

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Kyle offered the following:

Amendment (with title amendment)

On page 86, line 19,

insert:

Section 72. Subsection (69) of section 316.003, Florida Statutes, 1998 Supplement, is reenacted to read:
316.003 Definitions.--The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

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

Section 73. Paragraph (k) of subsection (1) and subsection (6) of section 316.008, Florida Statutes, are amended to read:

316.008 Powers of local authorities.--

1 (1) The provisions of this chapter shall not be deemed
2 to prevent local authorities, with respect to streets and
3 highways under their jurisdiction and within the reasonable
4 exercise of the police power, from:

5 (k) Requiring written crash ~~accident~~ reports.

6 (6) A county or municipality may enact an ordinance
7 providing for the establishment of a "combat automobile theft"
8 program, and may charge a fee for the administration of the
9 program and the cost of the decal. Such a program shall
10 include:

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

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

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

1 Section 74. Section 316.027, Florida Statutes, is
2 amended to read:

3 316.027 Crash Accidents involving death or personal
4 injuries.--

5 (1)(a) The driver of any vehicle involved in a crash
6 ~~an accident~~ resulting in injury of any person must immediately
7 stop the vehicle at the scene of the crash accident, or as
8 close thereto as possible, and must remain at the scene of the
9 crash accident until he or she has fulfilled the requirements
10 of s. 316.062. Any person who willfully violates this
11 paragraph is guilty of a felony of the third degree,
12 punishable as provided in s. 775.082, s. 775.083, or s.
13 775.084.

14 (b) The driver of any vehicle involved in a crash ~~an~~
15 ~~accident~~ resulting in the death of any person must immediately
16 stop the vehicle at the scene of the crash accident, or as
17 close thereto as possible, and must remain at the scene of the
18 crash accident until he or she has fulfilled the requirements
19 of s. 316.062. Any person who willfully violates this
20 paragraph is guilty of a felony of the second degree,
21 punishable as provided in s. 775.082, s. 775.083, or s.
22 775.084.

23 (2) The department shall revoke the driver's license
24 of the person so convicted.

25 (3) Every stop must be made without obstructing
26 traffic more than is necessary, and, if a damaged vehicle is
27 obstructing traffic, the driver of the vehicle must make every
28 reasonable effort to move the vehicle or have it moved so as
29 not to obstruct the regular flow of traffic. Any person who
30 fails to comply with this subsection shall be cited for a
31 nonmoving violation, punishable as provided in chapter 318.

1 (4) A person whose commission of a noncriminal traffic
2 infraction or any violation of this chapter or s. 240.265
3 causes or results in the death of another person may, in
4 addition to any other civil, criminal, or administrative
5 penalty imposed, be required by the court to serve 120
6 community service hours in a trauma center or hospital that
7 regularly receives victims of vehicle accidents, under the
8 supervision of a registered nurse, an emergency room
9 physician, or an emergency medical technician pursuant to a
10 voluntary community service program operated by the trauma
11 center or hospital.

12 Section 75. Section 316.061, Florida Statutes, is
13 amended to read:

14 316.061 Crashes ~~Accidents~~ involving damage to vehicle
15 or property.--

16 (1) The driver of any vehicle involved in a crash ~~an~~
17 ~~accident~~ resulting only in damage to a vehicle or other
18 property which is driven or attended by any person shall
19 immediately stop such vehicle at the scene of such crash
20 ~~accident~~ or as close thereto as possible, and shall forthwith
21 return to, and in every event shall remain at, the scene of
22 the crash ~~accident~~ until he or she has fulfilled the
23 requirements of s. 316.062. A person who violates this
24 subsection commits a misdemeanor of the second degree,
25 punishable as provided in s. 775.082 or s. 775.083. ~~Any person~~
26 ~~failing to stop or comply with said requirements shall, upon~~
27 ~~conviction, be punished by a fine of not more than \$500 or by~~
28 ~~imprisonment for not more than 60 days or by both such fine~~
29 ~~and imprisonment.~~ Notwithstanding any other provision of this
30 section, \$5 shall be added to a fine imposed pursuant to this
31 section, which \$5 shall be deposited in the Emergency Medical

1 Services Trust Fund.

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

9 Section 76. Section 316.062, Florida Statutes, is
10 amended to read:

11 316.062 Duty to give information and render aid.--

12 (1) The driver of any vehicle involved in a crash ~~an~~
13 ~~accident~~ resulting in injury to or death of any person or
14 damage to any vehicle or other property which is driven or
15 attended by any person shall give his or her name, address,
16 and the registration number of the vehicle he or she is
17 driving, and shall upon request and if available exhibit his
18 or her license or permit to drive, to any person injured in
19 such crash ~~accident~~ or to the driver or occupant of or person
20 attending any vehicle or other property damaged in the crash
21 ~~accident~~ and shall give such information and, upon request,
22 exhibit such license or permit to any police officer at the
23 scene of the crash ~~accident~~ or who is investigating the crash
24 ~~accident~~ and shall render to any person injured in the crash
25 ~~accident~~ reasonable assistance, including the carrying, or the
26 making of arrangements for the carrying, of such person to a
27 physician, surgeon, or hospital for medical or surgical
28 treatment if it is apparent that treatment is necessary, or if
29 such carrying is requested by the injured person.

30 (2) In the event none of the persons specified are in
31 condition to receive the information to which they otherwise

1 would be entitled under subsection (1), and no police officer
2 is present, the driver of any vehicle involved in such crash
3 ~~accident~~, after fulfilling all other requirements of s.
4 316.027 and subsection (1), insofar as possible on his or her
5 part to be performed, shall forthwith report the crash
6 ~~accident~~ to the nearest office of a duly authorized police
7 authority and submit thereto the information specified in
8 subsection (1).

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

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

17 Section 77. Section 316.063, Florida Statutes, is
18 amended to read:

19 316.063 Duty upon damaging unattended vehicle or other
20 property.--

21 (1) The driver of any vehicle which collides with, or
22 is involved in a crash ~~an accident~~ with, any vehicle or other
23 property which is unattended, resulting in any damage to such
24 other vehicle or property, shall immediately stop and shall
25 then and there either locate and notify the operator or owner
26 of the vehicle or other property of the driver's name and
27 address and the registration number of the vehicle he or she
28 is driving, or shall attach securely in a conspicuous place in
29 or on the vehicle or other property a written notice giving
30 the driver's name and address and the registration number of
31 the vehicle he or she is driving, and shall without

1 unnecessary delay notify the nearest office of a duly
2 authorized police authority. Every such stop shall be made
3 without obstructing traffic more than is necessary. If a
4 damaged vehicle is obstructing traffic, the driver shall make
5 every reasonable effort to move the vehicle or have it moved
6 so as not to obstruct the regular flow of traffic. Any person
7 who fails to comply with this subsection commits a misdemeanor
8 of the second degree, punishable as provided in s. 775.082 or
9 s. 775.083.

10 (2) The law enforcement officer at the scene of a
11 crash ~~an accident~~ required to be reported in accordance with
12 the provisions of subsection (1) or the law enforcement
13 officer receiving a report by a driver as required by
14 subsection (1) shall, if part or any of the property damaged
15 is a fence or other structure used to house or contain
16 livestock, promptly make a reasonable effort to notify the
17 owner, occupant, or agent of this damage.

18 Section 78. Section 316.064, Florida Statutes, is
19 amended to read:

20 316.064 When driver unable to report.--

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

24 (2) Whenever the driver of a vehicle is physically
25 incapable of making an immediate or a written report of a
26 crash ~~an accident~~, as required in ss. 316.065 and 316.066, and
27 there was another occupant in the vehicle at the time of the
28 crash ~~accident~~ capable of making a report, such occupant shall
29 make or cause to be made the report not made by the driver.

30 (3) Whenever the driver is physically incapable of
31 making a written report of a crash ~~an accident~~ as required in

1 this chapter, then the owner of the vehicle involved in the
2 crash accident shall, within 10 days after the crash accident,
3 make such report not made by the driver.

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

7 Section 79. Section 316.065, Florida Statutes, is
8 amended to read:

9 316.065 Crashes ~~Accidents~~; reports; penalties.--

10 (1) The driver of a vehicle involved in a crash an
11 ~~accident~~ resulting in injury to or death of any persons or
12 damage to any vehicle or other property in an apparent amount
13 of at least \$500 shall immediately by the quickest means of
14 communication give notice of the crash accident to the local
15 police department, if such crash accident occurs within a
16 municipality; otherwise, to the office of the county sheriff
17 or the nearest office or station of the Florida Highway
18 Patrol. A violation of this subsection is a noncriminal
19 traffic infraction, punishable as a nonmoving violation as
20 provided in chapter 318.

21 (2) Every coroner or other official performing like
22 functions, upon learning of the death of a person in his or
23 her jurisdiction as the result of a traffic crash accident,
24 shall immediately notify the nearest office or station of the
25 department.

26 (3) Any person in charge of any garage or repair shop
27 to which is brought any motor vehicle which shows evidence of
28 having been struck by a bullet, or any other person to whom is
29 brought for the purpose of repair a motor vehicle showing such
30 evidence, shall make a report, or cause a report to be made,
31 to the nearest local police station or Florida Highway Patrol

1 office within 24 hours after the motor vehicle is received and
2 before any repairs are made to the vehicle. The report shall
3 contain the year, license number, make, model, and color of
4 the vehicle and the name and address of the owner or person in
5 possession of the vehicle.

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

13 Section 80. Section 316.066, Florida Statutes, is
14 amended to read:

15 316.066 Written reports of crashes ~~accidents~~.--

16 (1) The driver of a vehicle which is in any manner
17 involved in a crash ~~an accident~~ resulting in bodily injury to
18 or death of any person or damage to any vehicle or other
19 property in an apparent amount of at least \$500 shall, within
20 10 days after the crash ~~accident~~, forward a written report of
21 such crash ~~accident~~ to the department or traffic records
22 center. However, when the investigating officer has made a
23 written report of the crash ~~accident~~ pursuant to paragraph
24 (3)(a), no written report need be forwarded to the department
25 or traffic records center by the driver.

26 (2) The receiving entity may require any driver of a
27 vehicle involved in a crash ~~an accident~~ of which a written
28 report must be made as provided in this section to file
29 supplemental written reports whenever the original report is
30 insufficient in the opinion of the department and may require
31 witnesses of crashes ~~accidents~~ to render reports to the

1 department.

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

5 1. Which crash ~~accident~~ resulted in death or personal
6 injury shall, within 10 days after completing the
7 investigation, forward a written report of the crash ~~accident~~
8 to the department or traffic records center.

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

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

19

20 However, in every case in which a crash ~~an accident~~ report is
21 required by this section and a written report to a law
22 enforcement officer is not prepared, the law enforcement
23 officer shall provide each party involved in the crash
24 ~~accident~~ a short-form report, prescribed by the state, to be
25 completed by the party. The short-form report must include,
26 but is not limited to: the date, time, and location of the
27 crash ~~accident~~; a description of the vehicles involved; the
28 names and addresses of the parties involved; the names and
29 addresses of witnesses; the name, badge number, and law
30 enforcement agency of the officer investigating the crash
31 ~~accident~~; and the names of the insurance companies for the

1 respective parties involved in the crash ~~accident~~. Each party
2 to the crash ~~accident~~ shall provide the law enforcement
3 officer with proof of insurance to be included in the crash
4 ~~accident~~ report. If a law enforcement officer submits a report
5 on the accident, proof of insurance must be provided to the
6 officer by each party involved in the crash ~~accident~~. Any
7 party who fails to provide the required information is guilty
8 of an infraction for a nonmoving violation, punishable as
9 provided in chapter 318 unless the officer determines that due
10 to injuries or other special circumstances such insurance
11 information cannot be provided immediately. If the person
12 provides the law enforcement agency, within 24 hours after the
13 crash ~~accident~~, proof of insurance that was valid at the time
14 of the crash ~~accident~~, the law enforcement agency may void the
15 citation.

16 (b) One or more counties may enter into an agreement
17 with the appropriate state agency to be certified by the
18 agency to have a traffic records center for the purpose of
19 tabulating and analyzing countywide traffic crash ~~accident~~
20 reports. The agreement must include: certification by the
21 agency that the center has adequate auditing and monitoring
22 mechanisms in place to ensure the quality and accuracy of the
23 data; the time period in which the traffic records center must
24 report crash ~~accident~~ data to the agency; and the medium in
25 which the traffic records must be submitted to the agency. In
26 the case of a county or multicounty area that has a certified
27 central traffic records center, a law enforcement agency or
28 driver must submit to the center within the time limit
29 prescribed in this section a written report of the crash
30 ~~accident~~. A driver who is required to file a crash ~~an accident~~
31 report must be notified of the proper place to submit the

1 completed report. Fees for copies of public records provided
2 by a certified traffic records center shall be charged and
3 collected as follows:

- 4 For a crash ~~an accident~~ report.....\$2 per copy.
- 5 For a homicide report.....\$25 per copy.
- 6 For a uniform traffic citation.....\$0.50 per copy.

7
8 The fees collected for copies of the public records provided
9 by a certified traffic records center shall be used to fund
10 the center or otherwise as designated by the county or
11 counties participating in the center.

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

18 (4) Except as specified in this subsection, each crash
19 ~~accident~~ report made by a person involved in a crash ~~an~~
20 ~~accident~~ and any statement made by such person to a law
21 enforcement officer for the purpose of completing a crash ~~an~~
22 ~~accident~~ report required by this section shall be without
23 prejudice to the individual so reporting. No such report or
24 statement shall be used as evidence in any trial, civil or
25 criminal. However, subject to the applicable rules of
26 evidence, a law enforcement officer at a criminal trial may
27 testify as to any statement made to the officer by the person
28 involved in the crash ~~accident~~ if that person's privilege
29 against self-incrimination is not violated. The results of
30 breath, urine, and blood tests administered as provided in s.
31 316.1932 or s. 316.1933 are not confidential and shall be

1 admissible into evidence in accordance with the provisions of
2 s. 316.1934(2). Crash Accident reports made by persons
3 involved in crashes accidents shall not be used for commercial
4 solicitation purposes; ~~provided, however, the that~~ use of a
5 crash an accident report for purposes of publication in a
6 newspaper or other news periodical or a radio or television
7 broadcast shall not be construed as "commercial purpose."

8 (5) For purposes of this section, a written report
9 includes a report generated by a law enforcement agency
10 through the use of a computer.

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

16 Section 81. Section 316.067, Florida Statutes, is
17 amended to read:

18 316.067 False reports.--Any person who gives
19 information in oral, electronic, or written reports as
20 required in this chapter, knowing or having reason to believe
21 that such information is false, commits a misdemeanor of the
22 second degree, punishable as provided in s. 775.082 or s.
23 775.083 ~~shall be punished by a fine of not more than \$500 or~~
24 ~~by imprisonment for not more than 60 days or by both such fine~~
25 ~~and imprisonment.~~

26 Section 82. Section 316.068, Florida Statutes, is
27 amended to read:

28 316.068 Crash Accident report forms.--

29 (1) The department shall prepare and, upon request,
30 supply to police departments, sheriffs, and other appropriate
31 agencies or individuals forms for crash accident reports as

1 required in this chapter, suitable with respect to the persons
2 required to make such reports and the purposes to be served.
3 The form must call for sufficiently detailed information to
4 disclose, with reference to a vehicle crash ~~accident~~, the
5 cause and conditions then existing and the persons and
6 vehicles involved. Every crash ~~accident~~ report form must call
7 for the policy numbers of liability insurance and the names of
8 carriers covering any vehicle involved in a crash ~~an accident~~
9 required to be reported by this chapter.

10 (2) Every crash ~~accident~~ report required to be made in
11 writing must be made on the appropriate form approved by the
12 department and must contain all the information required
13 therein unless not available. Notwithstanding any other
14 provisions of this section, a crash ~~an accident~~ report
15 produced electronically by a law enforcement officer must, at
16 a minimum, contain the same information as is called for on
17 those forms approved by the department.

18 Section 83. Section 316.069, Florida Statutes, is
19 amended to read:

20 316.069 State to tabulate and analyze crash ~~accident~~
21 reports.--The state shall tabulate and may analyze all crash
22 ~~accident~~ reports and shall publish, annually, or at more
23 frequent intervals, statistical information based thereon as
24 to the number and circumstances of traffic crashes ~~accidents~~.
25 The state shall maintain separate statistics on the number and
26 location of crashes ~~accidents~~ involving tandem trailer trucks.

27 Section 84. Section 316.070, Florida Statutes, is
28 amended to read:

29 316.070 Exchange of information at scene of crash
30 ~~accident~~.--The law enforcement officer at the scene of a crash
31 ~~an accident~~ required to be reported in accordance with the

1 provisions of s. 316.066 shall instruct the driver of each
2 vehicle involved in the crash ~~accident~~ to report the following
3 to all other parties suffering injury or property damage as an
4 apparent result of the crash ~~accident~~:

5 (1) The name and address of the owner and the driver
6 of the vehicle.

7 (2) The license number of the vehicle.

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

9 Section 85. Subsections (2) and (3) of section
10 316.072, Florida Statutes, are amended to read:

11 316.072 Obedience to and effect of traffic laws.--

12 (2) REQUIRED OBEDIENCE TO TRAFFIC LAWS.--It is
13 unlawful for any person to do any act forbidden, or to fail to
14 perform any act required, in this chapter. It is unlawful for
15 the owner, or any other person employing or otherwise
16 directing the driver of any vehicle, to require or knowingly
17 permit the operation of such vehicle upon a highway in any
18 manner contrary to law. A violation of this subsection is a
19 noncriminal traffic infraction, punishable as a moving
20 violation as provided in chapter 318.

