316.154 Starting parked vehicle.--No person shall
31 start a vehicle which is stopped, standing, or parked, unless

1 and until such movement can be made with reasonable safety. A
2 violation of this section is a noncriminal traffic infraction,
3 punishable as a moving violation as provided in chapter 318.

4 Section 49. Subsection (5) is added to section
5 316.155, Florida Statutes, to read:

6 316.155 When signal required.--

7 (5) A violation of this section is a noncriminal
8 traffic infraction, punishable as a moving violation as
9 provided in chapter 318.

10 Section 50. Subsection (3) is added to section
11 316.156, Florida Statutes, to read:

12 316.156 Signals by hand and arm or signal lamps.--

13 (3) A violation of this section is a noncriminal
14 traffic infraction, punishable pursuant to chapter 318 as
15 either a moving violation for infractions of subsection (1) or
16 as a nonmoving violation for infractions of subsection (2).

17 Section 51. Section 316.157, Florida Statutes, is
18 amended to read:

19 316.157 Method of giving hand and arm signals.--

20 (1) All signals herein required to be given by hand
21 and arm shall be given from the left side of the vehicle in
22 the following manner and such signals shall indicate as
23 follows:

24 (a)(1) Left turn.--Hand and arm extended horizontally.

25 (b)(2) Right turn.--Hand and arm extended upward,
26 except that a bicyclist may extend the right hand and arm
27 horizontally to the right side of the bicycle.

28 (c)(3) Stop or decrease speed.--Hand and arm extended
29 downward.

30
31

1 (2) A violation of this section is a noncriminal
2 traffic infraction, punishable as a moving violation as
3 provided in chapter 318.

4 Section 52. Subsection (3) is added to section
5 316.1575, Florida Statutes, to read:

6 316.1575 Obedience to traffic control devices at
7 railroad-highway grade crossings.--

8 (3) A violation of this section is a noncriminal
9 traffic infraction, punishable pursuant to chapter 318 as
10 either a pedestrian violation or, if the infraction resulted
11 from the operation of a vehicle, as a moving violation.

12 Section 53. Subsection (3) is added to section
13 316.159, Florida Statutes, to read:

14 316.159 Certain vehicles to stop at all railroad grade
15 crossings.--

16 (3) A violation of this section is a noncriminal
17 traffic infraction, punishable as a moving violation as
18 provided in chapter 318.

19 Section 54. Subsection (5) is added to section
20 316.170, Florida Statutes, to read:

21 316.170 Moving heavy equipment at railroad grade
22 crossings.--

23 (5) A violation of this section is a noncriminal
24 traffic infraction, punishable as a moving violation as
25 provided in chapter 318.

26 Section 55. Subsection (7) is added to section
27 316.183, Florida Statutes, to read:

28 316.183 Unlawful speed.--

29 (7) A violation of this section is a noncriminal
30 traffic infraction, punishable as a moving violation as
31 provided in chapter 318.

1 Section 56. Section 316.185, Florida Statutes, is
2 amended to read:

3 316.185 Special hazards.--The fact that the speed of a
4 vehicle is lower than the prescribed limits shall not relieve
5 the driver from the duty to decrease speed when approaching
6 and crossing an intersection, when approaching and going
7 around a curve, when approaching a hill crest, when traveling
8 upon any narrow or winding roadway, or when special hazards
9 exist or may exist with respect to pedestrians or other
10 traffic or by reason of weather or other roadway conditions,
11 and speed shall be decreased as may be necessary to avoid
12 colliding with any person, vehicle, or other conveyance on or
13 entering the street in compliance with legal requirements and
14 the duty of all persons to use due care. A violation of this
15 section is a noncriminal traffic infraction, punishable as a
16 moving violation as provided in chapter 318.

17 Section 57. Subsection (4) of section 316.1895,
18 Florida Statutes, is amended to read:

19 316.1895 Establishment of school speed zones,
20 enforcement; designation.--

21 (4) A school zone speed limit may not be less than 15
22 miles per hour except by local regulation. ~~After July 1,~~
23 ~~1992,~~No school zone speed limit shall be more than 20 miles
24 per hour in an urbanized area, as defined in s. 334.03. Such
25 speed limit may be in force only during those times 30 minutes
26 before, during, and 30 minutes after the periods of time when
27 pupils are arriving at a regularly scheduled breakfast program
28 or a regularly scheduled school session and leaving a
29 regularly scheduled school session.

30 Section 58. Subsection (5) is added to section
31 316.191, Florida Statutes, to read:

1 316.191 Racing on highways.--

2 (5) A violation of this section is a noncriminal
3 traffic infraction, punishable pursuant to chapter 318 as
4 either a pedestrian violation or, if the infraction resulted
5 from the operation of a vehicle, as a moving violation.

6 Section 59. Subsection (5) of section 316.193, Florida
7 Statutes, is amended to read:

8 316.193 Driving under the influence; penalties.--

9 (5) The court shall place any offender convicted of
10 violating this section on monthly reporting probation and
11 shall require attendance at a substance abuse course licensed
12 by the department; and the agency conducting the course may
13 refer the offender to an authorized service provider for
14 substance abuse evaluation and treatment, in addition to any
15 sentence or fine imposed under this section. The offender
16 shall assume reasonable costs for such education, evaluation,
17 and treatment, with completion of all such education,
18 evaluation, and treatment being a condition of reporting
19 probation. Treatment resulting from a psychosocial evaluation
20 may not be waived without a supporting psychosocial evaluation
21 conducted by an agency appointed by the court and with access
22 to the original evaluation. The offender shall bear the cost
23 of this procedure. The term "substance abuse" means the abuse
24 of alcohol or any substance named or described in Schedules I
25 through V of s. 893.03. If an offender referred to treatment
26 under this subsection fails to report for or complete such
27 treatment or fails to complete the substance abuse education
28 course, the DUI program shall notify the court and the
29 department of the failure. Upon receipt of the notice, the
30 department shall cancel the offender's driving privilege. The
31 department shall reinstate the driving privilege when the

1 offender completes the substance abuse education course or
2 enters treatment required under this subsection. The
3 organization that conducts the substance abuse education and
4 evaluation may not provide required substance abuse treatment
5 unless a waiver has been granted to that organization by the
6 department. A waiver may be granted only if the department
7 determines, in accordance with its rules, that the service
8 provider that conducts the substance abuse education and
9 evaluation is the most appropriate service provider and is
10 licensed under chapter 397 or is exempt from such licensure.
11 ~~All DUI treatment programs providing treatment services on~~
12 ~~January 1, 1994, shall be allowed to continue to provide such~~
13 ~~services until the department determines whether a waiver~~
14 ~~should be granted.~~A statistical referral report shall be
15 submitted quarterly to the department by each organization
16 authorized to provide services under this section.

17 Section 60. Subsection (1) of section 316.1935,
18 Florida Statutes, is amended to read:

19 316.1935 Fleeing or attempting to elude a law
20 enforcement officer; aggravated fleeing and eluding.--

21 (1) It is unlawful for the operator of any vehicle,
22 having knowledge that he or she has been directed to stop such
23 vehicle by a duly authorized law enforcement officer,
24 willfully to refuse or fail to stop the vehicle in compliance
25 with such directive or, having stopped in knowing compliance
26 with the directive, willfully to flee in an attempt to elude
27 the officer, and a person who violates this subsection commits
28 a misdemeanor of the first degree, punishable as provided in
29 s. 775.082 or s. 775.083 ~~shall, upon conviction, be punished~~
30 ~~by imprisonment in the county jail for a period not to exceed~~
31

1 ~~1 year, or by fine not to exceed \$1,000, or by both such fine~~
2 ~~and imprisonment.~~

3 Section 61. Subsection (8) is added to section
4 316.1937, Florida Statutes, to read:

5 316.1937 Ignition interlock devices, requiring;
6 unlawful acts.--

7 (8) In addition to the penalties provided in this
8 section, a violation of this section is a noncriminal traffic
9 infraction, punishable as a nonmoving violation as provided in
10 chapter 318.

11 Section 62. Subsection (4) is added to section
12 316.194, Florida Statutes, to read:

13 316.194 Stopping, standing or parking outside of
14 municipalities.--

15 (4) A violation of this section is a noncriminal
16 traffic infraction, punishable as a moving violation as
17 provided in chapter 318.

18 Section 63. Subsection (4) is added to section
19 316.1945, Florida Statutes, to read:

20 316.1945 Stopping, standing, or parking prohibited in
21 specified places.--

22 (4) A violation of this section is a noncriminal
23 traffic infraction, punishable as a nonmoving violation as
24 provided in chapter 318.

25 Section 64. Subsection (4) is added to section
26 316.195, Florida Statutes, to read:

27 316.195 Additional parking regulations.--

28 (4) A violation of this section is a noncriminal
29 traffic infraction, punishable as a nonmoving violation as
30 provided in chapter 318.

31

1 Section 65. Subsection (7) is added to section
2 316.1951, Florida Statutes, to read:

3 316.1951 Parking for certain purposes prohibited.--
4 (7) A violation of this section is a noncriminal
5 traffic infraction, punishable as a nonmoving violation as
6 provided in chapter 318.

7 Section 66. Subsection (6) is added to section
8 316.1974, Florida Statutes, to read:

9 316.1974 Funeral procession right-of-way and
10 liability.--

11 (6) VIOLATIONS.--A violation of this section is a
12 noncriminal traffic infraction, punishable pursuant to chapter
13 318 as a nonmoving violation for infractions of subsection
14 (2), a pedestrian violation for infractions of subsection (3),
15 or as a moving violation for infractions of subsection (3) or
16 subsection (4) if the infraction resulted from the operation
17 of a vehicle.

18 Section 67. Section 316.1975, Florida Statutes, is
19 amended to read:

20 316.1975 Unattended motor vehicle.--No person driving
21 or in charge of any motor vehicle except a licensed delivery
22 truck or other delivery vehicle while making deliveries, shall
23 permit it to stand unattended without first stopping the
24 engine, locking the ignition, and removing the key. No
25 vehicle shall be permitted to stand unattended upon any
26 perceptible grade without stopping the engine and effectively
27 setting the brake thereon and turning the front wheels to the
28 curb or side of the street. A violation of this section is a
29 noncriminal traffic infraction, punishable as a nonmoving
30 violation as provided in chapter 318.

31

1 Section 68. Subsection (3) is added to section
2 316.1985, Florida Statutes, to read:

3 316.1985 Limitations on backing.--

4 (3) A violation of this section is a noncriminal
5 traffic infraction, punishable as a moving violation as
6 provided in chapter 318.

7 Section 69. Section 316.1995, Florida Statutes, is
8 amended to read:

9 316.1995 Driving upon sidewalk or bicycle path.--No
10 person shall drive any vehicle other than by human power upon
11 a bicycle path, sidewalk, or sidewalk area, except upon a
12 permanent or duly authorized temporary driveway. A violation
13 of this section is a noncriminal traffic infraction,
14 punishable as a moving violation as provided in chapter 318.

15 Section 70. Subsection (3) is added to section
16 316.2004, Florida Statutes, to read:

17 316.2004 Obstruction to driver's view or driving
18 mechanism.--

19 (3) A violation of this section is a noncriminal
20 traffic infraction, punishable as a nonmoving violation as
21 provided in chapter 318.

22 Section 71. Section 316.2005, Florida Statutes, is
23 amended to read:

24 316.2005 Opening and closing vehicle doors.--No person
25 shall open any door on a motor vehicle unless and until it is
26 reasonably safe to do so and can be done without interfering
27 with the movement of other traffic, nor shall any person leave
28 a door open on the side of a vehicle available to moving
29 traffic for a period of time longer than necessary to load or
30 unload passengers. A violation of this section is a

31

1 noncriminal traffic infraction, punishable as a nonmoving
2 violation as provided in chapter 318.

3 Section 72. Section 316.2014, Florida Statutes, is
4 amended to read:

5 316.2014 Riding in house trailers.--No person or
6 persons shall occupy a house trailer while it is being moved
7 upon a public street or highway. A violation of this section
8 is a noncriminal traffic infraction, punishable as a nonmoving
9 violation as provided in chapter 318.

10 Section 73. Section 316.2024, Florida Statutes, is
11 amended to read:

12 316.2024 Coasting prohibited.--The driver of any motor
13 vehicle, when traveling upon a downgrade, shall not coast with
14 the gears or transmission of such vehicle in neutral or the
15 clutch disengaged. A violation of this section is a
16 noncriminal traffic infraction, punishable as a moving
17 violation as provided in chapter 318.

18 Section 74. Section 316.2025, Florida Statutes, is
19 amended to read:

20 316.2025 Following fire apparatus prohibited.--No
21 driver of any vehicle other than an authorized emergency
22 vehicle on official business shall follow any fire apparatus
23 traveling in response to a fire alarm closer than 500 feet or
24 drive into or park such vehicle within the block where fire
25 apparatus has stopped in answer to a fire alarm. A violation
26 of this section is a noncriminal traffic infraction,
27 punishable pursuant to chapter 318 as a moving violation for
28 following too close to a fire apparatus or as a nonmoving
29 violation for parking near a fire apparatus.

30 Section 75. Section 316.2034, Florida Statutes, is
31 amended to read:

1 316.2034 Crossing fire hose.--No vehicle shall be
2 driven over any unprotected hose of a fire department when
3 laid down on any street or highway, or private road or
4 driveway, to be used at any fire or alarm of fire, without the
5 consent of the fire department official in command. A
6 violation of this section is a noncriminal traffic infraction,
7 punishable as a moving violation as provided in chapter 318.

8 Section 76. Subsection (5) is added to section
9 316.2035, Florida Statutes, to read:

10 316.2035 Injurious substances prohibited; dragging
11 vehicle or load; obstructing, digging, etc.--

12 (5) A violation of this section is a noncriminal
13 traffic infraction, punishable pursuant to chapter 318 as
14 either a nonmoving violation for infractions of subsection (1)
15 or subsection (3) or as a moving violation for infractions of
16 subsection (2) or subsection (4).

17 Section 77. Subsection (3) is added to section
18 316.2044, Florida Statutes, to read:

19 316.2044 Removal of injurious substances.--

20 (3) A violation of this section is a noncriminal
21 traffic infraction, punishable as a nonmoving violation as
22 provided in chapter 318.

23 Section 78. Section 316.2051, Florida Statutes, is
24 amended to read:

25 316.2051 Certain vehicles prohibited on hard-surfaced
26 roads.--It is unlawful to operate upon any hard-surfaced road
27 in this state any log cart, tractor, or well machine; any
28 steel-tired vehicle other than the ordinary farm wagon or
29 buggy; or any other vehicle or machine that is likely to
30 damage a hard-surfaced road except to cause ordinary wear and
31 tear on the same. A violation of this section is a noncriminal

1 traffic infraction, punishable as a moving violation as
2 provided in chapter 318.