21 (3) OBEDIENCE TO POLICE AND FIRE DEPARTMENT
22 OFFICIALS.--It is unlawful and a misdemeanor of the second
23 degree, punishable as provided in s. 775.082 or s. 775.083,
24 for any person willfully to fail or refuse to comply with any
25 lawful order or direction of any law enforcement officer,
26 traffic crash ~~accident~~ investigation officer as described in
27 s. 316.640, traffic infraction enforcement officer as
28 described in s. 316.640 ~~318.141~~, or member of the fire
29 department at the scene of a fire, rescue operation, or other
30 emergency. Notwithstanding the provisions of this subsection,
31 certified emergency medical technicians or paramedics may

1 respond to the scene of emergencies and may provide emergency
2 medical treatment on the scene and provide transport of
3 patients in the performance of their duties for an emergency
4 medical services provider licensed under chapter 401 and in
5 accordance with any local emergency medical response
6 protocols.

7 Section 86. Subsection (6) is added to section
8 316.074, Florida Statutes, to read:

9 316.074 Obedience to and required traffic control
10 devices.--

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

14 Section 87. Subsections (2) and (3) of section
15 316.0745, Florida Statutes, are amended to read:

16 316.0745 Uniform signals and devices.--

17 (2) The Department of Transportation shall compile and
18 publish a manual of uniform traffic control devices which
19 defines the uniform system adopted pursuant to subsection (1),
20 and shall compile and publish minimum specifications for
21 traffic control signals and devices certified by it as
22 conforming with the uniform system.

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

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

30 (3) All official traffic control signals or official
31 traffic control devices purchased and installed in this state

1 by any public body or official shall conform with the manual
2 and specifications published by the Department of
3 Transportation pursuant to subsection (2). ~~All traffic control~~
4 ~~devices other than traffic control signals purchased prior to~~
5 ~~July 1, 1972, not conforming to said system may continue in~~
6 ~~use until January 1, 1975, after which time such devices must~~
7 ~~comply with the uniform system. All traffic control signals~~
8 ~~purchased prior to January 1, 1972, not conforming to said~~
9 ~~system may continue in use until January 1, 1980, after which~~
10 ~~time such signals must comply with the uniform system.~~

11 Section 88. Section 316.0747, Florida Statutes, is
12 amended to read:

13 316.0747 Sale or purchase of traffic control devices
14 by nongovernmental entities; prohibitions.--

15 (1) It is unlawful for any nongovernmental entity to
16 use any traffic control device at any place where the general
17 public is invited, unless such device conforms to the uniform
18 system of traffic control devices adopted by the Department of
19 Transportation pursuant to this chapter.

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

26 (2)~~(3)~~ Nongovernmental entities to which the general
27 public is invited to travel shall install and maintain uniform
28 traffic control devices at appropriate locations pursuant to
29 the standards set forth by the Manual on Uniform Traffic
30 Control Devices as adopted by the Department of Transportation
31 pursuant to s. 316.0745. Such traffic control devices shall

1 be installed no later than January 1, 1992. Businesses the
2 parking lots of which do not provide intersecting lanes of
3 traffic and businesses having fewer than 25 parking spaces are
4 exempt from the provisions of this subsection. The Department
5 of Transportation shall adopt rules to implement this section.

6 ~~(3)(4)~~ A person who violates this section commits a
7 misdemeanor of the second degree, punishable as provided in s.
8 775.082 or s. 775.083.

9 Section 89. Section 316.075, Florida Statutes, is
10 amended to read:

11 316.075 Traffic control signal devices.--

12 (1) Except for automatic warning signal lights
13 installed or to be installed at railroad crossings, whenever
14 traffic, including municipal traffic, is controlled by traffic
15 control signals exhibiting different colored lights, or
16 colored lighted arrows, successively one at a time or in
17 combination, only the colors green, red, and yellow shall be
18 used, except for special pedestrian signals carrying a word
19 legend, and the lights shall indicate and apply to drivers of
20 vehicles and pedestrians as follows:

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

22 1.~~(a)~~ Vehicular traffic facing a circular green signal
23 may proceed cautiously straight through or turn right or left
24 unless a sign at such place prohibits either such turn. But
25 vehicular traffic, including vehicles turning right or left,
26 shall yield the right-of-way to other vehicles and to
27 pedestrians lawfully within the intersection or an adjacent
28 crosswalk at the time such signal is exhibited.

29 2.~~(b)~~ Vehicular traffic facing a green arrow signal,
30 shown alone or in combination with another indication, as
31 directed by the manual, may cautiously enter the intersection

1 only to make the movement indicated by such arrow, or such
2 other movement as is permitted by other indications shown at
3 the same time, except the driver of any vehicle may U-turn, so
4 as to proceed in the opposite direction unless such movement
5 is prohibited by posted traffic control signs. Such vehicular
6 traffic shall yield the right-of-way to pedestrians lawfully
7 within an adjacent crosswalk and to other traffic lawfully
8 using the intersection.

9 3.(c) Unless otherwise directed by a pedestrian
10 control signal as provided in s. 316.0755, pedestrians facing
11 any green signal, except when the sole green signal is a turn
12 arrow, may proceed across the roadway within any marked or
13 unmarked crosswalk.

14 (b)(2) Steady yellow indication.--

15 1.(a) Vehicular traffic facing a steady yellow signal
16 is thereby warned that the related green movement is being
17 terminated or that a red indication will be exhibited
18 immediately thereafter when vehicular traffic shall not enter
19 the intersection.

20 2.(b) Pedestrians facing a steady yellow signal,
21 unless otherwise directed by a pedestrian control signal as
22 provided in s. 316.0755, are thereby advised that there is
23 insufficient time to cross the roadway before a red indication
24 is shown and no pedestrian shall start to cross the roadway.

25 (c)(3) Steady red indication.--

26 1.(a) Vehicular traffic facing a steady red signal
27 shall stop before entering the crosswalk on the near side of
28 the intersection or, if none, then before entering the
29 intersection and shall remain standing until a green
30 indication is shown; however:

31 a.1. The driver of a vehicle which is stopped at a

1 clearly marked stop line, but if none, before entering the
2 crosswalk on the near side of the intersection, or, if none
3 then at the point nearest the intersecting roadway where the
4 driver has a view of approaching traffic on the intersecting
5 roadway before entering the intersection in obedience to a
6 steady red signal may make a right turn, but shall yield the
7 right-of-way to pedestrians and other traffic proceeding as
8 directed by the signal at the intersection, except that
9 municipal and county authorities may prohibit any such right
10 turn against a steady red signal at any intersection, which
11 prohibition shall be effective when a sign giving notice
12 thereof is erected in a location visible to traffic
13 approaching the intersection.

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

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

27 (2)(4) In the event an official traffic control signal
28 is erected and maintained at a place other than an
29 intersection, the provisions of this section shall be
30 applicable except as to those provisions which by their nature
31 can have no application. Any stop required shall be made at a

1 sign or marking on the pavement indicating where the stop
2 shall be made, but in the absence of any such sign or marking
3 the stop shall be made at the signal.

4 (3)~~(5)~~(a) No traffic control signal device shall be
5 used which does not exhibit a yellow or "caution" light
6 between the green or "go" signal and the red or "stop" signal.

7 (b) No traffic control signal device shall display
8 other than the color red at the top of the vertical signal,
9 nor shall it display other than the color red at the extreme
10 left of the horizontal signal.

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

15 Section 90. Section 316.076, Florida Statutes, is
16 amended to read:

17 316.076 Flashing signals.--

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

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

31 (b)~~(2)~~ Flashing yellow (caution signal).--When a

1 yellow lens is illuminated with rapid intermittent flashes,
2 drivers of vehicles may proceed through the intersection or
3 past such signal only with caution.

4 (2)(3) This section does not apply at railroad-highway
5 grade crossings. Conduct of drivers of vehicles approaching
6 such crossings shall be governed by the rules as set forth in
7 ss. 316.1575 and 316.159.

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 91. Section 316.0765, Florida Statutes, is
12 amended to read:

13 316.0765 Lane direction control signals.--When lane
14 direction control signals are placed over the individual lanes
15 of a street or highway, vehicular traffic may travel in any
16 lane or lanes over which a green signal is shown, but shall
17 not enter or travel in any lane or lanes over which a red
18 signal is shown. A violation of this section is a noncriminal
19 traffic infraction, punishable as a moving violation as
20 provided in chapter 318.

21 Section 92. Subsection (5) is added to section
22 316.077, Florida Statutes, to read:

23 316.077 Display of unauthorized signs, signals or
24 markings.--

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

28 Section 93. Section 316.0775, Florida Statutes, is
29 amended to read:

30 316.0775 Interference with official traffic control
31 devices or railroad signs or signals.--No person shall,

1 without lawful authority, attempt to or in fact alter, deface,
2 injure, knock down or remove any official traffic control
3 device or any railroad sign or signal or any inscription,
4 shield or insignia thereon, or any other part thereof. A
5 violation of this section is a noncriminal traffic infraction,
6 punishable as a nonmoving violation as provided in chapter
7 318.

8 Section 94. Section 316.078, Florida Statutes, is
9 amended to read:

10 316.078 Detour signs to be respected.--

11 (1) It is unlawful to tear down or deface any detour
12 sign or to break down or drive around any barricade erected
13 for the purpose of closing any section of a public street or
14 highway to traffic during the construction or repair thereof
15 or to drive over such section of public street or highway
16 until again thrown open to public traffic. However, such
17 restriction shall not apply to the person in charge of the
18 construction or repairs.

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

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

23 (b) A moving violation for driving around any
24 barricade erected for the purpose of closing any section of a
25 public street or highway to traffic that is under construction
26 or repair or driving over such section of public street or
27 highway until open to public traffic.

28 Section 95. Subsection (3) is added to section
29 316.079, Florida Statutes, to read:

30 316.079 Duty to yield to highway construction
31 workers.--

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 96. Subsection (4) is added to section
5 316.081, Florida Statutes, to read:

6 316.081 Driving on right side of roadway;
7 exceptions.--

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

11 Section 97. Subsection (3) is added to section
12 316.082, Florida Statutes, to read:

13 316.082 Passing vehicles proceeding in opposite
14 directions.--

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 98. Section 316.0825, Florida Statutes, is
19 amended to read:

20 316.0825 Vehicle approaching an animal.--Every person
21 operating a motor vehicle shall use reasonable care when
22 approaching or passing a person who is riding or leading an
23 animal upon a roadway or the shoulder thereof, and shall not
24 intentionally startle or injure such an animal. A violation of
25 this section is a noncriminal traffic infraction, punishable
26 as a moving violation as provided in chapter 318.

27 Section 99. Subsection (3) is added to section
28 316.083, Florida Statutes, to read:

29 316.083 Overtaking and passing a vehicle.--The
30 following rules shall govern the overtaking and passing of
31 vehicles proceeding in the same direction, subject to those

1 limitations, exceptions, and special rules hereinafter stated:

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

5 Section 100. Subsection (3) is added to section
6 316.084, Florida Statutes, to read:

7 316.084 When overtaking on the right is permitted.--

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 101. Subsection (3) is added to section
12 316.085, Florida Statutes, to read:

13 316.085 Limitations on overtaking, passing, changing
14 lanes and changing course.--

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 102. Subsection (3) is added to section
19 316.087, Florida Statutes, to read:

20 316.087 Further limitations on driving to left of
21 center of roadway.--

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

25 Section 103. Subsection (4) is added to section
26 316.0875, Florida Statutes, to read:

27 316.0875 No-passing zones.--

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

31 Section 104. Subsection (4) is added to section

1 316.088, Florida Statutes, to read:

2 316.088 One-way roadways and rotary traffic islands.--

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

6 Section 105. Subsection (5) is added to section
7 316.089, Florida Statutes, to read:

8 316.089 Driving on roadways laned for
9 traffic.--Whenever any roadway has been divided into two or
10 more clearly marked lanes for traffic, the following rules, in
11 addition to all others consistent herewith, shall apply:

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

15 Section 106. Subsection (4) is added to section
16 316.0895, Florida Statutes, to read:

17 316.0895 Following too closely.--

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

21 Section 107. Subsection (3) is added to section
22 316.090, Florida Statutes, to read:

23 316.090 Driving on divided highways.--

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

27 Section 108. Subsection (5) is added to section
28 316.091, Florida Statutes, to read:

29 316.091 Limited access facilities; interstate
30 highways; use restricted.--

31 (5) A violation of this section is a noncriminal

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

3 Section 109. Subsection (6) is added to section
4 316.121, Florida Statutes, to read:

5 316.121 Vehicles approaching or entering
6 intersections.--

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 110. Section 316.122, Florida Statutes, is
11 amended to read:

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

20 Section 111. Subsection (4) is added to section
21 316.123, Florida Statutes, to read:

22 316.123 Vehicle entering stop or yield intersection.--

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

26 Section 112. Section 316.1235, Florida Statutes, is
27 amended to read:

28 316.1235 Vehicle approaching intersection in which
29 traffic lights are inoperative.--The driver of a vehicle
30 approaching an intersection in which the traffic lights are
31 inoperative shall stop in the manner indicated in s.

1 316.123(2) for approaching a stop intersection. In the event
2 that only some of the traffic lights within an intersection
3 are inoperative, the driver of a vehicle approaching an
4 inoperative light shall stop in the above-prescribed manner. A
5 violation of this section is a noncriminal traffic infraction,
6 punishable as a moving violation as provided in chapter 318.

7 Section 113. Subsection (3) is added to section
8 316.125, Florida Statutes, to read:

9 316.125 Vehicle entering highway from private road or
10 driveway or emerging from alley, driveway or building.--

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

14 Section 114. Subsection (6) is added to section
15 316.126, Florida Statutes, to read:

16 316.126 Operation of vehicles and actions of
17 pedestrians on approach of authorized emergency vehicle.--

18 (6) A violation of this section is a noncriminal
19 traffic infraction, punishable pursuant to chapter 318 as
20 either a moving violation for infractions of subsection (1) or
21 subsection (3), or as a pedestrian violation for infractions
22 of subsection (2).

23 Section 115. Subsection (19) is added to section
24 316.130, Florida Statutes, to read:

25 316.130 Pedestrian obedience to traffic control
26 devices and traffic regulations.--

27 (19) A violation of this section is a noncriminal
28 traffic infraction, punishable pursuant to chapter 318 as
29 either a pedestrian violation or, if the infraction resulted
30 from the operation of a vehicle, as a moving violation.

31 Section 116. Section 316.1355, Florida Statutes, is

1 amended to read:

2 316.1355 Driving through safety zone prohibited.--No
3 vehicle shall at any time be driven through or within a safety
4 zone. A violation of this section is a noncriminal traffic
5 infraction, punishable as a moving violation as provided in
6 chapter 318.

7 Section 117. Subsection (3) is added to section
8 316.151, Florida Statutes, to read:

9 316.151 Required position and method of turning at
10 intersections.--

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

14 Section 118. Section 316.1515, Florida Statutes, is
15 amended to read:

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

24 Section 119. Section 316.152, Florida Statutes, is
25 amended to read:

26 316.152 Turning on curve or crest of grade
27 prohibited.--No vehicle shall be turned so as to proceed in
28 the opposite direction upon any curve, or upon the approach
29 to, or near, the crest of a grade, where such vehicle cannot
30 be seen by the driver of any other vehicle approaching from
31 either direction within 500 feet. A violation of this section

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

3 Section 120. Section 316.154, Florida Statutes, is
4 amended to read:

5 316.154 Starting parked vehicle.--No person shall
6 start a vehicle which is stopped, standing, or parked, unless
7 and until such movement can be made with reasonable safety. A
8 violation of this section is a noncriminal traffic infraction,
9 punishable as a moving violation as provided in chapter 318.

10 Section 121. Subsection (5) is added to section
11 316.155, Florida Statutes, to read:

12 316.155 When signal required.--

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

16 Section 122. Subsection (3) is added to section
17 316.156, Florida Statutes, to read:

18 316.156 Signals by hand and arm or signal lamps.--

19 (3) A violation of this section is a noncriminal
20 traffic infraction, punishable pursuant to chapter 318 as
21 either a moving violation for infractions of subsection (1) or
22 as a nonmoving violation for infractions of subsection (2).

23 Section 123. Section 316.157, Florida Statutes, is
24 amended to read:

25 316.157 Method of giving hand and arm signals.--

26 (1) All signals herein required to be given by hand
27 and arm shall be given from the left side of the vehicle in
28 the following manner and such signals shall indicate as
29 follows:

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

31 (b)~~(2)~~ Right turn.--Hand and arm extended upward,

1 except that a bicyclist may extend the right hand and arm
2 horizontally to the right side of the bicycle.

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

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

8 Section 124. Subsection (3) is added to section
9 316.1575, Florida Statutes, to read:

10 316.1575 Obedience to traffic control devices at
11 railroad-highway grade crossings.--

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

16 Section 125. Subsection (3) is added to section
17 316.159, Florida Statutes, to read:

18 316.159 Certain vehicles to stop at all railroad grade
19 crossings.--

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 126. Subsection (5) is added to section
24 316.170, Florida Statutes, to read:

25 316.170 Moving heavy equipment at railroad grade
26 crossings.--

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

30 Section 127. Subsection (7) is added to section
31 316.183, Florida Statutes, to read:

1 316.183 Unlawful speed.--

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

5 Section 128. Section 316.185, Florida Statutes, is
6 amended to read:

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

21 Section 129. Subsection (4) of section 316.1895,
22 Florida Statutes, is amended to read:

23 316.1895 Establishment of school speed zones,
24 enforcement; designation.--

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

1 or a regularly scheduled school session and leaving a
2 regularly scheduled school session.

3 Section 130. Subsection (5) is added to section
4 316.191, Florida Statutes, to read:

5 316.191 Racing on highways.--

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

10 Section 131. Paragraph (c) of subsection (3) and
11 subsection (5) of section 316.193, Florida Statutes, 1998
12 Supplement, are amended to read:

13 316.193 Driving under the influence; penalties.--

14 (3) Any person:

15 (c) Who, by reason of such operation, causes:

16 1. Damage to the property or person of another commits
17 a misdemeanor of the first degree, punishable as provided in
18 s. 775.082 or s. 775.083.

19 2. Serious bodily injury to another, as defined in s.
20 316.1933, commits a felony of the third degree, punishable as
21 provided in s. 775.082, s. 775.083, or s. 775.084.

22 3. The death of any human being commits DUI
23 manslaughter, and commits:

24 a. A felony of the second degree, punishable as
25 provided in s. 775.082, s. 775.083, or s. 775.084.

26 b. A felony of the first degree, punishable as
27 provided in s. 775.082, s. 775.083, or s. 775.084, if:

28 (I) At the time of the crash ~~accident~~, the person
29 knew, or should have known, that the crash ~~accident~~ occurred;
30 and

31 (II) The person failed to give information and render

1 aid as required by s. 316.062.

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

1 provider that conducts the substance abuse education and
2 evaluation is the most appropriate service provider and is
3 licensed under chapter 397 or is exempt from such licensure.
4 ~~All DUI treatment programs providing treatment services on~~
5 ~~January 1, 1994, shall be allowed to continue to provide such~~
6 ~~services until the department determines whether a waiver~~
7 ~~should be granted.~~ A statistical referral report shall be
8 submitted quarterly to the department by each organization
9 authorized to provide services under this section.

10 Section 132. Subsections (1) and (4) of section
11 316.1935, Florida Statutes, 1998 Supplement, are amended to
12 read:

13 316.1935 Fleeing or attempting to elude a law
14 enforcement officer; aggravated fleeing and eluding.--

15 (1) It is unlawful for the operator of any vehicle,
16 having knowledge that he or she has been ordered to stop such
17 vehicle by a duly authorized law enforcement officer,
18 willfully to refuse or fail to stop the vehicle in compliance
19 with such order or, having stopped in knowing compliance with
20 such order, willfully to flee in an attempt to elude the
21 officer, and a person who violates this subsection commits a
22 misdemeanor of the first degree, punishable as provided in s.
23 775.082 or s. 775.083 ~~shall, upon conviction, be punished by~~
24 ~~imprisonment in the county jail for a period not to exceed 1~~
25 ~~year, or by fine not to exceed \$1,000, or by both such fine~~
26 ~~and imprisonment.~~

27 (4) Any person who, in the course of unlawfully
28 leaving or attempting to leave the scene of a crash ~~an~~
29 ~~accident~~ in violation of s. 316.027 or s. 316.061, having
30 knowledge of an order to stop by a duly authorized law
31 enforcement officer:

1 (a) Willfully refuses or fails to stop in compliance
2 with such an order, or having stopped in knowing compliance
3 with such order, willfully flees in an attempt to elude such
4 officer; and

5 (b) As a result of such fleeing or eluding, causes
6 injury to another person or causes damage to any property
7 belonging to another person

8
9 commits aggravated fleeing or eluding, a felony of the second
10 degree, punishable as provided in s. 775.082, s. 775.083, or
11 s. 775.084. The felony of aggravated fleeing or eluding
12 constitutes a separate offense for which a person may be
13 charged, in addition to the offense of unlawfully leaving the
14 scene of a crash ~~an accident~~ which the person had been in the
15 course of committing or attempting to commit when the order to
16 stop was given.

17 Section 133. Subsection (8) is added to section
18 316.1937, Florida Statutes, to read:

19 316.1937 Ignition interlock devices, requiring;
20 unlawful acts.--

21 (8) In addition to the penalties provided in this
22 section, a violation of this section is a noncriminal traffic
23 infraction, punishable as a nonmoving violation as provided in
24 chapter 318.

25 Section 134. Subsection (4) is added to section
26 316.194, Florida Statutes, to read:

27 316.194 Stopping, standing or parking outside of
28 municipalities.--

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

1 Section 135. Paragraph (a) of subsection (1) of
2 section 316.1945, Florida Statutes, is amended, and subsection
3 (4) is added to that section, to read:

4 316.1945 Stopping, standing, or parking prohibited in
5 specified places.--

6 (1) Except when necessary to avoid conflict with other
7 traffic, or in compliance with law or the directions of a
8 police officer or official traffic control device, no person
9 shall:

10 (a) Stop, stand, or park a vehicle:

11 1. On the roadway side of any vehicle stopped or
12 parked at the edge or curb of a street.

13 2. On a sidewalk.

14 3. Within an intersection.

15 4. On a crosswalk.

16 5. Between a safety zone and the adjacent curb or
17 within 30 feet of points on the curb immediately opposite the
18 ends of a safety zone, unless the Department of Transportation
19 indicates a different length by signs or markings.

20 6. Alongside or opposite any street excavation or
21 obstruction when stopping, standing, or parking would obstruct
22 traffic.

23 7. Upon any bridge or other elevated structure upon a
24 highway or within a highway tunnel.

25 8. On any railroad tracks.

26 9. On a bicycle path.

27 10. At any place where official traffic control
28 devices prohibit stopping.

29 11. On the roadway or shoulder of a limited access
30 facility, except as provided by regulation of the Department
31 of Transportation, or on the paved portion of a connecting

1 ramp; except that a vehicle which is disabled or in a
2 condition improper to be driven as a result of mechanical
3 failure or crash ~~accident~~ may be parked on such shoulder for a
4 period not to exceed 6 hours. This provision is not
5 applicable to a person stopping a vehicle to render aid to an
6 injured person or assistance to a disabled vehicle in
7 obedience to the directions of a law enforcement officer or to
8 a person stopping a vehicle in compliance with applicable
9 traffic laws.

10 12. For the purpose of loading or unloading a
11 passenger on the paved roadway or shoulder of a limited access
12 facility or on the paved portion of any connecting ramp. This
13 provision is not applicable to a person stopping a vehicle to
14 render aid to an injured person or assistance to a disabled
15 vehicle.

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 136. Subsection (4) is added to section
20 316.195, Florida Statutes, to read:

21 316.195 Additional parking regulations.--

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 137. Subsection (7) is added to section
26 316.1951, Florida Statutes, to read:

27 316.1951 Parking for certain purposes prohibited.--

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

31 Section 138. Paragraph (a) of subsection (10) of

1 section 316.1955, Florida Statutes, 1998 Supplement, is
2 amended to read:

3 316.1955 Parking spaces for persons who have
4 disabilities.--

5 (10)(a) A vehicle that is transporting a person who
6 has a disability and that has been granted a permit under s.
7 320.0848(1)(a)~~(d)~~ may be parked for a maximum of 30 minutes in
8 any parking space reserved for persons who have disabilities.

9 Section 139. Subsection (6) is added to section
10 316.1974, Florida Statutes, to read:

11 316.1974 Funeral procession right-of-way and
12 liability.--

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

20 Section 140. Section 316.1975, Florida Statutes, is
21 amended to read:

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

1 violation as provided in chapter 318.

2 Section 141. Subsection (3) is added to section
3 316.1985, Florida Statutes, to read:

4 316.1985 Limitations on backing.--

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 142. Section 316.1995, Florida Statutes, is
9 amended to read:

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

16 Section 143. Subsection (3) is added to section
17 316.2004, Florida Statutes, to read:

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

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 144. Section 316.2005, Florida Statutes, is
24 amended to read:

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

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

3 Section 145. 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 146. 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 147. 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 148. 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 149. 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 150. 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 151. 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 152. 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 153. 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 154. 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 a crash ~~an accident~~ results in the death of
13 any 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 crash ~~accident~~ shall give
16 notice of the crash ~~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 155. Subsection (5) is added to section
29 316.208, Florida Statutes, to read:

30 316.208 Motorcycles and mopeds.--

31 (5) A violation of this section is a noncriminal

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

3 Section 156. Subsection (6) is added to section
4 316.2085, Florida Statutes, to read:

5 316.2085 Riding on motorcycles or mopeds.--

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

9 Section 157. Subsection (6) is added to section
10 316.209, Florida Statutes, to read:

11 316.209 Operating motorcycles on roadways laned for
12 traffic.--

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

16 Section 158. Subsection (3) is added to section
17 316.2095, Florida Statutes, to read:

18 316.2095 Footrests and handlebars.--

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

24 316.211 Equipment for motorcycle and moped riders.--

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

30 316.212 Operation of golf carts on certain
31 roadways.--The operation of a golf cart upon the public roads

1 or streets of this state is prohibited except as provided
2 herein:

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

8 Section 161. Subsection (2) of section 316.2126,
9 Florida Statutes, is amended to read:

10 316.2126 Use of golf carts by certain
11 municipalities.--In addition to the powers granted by ss.
12 316.212 and 316.2125, municipalities older than 400 years old
13 are hereby authorized to utilize golf carts, as defined in s.
14 320.01, upon any state, county, or municipal roads located
15 within the corporate limits of such municipalities, subject to
16 the following conditions:

17 (2) In addition to the safety equipment required in s.
18 316.212(5)(~~6~~), such golf carts must be equipped with
19 sufficient lighting and turn signal equipment.

20 Section 162. Subsection (6) is added to section
21 316.215, Florida Statutes, to read:

22 316.215 Scope and effect of regulations.--

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 Section 163. Subsection (4) is added to section
27 316.217, Florida Statutes, to read:

28 316.217 When lighted lamps are required.--

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

1 Section 164. Subsection (3) is added to section
2 316.220, Florida Statutes, to read:

3 316.220 Headlamps on motor vehicles.--

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 165. Subsection (3) is added to section
8 316.221, Florida Statutes, to read:

9 316.221 Taillamps.--

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

13 Section 166. Subsection (4) is added to section
14 316.222, Florida Statutes, to read:

15 316.222 Stop lamps and turn signals.--

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 167. Subsection (8) is added to section
20 316.2225, Florida Statutes, to read:

21 316.2225 Additional equipment required on certain
22 vehicles.--In addition to other equipment required in this
23 chapter, the following vehicles shall be equipped as herein
24 stated under the conditions stated in s. 316.217.

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

28 Section 168. Subsection (4) is added to section
29 316.224, Florida Statutes, to read:

30 316.224 Color of clearance lamps, identification
31 lamps, side marker lamps, backup lamps, reflectors, and

1 deceleration lights.--

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

5 Section 169. Subsection (3) is added to section
6 316.225, Florida Statutes, to read:

7 316.225 Mounting of reflectors, clearance lamps and
8 side marker lamps.--

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

12 Section 170. Subsection (4) is added to section
13 316.226, Florida Statutes, to read:

14 316.226 Visibility requirements for reflectors,
15 clearance lamps, identification lamps and marker lamps.--

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 171. Section 316.228, Florida Statutes, is
20 amended to read:

21 316.228 Lamps or flags on projecting load.--Whenever
22 the load upon any vehicle extends to the rear 4 feet or more
23 beyond the bed or body of such vehicle, there shall be
24 displayed at the extreme rear end of the load, at the times
25 specified in s. 316.217, two red lamps visible from a distance
26 of at least 500 feet to the rear, two red reflectors visible
27 at night from all distances within 600 feet to 100 feet to the
28 rear when directly in front of lawful lower beams of headlamps
29 and located so as to indicate maximum width, and on each side
30 one red lamp visible from a distance of at least 500 feet to
31 the side and located so as to indicate maximum overhang.

1 There shall be displayed at all other times on any vehicle
2 having a load which extends beyond its sides or more than 4
3 feet beyond its rear, red flags, not less than 12 inches
4 square, marking the extremities of such load, at each point
5 where a lamp would otherwise be required by this section. A
6 violation of this section is a noncriminal traffic infraction,
7 punishable as a nonmoving violation as provided in chapter
8 318.

9 Section 172. Subsection (5) is added to section
10 316.229, Florida Statutes, to read:

11 316.229 Lamps on parked vehicles.--

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

15 Section 173. Subsection (8) is added to section
16 316.2295, Florida Statutes, to read:

17 316.2295 Lamps, reflectors and emblems on farm
18 tractors, farm equipment and implements of husbandry.--

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

22 Section 174. Section 316.231, Florida Statutes, is
23 amended to read:

24 316.231 Lamps on other vehicles and equipment.--Every
25 vehicle, including animal-drawn vehicles and vehicles referred
26 to in s. 316.215(3), not specifically required by the
27 provisions of this section to be equipped with lamps or other
28 lighting devices shall at all times specified in s. 316.217 be
29 equipped with at least one lamp displaying a white light
30 visible from a distance of not less than 1,000 feet to the
31 front of said vehicle, and shall also be equipped with two

1 lamps displaying red light visible from a distance of not less
2 than 1,000 feet to the rear of the vehicle, or, as an
3 alternative, one lamp displaying a red light visible from a
4 distance of not less than 1,000 feet to the rear and two red
5 reflectors visible from all distances of 600 to 100 feet to
6 the rear when illuminated by the lawful lower beams of
7 headlamps. A violation of this section is a noncriminal
8 traffic infraction, punishable as a nonmoving violation as
9 provided in chapter 318.

10 Section 175. Subsection (5) is added to section
11 316.233, Florida Statutes, to read:

12 316.233 Spot lamps and auxiliary lamps.--

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

16 Section 176. Subsection (3) is added to section
17 316.234, Florida Statutes, to read:

18 316.234 Signal lamps and signal devices.--

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 177. Subsection (6) is added to section
23 316.235, Florida Statutes, to read:

24 316.235 Additional lighting equipment.--

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 178. Subsection (3) is added to section
29 316.237, Florida Statutes, to read:

30 316.237 Multiple-beam road-lighting equipment.--

31 (3) A violation of this section is a noncriminal

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

3 Section 179. Section 316.238, Florida Statutes, is
4 amended to read:

5 316.238 Use of multiple-beam road-lighting
6 equipment.--

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

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

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

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

30 Section 180. Section 316.2385, Florida Statutes, is
31 amended to read:

1 316.2385 Requirements for use of lower beam.--The
2 lower or passing beam shall be used at all times during the
3 twilight hours in the morning and the twilight hours in the
4 evening, and during fog, smoke and rain. Twilight shall mean
5 the time between sunset and full night or between full night
6 and sunrise. A violation of this section is a noncriminal
7 traffic infraction, punishable as a moving violation as
8 provided in chapter 318.

9 Section 181. Section 316.239, Florida Statutes, is
10 amended to read:

11 316.239 Single-beam road-lighting equipment.--

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

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

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

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

31 Section 182. Section 316.2395, Florida Statutes, is

1 amended to read:

2 316.2395 Motor vehicles; minimum headlamp
3 requirement.--Any motor vehicle may be operated at nighttime
4 under the conditions specified in ss. 316.237 and 316.239,
5 when equipped with two lighted lamps upon the front thereof
6 capable of revealing persons and objects 100 feet ahead in
7 lieu of lamps required in ss. 316.237 and 316.239. However,
8 at no time when lighted lamps are required shall such motor
9 vehicle be operated in excess of 20 miles per hour. 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 183. Subsection (3) is added to section
14 316.2396, Florida Statutes, to read:

15 316.2396 Number of driving lamps required or
16 permitted.--

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

20 Section 184. Subsection (10) is added to section
21 316.2397, Florida Statutes, to read:

22 316.2397 Certain lights prohibited; exceptions.--

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 185. Section 316.2399, Florida Statutes, is
27 amended to read:

28 316.2399 Special warning lights for buses or
29 taxicabs.--The provisions of s. 316.2397(7) to the contrary
30 notwithstanding, a bus or taxicab may be equipped with two
31 flashing devices for the purpose of warning the operators of

1 other vehicles and law enforcement agents that an emergency
2 situation exists within the bus or taxicab. Such devices
3 shall be capable of activation by the operator of the bus or
4 taxicab and shall be of a type approved by the Department of
5 Highway Safety and Motor Vehicles. Such devices shall be
6 mounted one at the front and one at the rear of the bus or
7 taxicab and shall display flashing red lights which shine on
8 the roadway under the vehicle. A violation of this section is
9 a noncriminal traffic infraction, punishable as a nonmoving
10 violation as provided in chapter 318.

11 Section 186. Subsection (3) is added to section
12 316.240, Florida Statutes, to read:

13 316.240 Standards for lights on highway maintenance
14 and service equipment.--

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

18 Section 187. Subsection (4) is added to section
19 316.241, Florida Statutes, to read:

20 316.241 Selling or using lamps or equipment.--

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

24 Section 188. Subsection (3) of section 316.251,
25 Florida Statutes, is amended to read:

26 316.251 Maximum bumper heights.--

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

30 Section 189. Subsection (3) is added to section
31 316.252, Florida Statutes, to read:

1 316.252 Splash and spray suppressant devices.--
2 (3) A violation of this section is a noncriminal
3 traffic infraction, punishable as a nonmoving violation as
4 provided in chapter 318.

5 Section 190. Section 316.253, Florida Statutes, is
6 amended to read:

7 316.253 Vehicles used to sell ice cream and other
8 confections; display of warnings required.--Any person who
9 sells ice cream or other frozen confections at retail from a
10 motor vehicle shall display on each side of such motor
11 vehicle, in letters at least 3 inches high, a warning
12 containing the words "look out for children" or "caution:
13 children" or such similar words as are approved by the
14 department. A violation of this section is a noncriminal
15 traffic infraction, punishable as a nonmoving violation as
16 provided in chapter 318.

17 Section 191. Subsection (11) is added to section
18 316.261, Florida Statutes, to read:

19 316.261 Brake equipment required.--Every motor
20 vehicle, trailer, semitrailer, and pole trailer, and any
21 combination of such vehicles, operating upon a highway within
22 this state shall be equipped with brakes in compliance with
23 the requirements of this chapter.

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

27 Section 192. Subsection (3) is added to section
28 316.262, Florida Statutes, to read:

29 316.262 Performance ability of motor vehicle brakes.--

30 (3) A violation of this section is a noncriminal
31 traffic infraction, punishable as a nonmoving violation as

1 provided in chapter 318.

2 Section 193. Section 316.263, Florida Statutes, is
3 amended to read:

4 316.263 Maintenance of brakes.--All brakes shall be
5 maintained in good working order and shall be so adjusted as
6 to operate as equally as practicable with respect to the
7 wheels on opposite sides of the vehicle. A violation of this
8 section is a noncriminal traffic infraction, punishable as a
9 nonmoving violation as provided in chapter 318.