3 Section 79. Section 316.2061, Florida Statutes, is
4 amended to read:

5 316.2061 Stop when traffic obstructed.--No driver
6 shall enter an intersection or a marked crosswalk unless there
7 is sufficient space on the other side of the intersection or
8 crosswalk to accommodate the vehicle the driver is operating
9 without obstructing the passage of other vehicles or
10 pedestrians, notwithstanding any traffic control signal
11 indication to proceed. A violation of this section is a
12 noncriminal traffic infraction, punishable as a moving
13 violation as provided in chapter 318.

14 Section 80. Paragraph (e) of subsection (3) and
15 subsection (20) of section 316.2065, Florida Statutes, are
16 amended to read:

17 316.2065 Bicycle regulations.--

18 (3)

19 (e) Law enforcement officers and school crossing
20 guards may issue a bicycle safety brochure and a verbal
21 warning to a bicycle rider or passenger who violates this
22 subsection. ~~Effective January 1, 1998,~~A bicycle rider or
23 passenger who violates this subsection may be issued a
24 citation by a law enforcement officer and assessed a fine for
25 a pedestrian violation, as provided in s. 318.18. The court
26 shall dismiss the charge against a bicycle rider or passenger
27 for a first violation of paragraph (d) upon proof of purchase
28 of a bicycle helmet that complies with this subsection.

29 (20) Except as otherwise provided in this section, a
30 violation of this section is a noncriminal traffic infraction,
31 punishable as a pedestrian violation as provided in chapter

1 318. A ~~Effective January 1, 1998,~~ law enforcement officer
2 ~~officers~~ may issue traffic citations for a violation of
3 subsection (3) or subsection (16) only if the violation occurs
4 on a bicycle path or road, as defined in s. 334.03. However,
5 they may not issue citations to persons on private property,
6 except any part thereof which is open to the use of the public
7 for purposes of vehicular traffic.

8 Section 81. Section 316.2074, Florida Statutes, is
9 amended to read:

10 316.2074 All-terrain vehicles.--

11 (1) ~~The Legislature hereby finds and declares that:~~

12 ~~(a) All-terrain vehicle use has doubled over the past~~
13 ~~several years;~~

14 ~~(b) Injuries associated with all-terrain vehicle use~~
15 ~~have more than tripled over the past several years;~~

16 ~~(c) On the national level, annual emergency room~~
17 ~~treatments of injuries related to all-terrain vehicle use~~
18 ~~increased from 26,900 in 1983 to 63,900 in 1984 to 85,900 in~~
19 ~~1985;~~

20 ~~(d) Nearly one-half of all individuals injured in~~
21 ~~all-terrain vehicle accidents are under 16 years of age;~~

22 ~~(e) In the past 5 years, there have been more than 550~~
23 ~~deaths resulting from all-terrain vehicle accidents, with more~~
24 ~~than 40 percent of the dead being children 16 years of age or~~
25 ~~younger;~~

26 ~~(f) Over one-half of all individuals injured in~~
27 ~~all-terrain vehicle accidents do not wear any type of~~
28 ~~protective equipment.~~

29 ~~(2)~~ It is the intent of the Legislature, through the
30 adoption of this section to provide safety protection for
31 minors while operating an all-terrain vehicle in this state.

1 ~~(2)(3)~~ As used in this section "all-terrain vehicle"
2 means any motorized off-highway vehicle 50 inches (1270 mm) or
3 less in width, having a dry weight of 600 pounds (273 kg) or
4 less, traveling on three or more low-pressure tires, designed
5 for operator use only with no passengers, having a seat or
6 saddle designed to be straddled by the operator, and having
7 handlebars for steering control.

8 ~~(3)(4)~~ No person under 16 years of age shall operate,
9 ride, or be otherwise propelled on an all-terrain vehicle
10 unless the person wears a safety helmet meeting United States
11 Department of Transportation standards and eye protection.

12 ~~(4)(5)~~ If an accident results in the death of any
13 person or in the injury of any person which results in
14 treatment of the person by a physician, the operator of each
15 all-terrain vehicle involved in the accident shall give notice
16 of the accident pursuant to s. 316.066.

17 ~~(5)(6)~~ An all-terrain vehicle having four wheels may
18 be used by police officers on public beaches designated as
19 public roadways for the purpose of enforcing the traffic laws
20 of the state. All-terrain vehicles may also be used by the
21 police to travel on public roadways within 5 miles of beach
22 access only when getting to and from the beach.

23 (6) A violation of this section is a noncriminal
24 traffic infraction, punishable as a nonmoving violation as
25 provided in chapter 318.

26 ~~(7) Any person who violates the provisions of this~~
27 ~~section shall be punished as provided in chapter 318.~~

28 Section 82. Subsection (5) is added to section
29 316.208, Florida Statutes, to read:

30 316.208 Motorcycles and mopeds.--

31

1 (5) A violation of this section is a noncriminal
2 traffic infraction, punishable as a moving violation as
3 provided in chapter 318.

4 Section 83. Subsection (6) is added to section
5 316.2085, Florida Statutes, to read:

6 316.2085 Riding on motorcycles or mopeds.--

7 (6) A violation of this section is a noncriminal
8 traffic infraction, punishable as a moving violation as
9 provided in chapter 318.

10 Section 84. Subsection (6) is added to section
11 316.209, Florida Statutes, to read:

12 316.209 Operating motorcycles on roadways laned for
13 traffic.--

14 (6) A violation of this section is a noncriminal
15 traffic infraction, punishable as a moving violation as
16 provided in chapter 318.

17 Section 85. Subsection (3) is added to section
18 316.2095, Florida Statutes, to read:

19 316.2095 Footrests and handlebars.--

20 (3) A violation of this section is a noncriminal
21 traffic infraction, punishable as a nonmoving violation as
22 provided in chapter 318.

23 Section 86. Subsection (6) is added to section
24 316.211, Florida Statutes, to read:

25 316.211 Equipment for motorcycle and moped riders.--

26 (6) A violation of this section is a noncriminal
27 traffic infraction, punishable as a nonmoving violation as
28 provided in chapter 318.

29 Section 87. Subsection (6) is added to section
30 316.212, Florida Statutes, to read:

31

1 316.212 Operation of golf carts on certain
2 roadways.--The operation of a golf cart upon the public roads
3 or streets of this state is prohibited except as provided
4 herein:

5 (6) A violation of this section is a noncriminal
6 traffic infraction, punishable pursuant to chapter 318 as
7 either a moving violation for infractions of subsection (1),
8 subsection (2), subsection (3), or subsection (4), or as a
9 nonmoving violation for infractions of subsection (5).

10 Section 88. Subsection (2) of section 316.2126,
11 Florida Statutes, is amended to read:

12 316.2126 Use of golf carts by certain
13 municipalities.--In addition to the powers granted by ss.
14 316.212 and 316.2125, municipalities older than 400 years old
15 are hereby authorized to utilize golf carts, as defined in s.
16 320.01, upon any state, county, or municipal roads located
17 within the corporate limits of such municipalities, subject to
18 the following conditions:

19 (2) In addition to the safety equipment required in s.
20 316.212(5)~~(6)~~, such golf carts must be equipped with
21 sufficient lighting and turn signal equipment.

22 Section 89. Subsection (6) is added to section
23 316.215, Florida Statutes, to read:

24 316.215 Scope and effect of regulations.--

25 (6) A violation of this section is a noncriminal
26 traffic infraction, punishable as a nonmoving violation as
27 provided in chapter 318.

28 Section 90. Subsection (4) is added to section
29 316.217, Florida Statutes, to read:

30 316.217 When lighted lamps are required.--

31

1 (4) A violation of this section is a noncriminal
2 traffic infraction, punishable as a moving violation as
3 provided in chapter 318.

4 Section 91. Subsection (3) is added to section
5 316.220, Florida Statutes, to read:

6 316.220 Headlamps on motor vehicles.--

7 (3) A violation of this section is a noncriminal
8 traffic infraction, punishable as a nonmoving violation as
9 provided in chapter 318.

10 Section 92. Subsection (3) is added to section
11 316.221, Florida Statutes, to read:

12 316.221 Taillamps.--

13 (3) A violation of this section is a noncriminal
14 traffic infraction, punishable as a nonmoving violation as
15 provided in chapter 318.

16 Section 93. Subsection (4) is added to section
17 316.222, Florida Statutes, to read:

18 316.222 Stop lamps and turn signals.--

19 (4) A violation of this section is a noncriminal
20 traffic infraction, punishable as a nonmoving violation as
21 provided in chapter 318.

22 Section 94. Subsection (8) is added to section
23 316.2225, Florida Statutes, to read:

24 316.2225 Additional equipment required on certain
25 vehicles.--In addition to other equipment required in this
26 chapter, the following vehicles shall be equipped as herein
27 stated under the conditions stated in s. 316.217.

28 (8) A violation of this section is a noncriminal
29 traffic infraction, punishable as a nonmoving violation as
30 provided in chapter 318.

31

1 Section 95. Subsection (4) is added to section
2 316.224, Florida Statutes, to read:

3 316.224 Color of clearance lamps, identification
4 lamps, side marker lamps, backup lamps, reflectors, and
5 deceleration lights.--

6 (4) A violation of this section is a noncriminal
7 traffic infraction, punishable as a nonmoving violation as
8 provided in chapter 318.

9 Section 96. Subsection (3) is added to section
10 316.225, Florida Statutes, to read:

11 316.225 Mounting of reflectors, clearance lamps and
12 side marker lamps.--

13 (3) A violation of this section is a noncriminal
14 traffic infraction, punishable as a nonmoving violation as
15 provided in chapter 318.

16 Section 97. Subsection (4) is added to section
17 316.226, Florida Statutes, to read:

18 316.226 Visibility requirements for reflectors,
19 clearance lamps, identification lamps and marker lamps.--

20 (4) A violation of this section is a noncriminal
21 traffic infraction, punishable as a nonmoving violation as
22 provided in chapter 318.

23 Section 98. Section 316.228, Florida Statutes, is
24 amended to read:

25 316.228 Lamps or flags on projecting load.--Whenever
26 the load upon any vehicle extends to the rear 4 feet or more
27 beyond the bed or body of such vehicle, there shall be
28 displayed at the extreme rear end of the load, at the times
29 specified in s. 316.217, two red lamps visible from a distance
30 of at least 500 feet to the rear, two red reflectors visible
31 at night from all distances within 600 feet to 100 feet to the

1 rear when directly in front of lawful lower beams of headlamps
2 and located so as to indicate maximum width, and on each side
3 one red lamp visible from a distance of at least 500 feet to
4 the side and located so as to indicate maximum overhang.
5 There shall be displayed at all other times on any vehicle
6 having a load which extends beyond its sides or more than 4
7 feet beyond its rear, red flags, not less than 12 inches
8 square, marking the extremities of such load, at each point
9 where a lamp would otherwise be required by this section. A
10 violation of this section is a noncriminal traffic infraction,
11 punishable as a nonmoving violation as provided in chapter
12 318.

13 Section 99. Subsection (5) is added to section
14 316.229, Florida Statutes, to read:

15 316.229 Lamps on parked vehicles.--

16 (5) A violation of this section is a noncriminal
17 traffic infraction, punishable as a nonmoving violation as
18 provided in chapter 318.

19 Section 100. Subsection (8) is added to section
20 316.2295, Florida Statutes, to read:

21 316.2295 Lamps, reflectors and emblems on farm
22 tractors, farm equipment and implements of husbandry.--

23 (8) A violation of this section is a noncriminal
24 traffic infraction, punishable as a nonmoving violation as
25 provided in chapter 318.

26 Section 101. Section 316.231, Florida Statutes, is
27 amended to read:

28 316.231 Lamps on other vehicles and equipment.--Every
29 vehicle, including animal-drawn vehicles and vehicles referred
30 to in s. 316.215(3), not specifically required by the
31 provisions of this section to be equipped with lamps or other

1 lighting devices shall at all times specified in s. 316.217 be
2 equipped with at least one lamp displaying a white light
3 visible from a distance of not less than 1,000 feet to the
4 front of said vehicle, and shall also be equipped with two
5 lamps displaying red light visible from a distance of not less
6 than 1,000 feet to the rear of the vehicle, or, as an
7 alternative, one lamp displaying a red light visible from a
8 distance of not less than 1,000 feet to the rear and two red
9 reflectors visible from all distances of 600 to 100 feet to
10 the rear when illuminated by the lawful lower beams of
11 headlamps. A violation of this section is a noncriminal
12 traffic infraction, punishable as a nonmoving violation as
13 provided in chapter 318.

14 Section 102. Subsection (5) is added to section
15 316.233, Florida Statutes, to read:

16 316.233 Spot lamps and auxiliary lamps.--

17 (5) VIOLATIONS.--A violation of this section is a
18 noncriminal traffic infraction, punishable as a nonmoving
19 violation as provided in chapter 318.

20 Section 103. Subsection (3) is added to section
21 316.234, Florida Statutes, to read:

22 316.234 Signal lamps and signal devices.--

23 (3) A violation of this section is a noncriminal
24 traffic infraction, punishable as a nonmoving violation as
25 provided in chapter 318.

26 Section 104. Subsection (6) is added to section
27 316.235, Florida Statutes, to read:

28 316.235 Additional lighting equipment.--

29 (6) A violation of this section is a noncriminal
30 traffic infraction, punishable as a nonmoving violation as
31 provided in chapter 318.

1 Section 105. Subsection (3) is added to section
2 316.237, Florida Statutes, to read:

3 316.237 Multiple-beam road-lighting equipment.--

4 (3) A violation of this section is a noncriminal
5 traffic infraction, punishable as a nonmoving violation as
6 provided in chapter 318.

7 Section 106. Section 316.238, Florida Statutes, is
8 amended to read:

9 316.238 Use of multiple-beam road-lighting
10 equipment.--

11 (1) Whenever a motor vehicle is being operated on a
12 roadway or shoulder adjacent thereto during the times
13 specified in s. 316.217, the driver shall use a distribution
14 of light, or composite beam, directed high enough and of
15 sufficient intensity to reveal persons and vehicles at a safe
16 distance in advance of the vehicle, subject to the following
17 requirements and limitations:

18 (a)~~(1)~~ Whenever the driver of a vehicle approaches an
19 oncoming vehicle within 500 feet, such driver shall use a
20 distribution of light, or composite beam, so aimed that the
21 glaring rays are not projected into the eyes of the oncoming
22 driver. The lowermost distribution of light, or composite
23 beam, specified in ss. 316.237(1)(b) and 316.430(2)(b) shall
24 be deemed to avoid glare at all times, regardless of road
25 contour and loading.

26 (b)~~(2)~~ Whenever the driver of a vehicle approaches
27 another vehicle from the rear within 300 feet, such driver
28 shall use a distribution of light permissible under this
29 chapter other than the uppermost distribution of light
30 specified in ss. 316.237(1)(a) and 316.430(2)(a).
31

1 (2) A violation of this section is a noncriminal
2 traffic infraction, punishable as a moving violation as
3 provided in chapter 318.