10 Section 194. Section 316.267, Florida Statutes, is
11 amended to read:

12 316.267 Brakes on electric-powered vehicles.--When
13 operated on the public streets and roads, every
14 electric-powered vehicle with a rating of 3 to 6 horsepower
15 shall be equipped with hydraulic brakes on the two rear wheels
16 and at all times and under all conditions of loading, upon
17 application of the service brake, shall be capable of:

18 (1) Developing a braking force that is not less than
19 43.5 percent of its gross weight.

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

22 (3) Stopping from a speed of 20 miles per hour in not
23 more than 25 feet, such distance to be measured from the point
24 at which movement of the service brake pedal or control
25 begins.

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

30 Section 195. Subsection (8) is added to section
31 316.271, Florida Statutes, to read;

1 316.271 Horns and warning devices.--

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

5 Section 196. Subsection (3) is added to section
6 316.272, Florida Statutes, to read:

7 316.272 Exhaust systems, prevention of noise.--

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 197. Subsection (7) is added to section
12 316.293, Florida Statutes, to read:

13 316.293 Motor vehicle noise.--

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

17 Section 198. Subsections (1), (2), and (6) of section
18 316.2935, Florida Statutes, are amended to read:

19 316.2935 Air pollution control equipment; tampering
20 prohibited; penalty.--

21 (1)(a) ~~On and after July 1, 1990,~~It is unlawful for
22 any person or motor vehicle dealer as defined in s. 320.27 to
23 offer or display for retail sale or lease, sell, lease, or
24 transfer title to, a motor vehicle in Florida that has been
25 tampered with in violation of this section, as determined
26 pursuant to subsection (7). Tampering is defined as the
27 dismantling, removal, or rendering ineffective of any air
28 pollution control device or system which has been installed on
29 a motor vehicle by the vehicle manufacturer except to replace
30 such device or system with a device or system equivalent in
31 design and function to the part that was originally installed

1 on the motor vehicle. All motor vehicles sold, reassigned, or
2 traded to a licensed motor vehicle dealer are exempt from this
3 paragraph.

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

20 (c) ~~On and after July 1, 1990,~~All motor vehicles
21 sold, reassigned, or traded by a licensed motor vehicle dealer
22 to a licensed motor vehicle dealer, all new motor vehicles
23 subject to certification under s. 207, Clean Air Act, 42
24 U.S.C. s. 7541, and all lease agreements for 30 days or less
25 are exempt from this subsection. Also exempt from this
26 subsection are sales of motor vehicles for salvage purposes
27 only.

28 (2) No person shall operate any gasoline-powered motor
29 vehicle, except a motorcycle, moped, ~~or scooter as defined in~~
30 ~~chapter 320~~, or an imported nonconforming motor vehicle which
31 has received a one-time exemption from federal emission

1 control requirements under 40 C.F.R. 85, subpart P, on the
2 public roads and streets of this state which emits visible
3 emissions from the exhaust pipe for more than a continuous
4 period of 5 seconds, and no person shall operate on the public
5 roads or streets of this state any motor vehicle that has been
6 tampered with in violation of this section, as determined
7 pursuant to subsection (7).

8 (6) Except as provided in subsection (5), any person
9 who violates subsection (1), subsection (2), or subsection (3)
10 shall be charged with a noncriminal traffic infraction,
11 punishable as a nonmoving violation as provided in chapter 318
12 ~~provided in s. 318.18(2)~~. However, the penalty may be reduced
13 if the person committing the violation corrects the violation
14 pursuant to the provisions of s. 316.6105.

15 Section 199. Section 316.294, Florida Statutes, is
16 amended to read:

17 316.294 Mirrors.--Every vehicle, operated singly or
18 when towing any other vehicle, shall be equipped with a mirror
19 so located as to reflect to the driver a view of the highway
20 for a distance of at least 200 feet to the rear of the motor
21 vehicle. A violation of this section is a noncriminal traffic
22 infraction, punishable as a nonmoving violation as provided in
23 chapter 318.

24 Section 200. Subsection (6) is added to section
25 316.2952, Florida Statutes, to read:

26 316.2952 Windshields; requirements; restrictions.--

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

30 Section 201. Section 316.2953, Florida Statutes, is
31 amended to read:

1 316.2953 Side windows; restrictions on sunscreening
2 material.--A person shall not operate any motor vehicle on any
3 public highway, road, or street on which vehicle the side
4 wings and side windows on either side forward of or adjacent
5 to the operator's seat are composed of, covered by, or treated
6 with any sunscreening material or other product or covering
7 which has the effect of making the window nontransparent or
8 which would alter the window's color, increase its
9 reflectivity, or reduce its light transmittance, except as
10 expressly permitted by this section. A sunscreening material
11 is authorized for such windows if, when applied to and tested
12 on the glass of such windows on the specific motor vehicle,
13 the material has a total solar reflectance of visible light of
14 not more than 25 percent as measured on the nonfilm side and a
15 light transmittance of at least 28 percent in the visible
16 light range. A violation of this section is a noncriminal
17 traffic infraction, punishable as a nonmoving violation as
18 provided in chapter 318.

19 Section 202. Subsection (3) is added to section
20 316.2954, Florida Statutes, to read:

21 316.2954 Windows behind the driver; restrictions on
22 sunscreening material.--

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 203. Subsections (1) and (3) of section
27 316.2956, Florida Statutes, are amended to read:

28 316.2956 Violation of provisions relating to
29 windshields, windows, and sunscreening material; penalties.--

30 (1) Any person who operates a motor vehicle on which,
31 after June 20, 1984, material was installed in violation of

1 ss. 316.2951-316.2954 commits is guilty of a noncriminal
2 traffic infraction, punishable as a nonmoving violation as
3 provided in chapter 318 subject to the penalty provided in s.
4 318.18(2).

5 (3) Any person who sells or installs suncreening
6 material in violation of any provision of ss.
7 316.2951-316.2955 ~~after June 20, 1984,~~ is guilty of a
8 misdemeanor of the second degree, punishable as provided in s.
9 775.082 or s. 775.083.

10 Section 204. Section 316.299, Florida Statutes, is
11 amended to read:

12 316.299 Rough surfaced wheels prohibited.--No person
13 shall drive, propel, operate, or cause to be driven, propelled
14 or operated over any paved or graded public road of this state
15 any tractor engine, tractor or other vehicle or contrivance
16 having wheels provided with sharpened or roughened surfaces,
17 other than roughened pneumatic rubber tires having studs
18 designed to improve traction without materially injuring the
19 surface of the highway, unless the rims or tires of the wheels
20 of such tractor engines, tractors, or other vehicles or
21 contrivances are provided with suitable filler blocks between
22 the cleats so as to form a smooth surface. This requirement
23 shall not apply to tractor engines, tractors, or other
24 vehicles or contrivances if the rims or tires of their wheels
25 are constructed in such manner as to prevent injury to such
26 roads. This restriction shall not apply to tractor engines,
27 tractors, and other vehicles or implements used by any county
28 or the Department of Transportation in the construction or
29 maintenance of roads or to farm implements weighing less than
30 1,000 pounds when provided with wheel surfaces of more than
31 1/2 inch in width. A violation of this section is a

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

3 Section 205. Subsection (4) is added to section
4 316.300, Florida Statutes, to read:

5 316.300 Certain vehicles to carry flares or other
6 devices.--

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

10 Section 206. Subsection (10) is added to section
11 316.301, Florida Statutes, to read:

12 316.301 Display of warning lights and devices when
13 vehicle is stopped or disabled.--

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

17 Section 207. Paragraph (c) of subsection (1) of
18 section 316.302, Florida Statutes, 1998 Supplement, is
19 reenacted, and paragraph (f) of subsection (2) of that section
20 is amended, to read:

21 316.302 Commercial motor vehicles; safety regulations;
22 transporters and shippers of hazardous materials;
23 enforcement.--

24 (1)

25 (c) Except as provided in s. 316.215(5), and except as
26 provided in s. 316.228 for rear overhang lighting and flagging
27 requirements for intrastate operations, the requirements of
28 this section supersede all other safety requirements of this
29 chapter for commercial motor vehicles.

30 (2)

31 (f) A person who operates a commercial motor vehicle

1 having a declared gross vehicle weight of less than 26,000
2 pounds solely in intrastate commerce and who is not
3 transporting hazardous materials, or who is transporting
4 petroleum products as defined in s. 376.301(31)(29), is exempt
5 from subsection (1). However, such person must comply with 49
6 C.F.R. parts 382, 392, 393, and 49 C.F.R. s. 396.9.

7 Section 208. Paragraph (c) of subsection (3) of
8 section 316.3025, Florida Statutes, is amended to read:

9 316.3025 Penalties.--

10 (3)

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

12 1. A violation of the placarding requirements of 49
13 C.F.R. parts 171-179;

14 2. A violation of the shipping paper requirements of
15 49 C.F.R. parts 171-179;

16 3. A violation of 49 C.F.R. s. 392.10;

17 4. A violation of 49 C.F.R. s. 397.5 ~~395.5~~;

18 5. A violation of 49 C.F.R. s. 397.7;

19 6. A violation of 49 C.F.R. s. 397.13; or

20 7. A violation of 49 C.F.R. s. 397.15.

21 Section 209. Subsection (5) of section 316.3027,
22 Florida Statutes, is amended to read:

23 316.3027 Identification required on commercial motor
24 vehicles.--

25 (5) Any vehicle which meets the vehicle identification
26 requirements of the United States Department of Transportation
27 ~~Interstate Commerce Commission~~ regulations shall be considered
28 in compliance with this section.

29 Section 210. Subsection (4) is added to section
30 316.303, Florida Statutes, to read:

31 316.303 Television receivers.--

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 211. Subsection (4) is added to section
5 316.304, Florida Statutes, to read:

6 316.304 Wearing of headsets.--

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

10 Section 212. Subsection (5) is added to section
11 316.3045, Florida Statutes, to read:

12 316.3045 Operation of radios or other mechanical
13 soundmaking devices or instruments in vehicles; exemptions.--

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

17 Section 213. Subsection (3) is added to section
18 316.400, Florida Statutes, to read:

19 316.400 Headlamps.--

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 214. Section 316.405, Florida Statutes, is
24 amended to read:

25 316.405 Motorcycle headlights to be turned on.--

26 (1) Any person who operates a motorcycle or
27 motor-driven cycle on the public streets or highways shall,
28 while so engaged, have the headlight or headlights of such
29 motorcycle or motor-driven cycle turned on. Failure to comply
30 with this section during the hours from sunrise to sunset,
31 unless compliance is otherwise required by law, shall not be

1 admissible as evidence of negligence in a civil action. During
2 the hours of operation between sunrise and sunset, the
3 headlights may modulate either the upper beam or the lower
4 beam from its maximum intensity to a lower intensity, in
5 accordance with Federal Motor Vehicle Safety Standard 571.108.

6 (2) Failure to comply with the provisions of this
7 section shall not be deemed negligence per se in any civil
8 action, but the violation of this section may be considered on
9 the issue of negligence if the violation of this section is a
10 proximate cause of a crash ~~an accident~~.

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

14 Section 215. Subsection (3) is added to section
15 316.410, Florida Statutes, to read:

16 316.410 Taillamps.--

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

20 Section 216. Section 316.415, Florida Statutes, is
21 amended to read:

22 316.415 Reflectors.--Every motorcycle and motor-driven
23 cycle shall carry on the rear, either as part of the taillamp
24 or separately, at least one red reflector. A violation of this
25 section is a noncriminal traffic infraction, punishable as a
26 nonmoving violation as provided in chapter 318.

27 Section 217. Section 316.420, Florida Statutes, is
28 amended to read:

29 316.420 Stop lamps.--Every motorcycle and motor-driven
30 cycle shall be equipped with at least one stop lamp meeting
31 the requirements of s. 316.234(1). A violation of this section

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

3 Section 218. Subsection (3) is added to section
4 316.425, Florida Statutes, to read:

5 316.425 Lamps on parked motorcycles.--

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

9 Section 219. Subsection (3) is added to section
10 316.430, Florida Statutes, to read:

11 316.430 Multiple-beam road-lighting equipment.--

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

15 Section 220. Section 316.435, Florida Statutes, is
16 amended to read:

17 316.435 Lighting equipment for motor-driven
18 cycles.--The headlamp or headlamps upon every motor-driven
19 cycle may be of the single-beam or multiple-beam type, but in
20 either event shall comply with the requirements and
21 limitations as follows:

22 (1) Every such headlamp or headlamps on a motor-driven
23 cycle shall be of sufficient intensity to reveal persons and
24 vehicles at a distance of not less than 100 feet when the
25 motor-driven cycle is operated at any speed less than 25 miles
26 per hour; at a distance of not less than 200 feet when the
27 motor-driven cycle is operated at a speed of 25 or more miles
28 per hour; and at a distance of not less than 300 feet when the
29 motor-driven cycle is operated at a speed of 35 or more miles
30 per hour.

31 (2) In the event the motor-driven cycle is equipped

1 with a multiple-beam headlamp or headlamps, such equipment
2 shall comply with the requirements of s. 316.430(2).

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 221. Section 316.440, Florida Statutes, is
8 amended to read:

9 316.440 Brake equipment required.--Every motor-driven
10 cycle must comply with the provisions of s. 316.261, except
11 that:

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

14 (2) The wheel of a sidecar attached to a motorcycle or
15 to a motor-driven cycle, and the front wheel of a motor-driven
16 cycle, need not be equipped with brakes, provided that such
17 motorcycle or motor-driven cycle is capable of complying with
18 the performance requirements of this chapter.

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

23 Section 222. Subsection (3) is added to section
24 316.445, Florida Statutes, to read:

25 316.445 Performance ability of motorcycle brakes.--

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 223. Subsection (4) is added to section
30 316.450, Florida Statutes, to read:

31 316.450 Brakes on motor-driven cycles.--

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 224. Section 316.455, Florida Statutes, is
5 amended to read:

6 316.455 Other equipment.--Every motorcycle and every
7 motor-driven cycle when operated upon a highway shall comply
8 with the requirements and limitations of:

9 (1) Section 316.271(1) and (2) on the requirement for
10 horns and warning devices.

11 (2) Section 316.271(3) on the requirement for the use
12 of horns.

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

15 (4) Section 316.271(5) on the requirement for theft
16 alarms.

17 (5) Section 316.271(6) on the requirement for
18 emergency vehicles.

19 (6) Section 316.272 on the requirement for mufflers
20 and prevention of noise.

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

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

26 Section 225. Section 316.46, Florida Statutes, is
27 amended to read:

28 316.46 Equipment regulations for mopeds.--No person
29 may operate a moped that does not conform to all applicable
30 federal motor vehicle safety standards relating to lights and
31 safety and other equipment contained in Title 49, Code of

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

4 Section 226. Section 316.510, Florida Statutes, is
5 amended to read:

6 316.510 Projecting loads on passenger vehicles.--No
7 passenger type vehicle shall be operated on any highway with
8 any load carried thereon extending beyond the fenders on the
9 left side of the vehicle or extending more than 6 inches
10 beyond the line of the fenders on the right side thereof. A
11 violation of this section is a noncriminal traffic infraction,
12 punishable as a nonmoving violation as provided in chapter
13 318.

14 Section 227. Subsection (3) is added to section
15 316.520, Florida Statutes, to read:

16 316.520 Loads on vehicles.--

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

20 Section 228. Subsection (3) is added to section
21 316.525, Florida Statutes, to read:

22 316.525 Requirements for vehicles hauling loads.--

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 229. Subsection (4) is added to section
27 316.530, Florida Statutes, to read:

28 316.530 Towing requirements.--

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

1 Section 230. Section 316.600, Florida Statutes, is
2 amended to read:

3 316.600 Health and sanitation hazards.--No motor
4 vehicle, trailer or semitrailer shall be equipped with an open
5 toilet or other device that may be a hazard from a health and
6 sanitation standpoint. A violation of this section is a
7 noncriminal traffic infraction, punishable as a nonmoving
8 violation as provided in chapter 318.

9 Section 231. Section 316.605, Florida Statutes, is
10 amended to read:

11 316.605 Licensing of vehicles.--

12 (1) Every vehicle, at all times while driven, stopped,
13 or parked upon any highways, roads, or streets of this state,
14 shall be licensed in the name of the owner thereof in
15 accordance with the laws of this state unless such vehicle is
16 not required by the laws of this state to be licensed in this
17 state and shall, except as otherwise provided in s. 320.0706
18 for front-end registration license plates on truck tractors,
19 display the license plate or both of the license plates
20 assigned to it by the state, one on the rear and, if two, the
21 other on the front of the vehicle, each to be securely
22 fastened to the vehicle outside the main body of the vehicle
23 in such manner as to prevent the plates from swinging, with
24 all letters, numerals, printing, writing, and other
25 identification marks upon the plates clear and distinct and
26 free from defacement, mutilation, grease, and other obscuring
27 matter, so that they will be plainly visible and legible at
28 all times 100 feet from the rear or front. Nothing shall be
29 placed upon the face of a Florida plate except as permitted by
30 law or by rule or regulation of a governmental agency. No
31 license plates other than those furnished by the state shall

1 be used. However, if the vehicle is not required to be
2 licensed in this state, the license plates on such vehicle
3 issued by another state, by a territory, possession, or
4 district of the United States, or by a foreign country,
5 substantially complying with the provisions hereof, shall be
6 considered as complying with this chapter. A violation of this
7 subsection is a noncriminal traffic infraction, punishable as
8 a nonmoving violation as provided in chapter 318.

9 (2) Any commercial motor vehicle, as defined in s.
10 316.003(66), operating over the highways of this state with an
11 expired registration, with no registration from this or any
12 other jurisdiction, or with no registration under the
13 applicable provisions of chapter 320 shall be in violation of
14 s. 320.07(3) and shall subject the owner or operator of such
15 vehicle to the penalty provided ~~in s. 318.18~~. In addition, a
16 commercial motor vehicle found in violation of this section
17 may be detained by any law enforcement officer until the owner
18 or operator produces evidence that the vehicle has been
19 properly registered and that any applicable delinquent
20 penalties have been paid.