4 Section 107. Section 316.2385, Florida Statutes, is
5 amended to read:

6 316.2385 Requirements for use of lower beam.--The
7 lower or passing beam shall be used at all times during the
8 twilight hours in the morning and the twilight hours in the
9 evening, and during fog, smoke and rain. Twilight shall mean
10 the time between sunset and full night or between full night
11 and sunrise. A violation of this section is a noncriminal
12 traffic infraction, punishable as a moving violation as
13 provided in chapter 318.

14 Section 108. Section 316.239, Florida Statutes, is
15 amended to read:

16 316.239 Single-beam road-lighting equipment.--
17 (1) Headlamp systems which provide only a single
18 distribution of light shall be permitted on all farm tractors
19 regardless of date of manufacture, and on other motor vehicles
20 manufactured and sold prior to January 1, 1972, in lieu of
21 multiple-beam road-lighting equipment herein specified if the
22 single distribution of light complies with the following
23 requirements and limitations:

24 (a)~~(1)~~ The headlamps shall be so aimed that when the
25 vehicle is not loaded none of the high intensity portion of
26 the light shall, at a distance of 25 feet ahead, project
27 higher than a level of five inches below the level of the
28 center of the lamp from which it comes, and in no case higher
29 than 42 inches above the level on which the vehicle stands at
30 a distance of 75 feet ahead.

31

1 ~~(b)(2)~~ The intensity shall be sufficient to reveal
2 persons and vehicles at a distance of at least 200 feet.

3 (2) A violation of this section is a noncriminal
4 traffic infraction, punishable as a nonmoving violation as
5 provided in chapter 318.

6 Section 109. Section 316.2395, Florida Statutes, is
7 amended to read:

8 316.2395 Motor vehicles; minimum headlamp
9 requirement.--Any motor vehicle may be operated at nighttime
10 under the conditions specified in ss. 316.237 and 316.239,
11 when equipped with two lighted lamps upon the front thereof
12 capable of revealing persons and objects 100 feet ahead in
13 lieu of lamps required in ss. 316.237 and 316.239. However,
14 at no time when lighted lamps are required shall such motor
15 vehicle be operated in excess of 20 miles per hour. A
16 violation of this section is a noncriminal traffic infraction,
17 punishable as a nonmoving violation as provided in chapter
18 318.

19 Section 110. Subsection (3) is added to section
20 316.2396, Florida Statutes, to read:

21 316.2396 Number of driving lamps required or
22 permitted.--

23 (3) A violation of this section is a noncriminal
24 traffic infraction, punishable as a nonmoving violation as
25 provided in chapter 318.

26 Section 111. Subsection (10) is added to section
27 316.2397, Florida Statutes, to read:

28 316.2397 Certain lights prohibited; exceptions.--

29 (10) A violation of this section is a noncriminal
30 traffic infraction, punishable as a nonmoving violation as
31 provided in chapter 318.

1 Section 112. Section 316.2399, Florida Statutes, is
2 amended to read:

3 316.2399 Special warning lights for buses or
4 taxicabs.--The provisions of s. 316.2397(7) to the contrary
5 notwithstanding, a bus or taxicab may be equipped with two
6 flashing devices for the purpose of warning the operators of
7 other vehicles and law enforcement agents that an emergency
8 situation exists within the bus or taxicab. Such devices
9 shall be capable of activation by the operator of the bus or
10 taxicab and shall be of a type approved by the Department of
11 Highway Safety and Motor Vehicles. Such devices shall be
12 mounted one at the front and one at the rear of the bus or
13 taxicab and shall display flashing red lights which shine on
14 the roadway under the vehicle. A violation of this section is
15 a noncriminal traffic infraction, punishable as a nonmoving
16 violation as provided in chapter 318.

17 Section 113. Subsection (3) is added to section
18 316.240, Florida Statutes, to read:

19 316.240 Standards for lights on highway maintenance
20 and service equipment.--

21 (3) A violation of this section is a noncriminal
22 traffic infraction, punishable as a nonmoving violation as
23 provided in chapter 318.

24 Section 114. Subsection (4) is added to section
25 316.241, Florida Statutes, to read:

26 316.241 Selling or using lamps or equipment.--

27 (4) A violation of this section is a noncriminal
28 traffic infraction, punishable as a nonmoving violation as
29 provided in chapter 318.

30 Section 115. Subsection (3) of section 316.251,
31 Florida Statutes, is amended to read:

1 316.251 Maximum bumper heights.--

2 (3) A violation of this section shall be defined as a
3 moving violation. A person charged with a violation of this
4 section is subject to the penalty provided in s. 318.18~~(3)~~.

5 Section 116. Subsection (3) is added to section
6 316.252, Florida Statutes, to read:

7 316.252 Splash and spray suppressant devices.--

8 (3) A violation of this section is a noncriminal
9 traffic infraction, punishable as a nonmoving violation as
10 provided in chapter 318.

11 Section 117. Section 316.253, Florida Statutes, is
12 amended to read:

13 316.253 Vehicles used to sell ice cream and other
14 confections; display of warnings required.--Any person who
15 sells ice cream or other frozen confections at retail from a
16 motor vehicle shall display on each side of such motor
17 vehicle, in letters at least 3 inches high, a warning
18 containing the words "look out for children" or "caution:
19 children" or such similar words as are approved by the
20 department. A violation of this section is a noncriminal
21 traffic infraction, punishable as a nonmoving violation as
22 provided in chapter 318.

23 Section 118. Subsection (11) is added to section
24 316.261, Florida Statutes, to read:

25 316.261 Brake equipment required.--Every motor
26 vehicle, trailer, semitrailer, and pole trailer, and any
27 combination of such vehicles, operating upon a highway within
28 this state shall be equipped with brakes in compliance with
29 the requirements of this chapter.

30
31

1 (11) A violation of this section is a noncriminal
2 traffic infraction, punishable as a nonmoving violation as
3 provided in chapter 318.

4 Section 119. Subsection (3) is added to section
5 316.262, Florida Statutes, to read:

6 316.262 Performance ability of motor vehicle brakes.--

7 (3) A violation of this section is a noncriminal
8 traffic infraction, punishable as a nonmoving violation as
9 provided in chapter 318.

10 Section 120. Section 316.263, Florida Statutes, is
11 amended to read:

12 316.263 Maintenance of brakes.--All brakes shall be
13 maintained in good working order and shall be so adjusted as
14 to operate as equally as practicable with respect to the
15 wheels on opposite sides of the vehicle. A violation of this
16 section is a noncriminal traffic infraction, punishable as a
17 nonmoving violation as provided in chapter 318.

18 Section 121. Section 316.267, Florida Statutes, is
19 amended to read:

20 316.267 Brakes on electric-powered vehicles.--When
21 operated on the public streets and roads, every
22 electric-powered vehicle with a rating of 3 to 6 horsepower
23 shall be equipped with hydraulic brakes on the two rear wheels
24 and at all times and under all conditions of loading, upon
25 application of the service brake, shall be capable of:

26 (1) Developing a braking force that is not less than
27 43.5 percent of its gross weight.

28 (2) Decelerating to a stop from not more than 20 miles
29 per hour at not less than 17 feet per second.

30 (3) Stopping from a speed of 20 miles per hour in not
31 more than 25 feet, such distance to be measured from the point

1 at which movement of the service brake pedal or control
2 begins.

3

4 A violation of this section is a noncriminal traffic
5 infraction, punishable as a nonmoving violation as provided in
6 chapter 318.

7 Section 122. Subsection (8) is added to section
8 316.271, Florida Statutes, to read:

9 316.271 Horns and warning devices.--

10 (8) A violation of this section is a noncriminal
11 traffic infraction, punishable as a nonmoving violation as
12 provided in chapter 318.

13 Section 123. Subsection (3) is added to section
14 316.272, Florida Statutes, to read:

15 316.272 Exhaust systems, prevention of noise.--

16 (3) A violation of this section is a noncriminal
17 traffic infraction, punishable as a nonmoving violation as
18 provided in chapter 318.

19 Section 124. Subsection (7) is added to section
20 316.293, Florida Statutes, to read:

21 316.293 Motor vehicle noise.--

22 (7) VIOLATIONS.--A violation of this section is a
23 noncriminal traffic infraction, punishable as a nonmoving
24 violation as provided in chapter 318.

25 Section 125. Subsections (1), (2), and (6) of section
26 316.2935, Florida Statutes, are amended to read:

27 316.2935 Air pollution control equipment; tampering
28 prohibited; penalty.--

29 (1)(a) ~~On and after July 1, 1990,~~It is unlawful for
30 any person or motor vehicle dealer as defined in s. 320.27 to
31 offer or display for retail sale or lease, sell, lease, or

1 transfer title to, a motor vehicle in Florida that has been
2 tampered with in violation of this section, as determined
3 pursuant to subsection (7). Tampering is defined as the
4 dismantling, removal, or rendering ineffective of any air
5 pollution control device or system which has been installed on
6 a motor vehicle by the vehicle manufacturer except to replace
7 such device or system with a device or system equivalent in
8 design and function to the part that was originally installed
9 on the motor vehicle. All motor vehicles sold, reassigned, or
10 traded to a licensed motor vehicle dealer are exempt from this
11 paragraph.

12 (b) ~~On and after January 1, 1991,~~At the time of sale,
13 lease, or transfer of title of a motor vehicle, the seller,
14 lessor, or transferor shall certify in writing to the
15 purchaser, lessee, or transferee that the air pollution
16 control equipment of the motor vehicle has not been tampered
17 with by the seller, lessor, or transferor or their agents,
18 employees, or other representatives. A licensed motor vehicle
19 dealer shall also visually observe those air pollution control
20 devices listed by department rule pursuant to subsection (7),
21 and certify that they are in place, and appear properly
22 connected and undamaged. Such certification shall not be
23 deemed or construed as a warranty that the pollution control
24 devices of the subject vehicle are in functional condition,
25 nor does the execution or delivery of this certification
26 create by itself grounds for a cause of action between the
27 parties to this transaction.

28 (c) ~~On and after July 1, 1990,~~All motor vehicles
29 sold, reassigned, or traded by a licensed motor vehicle dealer
30 to a licensed motor vehicle dealer, all new motor vehicles
31 subject to certification under s. 207, Clean Air Act, 42

1 U.S.C. s. 7541, and all lease agreements for 30 days or less
2 are exempt from this subsection. Also exempt from this
3 subsection are sales of motor vehicles for salvage purposes
4 only.

5 (2) No person shall operate any gasoline-powered motor
6 vehicle, except a motorcycle, moped, ~~or scooter as defined in~~
7 ~~chapter 320~~, or an imported nonconforming motor vehicle which
8 has received a one-time exemption from federal emission
9 control requirements under 40 C.F.R. 85, subpart P, on the
10 public roads and streets of this state which emits visible
11 emissions from the exhaust pipe for more than a continuous
12 period of 5 seconds, and no person shall operate on the public
13 roads or streets of this state any motor vehicle that has been
14 tampered with in violation of this section, as determined
15 pursuant to subsection (7).

16 (6) Except as provided in subsection (5), any person
17 who violates subsection (1), subsection (2), or subsection (3)
18 shall be charged with a noncriminal traffic infraction,
19 punishable as a nonmoving violation as provided in chapter 318
20 ~~provided in s. 318.18(2)~~. However, the penalty may be reduced
21 if the person committing the violation corrects the violation
22 pursuant to the provisions of s. 316.6105.

23 Section 126. Section 316.294, Florida Statutes, is
24 amended to read:

25 316.294 Mirrors.--Every vehicle, operated singly or
26 when towing any other vehicle, shall be equipped with a mirror
27 so located as to reflect to the driver a view of the highway
28 for a distance of at least 200 feet to the rear of the motor
29 vehicle. A violation of this section is a noncriminal traffic
30 infraction, punishable as a nonmoving violation as provided in
31 chapter 318.

1 Section 127. Subsection (6) is added to section
2 316.2952, Florida Statutes, to read:

3 316.2952 Windshields; requirements; restrictions.--
4 (6) A violation of this section is a noncriminal
5 traffic infraction, punishable as a nonmoving violation as
6 provided in chapter 318.

7 Section 128. Section 316.2953, Florida Statutes, is
8 amended to read:

9 316.2953 Side windows; restrictions on sunscreening
10 material.--A person shall not operate any motor vehicle on any
11 public highway, road, or street on which vehicle the side
12 wings and side windows on either side forward of or adjacent
13 to the operator's seat are composed of, covered by, or treated
14 with any suncreening material or other product or covering
15 which has the effect of making the window nontransparent or
16 which would alter the window's color, increase its
17 reflectivity, or reduce its light transmittance, except as
18 expressly permitted by this section. A sunscreening material
19 is authorized for such windows if, when applied to and tested
20 on the glass of such windows on the specific motor vehicle,
21 the material has a total solar reflectance of visible light of
22 not more than 25 percent as measured on the nonfilm side and a
23 light transmittance of at least 28 percent in the visible
24 light range. A violation of this section is a noncriminal
25 traffic infraction, punishable as a nonmoving violation as
26 provided in chapter 318.

27 Section 129. Subsection (3) is added to section
28 316.2954, Florida Statutes, to read:

29 316.2954 Windows behind the driver; restrictions on
30 sunscreening material.--

31

1 (3) A violation of this section is a noncriminal
2 traffic infraction, punishable as a nonmoving violation as
3 provided in chapter 318.

4 Section 130. Subsections (1) and (3) of section
5 316.2956, Florida Statutes, are amended to read:

6 316.2956 Violation of provisions relating to
7 windshields, windows, and sunscreening material; penalties.--

8 (1) Any person who operates a motor vehicle on which,
9 after June 20, 1984, material was installed in violation of
10 ss. 316.2951-316.2954 commits is guilty of a noncriminal
11 traffic infraction, punishable as a nonmoving violation as
12 provided in chapter 318 ~~subject to the penalty provided in s.~~
13 ~~318.18(2).~~

14 (3) Any person who sells or installs sunscreening
15 material in violation of any provision of ss.
16 316.2951-316.2955 ~~after June 20, 1984,~~ is guilty of a
17 misdemeanor of the second degree, punishable as provided in s.
18 775.082 or s. 775.083.

19 Section 131. Section 316.299, Florida Statutes, is
20 amended to read:

21 316.299 Rough surfaced wheels prohibited.--No person
22 shall drive, propel, operate, or cause to be driven, propelled
23 or operated over any paved or graded public road of this state
24 any tractor engine, tractor or other vehicle or contrivance
25 having wheels provided with sharpened or roughened surfaces,
26 other than roughened pneumatic rubber tires having studs
27 designed to improve traction without materially injuring the
28 surface of the highway, unless the rims or tires of the wheels
29 of such tractor engines, tractors, or other vehicles or
30 contrivances are provided with suitable filler blocks between
31 the cleats so as to form a smooth surface. This requirement

1 shall not apply to tractor engines, tractors, or other
2 vehicles or contrivances if the rims or tires of their wheels
3 are constructed in such manner as to prevent injury to such
4 roads. This restriction shall not apply to tractor engines,
5 tractors, and other vehicles or implements used by any county
6 or the Department of Transportation in the construction or
7 maintenance of roads or to farm implements weighing less than
8 1,000 pounds when provided with wheel surfaces of more than
9 1/2 inch in width. A violation of this section is a
10 noncriminal traffic infraction, punishable as a nonmoving
11 violation as provided in chapter 318.