21 Section 232. Subsection (5) of section 316.613,
22 Florida Statutes, is amended to read:

23 316.613 Child restraint requirements.--

24 (5) Any person who violates the provisions of this
25 section commits a moving violation, punishable as provided in
26 chapter 318 and shall have 3 points assessed against his or
27 her driver's license as set forth in s. 322.27. In lieu of the
28 penalty specified in s. 318.18 and the assessment of points, a
29 person who violates the provisions of this section may elect,
30 with the court's approval, to participate in a child restraint
31 safety program approved by the chief judge of the circuit in

1 which the violation occurs, and upon completing such program,
2 the penalty specified in chapter 318 and associated costs may
3 be waived at the court's discretion and the assessment of
4 points shall be waived. The child restraint safety program
5 must use a course approved by the Department of Highway Safety
6 and Motor Vehicles ~~Health and Rehabilitative Services~~, and the
7 fee for the course must bear a reasonable relationship to the
8 cost of providing the course.

9 Section 233. Subsection (5) of section 316.6135,
10 Florida Statutes, is amended to read:

11 316.6135 Leaving children unattended or unsupervised
12 in motor vehicle; penalty; authority of law enforcement
13 officer.--

14 (5) The child shall be remanded to the custody of the
15 Department of Children and Family ~~Health and Rehabilitative~~
16 ~~Services~~ pursuant to chapter 39, unless the law enforcement
17 officer is able to locate the parents or legal guardian or
18 other person responsible for the child.

19 Section 234. Subsection (6) is added to section
20 316.615, Florida Statutes, to read:

21 316.615 School buses; physical requirements of
22 drivers.--

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 Section 235. Subsection (7) is added to section
27 316.620, Florida Statutes, to read:

28 316.620 Transportation of migrant farm workers.--Every
29 carrier of migrant farm workers shall systematically inspect
30 and maintain, or cause to be systematically maintained, all
31 motor vehicles and their accessories subject to its control to

1 ensure that such motor vehicles and accessories are in safe
2 and proper operating condition in accordance with the
3 provisions of this chapter.

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

7 Section 236. Paragraph (b) of subsection (2),
8 paragraph (b) of subsection (3), and paragraph (b) of
9 subsection (5) of section 316.640, Florida Statutes, are
10 amended to read:

11 316.640 Enforcement.--The enforcement of the traffic
12 laws of this state is vested as follows:

13 (2) COUNTIES.--

14 (b) The sheriff's office of each county may employ as
15 a traffic crash ~~accident~~ investigation officer any individual
16 who successfully completes at least 200 hours of instruction
17 in traffic crash ~~accident~~ investigation and court presentation
18 through the Selective Traffic Enforcement Program (STEP) as
19 approved by the Criminal Justice Standards and Training
20 Commission and funded through the National Highway Traffic
21 Safety Administration (NHTSA) or a similar program approved by
22 the commission, but who does not necessarily otherwise meet
23 the uniform minimum standards established by the commission
24 for law enforcement officers or auxiliary law enforcement
25 officers under chapter 943. Any such traffic crash ~~accident~~
26 investigation officer who makes an investigation at the scene
27 of a traffic crash ~~accident~~ may issue traffic citations when,
28 based upon personal investigation, he or she has reasonable
29 and probable grounds to believe that a person who was involved
30 has committed an offense under this chapter in connection with
31 the crash ~~accident~~. This paragraph does not permit the

1 carrying of firearms or other weapons, nor do such officers
2 have arrest authority other than for the issuance of a traffic
3 citation as authorized in this paragraph.

4 (3) MUNICIPALITIES.--

5 (b) The police department of a chartered municipality
6 may employ as a traffic crash ~~accident~~ investigation officer
7 any individual who successfully completes at least 200 hours
8 of instruction in traffic crash ~~accident~~ investigation and
9 court presentation through the Selective Traffic Enforcement
10 Program (STEP) as approved by the Criminal Justice Standards
11 and Training Commission and funded through the National
12 Highway Traffic Safety Administration (NHTSA) or a similar
13 program approved by the commission, but who does not otherwise
14 meet the uniform minimum standards established by the
15 commission for law enforcement officers or auxiliary law
16 enforcement officers under chapter 943. Any such traffic crash
17 ~~accident~~ investigation officer who makes an investigation at
18 the scene of a traffic crash ~~accident~~ is authorized to issue
19 traffic citations when, based upon personal investigation, he
20 or she has reasonable and probable grounds to believe that a
21 person involved has committed an offense under the provisions
22 of this chapter in connection with the crash ~~accident~~.

23 Nothing in this paragraph shall be construed to permit the
24 carrying of firearms or other weapons, nor shall such officers
25 have arrest authority other than for the issuance of a traffic
26 citation as authorized above.

27 (5)

28 (b) The traffic enforcement officer shall be employed
29 in relationship to a selective traffic enforcement program at
30 a fixed location or as part of a crash ~~an accident~~
31 investigation team at the scene of a vehicle crash ~~accident~~ or

1 in other types of traffic infraction enforcement under the
2 direction of a fully qualified law enforcement officer;
3 however, it is not necessary that the traffic infraction
4 enforcement officer's duties be performed under the immediate
5 supervision of a fully qualified law enforcement officer.

6 Section 237. Section 316.645, Florida Statutes, is
7 amended to read:

8 316.645 Arrest authority of officer at scene of a
9 traffic crash ~~accident~~.--A police officer who makes an
10 investigation at the scene of a traffic crash ~~accident~~ may
11 arrest any driver of a vehicle involved in the crash ~~accident~~
12 when, based upon personal investigation, the officer has
13 reasonable and probable grounds to believe that the person has
14 committed any offense under the provisions of this chapter or
15 chapter 322 in connection with the crash ~~accident~~.

16 Section 238. Paragraph (b) of subsection (1) of
17 section 316.70, Florida Statutes, is amended to read:

18 316.70 Nonpublic sector buses; safety rules.--

19 (1) The Department of Transportation shall establish
20 and revise standards to assure the safe operation of nonpublic
21 sector buses, as defined in s. 316.003(78), which standards
22 shall be those contained in 49 C.F.R. parts 382, 385, and
23 390-397 and which shall be directed towards assuring that:

24 (b) Nonpublic sector buses are carrying the insurance
25 required by law and carrying liability insurance on the
26 checked baggage of passengers not to exceed the standard
27 adopted by the United States Department of Transportation
28 ~~Interstate Commerce Commission~~.

29 Section 239. Section 318.12, Florida Statutes, is
30 amended to read:

31 318.12 Purpose.--It is the legislative intent in the

1 adoption of this chapter to decriminalize certain violations
2 of chapter 316, the Florida Uniform Traffic Control Law;
3 chapter 320, Motor Vehicle Licenses; chapter 322, Drivers'
4 Licenses; ~~chapter 339, Florida Transportation Code, Sixth~~
5 ~~Part, chapter 240, Postsecondary Education 239, Universities,~~
6 ~~Scholarships, etc.;~~ and chapter 338, Florida Intrastate
7 Highway System and Toll Facilities ~~340, Turnpike Projects,~~
8 thereby facilitating the implementation of a more uniform and
9 expeditious system for the disposition of traffic infractions.

10 Section 240. Subsection (5) of section 318.13, Florida
11 Statutes, is amended to read:

12 318.13 Definitions.--The following words and phrases,
13 when used in this chapter, shall have the meanings
14 respectively ascribed to them in this section, except where
15 the context otherwise requires:

16 (5) "Officer" means any law enforcement officer
17 charged with and acting under his or her authority to arrest
18 persons suspected of, or known to be, violating statutes or
19 ordinances regulating traffic or the operation or equipment of
20 vehicles. "Officer" includes any individual employed by a
21 sheriff's department or the police department of a chartered
22 municipality who is acting as a traffic infraction enforcement
23 officer as provided in s. 316.640 ~~318.14~~.

24 Section 241. Subsections (1), (4), (9), and (10) of
25 section 318.14, Florida Statutes, are amended to read:

26 318.14 Noncriminal traffic infractions; exception;
27 procedures.--

28 (1) Except as provided in ss. 318.17 and
29 320.07(3)(c)~~(b)~~, any person cited for a violation of s.
30 240.265, chapter 316, s. 320.0605~~(1)~~, s. 320.07(3)(a), s.
31 322.065, s. 322.15(1), s. 322.16(2) or (3), s. 322.1615 ~~s.~~

1 ~~322.161(4)~~, or s. 322.19 is charged with a noncriminal
2 infraction and must be cited for such an infraction and cited
3 to appear before an official. If another person dies as a
4 result of the noncriminal infraction, the person cited may be
5 required to perform 120 community service hours under s.
6 316.027(4), in addition to any other penalties.

7 (4) Any person charged with a noncriminal infraction
8 under this section who does not elect to appear shall pay the
9 civil penalty and delinquent fee, if applicable, either by
10 mail or in person, within 30 days of the date of receiving the
11 citation. If the person cited follows the above procedure, he
12 or she shall be deemed to have admitted the infraction and to
13 have waived his or her right to a hearing on the issue of
14 commission of the infraction. Such admission shall not be
15 used as evidence in any other proceedings. Any person who is
16 cited for a violation of s. 320.0605~~(1)~~ or s. 322.15(1), or
17 subject to a penalty under s. 320.07(3)(a) or s. 322.065, and
18 who makes an election under this subsection shall submit proof
19 of compliance with the applicable section to the clerk of the
20 court. For the purposes of this subsection, proof of
21 compliance consists of a valid driver's license or a valid
22 registration certificate.

23 (9) Any person who is cited for an infraction under
24 this section other than a violation of s. 320.0605~~(1)~~, s.
25 320.07(3)(a), s. 322.065, s. 322.15(1), s. 322.61, or s.
26 322.62 may, in lieu of a court appearance, elect to attend in
27 the location of his or her choice within this state a basic
28 driver improvement course approved by the Department of
29 Highway Safety and Motor Vehicles. In such a case,
30 adjudication must be withheld; points, as provided by s.
31 322.27, may not be assessed; and the civil penalty that is

1 imposed by s. 318.18(3) must be reduced by 18 percent;
2 however, a person may not make an election under this
3 subsection if the person has made an election under this
4 subsection in the preceding 12 months. A person may make no
5 more than five elections under this subsection. The
6 requirement for community service under s. 318.18(8)~~(7)~~ is not
7 waived by a plea of nolo contendere or by the withholding of
8 adjudication of guilt by a court.

9 (10)(a) Any person cited for an offense listed under
10 this subsection may, in lieu of payment of fine or court
11 appearance, elect to enter a plea of nolo contendere and
12 provide proof of compliance to the clerk of the court or
13 authorized operator of a traffic violations bureau. In such
14 case, adjudication shall be withheld; however, no election
15 shall be made under this subsection if such person has made an
16 election under this subsection in the 12 months preceding
17 election hereunder. No person may make more than three
18 elections under this subsection. This subsection applies to
19 the following offenses:

20 1. Operating a motor vehicle without a valid driver's
21 license in violation of the provisions of s. 322.03, s.
22 322.065, or s. 322.15(1), or operating a motor vehicle with a
23 license which has been suspended for failure to appear,
24 failure to pay civil penalty, or failure to attend a driver
25 improvement course pursuant to s. 322.291.

26 2. Operating a motor vehicle without a valid
27 registration in violation of s. 320.0605, ~~or~~ s. 320.07, or s.
28 320.131.

29 3. Operating a motor vehicle in violation of s.
30 316.646.

31 (b) Any person cited for an offense listed in this

1 subsection shall present proof of compliance prior to the
2 scheduled court appearance date. For the purposes of this
3 subsection, proof of compliance shall consist of a valid,
4 renewed, or reinstated driver's license or registration
5 certificate and proper proof of maintenance of security as
6 required by s. 316.646. Notwithstanding waiver of fine, any
7 person establishing proof of compliance shall be assessed
8 court costs of \$22, except that a person charged with
9 violation of s. 316.646(1)-(3) may be assessed court costs of
10 \$7. One dollar of such costs shall be distributed to the
11 Department of Children and Family ~~Health and Rehabilitative~~
12 Services for deposit into the Child Welfare Training Trust
13 Fund. One dollar of such costs shall be distributed to the
14 Department of Juvenile Justice for deposit into the Juvenile
15 Justice Training Trust Fund. Twelve dollars of such costs
16 shall be distributed to the municipality and \$8 shall be
17 retained by the county, if the offense was committed within
18 the municipality. If the offense was committed in an
19 unincorporated area of a county or if the citation was for a
20 violation of s. 316.646(1)-(3), the county shall retain the
21 entire amount, except for the moneys to be deposited into the
22 Child Welfare Training Trust Fund and the Juvenile Justice
23 Training Trust Fund. This subsection shall not be construed
24 to authorize the operation of a vehicle without a valid
25 driver's license, without a valid vehicle tag and
26 registration, or without the maintenance of required security.

27 Section 242. Subsection (2) of section 318.1451,
28 Florida Statutes, is amended to read:

29 318.1451 Driver improvement schools.--

30 (2) In determining whether to approve the courses
31 referenced in this section, the department shall consider

1 course content designed to promote safety, driver awareness,
2 crash ~~accident~~ avoidance techniques, and other factors or
3 criteria to improve driver performance from a safety
4 viewpoint.

5 Section 243. Section 318.17, Florida Statutes, is
6 amended to read:

7 318.17 Offenses excepted.--No provision of this
8 chapter is available to a person who is charged with any of
9 the following offenses:

10 (1) Fleeing or attempting to elude a police officer,
11 in violation of s. 316.1935;

12 (2) Leaving the scene of a crash ~~an accident~~, in
13 violation of ss. 316.027 and 316.061;

14 (3) Driving, or being in actual physical control of,
15 any vehicle while under the influence of alcoholic beverages,
16 any chemical substance set forth in s. 877.111, or any
17 substance controlled under chapter 893, in violation of s.
18 316.193, or driving with an unlawful blood-alcohol level;

19 (4) Reckless driving, in violation of s. 316.192;

20 (5) Making false crash ~~accident~~ reports, in violation
21 of s. 316.067;

22 (6) Willfully failing or refusing to comply with any
23 lawful order or direction of any police officer or member of
24 the fire department, in violation of s. 316.072(3);

25 (7) Obstructing an officer, in violation of s.
26 316.545(1); or

27 (8) Any other offense in chapter 316 which is
28 classified as a criminal violation.

29 Section 244. Subsection (1) of section 318.18, Florida
30 Statutes, 1998 Supplement, is amended to read:

31 318.18 Amount of civil penalties.--The penalties

1 required for a noncriminal disposition pursuant to s. 318.14
2 are as follows:

- 3 (1) Fifteen dollars for:
4 (a) All infractions of pedestrian regulations;
5 (b) All infractions of s. 316.2065, unless otherwise
6 specified; ~~and~~
7 (c) Other violations of chapter 316 by persons 14
8 years of age or under who are operating bicycles, regardless
9 of the noncriminal traffic infraction's classification.

10 Section 245. Section 318.19, Florida Statutes, is
11 amended to read:

12 318.19 Infractions requiring a mandatory hearing.--Any
13 person cited for the infractions listed in this section shall
14 not have the provisions of s. 318.14(2), (4), and (9)
15 available to him or her but must appear before the designated
16 official at the time and location of the scheduled hearing:

- 17 (1) Any infraction which results in a crash ~~an~~
18 ~~accident~~ that causes the death of another; or
19 (2) Any infraction which results in a crash ~~an~~
20 ~~accident~~ that causes "serious bodily injury" of another as
21 defined in s. 316.1933(1); or
22 (3) Any infraction of s. 316.172(1)(b).

23 Section 246. Subsections (4) and (7) of section
24 318.21, Florida Statutes, 1998 Supplement, are amended to
25 read:

26 318.21 Disposition of civil penalties by county
27 courts.--All civil penalties received by a county court
28 pursuant to the provisions of this chapter shall be
29 distributed and paid monthly as follows:

- 30 (4) Of the additional fine assessed under s.
31 318.18(3)(~~d~~)(e) for a violation of s. 316.1301, 40 percent

1 must be deposited into the Grants and Donations Trust Fund of
2 the Division of Blind Services of the Department of Labor and
3 Employment Security, and 60 percent must be distributed
4 pursuant to subsections (1) and (2) ~~of this section.~~

5 (7) For fines assessed under s. 318.18(3) for unlawful
6 speed, the following amounts must be deducted and deposited
7 into the Nongame Wildlife Trust Fund:

8	9 For speed exceeding the limit by:	10 Fine:
10	<u>1-5 m.p.h.</u>	\$.00
11	<u>6</u> 1 -9 m.p.h.....	\$.25
12	10-14 m.p.h.....	\$ 3.00
13	15-19 m.p.h.....	\$ 4.00
14	20-29 m.p.h.....	\$ 5.00
15	30 m.p.h. and above.....	\$10.00

16
17 The remaining amount must be distributed pursuant to
18 subsections (1) and (2).

19 Section 247. Subsection (1) of section 318.32, Florida
20 Statutes, is amended to read:

21 318.32 Jurisdiction; limitations.--

22 (1) Hearing officers shall be empowered to accept
23 pleas from and decide the guilt or innocence of any person,
24 adult or juvenile, charged with any civil traffic infraction
25 and shall be empowered to adjudicate or withhold adjudication
26 of guilt in the same manner as a county court judge under the
27 statutes, rules, and procedures presently existing or as
28 subsequently amended, except that hearing officers shall not:

29 (a) Have the power to hold a defendant in contempt of
30 court, but shall be permitted to file a motion for order of
31 contempt with the appropriate state trial court judge;

1 (b) Hear a case involving a crash ~~an accident~~
2 resulting in injury or death; or

3 (c) Hear a criminal traffic offense case or a case
4 involving a civil traffic infraction issued in conjunction
5 with a criminal traffic offense.

6 Section 248. Section 318.39, Florida Statutes, is
7 repealed.

8 Section 249. Paragraph (b) of subsection (2) of
9 section 319.28, Florida Statutes, is amended to read:

10 319.28 Transfer of ownership by operation of law.--

11 (2)

12 (b) In case of repossession of a motor vehicle or
13 mobile home pursuant to the terms of a security agreement or
14 similar instrument, an affidavit by the party to whom
15 possession has passed stating that the vehicle or mobile home
16 was repossessed upon default in the terms of the security
17 agreement or other instrument shall be considered satisfactory
18 proof of ownership and right of possession. At least 5 days
19 prior to selling the repossessed vehicle, any subsequent
20 lienholder named in the last issued certificate of title shall
21 be sent notice of the repossession by certified mail, on a
22 form prescribed by the department. If such notice is given
23 and no written protest to the department is presented by a
24 subsequent lienholder within 15 days from the date on which
25 the notice was mailed, the certificate of title or the
26 certificate of repossession shall be issued showing no liens.
27 If the former owner or any subsequent lienholder files a
28 written protest under oath within such 15-day period, the
29 department shall not issue the certificate of title or
30 certificate of repossession for 10 days thereafter. If within
31 the 10-day period no injunction or other order of a court of

1 competent jurisdiction has been served on the department
2 commanding it not to deliver the certificate of title or
3 certificate of repossession, the department shall deliver the
4 certificate of title or repossession to the applicant or as
5 may otherwise be directed in the application showing no other
6 liens than those shown in the application. Any lienholder who
7 has repossessed a vehicle in compliance with the provisions of
8 this section may apply to the tax collector's office or to the
9 department for a certificate of repossession or to the
10 department for a certificate of title pursuant to s. 319.323.
11 Proof of the required notice to subsequent lienholders shall
12 be submitted together with regular title fees. A lienholder
13 to whom a certificate of repossession has been issued may
14 assign the certificate of title to the subsequent owner. Any
15 person found guilty of violating any requirements of this
16 paragraph shall be guilty of a felony of the third degree,
17 punishable as provided in s. 775.082, s. 775.083, or s.
18 775.084.

19 Section 250. Paragraph (d) of subsection (1) of
20 section 319.33, Florida Statutes, is amended to read:

21 319.33 Offenses involving vehicle identification
22 numbers, applications, certificates, papers; penalty.--

23 (1) It is unlawful:

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

31 Section 251. Subsection (12) of section 320.02,

1 Florida Statutes, is amended to read:

2 320.02 Registration required; application for
3 registration; forms.--

4 (12) The department is authorized to withhold
5 registration or reregistration of any motor vehicle if the
6 owner, or one of the coowners of the vehicle, has a driver's
7 license which is under suspension for the failure to remit
8 payment of any fines levied in this state pursuant to chapter
9 318 or chapter 322. ~~The department shall design and implement
10 a program to accomplish this action by June 1, 1992. However,
11 nothing in this subsection shall be construed to prohibit the
12 department from withholding registration or renewal for a
13 similar situation during the interim.~~

14 Section 252. Subsections (7) and (8) of section
15 320.03, Florida Statutes, 1998 Supplement, are amended to
16 read:

17 320.03 Registration; duties of tax collectors;
18 International Registration Plan.--

19 (7) The Department of Highway Safety and Motor
20 Vehicles shall register apportioned motor vehicles under the
21 provisions of the International Registration Plan.
22 ~~Implementation of the plan shall occur by July 1, 1986, for
23 the 1986-1987 registration period.~~ The department may adopt
24 rules to implement and enforce the provisions of the plan.

25 (8) If the applicant's name appears on the list
26 referred to in s. 316.1001(4)(5) or s. 316.1967(6), a license
27 plate or revalidation sticker may not be issued until that
28 person's name no longer appears on the list or until the
29 person presents a receipt from the clerk showing that the
30 fines outstanding have been paid. The tax collector and the
31 clerk of the court are each entitled to receive monthly, as

1 costs for implementing and administering this subsection, 10
2 percent of the civil penalties and fines recovered from such
3 persons. If the tax collector has private tag agents, such tag
4 agents are entitled to receive a pro rata share of the amount
5 paid to the tax collector, based upon the percentage of
6 license plates and revalidation stickers issued by the tag
7 agent compared to the total issued within the county. The
8 authority of any private agent to issue license plates shall
9 be revoked, after notice and a hearing as provided in chapter
10 120, if he or she issues any license plate or revalidation
11 sticker contrary to the provisions of this subsection. This
12 section applies only to the annual renewal in the owner's
13 birth month of a motor vehicle registration and does not apply
14 to the transfer of a registration of a motor vehicle sold by a
15 motor vehicle dealer licensed under this chapter, except for
16 the transfer of registrations which is inclusive of the annual
17 renewals. This section does not affect the issuance of the
18 title to a motor vehicle, notwithstanding s. 319.23(7)(b).

19 Section 253. Section 320.031, Florida Statutes, is
20 amended to read:

21 320.031 Mailing of registration certificates, license
22 plates, and validation stickers.--

23 (1) The department and the tax collectors of the
24 several counties of the state may at the request of the
25 applicant use United States mail service to deliver
26 registration certificates and renewals thereof, license
27 plates, mobile home stickers, and validation stickers to
28 applicants.

29 (2) A mail service charge may be collected for each
30 registration certificate, license plate, mobile home sticker,
31 and validation sticker mailed by the department or any tax

1 collector. Each registration certificate, license plate,
2 mobile home sticker, and validation sticker shall be mailed by
3 first-class mail unless otherwise requested by the applicant.
4 The amount of the mail service charge shall be the actual
5 postage required, rounded to the nearest 5 cents, plus a
6 25-cent handling charge. The mail service charge is in
7 addition to the service charge provided by s. 320.04.

8 ~~(3) The department is authorized to reproduce such~~
9 ~~documents, records, and reports as required to meet the~~
10 ~~requirements of the law and the needs of the public, either by~~
11 ~~photographing, microphotographing, or reproducing on film the~~
12 ~~document, record, or report, or by using an electronic~~
13 ~~digitizing process capable of reproducing a true and correct~~
14 ~~image of the original source document. The photographs,~~
15 ~~microphotographs, or electronic digitized copy of any records~~
16 ~~made in compliance with the provisions of this section shall~~
17 ~~have the same force and effect as the originals thereof and~~
18 ~~shall be treated as originals for the purpose of their~~
19 ~~admissibility into evidence. Duly certified or authenticated~~
20 ~~reproductions of such photographs, microphotographs, or~~
21 ~~electronically digitized records shall be admitted into~~
22 ~~evidence equally with the original photographs,~~
23 ~~microphotographs, or electronically digitized records.~~

24 Section 254. Subsections (1) and (5) of section
25 320.055, Florida Statutes, are amended to read:

26 320.055 Registration periods; renewal periods.--The
27 following registration periods and renewal periods are
28 established:

29 (1) For a motor vehicle subject to registration under
30 s. 320.08(1), (2), (3)~~(a), (b), (c), (d), or (e)~~, (5)(b), (c),
31 (d), or (f)~~(e)~~, (6)(a), (7), (8), (9), or (10) and owned by a

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

10 (5) For a vehicle subject to registration under s.
11 320.08(4), (5)(a)1., ~~(e), or~~ (6)(b), or (14), the registration
12 period shall be a period of 12 months beginning in a month
13 designated by the department and ending on the last day of the
14 12th month. For a vehicle subject to this registration
15 period, the renewal period is the last month of the
16 registration period. The registration period may be shortened
17 or extended at the discretion of the department, on receipt of
18 the appropriate prorated fees, in order to evenly distribute
19 such registrations on a monthly basis.

20 Section 255. Paragraph (b) of subsection (1) and
21 paragraph (a) of subsection (3) of section 320.06, Florida
22 Statutes, are amended to read:

23 320.06 Registration certificates, license plates, and
24 validation stickers generally.--

25 (1)

26 (b) Registration license plates bearing a graphic
27 symbol and the alphanumeric system of identification shall be
28 issued for a 5-year period. At the end of said 5-year period,
29 upon renewal, the plate shall be replaced ~~and the department~~
30 ~~shall determine the replacement date for plates issued prior~~
31 ~~to October 1, 1985.~~ The fee for such replacement shall be

1 \$10, \$2 of which shall be paid each year before the plate is
2 replaced, to be credited towards the next \$10 replacement fee.
3 The fees shall be deposited into the Highway Safety Operating
4 Trust Fund. A credit or refund shall not be given for any
5 prior years' payments of such prorated replacement fee when
6 the plate is replaced or surrendered before the end of the
7 5-year period. With each license plate, there shall be issued
8 a validation sticker showing the owner's birth month or the
9 appropriate renewal period if the owner is not a natural
10 person. This validation sticker shall be placed on the upper
11 left corner of the license plate and shall be issued one time
12 during the life of the license plate, or upon request when it
13 has been damaged or destroyed. There shall also be issued
14 with each license plate a serially numbered validation sticker
15 showing the year of expiration, which sticker shall be placed
16 on the upper right corner of the license plate. Such license
17 plate and validation stickers shall be issued based on the
18 applicant's appropriate renewal period. The registration
19 period shall be a period of 12 months, and all expirations
20 shall occur based on the applicant's appropriate registration
21 period. A vehicle with an apportioned registration shall be
22 issued an annual license plate and a cab card that denote the
23 declared gross vehicle weight for each apportioned
24 jurisdiction in which the vehicle is authorized to operate.

25 (3)(a) Registration license plates shall be of metal
26 specially treated with a retroreflective material, as
27 specified by the department. The registration license plate is
28 designed to increase nighttime visibility and legibility and
29 shall be at least 6 inches wide and not less than 12 inches in
30 length, unless a plate with reduced dimensions is deemed
31 necessary by the department to accommodate motorcycles,

1 mopeds, or similar smaller vehicles. Validation stickers shall
2 be treated with a retroreflective material, shall be of such
3 size as specified by the department, and shall adhere to the
4 license plate. The registration license plate shall be
5 imprinted with a combination of bold letters and numerals or
6 numerals, not to exceed seven digits, to identify the
7 registration license plate number. The license plate shall
8 also be imprinted with the word "Florida" at the top and the
9 name of the county in which it is sold at the bottom, except
10 that apportioned license plates shall have the word
11 "Apportioned" at the bottom and license plates issued for
12 vehicles taxed under s. 320.08(3)(d), (4)(m) or (n), (5)(b) or
13 (c), ~~(12)~~, or (14) shall have the word "Restricted" at the
14 bottom. License plates issued for vehicles taxed under s.
15 320.08(12) must be imprinted with the word "Florida" at the
16 top and the word "Dealer" at the bottom, ~~except that~~
17 ~~gross-vehicle-weight vehicles owned by a licensed motor~~
18 ~~vehicle dealer may be issued a license plate with the word~~
19 ~~"Restricted."~~ License plates issued for vehicles taxed under
20 s. 320.08(5)(d) or (e) must be imprinted with the word
21 "Wrecker" at the bottom. Any county may, upon majority vote
22 of the county commission, elect to have the county name
23 removed from the license plates sold in that county. The words
24 "Sunshine State" shall be printed in lieu thereof. In those
25 counties where the county commission has not removed the
26 county name from the license plate, the tax collector may, in
27 addition to issuing license plates with the county name
28 printed on the license plate, also issue license plates with
29 the words "Sunshine State" printed on the license plate
30 subject to the approval of the department and a legislative
31 appropriation for the additional license plates. A license

1 plate issued for a vehicle taxed under s. 320.08(6) may not be
2 assigned a registration license number, or be issued with any
3 other distinctive character or designation, that distinguishes
4 the motor vehicle as a for-hire motor vehicle.

5 Section 256. Subsection (1) of section 320.0601,
6 Florida Statutes, is amended to read:

7 320.0601 Rental car companies; identification of
8 vehicles as for-hire.--

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

14 Section 257. Section 320.0605, Florida Statutes, is
15 amended to read:

16 320.0605 Certificate of registration; possession
17 required; exception.--The registration certificate or an
18 official copy thereof, a true copy of a rental or lease
19 agreement issued for a motor vehicle or issued for a
20 replacement vehicle in the same registration period, or a cab
21 card issued for a vehicle registered under the International
22 Registration Plan shall, at all times while the vehicle is
23 being used or operated on the roads of this state, be in the
24 possession of the operator thereof or be carried in the
25 vehicle for which issued and shall be exhibited upon demand of
26 any authorized law enforcement officer or any agent of the
27 department. The provisions of this section do not apply during
28 the first 30 days after purchase of a replacement vehicle. 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 258. Paragraph (a) of subsection (3) of
2 section 320.07, Florida Statutes, is amended to read:

3 320.07 Expiration of registration; annual renewal
4 required; penalties.--

5 (3) The operation of any motor vehicle without having
6 attached thereto a registration license plate and validation
7 stickers, or the use of any mobile home without having
8 attached thereto a mobile home sticker, for the current
9 registration period shall subject the owner thereof, if he or
10 she is present, or, if the owner is not present, the operator
11 thereof to the following penalty provisions:

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

17 Section 259. Section 320.073, Florida Statutes, is
18 repealed.

19 Section 260. Section 320.0802, Florida Statutes, is
20 amended to read:

21 320.0802 Surcharge on license tax.--During the period
22 January 1, 1989, through December 31, 2003, there is hereby
23 levied and imposed on each license tax imposed under s.
24 320.08, except those set forth in s. 320.08(11), a surcharge
25 in the amount of \$1, which shall be collected in the same
26 manner as the license tax and deposited into the State Agency
27 Law Enforcement Radio System Trust Fund of the Department of
28 Management Services. However, the surcharge shall be
29 terminated on midnight December 31, 1994, unless the pilot
30 project established in s. 282.1095 is deemed successful by the
31 joint task force with the concurrence of the Governor and

1 Cabinet as the head of the Department of Management Services
2 ~~General Services~~.

3 Section 261. Paragraph (b) of subsection (1) and
4 paragraph (b) of subsection (7) of section 320.08058, Florida
5 Statutes, 1998 Supplement, are amended to read:

6 320.08058 Specialty license plates.--

7 (1) MANATEE LICENSE PLATES.--

8 (b)1. The manatee license plate annual use fee must be
9 deposited into the Save the Manatee Trust Fund, created within
10 the Department of Environmental Protection. The funds
11 deposited in the Save the Manatee Trust Fund may be used only
12 for manatee-related environmental education; manatee research;
13 facilities, as provided in s. 370.12(4)(b)(5)(b); and manatee
14 protection and recovery.

15 2. For fiscal year 1996-1997, 25 percent of the
16 manatee license plate annual use fee must be deposited into
17 the Save the Manatee Trust Fund within the Department of
18 Environmental Protection and shall be used for manatee
19 facilities as provided in s. 370.12(5)(b).

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

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

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

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

31 Section 262. Section 320.08062, Florida Statutes, 1998

1 Supplement, is amended to read:

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

4 (1)(a) All organizations that receive annual use fee
5 proceeds from the department are responsible for ensuring that
6 proceeds are used in accordance with ss. 320.08056 and
7 320.08058.

8 (b) All organizational recipients of any specialty
9 license plate annual use fee authorized in this chapter, not
10 otherwise subject to annual audit by the Office of the Auditor
11 General, shall submit an annual audit of the expenditures of
12 annual use fees and interest earned from these fees, to
13 determine if expenditures are being made in accordance with
14 the specifications outlined by law. The audit shall be
15 prepared by a certified public accountant licensed under
16 chapter 473 at that organizational recipient's expense. The
17 notes to the financial statements should state whether
18 expenditures were made in accordance with ss. 320.08056 and
19 320.08058.

20 (c) In lieu of an annual audit, any organization
21 receiving less than \$25,000 in annual use fee proceeds
22 directly from the department, or from another state agency,
23 may annually report, under penalties of perjury, that such
24 proceeds were used in compliance with ss. 320.08056 and
25 320.08058. The attestation shall be made annually in a form
26 and format determined by the department.

27 (d) The annual audit or report shall be submitted to
28 the department for review within 180 days after the end of the
29 organization's fiscal year.

30 (2) Within 90 days after receiving an organization's
31 audit or report, the department shall determine which

1 recipients of revenues from specialty license plate annual use
2 fees have not complied with subsection (1). If the department
3 determines that an organization has not complied or has failed
4 to use the revenues in accordance with ss. 320.08056 and
5 320.08058, the department must discontinue the distribution of
6 the revenues to the organization until the department
7 determines that the organization has complied. If an
8 organization fails to comply within 12 months after the annual
9 use fee proceeds are withheld by the department, the proceeds
10 shall be deposited into the Highway Safety Operating Trust
11 Fund to offset department costs related to the issuance of
12 specialty license plates.

13 (3) The Auditor General and the department have the
14 authority to examine all records pertaining to the use of
15 funds from the sale of specialty license plates.

16 Section 263. Paragraph (c) of subsection (2) of
17 section 320.0848, Florida Statutes, 1998 Supplement, is
18 amended to read:

19 320.0848 Persons who have disabilities; issuance of
20 disabled parking permits; temporary permits; permits for
21 certain providers of transportation services to persons who
22 have disabilities.--

23 (2) DISABLED PARKING PERMIT; PERSONS WITH LONG-TERM
24 MOBILITY PROBLEMS.--

25 (c)1. Except as provided in subparagraph 2., the fee
26 for a disabled parking permit shall be:

27 a. Fifteen dollars for each initial 4-year permit or
28 renewal permit, of which the State Transportation Trust Fund
29 shall receive \$13.50 and the tax collector of the county in
30 which the fee was collected shall receive \$1.50.

31 b. One dollar for each additional or additional

1 renewal 4-year permit, of which the State Transportation Trust
2 Fund shall receive all funds collected.

3
4 The department shall not issue an additional disabled parking
5 permit unless the applicant states that they are a frequent
6 traveler or a quadriplegic. The department may not issue to
7 any one eligible applicant more than two disabled parking
8 permits except to an organization in accordance with paragraph
9 (1)(e)(~~d~~). Subsections (1), (5), (6), and (7) apply to this
10 subsection.