12 Section 132. Subsection (4) is added to section
13 316.300, Florida Statutes, to read:

14 316.300 Certain vehicles to carry flares or other
15 devices.--

16 (4) A violation of this section is a noncriminal
17 traffic infraction, punishable as a nonmoving violation as
18 provided in chapter 318.

19 Section 133. Subsection (10) is added to section
20 316.301, Florida Statutes, to read:

21 316.301 Display of warning lights and devices when
22 vehicle is stopped or disabled.--

23 (10) A violation of this section is a noncriminal
24 traffic infraction, punishable as a nonmoving violation as
25 provided in chapter 318.

26 Section 134. Paragraph (c) of subsection (3) of
27 section 316.3025, Florida Statutes, is amended to read:

28 316.3025 Penalties.--

29 (3)

30 (c) A civil penalty of \$250 may be assessed for:

31

1 1. A violation of the placarding requirements of 49
2 C.F.R. parts 171-179;
3 2. A violation of the shipping paper requirements of
4 49 C.F.R. parts 171-179;
5 3. A violation of 49 C.F.R. s. 392.10;
6 4. A violation of 49 C.F.R. s. 397.5 ~~395.5~~;
7 5. A violation of 49 C.F.R. s. 397.7;
8 6. A violation of 49 C.F.R. s. 397.13; or
9 7. A violation of 49 C.F.R. s. 397.15.
10 Section 135. Subsection (5) of section 316.3027,
11 Florida Statutes, is amended, and subsection (6) is added to
12 said section, to read:
13 316.3027 Identification required on commercial motor
14 vehicles.--
15 (5) Any vehicle which meets the vehicle identification
16 requirements of the United States Department of Transportation
17 ~~Interstate Commerce Commission~~ regulations shall be considered
18 in compliance with this section.
19 (6) A violation of this section is a noncriminal
20 traffic infraction, punishable as a nonmoving violation as
21 provided in chapter 318.
22 Section 136. Subsection (4) is added to section
23 316.303, Florida Statutes, to read:
24 316.303 Television receivers.--
25 (4) A violation of this section is a noncriminal
26 traffic infraction, punishable as a nonmoving violation as
27 provided in chapter 318.
28 Section 137. Subsection (4) is added to section
29 316.304, Florida Statutes, to read:
30 316.304 Wearing of headsets.--
31

1 (4) A violation of this section is a noncriminal
2 traffic infraction, punishable as a nonmoving violation as
3 provided in chapter 318.

4 Section 138. Subsection (5) is added to section
5 316.3045, Florida Statutes, to read:

6 316.3045 Operation of radios or other mechanical
7 soundmaking devices or instruments in vehicles; exemptions.--

8 (5) A violation of this section is a noncriminal
9 traffic infraction, punishable as a nonmoving violation as
10 provided in chapter 318.

11 Section 139. Subsection (3) is added to section
12 316.400, Florida Statutes, to read:

13 316.400 Headlamps.--

14 (3) A violation of this section is a noncriminal
15 traffic infraction, punishable as a nonmoving violation as
16 provided in chapter 318.

17 Section 140. Subsection (3) is added to section
18 316.405, Florida Statutes, to read:

19 316.405 Motorcycle headlights to be turned on.--

20 (3) A violation of this section is a noncriminal
21 traffic infraction, punishable as a moving violation as
22 provided in chapter 318.

23 Section 141. Subsection (3) is added to section
24 316.410, Florida Statutes, to read:

25 316.410 Taillamps.--

26 (3) A violation of this section is a noncriminal
27 traffic infraction, punishable as a nonmoving violation as
28 provided in chapter 318.

29 Section 142. Section 316.415, Florida Statutes, is
30 amended to read:

31

1 316.415 Reflectors.--Every motorcycle and motor-driven
2 cycle shall carry on the rear, either as part of the taillamp
3 or separately, at least one red reflector. A violation of this
4 section is a noncriminal traffic infraction, punishable as a
5 nonmoving violation as provided in chapter 318.

6 Section 143. Section 316.420, Florida Statutes, is
7 amended to read:

8 316.420 Stop lamps.--Every motorcycle and motor-driven
9 cycle shall be equipped with at least one stop lamp meeting
10 the requirements of s. 316.234(1). A violation of this section
11 is a noncriminal traffic infraction, punishable as a nonmoving
12 violation as provided in chapter 318.

13 Section 144. Subsection (3) is added to section
14 316.425, Florida Statutes, to read:

15 316.425 Lamps on parked motorcycles.--

16 (3) A violation of this section is a noncriminal
17 traffic infraction, punishable as a nonmoving violation as
18 provided in chapter 318.

19 Section 145. Subsection (3) is added to section
20 316.430, Florida Statutes, to read:

21 316.430 Multiple-beam road-lighting equipment.--

22 (3) A violation of this section is a noncriminal
23 traffic infraction, punishable as a nonmoving violation as
24 provided in chapter 318.

25 Section 146. Section 316.435, Florida Statutes, is
26 amended to read:

27 316.435 Lighting equipment for motor-driven
28 cycles.--The headlamp or headlamps upon every motor-driven
29 cycle may be of the single-beam or multiple-beam type, but in
30 either event shall comply with the requirements and
31 limitations as follows:

1 (1) Every such headlamp or headlamps on a motor-driven
2 cycle shall be of sufficient intensity to reveal persons and
3 vehicles at a distance of not less than 100 feet when the
4 motor-driven cycle is operated at any speed less than 25 miles
5 per hour; at a distance of not less than 200 feet when the
6 motor-driven cycle is operated at a speed of 25 or more miles
7 per hour; and at a distance of not less than 300 feet when the
8 motor-driven cycle is operated at a speed of 35 or more miles
9 per hour.

10 (2) In the event the motor-driven cycle is equipped
11 with a multiple-beam headlamp or headlamps, such equipment
12 shall comply with the requirements of s. 316.430(2).

13

14 A violation of this section is a noncriminal traffic
15 infraction, punishable as a nonmoving violation as provided in
16 chapter 318.

17 Section 147. Section 316.440, Florida Statutes, is
18 amended to read:

19 316.440 Brake equipment required.--Every motor-driven
20 cycle must comply with the provisions of s. 316.261, except
21 that:

22 (1) Motorcycles and motor-driven cycles need not be
23 equipped with parking brakes.

24 (2) The wheel of a sidecar attached to a motorcycle or
25 to a motor-driven cycle, and the front wheel of a motor-driven
26 cycle, need not be equipped with brakes, provided that such
27 motorcycle or motor-driven cycle is capable of complying with
28 the performance requirements of this chapter.

29

30

31

1 A violation of this section is a noncriminal traffic
2 infraction, punishable as a nonmoving violation as provided in
3 chapter 318.

4 Section 148. Subsection (3) is added to section
5 316.445, Florida Statutes, to read:

6 316.445 Performance ability of motorcycle brakes.--
7 (3) A violation of this section is a noncriminal
8 traffic infraction, punishable as a nonmoving violation as
9 provided in chapter 318.

10 Section 149. Subsection (4) is added to section
11 316.450, Florida Statutes, to read:

12 316.450 Brakes on motor-driven cycles.--
13 (4) A violation of this section is a noncriminal
14 traffic infraction, punishable as a nonmoving violation as
15 provided in chapter 318.

16 Section 150. Section 316.455, Florida Statutes, is
17 amended to read:

18 316.455 Other equipment.--Every motorcycle and every
19 motor-driven cycle when operated upon a highway shall comply
20 with the requirements and limitations of:

21 (1) Section 316.271(1) and (2) on the requirement for
22 horns and warning devices.

23 (2) Section 316.271(3) on the requirement for the use
24 of horns.

25 (3) Section 316.271(4) on the requirement for sirens,
26 whistles, and bells.

27 (4) Section 316.271(5) on the requirement for theft
28 alarms.

29 (5) Section 316.271(6) on the requirement for
30 emergency vehicles.

31

1 (6) Section 316.272 on the requirement for mufflers
2 and prevention of noise.

3 (7) Section 316.294 on the requirement for mirrors.

4
5 A violation of this section is a noncriminal traffic
6 infraction, punishable as a nonmoving violation as provided in
7 chapter 318.

8 Section 151. Section 316.46, Florida Statutes, is
9 amended to read:

10 316.46 Equipment regulations for mopeds.--No person
11 may operate a moped that does not conform to all applicable
12 federal motor vehicle safety standards relating to lights and
13 safety and other equipment contained in Title 49, Code of
14 Federal Regulations. A violation of this section is a
15 noncriminal traffic infraction, punishable as a nonmoving
16 violation as provided in chapter 318.

17 Section 152. Section 316.510, Florida Statutes, is
18 amended to read:

19 316.510 Projecting loads on passenger vehicles.--No
20 passenger type vehicle shall be operated on any highway with
21 any load carried thereon extending beyond the fenders on the
22 left side of the vehicle or extending more than 6 inches
23 beyond the line of the fenders on the right side thereof. A
24 violation of this section is a noncriminal traffic infraction,
25 punishable as a nonmoving violation as provided in chapter
26 318.

27 Section 153. Subsection (3) is added to section
28 316.520, Florida Statutes, to read:

29 316.520 Loads on vehicles.--
30
31

1 (3) A violation of this section is a noncriminal
2 traffic infraction, punishable as a nonmoving violation as
3 provided in chapter 318.

4 Section 154. Subsection (3) is added to section
5 316.525, Florida Statutes, to read:

6 316.525 Requirements for vehicles hauling loads.--

7 (3) A violation of this section is a noncriminal
8 traffic infraction, punishable as a nonmoving violation as
9 provided in chapter 318.

10 Section 155. Subsection (4) is added to section
11 316.530, Florida Statutes, to read:

12 316.530 Towing requirements.--

13 (4) A violation of this section is a noncriminal
14 traffic infraction, punishable as a moving violation as
15 provided in chapter 318.

16 Section 156. Section 316.600, Florida Statutes, is
17 amended to read:

18 316.600 Health and sanitation hazards.--No motor
19 vehicle, trailer or semitrailer shall be equipped with an open
20 toilet or other device that may be a hazard from a health and
21 sanitation standpoint. A violation of this section is a
22 noncriminal traffic infraction, punishable as a nonmoving
23 violation as provided in chapter 318.

24 Section 157. Section 316.605, Florida Statutes, is
25 amended to read:

26 316.605 Licensing of vehicles.--

27 (1) Every vehicle, at all times while driven, stopped,
28 or parked upon any highways, roads, or streets of this state,
29 shall be licensed in the name of the owner thereof in
30 accordance with the laws of this state unless such vehicle is
31 not required by the laws of this state to be licensed in this

1 state and shall, except as otherwise provided in s. 320.0706
2 for front-end registration license plates on truck tractors,
3 display the license plate or both of the license plates
4 assigned to it by the state, one on the rear and, if two, the
5 other on the front of the vehicle, each to be securely
6 fastened to the vehicle outside the main body of the vehicle
7 in such manner as to prevent the plates from swinging, with
8 all letters, numerals, printing, writing, and other
9 identification marks upon the plates clear and distinct and
10 free from defacement, mutilation, grease, and other obscuring
11 matter, so that they will be plainly visible and legible at
12 all times 100 feet from the rear or front. Nothing shall be
13 placed upon the face of a Florida plate except as permitted by
14 law or by rule or regulation of a governmental agency. No
15 license plates other than those furnished by the state shall
16 be used. However, if the vehicle is not required to be
17 licensed in this state, the license plates on such vehicle
18 issued by another state, by a territory, possession, or
19 district of the United States, or by a foreign country,
20 substantially complying with the provisions hereof, shall be
21 considered as complying with this chapter. A violation of this
22 subsection is a noncriminal traffic infraction, punishable as
23 a nonmoving violation as provided in chapter 318.

24 (2) Any commercial motor vehicle, as defined in s.
25 316.003(66), operating over the highways of this state with an
26 expired registration, with no registration from this or any
27 other jurisdiction, or with no registration under the
28 applicable provisions of chapter 320 shall be in violation of
29 s. 320.07(3) and shall subject the owner or operator of such
30 vehicle to the penalty provided ~~in s. 318.18~~. In addition, a
31 commercial motor vehicle found in violation of this section

1 may be detained by any law enforcement officer until the owner
2 or operator produces evidence that the vehicle has been
3 properly registered and that any applicable delinquent
4 penalties have been paid.

5 Section 158. Subsection (5) of section 316.613,
6 Florida Statutes, is amended to read:

7 316.613 Child restraint requirements.--

8 (5) Any person who violates the provisions of this
9 section commits a moving violation, punishable as provided in
10 chapter 318 and shall have 3 points assessed against his or
11 her driver's license as set forth in s. 322.27. In lieu of the
12 penalty specified in s. 318.18 and the assessment of points, a
13 person who violates the provisions of this section may elect,
14 with the court's approval, to participate in a child restraint
15 safety program approved by the chief judge of the circuit in
16 which the violation occurs, and upon completing such program,
17 the penalty specified in chapter 318 and associated costs may
18 be waived at the court's discretion and the assessment of
19 points shall be waived. The child restraint safety program
20 must use a course approved by the Department of Transportation
21 ~~Health and Rehabilitative Services~~, and the fee for the course
22 must bear a reasonable relationship to the cost of providing
23 the course.

24 Section 159. Subsection (5) of section 316.6135,
25 Florida Statutes, is amended to read:

26 316.6135 Leaving children unattended or unsupervised
27 in motor vehicle; penalty; authority of law enforcement
28 officer.--

29 (5) The child shall be remanded to the custody of the
30 Department of Children and Family ~~Health and Rehabilitative~~
31 ~~Services~~ pursuant to chapter 39, unless the law enforcement

1 officer is able to locate the parents or legal guardian or
2 other person responsible for the child.

3 Section 160. Subsection (6) is added to section
4 316.615, Florida Statutes, to read:

5 316.615 School buses; physical requirements of
6 drivers.--

7 (6) A violation of this section is a noncriminal
8 traffic infraction, punishable as a nonmoving violation as
9 provided in chapter 318.

10 Section 161. Subsection (7) is added to section
11 316.620, Florida Statutes, to read:

12 316.620 Transportation of migrant farm workers.--Every
13 carrier of migrant farm workers shall systematically inspect
14 and maintain, or cause to be systematically maintained, all
15 motor vehicles and their accessories subject to its control to
16 ensure that such motor vehicles and accessories are in safe
17 and proper operating condition in accordance with the
18 provisions of this chapter.

19 (7) VIOLATIONS.--A violation of this section is a
20 noncriminal traffic infraction, punishable as a nonmoving
21 violation as provided in chapter 318.

22 Section 162. Subsection (3) of section 316.635,
23 Florida Statutes, is amended to read:

24 316.635 Courts having jurisdiction over traffic
25 violations; powers relating to custody and detention of
26 minors.--

27 (3) If a minor is taken into custody for a criminal
28 traffic offense or a violation of chapter 322 and the minor
29 does not demand to be taken before a magistrate, the arresting
30 officer or booking officer shall immediately notify, or cause
31 to be notified, the minor's parents, guardian, or responsible

1 adult relative of the action taken. After making every
2 reasonable effort to give notice, the arresting officer or
3 booking officer may:

4 (a) Issue a notice to appear pursuant to chapter 901
5 and release the minor to a parent, guardian, responsible adult
6 relative, or other responsible adult;

7 (b) Issue a notice to appear pursuant to chapter 901
8 and release the minor pursuant to s. 903.06;

9 (c) Issue a notice to appear pursuant to chapter 901
10 and deliver the minor to an appropriate substance abuse
11 treatment or rehabilitation facility or refer the minor to an
12 appropriate medical facility as provided in s. 901.29. If the
13 minor cannot be delivered to an appropriate substance abuse
14 treatment or rehabilitation facility or medical facility, the
15 arresting officer may deliver the minor to an appropriate
16 intake office of the Department of Children and Family Health
17 ~~and Rehabilitative~~ Services, which shall take custody of the
18 minor and make any appropriate referrals; or

19 (d) If the violation constitutes a felony and the
20 minor cannot be released pursuant to s. 903.03, transport and
21 deliver the minor to an appropriate Department of Children and
22 Family Health and Rehabilitative Services intake office. Upon
23 delivery of the minor to the intake office, the department
24 shall assume custody and proceed pursuant to chapter 39.

25
26 If action is not taken pursuant to paragraphs (a)-(d), the
27 minor shall be delivered to the Department of Children and
28 Family Health and Rehabilitative Services, and the department
29 shall make every reasonable effort to contact the parents,
30 guardian, or responsible adult relative to take custody of the
31 minor. If there is no parent, guardian, or responsible adult

1 relative available, the department may retain custody of the
2 minor for up to 24 hours.

3 Section 163. Paragraph (b) of subsection (1) of
4 section 316.70, Florida Statutes, is amended to read:

5 316.70 Nonpublic sector buses; safety rules.--

6 (1) The Department of Transportation shall establish
7 and revise standards to assure the safe operation of nonpublic
8 sector buses, as defined in s. 316.003(78), which standards
9 shall be those contained in 49 C.F.R. parts 382, 385, and
10 390-397 and which shall be directed towards assuring that:

11 (b) Nonpublic sector buses are carrying the insurance
12 required by law and carrying liability insurance on the
13 checked baggage of passengers not to exceed the standard
14 adopted by the United States Department of Transportation
15 ~~Interstate Commerce Commission~~.

16 Section 164. Section 318.12, Florida Statutes, is
17 amended to read:

18 318.12 Purpose.--It is the legislative intent in the
19 adoption of this chapter to decriminalize certain violations
20 of chapter 316, the Florida Uniform Traffic Control Law;
21 chapter 320, Motor Vehicle Licenses; chapter 322, Drivers'
22 Licenses; ~~chapter 339, Florida Transportation Code, Sixth~~
23 ~~Part~~ chapter 240, Postsecondary Education ~~239, Universities~~
24 ~~Scholarships, etc.;~~ and chapter 338, Florida Intrastate
25 Highway System and Toll Facilities ~~340, Turnpike Projects,~~
26 thereby facilitating the implementation of a more uniform and
27 expeditious system for the disposition of traffic infractions.

28 Section 165. Subsection (5) of section 318.13, Florida
29 Statutes, is amended to read:

30 318.13 Definitions.--The following words and phrases,
31 when used in this chapter, shall have the meanings

1 respectively ascribed to them in this section, except where
2 the context otherwise requires:

3 (5) "Officer" means any law enforcement officer
4 charged with and acting under his or her authority to arrest
5 persons suspected of, or known to be, violating statutes or
6 ordinances regulating traffic or the operation or equipment of
7 vehicles. "Officer" includes any individual employed by a
8 sheriff's department or the police department of a chartered
9 municipality who is acting as a traffic infraction enforcement
10 officer as provided in s. 316.640 ~~318.141~~.

11 Section 166. Subsections (1), (4), (9), and (10) of
12 section 318.14, Florida Statutes, are amended to read:

13 318.14 Noncriminal traffic infractions; exception;
14 procedures.--

15 (1) Except as provided in ss. 318.17 and 320.07(3)(b),
16 any person cited for a violation of s. 240.265, chapter 316,
17 s. 320.0605~~(1)~~, s. 320.07(3)(a), s. 322.065, s. 322.15(1), s.
18 322.16(2) or (3), s. 322.1615 ~~s. 322.161(4)~~, or s. 322.19 is
19 charged with a noncriminal infraction and must be cited for
20 such an infraction and cited to appear before an official. If
21 another person dies as a result of the noncriminal infraction,
22 the person cited may be required to perform 120 community
23 service hours under s. 316.027(4), in addition to any other
24 penalties.

25 (4) Any person charged with a noncriminal infraction
26 under this section who does not elect to appear shall pay the
27 civil penalty and delinquent fee, if applicable, either by
28 mail or in person, within 30 days of the date of receiving the
29 citation. If the person cited follows the above procedure, he
30 or she shall be deemed to have admitted the infraction and to
31 have waived his or her right to a hearing on the issue of

1 commission of the infraction. Such admission shall not be
2 used as evidence in any other proceedings. Any person who is
3 cited for a violation of s. 320.0605~~(1)~~ or s. 322.15(1), or
4 subject to a penalty under s. 320.07(3)(a) or s. 322.065, and
5 who makes an election under this subsection shall submit proof
6 of compliance with the applicable section to the clerk of the
7 court. For the purposes of this subsection, proof of
8 compliance consists of a valid driver's license or a valid
9 registration certificate.

10 (9) Any person who is cited for an infraction under
11 this section other than a violation of s. 320.0605~~(1)~~, s.
12 320.07(3)(a), s. 322.065, s. 322.15(1), s. 322.61, or s.
13 322.62 may, in lieu of a court appearance, elect to attend in
14 the location of his or her choice within this state a basic
15 driver improvement course approved by the Department of
16 Highway Safety and Motor Vehicles. In such a case,
17 adjudication must be withheld; points, as provided by s.
18 322.27, may not be assessed; and the civil penalty that is
19 imposed by s. 318.18(3) must be reduced by 18 percent;
20 however, a person may not make an election under this
21 subsection if the person has made an election under this
22 subsection in the preceding 12 months. A person may make no
23 more than five elections under this subsection. The
24 requirement for community service under s. 318.18~~(8)~~(7) is not
25 waived by a plea of nolo contendere or by the withholding of
26 adjudication of guilt by a court.

27 (10)(a) Any person cited for an offense listed under
28 this subsection may, in lieu of payment of fine or court
29 appearance, elect to enter a plea of nolo contendere and
30 provide proof of compliance to the clerk of the court or
31 authorized operator of a traffic violations bureau. In such

1 case, adjudication shall be withheld; however, no election
2 shall be made under this subsection if such person has made an
3 election under this subsection in the 12 months preceding
4 election hereunder. No person may make more than three
5 elections under this subsection. This subsection applies to
6 the following offenses:

7 1. Operating a motor vehicle without a valid driver's
8 license in violation of the provisions of s. 322.03, s.
9 322.065, or s. 322.15(1), or operating a motor vehicle with a
10 license which has been suspended for failure to appear,
11 failure to pay civil penalty, or failure to attend a driver
12 improvement course pursuant to s. 322.291.

13 2. Operating a motor vehicle without a valid
14 registration in violation of s. 320.0605, ~~or~~ s. 320.07, or s.
15 320.131.

16 3. Operating a motor vehicle in violation of s.
17 316.646.

18 (b) Any person cited for an offense listed in this
19 subsection shall present proof of compliance prior to the
20 scheduled court appearance date. For the purposes of this
21 subsection, proof of compliance shall consist of a valid,
22 renewed, or reinstated driver's license or registration
23 certificate and proper proof of maintenance of security as
24 required by s. 316.646. Notwithstanding waiver of fine, any
25 person establishing proof of compliance shall be assessed
26 court costs of \$22, except that a person charged with
27 violation of s. 316.646(1)-(3) may be assessed court costs of
28 \$7. One dollar of such costs shall be distributed to the
29 Department of Children and Family ~~Health and Rehabilitative~~
30 Services for deposit into the Child Welfare Training Trust
31 Fund. One dollar of such costs shall be distributed to the

1 Department of Juvenile Justice for deposit into the Juvenile
2 Justice Training Trust Fund. Twelve dollars of such costs
3 shall be distributed to the municipality and \$8 shall be
4 retained by the county, if the offense was committed within
5 the municipality. If the offense was committed in an
6 unincorporated area of a county or if the citation was for a
7 violation of s. 316.646(1)-(3), the county shall retain the
8 entire amount, except for the moneys to be deposited into the
9 Child Welfare Training Trust Fund and the Juvenile Justice
10 Training Trust Fund. This subsection shall not be construed
11 to authorize the operation of a vehicle without a valid
12 driver's license, without a valid vehicle tag and
13 registration, or without the maintenance of required security.

14 Section 167. Subsections (1), (6), and (11) of section
15 318.18, Florida Statutes, are amended to read:

16 318.18 Amount of civil penalties.--The penalties
17 required for a noncriminal disposition pursuant to s. 318.14
18 are as follows:

19 (1) Fifteen dollars for:

20 (a) All infractions of pedestrian regulations.

21 (b) All infractions of s. 316.2065, unless otherwise
22 specified.

23 (c) Other violations of chapter 316 by persons 14
24 years of age or under who are operating bicycles, regardless
25 of the noncriminal traffic infraction's classification.

26 (6) One hundred dollars for illegally parking in a
27 parking space provided for disabled persons under s. 316.1955.
28 If proof is provided ~~or s. 316.1956 or provide proof~~ to the
29 clerk of the circuit court that the person committing the
30 violation has a valid parking permit or license plate issued
31 pursuant to s. 316.1958, s. 320.0842, s. 320.0843, s.

1 320.0845, or s. 320.0848 and a signed affidavit that the owner
2 of the disabled parking permit was present at the time the
3 violation occurred, and such parking permit or license plate
4 was valid at the time the violation occurred. Upon provision
5 of proof of such a valid parking permit or license plate and
6 payment of a \$5 dismissal fee to the clerk of the circuit
7 court, the clerk shall dismiss the citation.

8 (11)(a) Court costs which are to be in addition to the
9 stated fine shall be imposed by the court in an amount not
10 less than the following:

11
12 For pedestrian infractions.....\$ 3.
13 For nonmoving traffic infractions.....\$ 6.
14 For moving traffic infractions.....\$10.

15 (b) In addition to the court cost assessed under
16 paragraph (a), the court shall impose a \$3 court cost for each
17 infraction to be distributed as provided in s. 938.01(1)~~s.~~
18 ~~943.25(3)~~.

19
20 In no event may court costs imposed under this subsection
21 exceed \$30. A regional criminal justice assessment center or
22 other local criminal justice access and assessment center may
23 be funded from these court costs.

24 Section 168. Subsection (1) and paragraph (a) of
25 subsection (2) of section 318.21, Florida Statutes, are
26 amended to read:

27 318.21 Disposition of civil penalties by county
28 courts.--All civil penalties received by a county court
29 pursuant to the provisions of this chapter shall be
30 distributed and paid monthly as follows:

31

1 (1) One dollar from every civil penalty shall be paid
2 to the Department of Children and Family Health and
3 ~~Rehabilitative~~ Services for deposit into the Child Welfare
4 Training Trust Fund for child welfare training purposes
5 pursuant to s. 402.40 ~~s. 404.40~~. One dollar from every civil
6 penalty shall be paid to the Department of Juvenile Justice
7 for deposit into the Juvenile Justice Training Trust Fund for
8 juvenile justice purposes pursuant to s. 985.406 ~~s. 39.024~~.

9 (2) Of the remainder:

10 (a) Twenty and six-tenths percent shall be paid to the
11 General Revenue Fund of the state, except that the first
12 \$300,000 shall be deposited into the Grants and Donations
13 Trust Fund in the Department of Children and Family Health and
14 ~~Rehabilitative~~ Services for administrative costs, training
15 costs, and costs associated with the implementation and
16 maintenance of Florida foster care citizen review panels as
17 provided for in s. 39.4531.

18 Section 169. Paragraph (b) of subsection (2) of
19 section 319.28, Florida Statutes, is amended to read:

20 319.28 Transfer of ownership by operation of law.--

21 (2)

22 (b) In case of repossession of a motor vehicle or
23 mobile home pursuant to the terms of a security agreement or
24 similar instrument, an affidavit by the party to whom
25 possession has passed stating that the vehicle or mobile home
26 was repossessed upon default in the terms of the security
27 agreement or other instrument shall be considered satisfactory
28 proof of ownership and right of possession. At least 5 days
29 prior to selling the repossessed vehicle, any subsequent
30 lienholder named in the last issued certificate of title shall
31 be sent notice of the repossession by certified mail, on a

1 form prescribed by the department. If such notice is given
2 and no written protest to the department is presented by a
3 subsequent lienholder within 15 days from the date on which
4 the notice was mailed, the certificate of title or the
5 certificate of repossession shall be issued showing no liens.
6 If the former owner or any subsequent lienholder files a
7 written protest under oath within such 15-day period, the
8 department shall not issue the certificate of title or
9 certificate of repossession for 10 days thereafter. If within
10 the 10-day period no injunction or other order of a court of
11 competent jurisdiction has been served on the department
12 commanding it not to deliver the certificate of title or
13 certificate of repossession, the department shall deliver the
14 certificate of title or repossession to the applicant or as
15 may otherwise be directed in the application showing no other
16 liens than those shown in the application. Any lienholder who
17 has repossessed a vehicle in compliance with the provisions of
18 this section may apply to the tax collector's office or to the
19 department for a certificate of repossession or to the
20 department for a certificate of title pursuant to s. 319.323.
21 Proof of the required notice to subsequent lienholders shall
22 be submitted together with regular title fees. A lienholder
23 to whom a certificate of repossession has been issued may
24 assign the certificate of title to the subsequent owner. Any
25 person found guilty of violating any requirements of this
26 paragraph shall be guilty of a felony of the third degree,
27 punishable as provided in s. 775.082, s. 775.083, or s.
28 775.084.