11 2. If an applicant who is a disabled veteran, is a
12 resident of this state, has been honorably discharged, and
13 either has been determined by the Department of Defense or the
14 United States Department of Veterans Affairs or its
15 predecessor to have a service-connected disability rating for
16 compensation of 50 percent or greater or has been determined
17 to have a service-connected disability rating of 50 percent or
18 greater and is in receipt of both disability retirement pay
19 from the United States Department of Veterans Affairs and has
20 a signed physician's statement of qualification for the
21 disabled parking permits, the fee for a disabled parking
22 permit shall be:

23 a. One dollar and fifty cents for the initial 4-year
24 permit or renewal permit.

25 b. One dollar for each additional or additional
26 renewal 4-year permit.

27
28 The tax collector of the county in which the fee was collected
29 shall retain all funds received pursuant to this subparagraph.

30 3. If an applicant presents to the department a
31 statement from the Federal Government or the State of Florida

1 indicating the applicant is a recipient of supplemental
2 security income, the fee for the disabled parking permit shall
3 be \$9 for the initial 4-year permit or renewal permit, of
4 which the State Transportation Trust Fund shall receive \$6.75
5 and the tax collector of the county in which the fee was
6 collected shall receive \$2.25.

7 Section 264. Section 320.087, Florida Statutes, is
8 amended to read:

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

31 Section 265. Section 320.1325, Florida Statutes, is

1 amended to read:

2 320.1325 Registration required for the temporarily
3 employed.--Motor vehicles owned or leased by persons who are
4 temporarily employed within the state but are not residents
5 are required to be registered. The department shall provide a
6 temporary registration plate and a registration certificate
7 valid for 90 days to an applicant who is temporarily employed
8 in the state. The temporary registration plate may be renewed
9 one time for an additional 90-day period. At the end of the
10 180-day period of temporary registration, the applicant shall
11 apply for a permanent registration if there is a further need
12 to remain in this state. A temporary license registration
13 plate may not be issued for any commercial motor vehicle as
14 defined in s. 320.01. The fee for the 90-day temporary
15 registration plate shall be \$40 plus the applicable service
16 charge required by s. 320.04. Subsequent permanent
17 registration and titling of a vehicle registered hereunder
18 shall subject the applicant to the fees required by ~~s. ss.~~
19 ~~319.231~~ and 320.072, in addition to all other taxes and fees
20 required.

21 Section 266. Paragraph (b) of subsection (5) of
22 section 320.20, Florida Statutes, is amended to read:

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

28 (5)

29 (b) ~~Beginning July 1, 1989,~~The State Comptroller each
30 month shall deposit in the State Transportation Trust Fund an
31 amount, drawn from other funds in the State Treasury which are

1 not immediately needed or are otherwise in excess of the
2 amount necessary to meet the requirements of the State
3 Treasury, which when added to such remaining revenues each
4 month will equal one-twelfth of the amount of the anticipated
5 annual revenues to be deposited in the State Transportation
6 Trust Fund under paragraph (a) as estimated by the most recent
7 revenue estimating conference held pursuant to s. 216.136(3).
8 The transfers required hereunder may be suspended by action of
9 the Administration Commission in the event of a significant
10 shortfall of state revenues.

11 Section 267. Subsection (4) of section 320.8255,
12 Florida Statutes, is amended to read:

13 320.8255 Mobile home inspection.--

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

19 Section 268. Section 320.8256, Florida Statutes, is
20 repealed.

21 Section 269. Subsections (2) and (4) of section
22 321.051, Florida Statutes, 1998 Supplement, are amended to
23 read:

24 321.051 Florida Highway Patrol wrecker operator
25 system; penalties for operation outside of system.--

26 (2) The Division of Florida Highway Patrol of the
27 Department of Highway Safety and Motor Vehicles is authorized
28 to establish within areas designated by the patrol a wrecker
29 operator system using qualified, reputable wrecker operators
30 for removal and storage of wrecked or disabled vehicles from a
31 crash ~~an accident~~ scene or for removal and storage of

1 abandoned vehicles, in the event the owner or operator is
2 incapacitated or unavailable or leaves the procurement of
3 wrecker service to the officer at the scene. All reputable
4 wrecker operators shall be eligible for use in the system
5 provided their equipment and drivers meet recognized safety
6 qualifications and mechanical standards set by rules of the
7 Division of Florida Highway Patrol for the size of vehicle it
8 is designed to handle. The division is authorized to limit the
9 number of wrecker operators participating in the wrecker
10 operator system, which authority shall not affect wrecker
11 operators currently participating in the system established by
12 this section. The division is authorized to establish maximum
13 rates for the towing and storage of vehicles removed at the
14 division's request, where such rates have not been set by a
15 county or municipality pursuant to s. 125.0103 or s. 166.043.
16 Such rates shall not be considered rules for the purpose of
17 chapter 120; however, the department shall establish by rule a
18 procedure for setting such rates. Any provision in chapter
19 120 to the contrary notwithstanding, a final order of the
20 department denying, suspending, or revoking a wrecker
21 operator's participation in the system shall be reviewable in
22 the manner and within the time provided by the Florida Rules
23 of Appellate Procedure only by a writ of certiorari issued by
24 the circuit court in the county wherein such wrecker operator
25 resides.

26 (4) This section does not prohibit, or in any way
27 prevent, the owner or operator of a vehicle involved in a
28 crash ~~an accident~~ or otherwise disabled from contacting any
29 wrecker operator for the provision of towing services, whether
30 the wrecker operator is an authorized wrecker operator or not.

31 Section 270. Subsection (2) of section 321.23, Florida

1 Statutes, is amended to read:

2 321.23 Public records; fees for copies; destruction of
3 obsolete records; photographing records; effect as evidence.--

4 (2) Fees for copies of public records shall be charged
5 and collected as follows:

6 (a) For a crash ~~an accident~~ report, a copy.....\$2

7 (b) For a homicide report, a copy.....\$25

8 (c) Photographs (accidents, etc.):

9

10	Enlargement	Color	Black
11	Proof		& White
12			
13	1. 5" x 7"	\$1.00	\$0.75
14	2. 8" x 10"	\$1.50	\$1.00
15	3. 11" x 14"	Not Available	\$1.75
16	4. 16" x 20"	Not Available	\$2.75
17	5. 20" x 24"	Not Available	\$3.75

18

19 (d) The department shall furnish such information
20 without charge to any local, state, or federal law enforcement
21 agency upon proof satisfactory to the department as to the
22 purpose of the investigation.

23 Section 271. Sections 321.06, 321.07, 321.09, 321.12,
24 321.15, 321.17, 321.18, 321.19, 321.191, 321.20, 321.201,
25 321.202, 321.203, 321.21, 321.22, 321.2205, 321.221, 321.222,
26 and 321.223, Florida Statutes, are repealed.

27 Section 272. Section 322.0261, Florida Statutes, is
28 amended to read:

29 322.0261 Mandatory driver improvement course; certain
30 crashes ~~accidents~~.--

31 (1) The department shall screen crash ~~accident~~ reports

1 received under s. 316.066 or s. 324.051 to identify crashes
2 ~~accidents~~ involving the following:

3 (a) A crash ~~An accident~~ involving death or a bodily
4 injury requiring transport to a medical facility; or

5 (b) A second crash ~~accident~~ by the same operator
6 within the previous 2-year period involving property damage in
7 an apparent amount of at least \$500.

8 (2) With respect to an operator convicted of, or who
9 pleaded nolo contendere to, a traffic offense giving rise to a
10 crash ~~an accident~~ identified pursuant to subsection (1), the
11 department shall require that the operator, in addition to
12 other applicable penalties, attend a departmentally approved
13 driver improvement course in order to maintain driving
14 privileges. If the operator fails to complete the course
15 within 90 days of receiving notice from the department, the
16 operator's driver's license shall be canceled by the
17 department until the course is successfully completed.

18 (3) In determining whether to approve a driver
19 improvement course for the purposes of this section, the
20 department shall consider course content designed to promote
21 safety, driver awareness, crash ~~accident~~ avoidance techniques,
22 and other factors or criteria to improve driver performance
23 from a safety viewpoint.

24 Section 273. Subsection (2) of section 322.055,
25 Florida Statutes, is amended to read:

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

29 (2) If a person 18 years of age or older is convicted
30 for the possession or sale of, trafficking in, or conspiracy
31 to possess, sell, or traffic in a controlled substance and

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

21 Section 274. Subsection (5) of section 322.08, Florida
22 Statutes, 1998 Supplement, is amended to read:

23 322.08 Application for license.--

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

29 Section 275. Subsection (2) of section 322.12, Florida
30 Statutes, is amended to read:

31 322.12 Examination of applicants.--

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

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

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

29
30 If the revocation or suspension of the driver's license was
31 for a violation of s. 316.193, or for refusal to submit to a

1 lawful breath, blood, or urine test, an additional fee of \$105
2 must be charged. However, only one such \$105 fee is to be
3 collected from one person convicted of such violations arising
4 out of the same incident. The department shall collect the
5 \$105 fee and deposit it into the Highway Safety Operating
6 Trust Fund at the time of reinstatement of the person's
7 driver's license, but the fee must not be collected if the
8 suspension or revocation was overturned.

9 Section 276. Subsection (3) of section 322.121,
10 Florida Statutes, is amended to read:

11 322.121 Periodic reexamination of all drivers.--

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

17 (a) Failure to exhibit a vehicle registration
18 certificate, rental agreement, or cab card pursuant to s.
19 320.0605 ~~s. 320.0605(1)~~;

20 (b) Failure to renew a motor vehicle or mobile home
21 registration that has been expired for 4 months or less
22 pursuant to s. 320.07(3)(a);

23 (c) Operating a motor vehicle with an expired license
24 that has been expired for 4 months or less pursuant to s.
25 322.065;

26 (d) Failure to carry or exhibit a license pursuant to
27 s. 322.15(1); or

28 (e) Failure to notify the department of a change of
29 address or name within 10 days pursuant to s. 322.19,

30

31 the department shall cause such licensee's license to be

1 prominently marked with the notation "Safe Driver."

2 Section 277. Paragraph (a) of subsection (2) of
3 section 322.141, Florida Statutes, is amended to read:

4 322.141 Color of licenses.--

5 (2)(a) ~~Effective January 1, 1990,~~All licenses for the
6 operation of motor vehicles originally issued or reissued by
7 the department to persons who have insulin-dependent diabetes
8 may, at the request of the applicant, have distinctive
9 markings separate and distinct from all other licenses issued
10 by the department.

11 Section 278. Subsection (4) is added to section
12 322.15, Florida Statutes, to read:

13 322.15 License to be carried and exhibited on demand;
14 fingerprint to be imprinted upon a citation.--

15 (4) A violation of subsection (1) is a noncriminal
16 traffic infraction, punishable as a nonmoving violation as
17 provided in chapter 318.

18 Section 279. Subsections (2), (3), and (7) of section
19 322.20, Florida Statutes, are amended to read:

20 322.20 Records of the department; fees; destruction of
21 records.--

22 (2) The department shall also maintain a record of all
23 crash accident reports, abstracts of court records of
24 convictions, and notices of revocation or suspension of a
25 person's driver's license or driving privilege.

26 (3) The department shall maintain convenient records
27 or make suitable notations, in order that the individual
28 driver history record of each licensee is readily available
29 for the consideration of the department upon application for
30 renewal of a license and at other suitable times. The release
31 by the department of the driver history record, with respect

1 to crashes ~~accidents~~ involving a licensee, shall not include
2 any notation or record of the occurrence of a motor vehicle
3 crash ~~accident~~ unless the licensee received a traffic citation
4 as a direct result of the crash ~~accident~~, and to this extent
5 such notation or record is exempt from the provisions of s.
6 119.07(1).

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

13 Section 280. Section 322.201, Florida Statutes, is
14 amended to read:

15 322.201 Records as evidence.--A copy, computer copy,
16 or transcript of all abstracts of crash ~~accident~~ reports and
17 all abstracts of court records of convictions received by the
18 department and the complete driving record of any individual
19 duly certified by machine imprint of the department or by
20 machine imprint of the clerk of a court shall be received as
21 evidence in all courts of this state without further
22 authentication, provided the same is otherwise admissible in
23 evidence. Further, any court or the office of the clerk of
24 any court of this state which is electronically connected by a
25 terminal device to the computer data center of the department
26 may use as evidence in any case the information obtained by
27 this device from the records of the department without need of
28 such certification; however, if a genuine issue as to the
29 authenticity of such information is raised by a party or by
30 the court, the court in its sound discretion may require that
31 a record certified by the department be submitted for

1 admission into evidence. For such computer copies generated
2 by a terminal device of a court or clerk of court, entry in a
3 driver's record that the notice required by s. 322.251 was
4 given shall constitute sufficient evidence that such notice
5 was given.

6 Section 281. Paragraph (a) of subsection (2) of
7 section 322.221, Florida Statutes, is amended to read:

8 322.221 Department may require reexamination.--

9 (2)(a) The department may require an examination or
10 reexamination to determine the competence and driving ability
11 of any driver causing or contributing to the cause of any
12 ~~crash accident~~ resulting in death, personal injury, or
13 property damage.

14 Section 282. Subsection (4) of section 322.26, Florida
15 Statutes, 1998 Supplement, is amended to read:

16 322.26 Mandatory revocation of license by
17 department.--The department shall forthwith revoke the license
18 or driving privilege of any person upon receiving a record of
19 such person's conviction of any of the following offenses:

20 (4) Failure to stop and render aid as required under
21 the laws of this state in the event of a motor vehicle crash
22 ~~accident~~ resulting in the death or personal injury of another.

23 Section 283. Section 322.264, Florida Statutes, is
24 reenacted and amended to read:

25 322.264 "Habitual traffic offender" defined.--A
26 "habitual traffic offender" is any person whose record, as
27 maintained by the Department of Highway Safety and Motor
28 Vehicles, shows that such person has accumulated the specified
29 number of convictions for offenses described in subsection (1)
30 or subsection (2) within a 5-year period:

31 (1) Three or more convictions of any one or more of

1 the following offenses arising out of separate acts:

2 (a) Voluntary or involuntary manslaughter resulting
3 from the operation of a motor vehicle;

4 (b) Any violation of s. 316.193, former s. 316.1931,
5 or former s. 860.01;

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

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

10 (e) Failing to stop and render aid as required under
11 the laws of this state in the event of a motor vehicle crash
12 ~~accident~~ resulting in the death or personal injury of another;
13 or

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

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

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

1 Section 284. Subsections (1) and (3) of section
2 322.27, Florida Statutes, are amended to read:

3 322.27 Authority of department to suspend or revoke
4 license.--

5 (1) Notwithstanding any provisions to the contrary in
6 chapter 120, the department is hereby authorized to suspend
7 the license of any person without preliminary hearing upon a
8 showing of its records or other sufficient evidence that the
9 licensee:

10 (a) Has committed an offense for which mandatory
11 revocation of license is required upon conviction; ~~or~~

12 (b) Has been convicted of a violation of any traffic
13 law which resulted in a crash ~~an accident~~ that caused the
14 death or personal injury of another or property damage in
15 excess of \$500; ~~or~~

16 (c) Is incompetent to drive a motor vehicle; ~~or~~

17 (d) Has permitted an unlawful or fraudulent use of
18 such license or has knowingly been a party to the obtaining of
19 a license by fraud or misrepresentation or to display, or
20 represent as one's own, any driver's license not issued him or
21 her. Provided, however, no provision of this section shall be
22 construed to include the provisions of s. 322.32(1); ~~or~~

23 (e) Has committed an offense in another state which if
24 committed in this state would be grounds for suspension or
25 revocation; or

26 (f) Has committed a second or subsequent violation of
27 s. 316.172(1) within a 5-year period of any previous
28 violation.

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 a crash ~~an accident~~ resulting
27 in property damage of more than \$50--6 points.
- 28 3. Unlawful speed resulting in a crash ~~an accident~~--6
29 points.
- 30 4. Passing a stopped school bus--4 points.
- 31 5. Unlawful speed:

- 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 a crash ~~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 reinstated, if such person has complied with all other

1 requirements of this chapter.

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

5 Section 285. Paragraph (a) of subsection (1) of
6 section 322.291, Florida Statutes, is amended to read:

7 322.291 Driver improvement schools; required in
8 certain suspension and revocation cases.--Except as provided
9 in s. 322.03(2), any person:

10 (1) Whose driving privilege has been revoked:

11 (a) Upon conviction for:

12 1. Driving, or being in actual physical control of,
13 any vehicle while under the influence of alcoholic beverages,
14 any chemical substance set forth in s. 877.111, or any
15 substance controlled under chapter 893, in violation of s.
16 316.193;

17 2. Driving with an unlawful blood- or breath-alcohol
18 level;

19 3. Manslaughter resulting from the operation of a
20 motor vehicle;

21 4. Failure to stop and render aid as required under
22 the laws of this state in the event of a motor vehicle crash
23 ~~accident~~ resulting in the death or personal injury of another;

24 5. Reckless driving; or

25
26 shall, before the driving privilege may be reinstated, present
27 to the department proof of enrollment in a department-approved
28 advanced driver improvement course or substance abuse
29 education course. If the person fails to complete such course
30 within 90 days after reinstatement, the driver's license shall
31 be canceled by the department until such course is

1 successfully completed.

2 Section 286. Section 322.292, Florida Statutes, is
3 amended to read:

4 322.292 DUI programs supervision; powers and duties of
5 the department.--

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

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

25 (a) Establish rules ~~minimum standards~~ for statutorily
26 required education, evaluation, and supervision of DUI
27 offenders. Such rules ~~minimum standards~~ previously adopted by
28 the Traffic Court Review Committee of the Supreme Court of
29 Florida shall remain in effect unless modified by the
30 department.

31 (b) Establish rules ~~minimum standards~~ for the

1 administration and financial management of DUI programs,
2 including, but not limited to:

3 1. Rules ~~Standards~~ governing the types of expenditures
4 that may be made by DUI programs from funds paid by persons
5 attending such programs.

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

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

18 4. Such other rules ~~standards~~ as the department deems
19 appropriate and necessary for the effective oversight of the
20 DUI programs.

21 (c) Implement procedures for the granting and revoking
22 of licenses for DUI programs.