29 Section 170. Paragraph (d) of subsection (1) of
30 section 319.33, Florida Statutes, is amended to read:

31

1 319.33 Offenses involving vehicle identification
2 numbers, applications, certificates, papers; penalty.--

3 (1) It is unlawful:

4 (d) To possess, sell or offer for sale, conceal, or
5 dispose of in this state a motor vehicle or mobile home, or
6 major component part thereof, on which the motor number or
7 vehicle identification number has been destroyed, removed,
8 covered, altered, or defaced, with knowledge of such
9 destruction, removal, covering, alteration, or defacement,
10 except as provided in s. 319.30(4)~~(3)~~.

11 Section 171. Subsection (12) of section 320.02,
12 Florida Statutes, is amended to read:

13 320.02 Registration required; application for
14 registration; forms.--

15 (12) The department is authorized to withhold
16 registration or reregistration of any motor vehicle if the
17 owner, or one of the coowners of the vehicle, has a driver's
18 license which is under suspension for the failure to remit
19 payment of any fines levied in this state pursuant to chapter
20 318 or chapter 322. ~~The department shall design and implement~~
21 ~~a program to accomplish this action by June 1, 1992. However,~~
22 ~~nothing in this subsection shall be construed to prohibit the~~
23 ~~department from withholding registration or renewal for a~~
24 ~~similar situation during the interim.~~

25 Section 172. Subsections (7) and (8) of section
26 320.03, Florida Statutes, are amended to read:

27 320.03 Registration; duties of tax collectors;
28 International Registration Plan.--

29 (7) The Department of Highway Safety and Motor
30 Vehicles shall register apportioned motor vehicles under the
31 provisions of the International Registration Plan.

1 ~~Implementation of the plan shall occur by July 1, 1986, for~~
2 ~~the 1986-1987 registration period.~~The department may adopt
3 rules to implement and enforce the provisions of the plan.
4 (8) If the applicant's name appears on the list
5 referred to in s. 316.1001(4)~~(5)~~ or s. 316.1967(6), a license
6 plate or revalidation sticker may not be issued until that
7 person's name no longer appears on the list or until the
8 person presents a receipt from the clerk showing that the
9 fines outstanding have been paid. The tax collector and the
10 clerk of the court are each entitled to receive monthly, as
11 costs for implementing and administering this subsection, 10
12 percent of the civil penalties and fines recovered from such
13 persons. If the tax collector has private tag agents, such tag
14 agents are entitled to receive a pro rata share of the amount
15 paid to the tax collector, based upon the percentage of
16 license plates and revalidation stickers issued by the tag
17 agent compared to the total issued within the county. The
18 authority of any private agent to issue license plates shall
19 be revoked, after notice and a hearing as provided in chapter
20 120, if he or she issues any license plate or revalidation
21 sticker contrary to the provisions of this subsection. This
22 section applies only to the annual renewal in the owner's
23 birth month of a motor vehicle registration and does not apply
24 to the transfer of a registration of a motor vehicle sold by a
25 motor vehicle dealer licensed under this chapter, except for
26 the transfer of registrations which is inclusive of the annual
27 renewals. This section does not affect the issuance of the
28 title to a motor vehicle, notwithstanding s. 319.23(7)(b).
29 Section 173. Section 320.031, Florida Statutes, is
30 amended to read:
31

1 320.031 Mailing of registration certificates, license
2 plates, and validation stickers.--

3 (1) The department and the tax collectors of the
4 several counties of the state may at the request of the
5 applicant use United States mail service to deliver
6 registration certificates and renewals thereof, license
7 plates, mobile home stickers, and validation stickers to
8 applicants.

9 (2) A mail service charge may be collected for each
10 registration certificate, license plate, mobile home sticker,
11 and validation sticker mailed by the department or any tax
12 collector. Each registration certificate, license plate,
13 mobile home sticker, and validation sticker shall be mailed by
14 first-class mail unless otherwise requested by the applicant.
15 The amount of the mail service charge shall be the actual
16 postage required, rounded to the nearest 5 cents, plus a
17 25-cent handling charge. The mail service charge is in
18 addition to the service charge provided by s. 320.04.

19 ~~(3) The department is authorized to reproduce such~~
20 ~~documents, records, and reports as required to meet the~~
21 ~~requirements of the law and the needs of the public, either by~~
22 ~~photographing, microphotographing, or reproducing on film the~~
23 ~~document, record, or report, or by using an electronic~~
24 ~~digitizing process capable of reproducing a true and correct~~
25 ~~image of the original source document. The photographs,~~
26 ~~microphotographs, or electronic digitized copy of any records~~
27 ~~made in compliance with the provisions of this section shall~~
28 ~~have the same force and effect as the originals thereof and~~
29 ~~shall be treated as originals for the purpose of their~~
30 ~~admissibility into evidence. Duly certified or authenticated~~
31 ~~reproductions of such photographs, microphotographs, or~~

1 ~~electronically digitized records shall be admitted into~~
2 ~~evidence equally with the original photographs,~~
3 ~~microphotographs, or electronically digitized records.~~

4 Section 174. Subsections (1) and (5) of section
5 320.055, Florida Statutes, are amended to read:

6 320.055 Registration periods; renewal periods.--The
7 following registration periods and renewal periods are
8 established:

9 (1) For a motor vehicle subject to registration under
10 s. 320.08(1), (2), (3)~~(a), (b), (c), (d), or (e)~~, (5)(b), (c),
11 (d), or (f)~~(e)~~, (6)(a), (7), (8), (9), or (10) and owned by a
12 natural person, the registration period begins the first day
13 of the birth month of the owner and ends the last day of the
14 month immediately preceding the owner's birth month in the
15 succeeding year. If such vehicle is registered in the name of
16 more than one person, the birth month of the person whose name
17 first appears on the registration shall be used to determine
18 the registration period. For a vehicle subject to this
19 registration period, the renewal period is the 30-day period
20 ending at midnight on the vehicle owner's date of birth.

21 (5) For a vehicle subject to registration under s.
22 320.08(4), (5)(a)1., (e), ~~or~~ (6)(b), or (14), the registration
23 period shall be a period of 12 months beginning in a month
24 designated by the department and ending on the last day of the
25 12th month. For a vehicle subject to this registration
26 period, the renewal period is the last month of the
27 registration period. The registration period may be shortened
28 or extended at the discretion of the department, on receipt of
29 the appropriate prorated fees, in order to evenly distribute
30 such registrations on a monthly basis.

31

1 Section 175. Paragraph (b) of subsection (1) and
2 paragraph (a) of subsection (3) of section 320.06, Florida
3 Statutes, are amended to read:

4 320.06 Registration certificates, license plates, and
5 validation stickers generally.--

6 (1)

7 (b) Registration license plates bearing a graphic
8 symbol and the alphanumeric system of identification shall be
9 issued for a 5-year period. At the end of said 5-year period,
10 upon renewal, the plate shall be replaced ~~and the department~~
11 ~~shall determine the replacement date for plates issued prior~~
12 ~~to October 1, 1985.~~ The fee for such replacement shall be
13 \$10, \$2 of which shall be paid each year before the plate is
14 replaced, to be credited towards the next \$10 replacement fee.
15 The fees shall be deposited into the Highway Safety Operating
16 Trust Fund. A credit or refund shall not be given for any
17 prior years' payments of such prorated replacement fee when
18 the plate is replaced or surrendered before the end of the
19 5-year period. With each license plate, there shall be issued
20 a validation sticker showing the owner's birth month or the
21 appropriate renewal period if the owner is not a natural
22 person. This validation sticker shall be placed on the upper
23 left corner of the license plate and shall be issued one time
24 during the life of the license plate, or upon request when it
25 has been damaged or destroyed. There shall also be issued
26 with each license plate a serially numbered validation sticker
27 showing the year of expiration, which sticker shall be placed
28 on the upper right corner of the license plate. Such license
29 plate and validation stickers shall be issued based on the
30 applicant's appropriate renewal period. The registration
31 period shall be a period of 12 months, and all expirations

1 shall occur based on the applicant's appropriate registration
2 period. A vehicle with an apportioned registration shall be
3 issued an annual license plate and a cab card that denote the
4 declared gross vehicle weight for each apportioned
5 jurisdiction in which the vehicle is authorized to operate.
6 (3)(a) Registration license plates shall be of metal
7 specially treated with a retroreflective material, as
8 specified by the department. The registration license plate is
9 designed to increase nighttime visibility and legibility and
10 shall be at least 6 inches wide and not less than 12 inches in
11 length, unless a plate with reduced dimensions is deemed
12 necessary by the department to accommodate motorcycles,
13 mopeds, or similar smaller vehicles. Validation stickers shall
14 be treated with a retroreflective material, shall be of such
15 size as specified by the department, and shall adhere to the
16 license plate. The registration license plate shall be
17 imprinted with a combination of bold letters and numerals or
18 numerals, not to exceed seven digits, to identify the
19 registration license plate number. The license plate shall
20 also be imprinted with the word "Florida" at the top and the
21 name of the county in which it is sold at the bottom, except
22 that apportioned license plates shall have the word
23 "Apportioned" at the bottom and license plates issued for
24 vehicles taxed under s. 320.08(3)(d), (4)(m) or (n), (5)(b) or
25 (c), ~~(12)~~, or (14) shall have the word "Restricted" at the
26 bottom. License plates issued for vehicles taxed under s.
27 320.08(12) must be imprinted with the word "Florida" at the
28 top and the word "Dealer" at the bottom, ~~except that~~
29 ~~gross vehicle weight vehicles owned by a licensed motor~~
30 ~~vehicle dealer may be issued a license plate with the word~~
31 ~~"Restricted."~~ License plates issued for vehicles taxed under

1 s. 320.08(5)(d) or (e) must be imprinted with the word
2 "Wrecker" at the bottom. Any county may, upon majority vote
3 of the county commission, elect to have the county name
4 removed from the license plates sold in that county. The words
5 "Sunshine State" shall be printed in lieu thereof. In those
6 counties where the county commission has not removed the
7 county name from the license plate, the tax collector may, in
8 addition to issuing license plates with the county name
9 printed on the license plate, also issue license plates with
10 the words "Sunshine State" printed on the license plate
11 subject to the approval of the department and a legislative
12 appropriation for the additional license plates. A license
13 plate issued for a vehicle taxed under s. 320.08(6) may not be
14 assigned a registration license number, or be issued with any
15 other distinctive character or designation, that distinguishes
16 the motor vehicle as a for-hire motor vehicle.

17 Section 176. Subsection (1) of section 320.0601,
18 Florida Statutes, is amended to read:

19 320.0601 Rental car companies; identification of
20 vehicles as for-hire.--

21 (1) ~~Effective September 1, 1993,~~A rental car company
22 may not rent in this state any for-hire vehicle, other than
23 vehicles designed to transport cargo, that has affixed to its
24 exterior any bumper stickers, insignias, or advertising that
25 identifies the vehicle as a rental vehicle.

26 Section 177. Section 320.0605, Florida Statutes, is
27 amended to read:

28 320.0605 Certificate of registration; possession
29 required; exception.--The registration certificate or an
30 official copy thereof, a true copy of a rental or lease
31 agreement issued for a motor vehicle or issued for a

1 replacement vehicle in the same registration period, or a cab
2 card issued for a vehicle registered under the International
3 Registration Plan shall, at all times while the vehicle is
4 being used or operated on the roads of this state, be in the
5 possession of the operator thereof or be carried in the
6 vehicle for which issued and shall be exhibited upon demand of
7 any authorized law enforcement officer or any agent of the
8 department. The provisions of this section do not apply during
9 the first 30 days after purchase of a replacement vehicle. A
10 violation of this section is a noncriminal traffic infraction,
11 punishable as a nonmoving violation as provided in chapter
12 318.

13 Section 178. Paragraph (a) of subsection (3) of
14 section 320.07, Florida Statutes, is amended to read:

15 320.07 Expiration of registration; annual renewal
16 required; penalties.--

17 (3) The operation of any motor vehicle without having
18 attached thereto a registration license plate and validation
19 stickers, or the use of any mobile home without having
20 attached thereto a mobile home sticker, for the current
21 registration period shall subject the owner thereof, if he or
22 she is present, or, if the owner is not present, the operator
23 thereof to the following penalty provisions:

24 (a) Any person whose motor vehicle or mobile home
25 registration has been expired for a period of 6 months or less
26 commits a noncriminal traffic infraction, punishable as a
27 nonmoving violation as provided in chapter 318 ~~shall be~~
28 ~~subject to the penalty provided in s. 318.14.~~

29 Section 179. Section 320.073, Florida Statutes, is
30 repealed.

31

1 Section 180. Section 320.0802, Florida Statutes, is
2 amended to read:

3 320.0802 Surcharge on license tax.--During the period
4 January 1, 1989, through December 31, 2003, there is hereby
5 levied and imposed on each license tax imposed under s.
6 320.08, except those set forth in s. 320.08(11), a surcharge
7 in the amount of \$1, which shall be collected in the same
8 manner as the license tax and deposited into the State Agency
9 Law Enforcement Radio System Trust Fund of the Department of
10 Management Services. However, the surcharge shall be
11 terminated on midnight December 31, 1994, unless the pilot
12 project established in s. 282.1095 is deemed successful by the
13 joint task force with the concurrence of the Governor and
14 Cabinet as the head of the Department of Management Services
15 ~~General Services~~.

16 Section 181. Paragraph (b) of subsection (7) of
17 section 320.08058, Florida Statutes, is amended to read:

18 320.08058 Specialty license plates.--

19 (7) FLORIDA SPECIAL OLYMPICS LICENSE PLATES.--

20 (b) The license plate annual use fees are to be
21 annually distributed as follows:

22 1. The first \$5 million collected annually must be
23 forwarded to the private nonprofit corporation Florida
24 ~~Developmental Disabilities Planning Council~~ as described in s.
25 393.002 ~~s. 393.001~~ and must be used solely for Special
26 Olympics purposes as approved by the private nonprofit
27 corporation council.

28 2. Any additional fees must be deposited into the
29 General Revenue Fund.

30 Section 182. The catchline to section 320.08062,
31 Florida Statutes, is amended to read:

1 320.08062 Audits required; annual use fees of
2 specialty ~~special~~ license plates.--

3 Section 183. Section 320.087, Florida Statutes, is
4 amended to read:

5 320.087 Intercity buses operated in interstate
6 commerce; tax.--All intercity motor buses owned or operated by
7 residents or nonresidents of this state in interstate commerce
8 or combined interstate and intrastate commerce as a result of
9 which operation such motor buses operate both within and
10 without this state under the authority of the United States
11 Department of Transportation ~~Interstate Commerce Commission~~,
12 are subject to motor vehicle license taxes on a basis
13 commensurate with the use of Florida roads. The department
14 shall require the registration in this state of that
15 percentage of intercity motor buses operating in interstate
16 commerce or combined interstate-intrastate commerce, into or
17 through this state, which the actual mileage operated in this
18 state bears to the total mileage all such intercity motor
19 buses are operated both within and without this state. Such
20 percentage figure, so determined, is the "Florida mileage
21 factor." In determining the state license tax to be paid on
22 the buses actually operated in this state under the foregoing
23 method, the department shall first compute the amount that the
24 state license tax would be if all of such buses were in fact
25 subject to such tax, and then apply to that amount the Florida
26 mileage factor.

27 Section 184. Section 320.1325, Florida Statutes, is
28 amended to read:

29 320.1325 Registration required for the temporarily
30 employed.--Motor vehicles owned or leased by persons who are
31 temporarily employed within the state but are not residents

1 are required to be registered. The department shall provide a
2 temporary registration plate and a registration certificate
3 valid for 90 days to an applicant who is temporarily employed
4 in the state. The temporary registration plate may be renewed
5 one time for an additional 90-day period. At the end of the
6 180-day period of temporary registration, the applicant shall
7 apply for a permanent registration if there is a further need
8 to remain in this state. A temporary license registration
9 plate may not be issued for any commercial motor vehicle as
10 defined in s. 320.01. The fee for the 90-day temporary
11 registration plate shall be \$40 plus the applicable service
12 charge required by s. 320.04. Subsequent permanent
13 registration and titling of a vehicle registered hereunder
14 shall subject the applicant to the fees required by s. ss.
15 ~~319.231~~ and 320.072, in addition to all other taxes and fees
16 required.

17 Section 185. Paragraph (b) of subsection (5) of
18 section 320.20, Florida Statutes, is amended to read:

19 320.20 Disposition of license tax moneys.--The revenue
20 derived from the registration of motor vehicles, including any
21 delinquent fees and excluding those revenues collected and
22 distributed under the provisions of s. 320.081, must be
23 distributed monthly, as collected, as follows:

24 (5)

25 (b) ~~Beginning July 1, 1989,~~The State Comptroller each
26 month shall deposit in the State Transportation Trust Fund an
27 amount, drawn from other funds in the State Treasury which are
28 not immediately needed or are otherwise in excess of the
29 amount necessary to meet the requirements of the State
30 Treasury, which when added to such remaining revenues each
31 month will equal one-twelfth of the amount of the anticipated

1 annual revenues to be deposited in the State Transportation
2 Trust Fund under paragraph (a) as estimated by the most recent
3 revenue estimating conference held pursuant to s. 216.136(3).
4 The transfers required hereunder may be suspended by action of
5 the Administration Commission in the event of a significant
6 shortfall of state revenues.

7 Section 186. Subsection (4) of section 320.8255,
8 Florida Statutes, is amended to read:

9 320.8255 Mobile home inspection.--

10 (4) The department shall determine fees for special
11 inspections and for the label ~~seat~~ authorized under s. 320.827
12 which are sufficient to cover the cost of inspection and
13 administration under this section. Fees collected shall be
14 deposited into the General Revenue Fund.

15 Section 187. Section 320.8256, Florida Statutes, is
16 repealed.

17 Section 188. Subsection (6) of section 321.05, Florida
18 Statutes, is amended to read:

19 321.05 Duties, functions, and powers of patrol
20 officers.--The members of the Florida Highway Patrol are
21 hereby declared to be conservators of the peace and law
22 enforcement officers of the state, with the common-law right
23 to arrest a person who, in the presence of the arresting
24 officer, commits a felony or commits an affray or breach of
25 the peace constituting a misdemeanor, with full power to bear
26 arms; and they shall apprehend, without warrant, any person in
27 the unlawful commission of any of the acts over which the
28 members of the Florida Highway Patrol are given jurisdiction
29 as hereinafter set out and deliver him or her to the sheriff
30 of the county that further proceedings may be had against him
31 or her according to law. In the performance of any of the

1 powers, duties, and functions authorized by law, members of
2 the Florida Highway Patrol shall have the same protections and
3 immunities afforded other peace officers, which shall be
4 recognized by all courts having jurisdiction over offenses
5 against the laws of this state, and shall have authority to
6 apply for, serve, and execute search warrants, arrest
7 warrants, capias, and other process of the court in those
8 matters in which patrol officers have primary responsibility
9 as set forth in subsection (1). The patrol officers under the
10 direction and supervision of the Department of Highway Safety
11 and Motor Vehicles shall perform and exercise throughout the
12 state the following duties, functions, and powers:

13 (6)~~(a)~~ The Division of Florida Highway Patrol is
14 authorized to promulgate rules and regulations which may be
15 necessary to implement the provisions of chapter 316.

16 ~~(b) The authority of the Florida Highway Patrol to~~
17 ~~adopt safety rules shall expire on July 1, 1982.~~

18 Section 189. Sections 321.06, 321.07, 321.09, 321.12,
19 321.15, 321.17, 321.18, 321.19, 321.191, 321.20, 321.201,
20 321.202, 321.203, 321.21, 321.22, 321.2205, 321.221, 321.222,
21 and 321.223, Florida Statutes, are repealed.

22 Section 190. Subsection (2) of section 322.055,
23 Florida Statutes, is amended to read:

24 322.055 Revocation or suspension of, or delay of
25 eligibility for, driver's license for persons 18 years of age
26 or older convicted of certain drug offenses.--

27 (2) If a person 18 years of age or older is convicted
28 for the possession or sale of, trafficking in, or conspiracy
29 to possess, sell, or traffic in a controlled substance and
30 such person is eligible by reason of age for a driver's
31 license or privilege, the court shall direct the department to

1 withhold issuance of such person's driver's license or driving
2 privilege for a period of 2 years after the date the person
3 was convicted or until the person is evaluated for and, if
4 deemed necessary by the evaluating agency, completes a drug
5 treatment and rehabilitation program approved or regulated by
6 the Department of Health ~~and Rehabilitative Services~~. However,
7 the court may, in its sound discretion, direct the department
8 to issue a license for driving privileges restricted to
9 business or employment purposes only, as defined by s.
10 322.271, if the person is otherwise qualified for such a
11 license. A driver whose license or driving privilege has been
12 suspended or revoked under this section or s. 322.056 may,
13 upon the expiration of 6 months, petition the department for
14 restoration of the driving privilege on a restricted or
15 unrestricted basis depending on the length of suspension or
16 revocation. In no case shall a restricted license be available
17 until 6 months of the suspension or revocation period has
18 expired.

19 Section 191. Subsection (5) of section 322.08, Florida
20 Statutes, is amended to read:

21 322.08 Application for license.--

22 (5) ~~After December 31, 1989,~~The department may not
23 issue a driver's license to a person who has never been issued
24 a driver's license in any jurisdiction until he or she
25 successfully completes the traffic law and substance abuse
26 education course prescribed in s. 322.095.

27 Section 192. Subsection (2) of section 322.12, Florida
28 Statutes, is amended to read:

29 322.12 Examination of applicants.--

30 (2) The department shall examine every applicant for a
31 driver's license, including an applicant who is licensed in

1 another state or country, except as otherwise provided in this
2 chapter. A person who holds a learner's driver's license as
3 provided for in s. 322.1615 ~~s. 322.161~~ is not required to pay
4 a fee for successfully completing the examination showing his
5 or her ability to operate a motor vehicle as provided for
6 herein and need not pay the fee for a replacement license as
7 provided in s. 322.17(2). Any person who applies for
8 reinstatement following the suspension or revocation of his or
9 her driver's license shall pay a service fee of \$25 following
10 a suspension, and \$50 following a revocation, which is in
11 addition to the fee for a license. Any person who applies for
12 reinstatement of a commercial driver's license following the
13 disqualification of his or her privilege to operate a
14 commercial motor vehicle shall pay a service fee of \$50, which
15 is in addition to the fee for a license. The department shall
16 collect all of these fees at the time of reinstatement. The
17 department shall issue proper receipts for such fees and shall
18 promptly transmit all funds received by it as follows:

19 (a) Of the \$25 fee received from a licensee for
20 reinstatement following a suspension, the department shall
21 deposit \$15 in the General Revenue Fund and the remaining \$10
22 in the Highway Safety Operating Trust Fund.

23 (b) Of the \$50 fee received from a licensee for
24 reinstatement following a revocation or disqualification, the
25 department shall deposit \$35 in the General Revenue Fund and
26 the remaining \$15 in the Highway Safety Operating Trust Fund.

27
28 If the revocation or suspension of the driver's license was
29 for a violation of s. 316.193, or for refusal to submit to a
30 lawful breath, blood, or urine test, an additional fee of \$105
31 must be charged. However, only one such \$105 fee is to be

1 collected from one person convicted of such violations arising
2 out of the same incident. The department shall collect the
3 \$105 fee and deposit it into the Highway Safety Operating
4 Trust Fund at the time of reinstatement of the person's
5 driver's license, but the fee must not be collected if the
6 suspension or revocation was overturned.

7 Section 193. Paragraph (a) of subsection (3) of
8 section 322.121, Florida Statutes, is amended to read:

9 322.121 Periodic reexamination of all drivers.--

10 (3) For each licensee whose driving record does not
11 show any revocations, disqualifications, or suspensions for
12 the preceding 7 years or any convictions for the preceding 3
13 years except for convictions of the following nonmoving
14 violations:

15 (a) Failure to exhibit a vehicle registration
16 certificate, rental agreement, or cab card pursuant to s.
17 320.0605~~(1)~~;

18
19 the department shall cause such licensee's license to be
20 prominently marked with the notation "Safe Driver."

21 Section 194. Paragraph (a) of subsection (2) of
22 section 322.141, Florida Statutes, is amended to read:

23 322.141 Color of licenses.--

24 (2)(a) ~~Effective January 1, 1990,~~All licenses for the
25 operation of motor vehicles originally issued or reissued by
26 the department to persons who have insulin-dependent diabetes
27 may, at the request of the applicant, have distinctive
28 markings separate and distinct from all other licenses issued
29 by the department.

30 Section 195. Subsection (4) is added to section
31 322.15, Florida Statutes, to read:

1 322.15 License to be carried and exhibited on demand;
2 fingerprint to be imprinted upon a citation.--

3 (4) A violation of this section is a noncriminal
4 traffic infraction, punishable as a nonmoving violation as
5 provided in chapter 318.

6 Section 196. Subsection (7) of section 322.20, Florida
7 Statutes, is amended to read:

8 322.20 Records of the department; fees; destruction of
9 records.--

10 (7) The requirement for the department to keep records
11 shall terminate upon the death of an individual licensed by
12 the department upon notification by the Department of Health
13 ~~and Rehabilitative Services~~ of such death. The department
14 shall make such notification as is proper of the deletions
15 from their records to the court clerks of the state.

16 Section 197. Section 322.264, Florida Statutes, is
17 reenacted to read:

18 322.264 "Habitual traffic offender" defined.--A
19 "habitual traffic offender" is any person whose record, as
20 maintained by the Department of Highway Safety and Motor
21 Vehicles, shows that such person has accumulated the specified
22 number of convictions for offenses described in subsection (1)
23 or subsection (2) within a 5-year period:

24 (1) Three or more convictions of any one or more of
25 the following offenses arising out of separate acts:

26 (a) Voluntary or involuntary manslaughter resulting
27 from the operation of a motor vehicle;

28 (b) Any violation of s. 316.193, former s. 316.1931,
29 or former s. 860.01;

30 (c) Any felony in the commission of which a motor
31 vehicle is used;

1 (d) Driving a motor vehicle while his or her license
2 is suspended or revoked;

3 (e) Failing to stop and render aid as required under
4 the laws of this state in the event of a motor vehicle
5 accident resulting in the death or personal injury of another;
6 or

7 (f) Driving a commercial motor vehicle while his or
8 her privilege is disqualified.

9 (2) Fifteen convictions for moving traffic offenses
10 for which points may be assessed as set forth in s. 322.27,
11 including those offenses in subsection (1).

12
13 Any violation of any federal law, any law of another state or
14 country, or any valid ordinance of a municipality or county of
15 another state similar to a statutory prohibition specified in
16 subsection (1) or subsection (2) shall be counted as a
17 violation of such prohibition. In computing the number of
18 convictions, all convictions during the 5 years previous to
19 July 1, 1972, will be used, provided at least one conviction
20 occurs after that date. The fact that previous convictions
21 may have resulted in suspension, revocation, or
22 disqualification under another section does not exempt them
23 from being used for suspension or revocation under this
24 section as a habitual offender.

25 Section 198. Subsection (3) of section 322.27, Florida
26 Statutes, is amended to read:

27 322.27 Authority of department to suspend or revoke
28 license.--

29 (3) There is established a point system for evaluation
30 of convictions of violations of motor vehicle laws or
31 ordinances, and violations of applicable provisions of s.

1 403.413(6)(b)~~(5)(b)~~when such violations involve the use of
2 motor vehicles, for the determination of the continuing
3 qualification of any person to operate a motor vehicle. The
4 department is authorized to suspend the license of any person
5 upon showing of its records or other good and sufficient
6 evidence that the licensee has been convicted of violation of
7 motor vehicle laws or ordinances, or applicable provisions of
8 s. 403.413(6)(b)~~(5)(b)~~, amounting to 12 or more points as
9 determined by the point system. The suspension shall be for a
10 period of not more than 1 year.

11 (a) When a licensee accumulates 12 points within a
12 12-month period, the period of suspension shall be for not
13 more than 30 days.

14 (b) When a licensee accumulates 18 points, including
15 points upon which suspension action is taken under paragraph
16 (a), within an 18-month period, the suspension shall be for a
17 period of not more than 3 months.

18 (c) When a licensee accumulates 24 points, including
19 points upon which suspension action is taken under paragraphs
20 (a) and (b), within a 36-month period, the suspension shall be
21 for a period of not more than 1 year.

22 (d) The point system shall have as its basic element a
23 graduated scale of points assigning relative values to
24 convictions of the following violations:

- 25 1. Reckless driving, willful and wanton--4 points.
- 26 2. Leaving the scene of an accident resulting in
27 property damage of more than \$50--6 points.
- 28 3. Unlawful speed resulting in an accident--6 points.
- 29 4. Passing a stopped school bus--4 points.
- 30 5. Unlawful speed:
- 31

- 1 a. Not in excess of 15 miles per hour of lawful or
2 posted speed--3 points.
- 3 b. In excess of 15 miles per hour of lawful or posted
4 speed--4 points.
- 5 6. All other moving violations (including parking on a
6 highway outside the limits of a municipality)--3 points.
7 However, no points shall be imposed for a violation of s.
8 316.0741 or s. 316.2065(12).
- 9 7. Any moving violation covered above, excluding
10 unlawful speed, resulting in an accident--4 points.
- 11 8. Any conviction under s. 403.413(5)(b)--3 points.
- 12 (e) A conviction in another state of a violation
13 therein which, if committed in this state, would be a
14 violation of the traffic laws of this state, or a conviction
15 of an offense under any federal law substantially conforming
16 to the traffic laws of this state, except a violation of s.
17 322.26, may be recorded against a driver on the basis of the
18 same number of points received had the conviction been made in
19 a court of this state.
- 20 (f) In computing the total number of points, when the
21 licensee reaches the danger zone, the department is authorized
22 to send the licensee a warning letter advising that any
23 further convictions may result in suspension of his or her
24 driving privilege.
- 25 (g) The department shall administer and enforce the
26 provisions of this law and may make rules and regulations
27 necessary for its administration.
- 28 (h) Three points shall be deducted from the driver
29 history record of any person whose driving privilege has been
30 suspended only once pursuant to this subsection and has been
31

1 reinstated, if such person has complied with all other
2 requirements of this chapter.

3 (i) This subsection shall not apply to persons
4 operating a nonmotorized vehicle for which a driver's license
5 is not required.

6 Section 199. Section 322.292, Florida Statutes, is
7 amended to read:

8 322.292 DUI programs supervision; powers and duties of
9 the department.--

10 (1) The Department of Highway Safety and Motor
11 Vehicles shall license and regulate all DUI programs, which
12 regulation shall include the certification of instructors,
13 evaluators, clinical supervisors, and evaluator supervisors.
14 The department shall, after consultation with the chief judge
15 of the affected judicial circuit, establish requirements
16 regarding the number of programs to be offered within a
17 judicial circuit. Such requirements shall address the number
18 of clients currently served in the circuit as well as
19 improvements in service that may be derived from operation of
20 an additional DUI program. DUI education and evaluation
21 services are exempt from licensure under chapter ~~chapters 396~~
22 ~~and~~ 397. However, treatment programs must continue to be
23 licensed under chapter ~~chapters 396 and~~ 397.

24 (2) The department shall adopt rules to implement its
25 supervisory authority over DUI programs in accordance with the
26 procedures of chapter 120, including the establishment of
27 uniform standards of operation for DUI programs and the method
28 for setting and approving fees, as follows:

29 (a) Establish rules ~~minimum standards~~ for statutorily
30 required education, evaluation, and supervision of DUI
31 offenders. Such rules ~~minimum standards~~ previously adopted by

1 the Traffic Court Review Committee of the Supreme Court of
2 Florida shall remain in effect unless modified by the
3 department.

4 (b) Establish rules ~~minimum standards~~ for the
5 administration and financial management of DUI programs,
6 including, but not limited to:

7 1. Rules ~~Standards~~ governing the types of expenditures
8 that may be made by DUI programs from funds paid by persons
9 attending such programs.

10 2. Rules ~~Standards~~ for financial reporting that
11 require data on DUI programs expenditures in sufficient detail
12 to support reasonable and informed decisions concerning the
13 fees that are to be assessed those attending DUI programs.
14 The department shall perform financial audits of DUI programs
15 required under this section or require that financial audits
16 of the programs be performed by certified public accountants
17 at program expense and submitted directly from the auditor to
18 the department.

19 3. Rules for ~~Standards of~~ reciprocity in relation to
20 DUI programs in other states or countries that have programs
21 similar to the DUI programs licensed by the department.

22 4. Such other rules ~~standards~~ as the department deems
23 appropriate and necessary for the effective oversight of the
24 DUI programs.

25 (c) Implement procedures for the granting and revoking
26 of licenses for DUI programs.

27 (d) Establish a fee structure for the various programs
28 offered by the DUI programs, based only on the reasonable and
29 necessary costs for operating the programs throughout the
30 state. The department shall approve, modify, or reduce fees as
31 necessary. ~~The DUI programs fees that are in effect on January~~

1 ~~1, 1994, shall remain in effect until the department adopts a~~
2 ~~fee schedule for the DUI programs system. After the adoption~~
3 ~~of the schedule, the programs shall adjust their fees to~~
4 ~~conform with the established amounts.~~

5 (e) Establish policies and procedures for monitoring
6 DUI programs compliance with all rules ~~minimum standards~~
7 established by the department.

8 (f) The department shall oversee an ongoing evaluation
9 to assess the effectiveness of the DUI programs. This
10 evaluation shall be performed by an independent group and
11 shall evaluate the curriculum, client treatment referrals,
12 recidivism rates, and any other relevant matters. ~~The~~
13 ~~department shall report to the Legislature by January 1, 1995,~~
14 ~~on the status of the evaluation, including its design and~~
15 ~~schedule for completion.~~The department may use funds received
16 under s. 322.293 to retain the services and reimburse expenses
17 of such private persons or professional consultants as are
18 required for monitoring and evaluating DUI programs.

19 (g) Investigate complaints about the DUI programs and
20 resolve problems in the provision of services to DUI
21 offenders, as needed.

22 (3) ~~All DUI programs and certified program personnel~~
23 ~~providing DUI programs services that meet the department's~~
24 ~~standards and that are operating on January 1, 1994, may~~
25 ~~remain in operation until the department's license procedures~~
26 ~~are in place. At that time the DUI programs and certified~~
27 ~~program personnel may apply for relicensure.~~

28 ~~(4)~~ DUI programs shall be either governmental programs
29 or not-for-profit corporations.

30 ~~(5)~~ ~~The department shall report to the Supreme Court~~
31 ~~by December 1, 1994, and by December 31 of each succeeding~~

1 ~~year through 1996, on the general status of the statewide~~
2 ~~program. This report must include programmatic and statistical~~
3 ~~information regarding the number of licensed programs,~~
4 ~~enrollment and referral figures, program monitoring and~~
5 ~~evaluation activities, and findings, and the general steps~~
6 ~~taken by the department to implement the provisions of this~~
7 ~~section.~~

8 Section 200. Section 322.293, Florida Statutes, is
9 amended to read:

10 322.293 DUI Programs Coordination Trust Fund;
11 assessment; disposition.--

12 (1) ~~The DUI Programs Coordination Trust Fund, created~~
13 ~~pursuant to chapter 81-208, Laws of Florida, shall be~~
14 ~~transferred to the department with all funds therein on~~
15 ~~January 1, 1994. The DUI Programs Coordination Office shall~~
16 ~~be transferred from the budget of the Supreme Court to the~~
17 ~~Department of Highway Safety and Motor Vehicles Division of~~
18 ~~Driver Licenses. The transfer shall include all of the~~
19 ~~statutory powers, duties and functions, records, personnel,~~
20 ~~property, and unexpended balances of appropriations,~~
21 ~~allocations, and other funds. All personnel shall be~~
22 ~~transferred at their current classifications and levels of~~
23 ~~compensation. Any legal commitments, contracts, and other~~
24 ~~obligations heretofore entered into on behalf of or assumed by~~
25 ~~the DUI Programs Coordination Office in connection with the~~
26 ~~performance of its functions and duties are charged to and~~
27 ~~shall be performed by the department.~~

28 (2) The DUI Programs Coordination Trust Fund shall be
29 administered by the department, and the costs of
30 administration shall be borne by the fund. All funds received
31 by the DUI Programs Coordination Trust Fund shall be used

1 solely for the purposes set forth in this section and s.
2 322.292. However, if the Legislature passes legislation
3 consolidating existing trust funds assigned to the department,
4 all funds remaining in and deposited to the DUI Programs
5 Coordination Trust Fund shall be transferred to the
6 consolidated trust funds, subject to their being earmarked for
7 use solely for the purposes set forth in this section and s.
8 322.292.

9 (2)~~(3)~~ Each DUI program shall assess \$12 against each
10 person enrolling in a DUI program at the time of enrollment,
11 including persons who transfer to or from a program in another
12 state. In addition, second and third offenders and those
13 offenders under permanent driver's-license revocation who are
14 evaluated for eligibility for license restrictions under s.
15 322.271(2)(b) and (4) shall be assessed \$12 upon enrollment in
16 the program and upon each subsequent anniversary date while
17 they are in the program, for the duration of the license
18 period.

19 (3)~~(4)~~ All assessments collected under this section
20 shall be forwarded to the DUI Programs Coordination Trust Fund
21 within 30 days after the last day of the month in which the
22 assessment was received.

23 Section 201. Paragraph (b) of subsection (1) of
24 section 322.57, Florida Statutes, is amended to read:

25 322.57 Tests of knowledge concerning specified
26 vehicles; endorsement; nonresidents; violations.--

27 (1) In addition to fulfilling any other driver's
28 licensing requirements of this chapter, a person who:

29 (b) Drives a passenger vehicle must successfully
30 complete a test of his or her knowledge concerning the safe
31 operation of such vehicles and a test of his or her driving

1 skill in such a vehicle. ~~However, if such a person satisfies~~
2 ~~the requirements of s. 322.55(1)-(3), he or she is exempt from~~
3 ~~the test of his or her driving skills.~~

4 Section 202. Subsection (1) of section 324.202,
5 Florida Statutes, is amended to read:

6 324.202 Seizure of motor vehicle license plates by
7 recovery agents.--

8 (1) The Department of Highway Safety and Motor
9 Vehicles shall implement a pilot project in Broward County,
10 Dade County, and Hillsborough County to determine the
11 effectiveness of using recovery agents for the seizure of
12 license plates. ~~On October 1, 1996, the department shall~~
13 ~~provide a report to the President of the Senate, the Speaker~~
14 ~~of the House of Representatives, the chair of the Senate~~
15 ~~Commerce Committee, the chair of the House Insurance~~
16 ~~Committee, and the Majority and Minority Leaders of the Senate~~
17 ~~and the House of Representatives, on the results of the pilot~~
18 ~~project.~~Licensed recovery agents and recovery agencies as
19 described in s. 493.6101(20) and (21) may seize license plates
20 of motor vehicles whose registrations have been suspended
21 pursuant to s. 316.646 or s. 627.733 in such counties upon
22 compliance with this section and rules of the Department of
23 Highway Safety and Motor Vehicles.

24 Section 203. Sections 325.01, 325.02, 325.03, 325.04,
25 325.05, 325.06, 325.07, 325.08, 325.09, and 325.10, Florida
26 Statutes, are repealed.

27 Section 204. Paragraph (c) of subsection (2) of
28 section 325.209, Florida Statutes, is amended to read:

29 325.209 Waivers.--

30 (2) Before a waiver may be issued, the following
31 criteria must be met:

1 (c) The owner must have spent the required minimum
2 amount for emissions-related repairs on the vehicle within the
3 180-day ~~90-day~~ period prescribed in s. 325.203(1), not
4 including the amount spent to repair or replace air pollution
5 control equipment that has been tampered with.
6 Emissions-related repairs performed within 30 days prior to
7 inspection may also be considered under this provision. For
8 any vehicle the registration period for which is established
9 under s. 320.055(4) or (5), the required minimum amount for
10 emissions-related repairs must be spent by the owner within
11 180 ~~90~~ days before the expiration of the registration period.
12 The required minimum amount that must have been spent on
13 related repairs is:

14 1. For motor vehicles designated as model years 1975
15 through 1979: \$100; and

16 2. For motor vehicles designated as model year 1980
17 and thereafter: \$200;

18 Section 205. Subsection (2) of section 325.212,
19 Florida Statutes, is reenacted to read:

20 325.212 Reinspections; reinspection facilities; rules;
21 minority business participation.--

22 (2) Any motor vehicle repair shop, as defined in s.
23 559.903(7), may apply to the department, on a form approved by
24 the department, to be licensed as a reinspection facility to
25 reinspect motor vehicles which fail to pass inspections
26 required by this act.

27 Section 206. Paragraph (c) of subsection (12) of
28 section 327.25, Florida Statutes, is amended to read:

29 327.25 Classification; registration; fees and charges;
30 surcharge; disposition of fees; fines; marine turtle
31 stickers.--

1 (12) REGISTRATION.--

2 (c) ~~Effective July 1, 1996,~~The following registration
3 periods and renewal periods are established:

4 1. For vessels owned by individuals, the registration
5 period begins the first day of the birth month of the owner
6 and ends the last day of the month immediately preceding the
7 owner's birth month in the succeeding year. If the vessel is
8 registered in the name of more than one person, the birth
9 month of the person whose name first appears on the
10 registration shall be used to determine the registration
11 period. For a vessel subject to this registration period, the
12 renewal period is the 30-day period ending at midnight on the
13 vessel owner's date of birth.

14 2. For vessels owned by companies, corporations,
15 governmental entities, those entities listed under subsection
16 ~~(15)~~(11), and registrations issued to dealers and
17 manufacturers, the registration period begins July 1 and ends
18 June 30. The renewal period is the 30-day period beginning
19 June 1.

20 Section 207. Subsection (1) of section 328.17, Florida
21 Statutes, is reenacted to read:

22 328.17 Nonjudicial sale of vessels.--

23 (1) It is the intent of the Legislature that any
24 nonjudicial sale of any unclaimed vessel held for unpaid costs
25 of repairs, improvements, or other work and related storage
26 charges, or any vessel held for failure to pay removal costs
27 pursuant to s. 327.53(7), or any undocumented vessel in
28 default of marina storage fees be disposed of pursuant to the
29 provisions of this section.

30 Section 208. Section 627.7415, Florida Statutes, is
31 amended to read:

1 627.7415 Commercial motor vehicles; additional
2 liability insurance coverage.--Commercial motor vehicles, as
3 defined in s. 207.002(2) or s. 320.01, operated upon the roads
4 and highways of this state shall be insured with the following
5 minimum levels of combined bodily liability insurance and
6 property damage liability insurance in addition to any other
7 insurance requirements:

8 (1) Fifty thousand dollars per occurrence for a
9 commercial motor vehicle with a gross vehicle weight of 26,000
10 pounds or more, but less than 35,000 pounds.

11 (2) One hundred thousand dollars per occurrence for a
12 commercial motor vehicle with a gross vehicle weight of 35,000
13 pounds or more, but less than 44,000 pounds.

14 (3) Three hundred thousand dollars per occurrence for
15 a commercial motor vehicle with a gross vehicle weight of
16 44,000 pounds or more.

17 (4) All commercial motor vehicles subject to
18 regulations of the United States Department of Transportation,
19 Title 49 C.F.R. part 387, subpart A, and as may be hereinafter
20 amended, shall be insured in an amount equivalent to the
21 minimum levels of financial responsibility as set forth in
22 such regulations.

23
24 A violation of this section is a noncriminal traffic
25 infraction, punishable as a nonmoving violation as provided in
26 chapter 318..

27 Section 209. Subsection (3) is added to section
28 627.742, Florida Statutes, to read:

29 627.742 Nonpublic sector buses; additional liability
30 insurance coverage.--

31

1 (3) A violation of this section is a noncriminal
2 traffic infraction, punishable as a nonmoving violation as
3 provided in chapter 318.

4 Section 210. This act shall take effect upon becoming
5 a law.

6
7 *****

8 HOUSE SUMMARY

9
10 Revises, reenacts, and amends various provisions of the
11 Florida Statutes relating to highway safety and motor
12 vehicles to delete obsolete language, to provide a
13 uniform reference to noncriminal traffic infractions
14 punishable under chapter 318, F.S., and to make technical
15 changes to the state statutes governing highway safety
16 and motor vehicles and vessels. See bill for details.

14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31