23 (d) Establish a fee structure for the various programs
24 offered by the DUI programs, based only on the reasonable and
25 necessary costs for operating the programs throughout the
26 state. The department shall approve, modify, or reduce fees as
27 necessary. ~~The DUI programs fees that are in effect on January~~
28 ~~1, 1994, shall remain in effect until the department adopts a~~
29 ~~fee schedule for the DUI programs system. After the adoption~~
30 ~~of the schedule, the programs shall adjust their fees to~~
31 ~~conform with the established amounts.~~

1 (e) Establish policies and procedures for monitoring
2 DUI programs compliance with all rules ~~minimum standards~~
3 established by the department.

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

15 (g) Investigate complaints about the DUI programs and
16 resolve problems in the provision of services to DUI
17 offenders, as needed.

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

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

26 ~~(5)~~ ~~The department shall report to the Supreme Court~~
27 ~~by December 1, 1994, and by December 31 of each succeeding~~
28 ~~year through 1996, on the general status of the statewide~~
29 ~~program. This report must include programmatic and statistical~~
30 ~~information regarding the number of licensed programs,~~
31 ~~enrollment and referral figures, program monitoring and~~

1 ~~evaluation activities, and findings, and the general steps~~
2 ~~taken by the department to implement the provisions of this~~
3 ~~section.~~

4 Section 287. Section 322.293, Florida Statutes, is
5 amended to read:

6 322.293 DUI Programs Coordination Trust Fund;
7 assessment; disposition.--

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

24 (2) The DUI Programs Coordination Trust Fund shall be
25 administered by the department, and the costs of
26 administration shall be borne by the fund. All funds received
27 by the DUI Programs Coordination Trust Fund shall be used
28 solely for the purposes set forth in this section and s.
29 322.292. However, if the Legislature passes legislation
30 consolidating existing trust funds assigned to the department,
31 all funds remaining in and deposited to the DUI Programs

1 Coordination Trust Fund shall be transferred to the
2 consolidated trust funds, subject to their being earmarked for
3 use solely for the purposes set forth in this section and s.
4 322.292.

5 (2)~~(3)~~ Each DUI program shall assess \$12 against each
6 person enrolling in a DUI program at the time of enrollment,
7 including persons who transfer to or from a program in another
8 state. In addition, second and third offenders and those
9 offenders under permanent driver's-license revocation who are
10 evaluated for eligibility for license restrictions under s.
11 322.271(2)(b) and (4) shall be assessed \$12 upon enrollment in
12 the program and upon each subsequent anniversary date while
13 they are in the program, for the duration of the license
14 period.

15 (3)~~(4)~~ All assessments collected under this section
16 shall be forwarded to the DUI Programs Coordination Trust Fund
17 within 30 days after the last day of the month in which the
18 assessment was received.

19 Section 288. Section 322.44, Florida Statutes, is
20 amended to read:

21 322.44 Driver License Compact.--The Driver License
22 Compact is hereby enacted into law and entered into with all
23 other jurisdictions legally joining therein in the form
24 substantially as follows:

25

26

ARTICLE I

27

28

FINDINGS AND DECLARATION OF POLICY.--

29

(1) The party states find that:

30

(a) The safety of their streets and highways is

31

materially affected by the degree of compliance with state

1 laws and local ordinances relating to the operation of motor
2 vehicles;

3 (b) Violation of such a law or ordinance is evidence
4 that the violator engages in conduct which is likely to
5 endanger the safety of persons and property;

6 (c) The continuance in force of a license to drive is
7 predicated upon compliance with laws and ordinances relating
8 to the operation of motor vehicles, in whichever jurisdiction
9 the vehicle is operated.

10 (2) It is the policy of each of the party states to:

11 (a) Promote compliance with the laws, ordinances, and
12 administrative rules and regulations relating to the operation
13 of motor vehicles by their operators in each of the
14 jurisdictions where such operators drive motor vehicles;

15 (b) Make the reciprocal recognition of licenses to
16 drive and eligibility therefor more just and equitable by
17 considering the overall compliance with motor vehicle laws,
18 ordinances, and administrative rules and regulations as a
19 condition precedent to the continuance or issuance of any
20 license by reason of which the licensee is authorized or
21 permitted to operate a motor vehicle in any of the party
22 states.

23

24

ARTICLE II

25

26 DEFINITIONS.--As used in this compact:

27 (1) "State" means a state, territory or possession of
28 the United States, the District of Columbia, or the
29 Commonwealth of Puerto Rico.

30 (2) "Home state" means the state which has issued and
31 has the power to suspend or revoke the use of the license or

1 permit to operate a motor vehicle.

2 (3) "Conviction" means a conviction of any offense
3 related to the use or operation of a motor vehicle which is
4 prohibited by state law, municipal ordinance, or
5 administrative rule or regulation, or a forfeiture of bail,
6 bond, or other security deposited to secure appearance by a
7 person charged with having committed any such offense, and
8 which conviction or forfeiture is required to be reported to
9 the licensing authority.

10

11

ARTICLE III

12

13 REPORTS OF CONVICTION.--The licensing authority of a
14 party state shall report each conviction of a person from
15 another party state occurring within its jurisdiction to the
16 licensing authority of the home state of the licensee. Such
17 report shall clearly identify the person convicted; describe
18 the violation specifying the section of the statute, code, or
19 ordinance violated; identify the court in which action was
20 taken; indicate whether a plea of guilty or not guilty was
21 entered or the conviction was a result of the forfeiture of
22 bail, bond, or other security; and shall include any special
23 findings made in connection therewith.

24

25

ARTICLE IV

26

27 EFFECT OF CONVICTION.--

28 (1) The licensing authority in the home state, for the
29 purposes of suspension, revocation, or limitation of the
30 license to operate a motor vehicle, shall give the same effect
31 to the conduct reported, pursuant to article III, as it would

1 if such conduct had occurred in the home state, in the case of
2 convictions for:

3 (a) Manslaughter or negligent homicide resulting from
4 the operation of a motor vehicle, as provided by ss. 316.193
5 and 322.26;

6 (b) Driving a motor vehicle while under the influence
7 of alcoholic beverages or a narcotic drug, or under the
8 influence of any other drug to a degree which renders the
9 driver incapable of safely driving a motor vehicle, as
10 provided by s. 316.193;

11 (c) Any felony in the commission of which a motor
12 vehicle is used, as provided by s. 322.26; or

13 (d) Failure to stop and render aid in the event of a
14 motor vehicle crash ~~accident~~ resulting in the death or
15 personal injury of another, as provided by s. 322.26.

16 (2) As to other convictions, reported pursuant to
17 article III, the licensing authority in the home state shall
18 give such effect to the conduct as is provided by the laws of
19 the home state.

20

21 ARTICLE V

22

23 APPLICATIONS FOR NEW LICENSES.--Upon application for a
24 license to drive, the licensing authority in a party state
25 shall ascertain whether the applicant has ever held, or is the
26 holder of, a license to drive issued by any other party state.
27 The licensing authority in the state where application is made
28 shall not issue a license to drive to the applicant if:

29 (1) The applicant has held such a license, but the
30 same has been suspended by reason, in whole or in part, of a
31 violation and if such suspension period has not terminated.

1 (2) The applicant has held such a license, but the
 2 same has been revoked by reason, in whole or in part, of a
 3 violation and if such revocation has not terminated, except
 4 that after the expiration of 1 year from the date the license
 5 was revoked, such person may make application for a new
 6 license if permitted by law. The licensing authority may
 7 refuse to issue a license to any such applicant if, after
 8 investigation, the licensing authority determines that it will
 9 not be safe to grant to such person the privilege of driving a
 10 motor vehicle on the public highways.

11 (3) The applicant is the holder of a license to drive
 12 issued by another party state and currently in force unless
 13 the applicant surrenders such license.

14
15 ARTICLE VI

16
17 APPLICABILITY OF OTHER LAWS.--Except as expressly
 18 required by provisions of this compact, nothing contained
 19 herein shall be construed to affect the right of any party
 20 state to apply any of its other laws relating to licenses to
 21 drive to any person or circumstance, nor to invalidate or
 22 prevent any driver license agreement or other cooperative
 23 arrangement between a party state and a nonparty state.

24
25 ARTICLE VII

26
27 COMPACT ADMINISTRATOR AND INTERCHANGE OF INFORMATION.--
 28 (1) The head of the licensing authority of each party
 29 state shall be the administrator of this compact for his or
 30 her state. The administrators, acting jointly, shall have the
 31 power to formulate all necessary and proper procedures for the

1 exchange of information under this compact.

2 (2) The administrator of each party state shall
3 furnish to the administrator of each other party state any
4 information or documents reasonably necessary to facilitate
5 the administration of this compact.

6

7

ARTICLE VIII

8

9

ENTRY INTO FORCE AND WITHDRAWAL.--

10 (1) This compact shall enter into force and become
11 effective as to any state when it has enacted the same into
12 law.

13 (2) Any party state may withdraw from this compact by
14 enacting a statute repealing the same, but no such withdrawal
15 shall take effect until 6 months after the executive head of
16 the withdrawing state has given notice of the withdrawal to
17 the executive heads of all other party states. No withdrawal
18 shall affect the validity or applicability by the licensing
19 authorities of states remaining party to the compact of any
20 report of conviction occurring prior to the withdrawal.

21

22

ARTICLE IX

23

24 CONSTRUCTION AND SEVERABILITY.--This compact shall be
25 liberally construed so as to effectuate the purposes thereof.
26 The provisions of this compact shall be severable; and if any
27 phrase, clause, sentence, or provision of this compact is
28 declared to be contrary to the constitution of any party state
29 or of the United States or the applicability thereof to any
30 government, agency, person, or circumstance is held invalid,
31 the validity of the remainder of this compact and the

1 applicability thereof to any government, agency, person, or
2 circumstance shall not be affected thereby. If this compact
3 shall be held contrary to the constitution of any state party
4 thereto, the compact shall remain in full force and effect as
5 to the remaining states and in full force and effect as to the
6 state affected as to all severable matters.

7 Section 289. Paragraph (b) of subsection (1) of
8 section 322.57, Florida Statutes, is amended to read:

9 322.57 Tests of knowledge concerning specified
10 vehicles; endorsement; nonresidents; violations.--

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

13 (b) Drives a passenger vehicle must successfully
14 complete a test of his or her knowledge concerning the safe
15 operation of such vehicles and a test of his or her driving
16 skill in such a vehicle. ~~However, if such a person satisfies~~
17 ~~the requirements of s. 322.55(1)-(3), he or she is exempt from~~
18 ~~the test of his or her driving skills.~~

19 Section 290. Subsections (1) and (3) of section
20 322.61, Florida Statutes, are amended to read:

21 322.61 Disqualification from operating a commercial
22 motor vehicle.--

23 (1) A person who, within a 3-year period, is convicted
24 of two of the following serious traffic violations or any
25 combination thereof, arising in separate incidents committed
26 in a commercial motor vehicle shall, in addition to any other
27 applicable penalties, be disqualified from operating a
28 commercial motor vehicle for a period of 60 days:

29 (a) A violation of any state or local law relating to
30 motor vehicle traffic control, other than a parking violation,
31 a weight violation, or a vehicle equipment violation, arising

1 in connection with a crash ~~an accident~~ resulting in death or
2 personal injury to any person;

3 (b) Reckless driving, as defined in s. 316.192;

4 (c) Careless driving, as defined in s. 316.1925;

5 (d) Fleeing or attempting to elude a law enforcement
6 officer, as defined in s. 316.1935;

7 (e) Unlawful speed of 15 miles per hour or more above
8 the posted speed limit;

9 (f) Driving a commercial motor vehicle, owned by such
10 person, which is not properly insured;

11 (g) Improper lane change, as defined in s. 316.085; or
12 (h) Following too closely, as defined in s. 316.0895.

13 (3) Except as provided in subsection (4), any person
14 who is convicted of one of the following offenses shall, in
15 addition to any other applicable penalties, be disqualified
16 from operating a commercial motor vehicle for a period of 1
17 year:

18 (a) Driving a commercial motor vehicle while he or she
19 is under the influence of alcohol or a controlled substance;

20 (b) Driving a commercial motor vehicle while the
21 alcohol concentration of his or her blood, breath, or urine is
22 .04 percent or higher;

23 (c) Leaving the scene of a crash ~~an accident~~ involving
24 a commercial motor vehicle driven by such person;

25 (d) Using a commercial motor vehicle in the commission
26 of a felony;

27 (e) Driving a commercial motor vehicle while in
28 possession of a controlled substance; or

29 (f) Refusing to submit to a test to determine his or
30 her alcohol concentration while driving a commercial motor
31 vehicle.

1 Section 291. Paragraph (c) of subsection (2) of
2 section 322.63, Florida Statutes, is amended to read:

3 322.63 Alcohol or drug testing; commercial motor
4 vehicle operators.--

5 (2) The chemical and physical tests authorized by this
6 section shall only be required if a law enforcement officer
7 has reasonable cause to believe that a person driving a
8 commercial motor vehicle has any alcohol, chemical substance,
9 or controlled substance in his or her body.

10 (c) The blood test shall be administered at the
11 request of a law enforcement officer who has reasonable cause
12 to believe that a person was driving a commercial motor
13 vehicle with any alcohol, chemical substance, or controlled
14 substance in his or her body. The blood test shall be
15 performed in a reasonable manner by qualified medical
16 personnel. Any person who appears for treatment at a medical
17 facility as a result of his or her involvement as a commercial
18 motor vehicle driver in a crash ~~an accident~~ and who is
19 incapable, by reason of a mental or physical condition, of
20 refusing a blood test shall be deemed to have consented to
21 such test.

22 Section 292. Section 324.011, Florida Statutes, is
23 amended to read:

24 324.011 Purpose of chapter.--It is the intent of this
25 chapter to recognize the existing privilege to own or operate
26 a motor vehicle on the public streets and highways of this
27 state when such vehicles are used with due consideration for
28 others and their property, and to promote safety and provide
29 financial security requirements for such owners or operators
30 whose responsibility it is to recompense others for injury to
31 person or property caused by the operation of a motor vehicle.

1 Therefore, it is required herein that the operator of a motor
2 vehicle involved in a crash ~~an accident~~ or convicted of
3 certain traffic offenses meeting the operative provisions of
4 s. 324.051(2) shall respond for such damages and show proof of
5 financial ability to respond for damages in future accidents
6 as a requisite to his or her future exercise of such
7 privileges.

8 Section 293. Subsection (7) of section 324.021,
9 Florida Statutes, is amended to read:

10 324.021 Definitions; minimum insurance required.--The
11 following words and phrases when used in this chapter shall,
12 for the purpose of this chapter, have the meanings
13 respectively ascribed to them in this section, except in those
14 instances where the context clearly indicates a different
15 meaning:

16 (7) PROOF OF FINANCIAL RESPONSIBILITY.--That proof of
17 ability to respond in damages for liability on account of
18 crashes ~~accidents~~ arising out of the use of a motor vehicle:

19 (a) In the amount of \$10,000 because of bodily injury
20 to, or death of, one person in any one crash ~~accident~~;

21 (b) Subject to such limits for one person, in the
22 amount of \$20,000 because of bodily injury to, or death of,
23 two or more persons in any one crash ~~accident~~;

24 (c) In the amount of \$10,000 because of injury to, or
25 destruction of, property of others in any one crash ~~accident~~;
26 and

27 (d) With respect to commercial motor vehicles and
28 nonpublic sector buses, in the amounts specified in ss.
29 627.7415 and 627.742, respectively.

30 Section 294. Section 324.022, Florida Statutes, is
31 amended to read:

1 324.022 Financial responsibility for property
2 damage.--Every owner or operator of a motor vehicle, which
3 motor vehicle is subject to the requirements of ss.
4 627.730-627.7405 and required to be registered in this state,
5 shall, by one of the methods established in s. 324.031 or by
6 having a policy that complies with s. 627.7275, establish and
7 maintain the ability to respond in damages for liability on
8 account of accidents arising out of the use of the motor
9 vehicle in the amount of \$10,000 because of damage to, or
10 destruction of, property of others in any one crash ~~accident~~.
11 The requirements of this section may also be met by having a
12 policy which provides coverage in the amount of at least
13 \$30,000 for combined property damage liability and bodily
14 injury liability for any one crash ~~accident~~ arising out of the
15 use of the motor vehicle. No insurer shall have any duty to
16 defend uncovered claims irrespective of their joinder with
17 covered claims.

18 Section 295. Section 324.051, Florida Statutes, is
19 amended to read:

20 324.051 Reports of crashes ~~accidents~~; suspensions of
21 licenses and registrations.--

22 (1)(a) Every law enforcement officer who, in the
23 regular course of duty either at the time of and at the scene
24 of the crash ~~accident~~ or thereafter by interviewing
25 participants or witnesses, investigates a motor vehicle crash
26 ~~accident~~ which he or she is required to report pursuant to s.
27 316.066(3)(a) shall forward a written report of the crash
28 ~~accident~~ to the department within 10 days of completing the
29 investigation. However, when the investigation of a crash ~~an~~
30 ~~accident~~ will take more than 10 days to complete, a
31 preliminary copy of the crash ~~accident~~ report shall be

1 forwarded to the department within 10 days of the occurrence
2 of the crash ~~accident~~, to be followed by a final report within
3 10 days after completion of the investigation. The report
4 shall be on a form and contain information consistent with the
5 requirements of s. 316.068.

6 (b) The department is hereby further authorized to
7 require reports of crashes ~~accidents~~ from individual owners or
8 operators whenever it deems it necessary for the proper
9 administration of this chapter, and these reports shall be
10 made without prejudice except as specified in this subsection.
11 No such report shall be used as evidence in any trial arising
12 out of a crash ~~an accident~~. However, subject to the
13 applicable rules of evidence, a law enforcement officer at a
14 criminal trial may testify as to any statement made to the
15 officer by the person involved in the accident if that
16 person's privilege against self-incrimination is not violated.

17 (2)(a) Thirty days after receipt of notice of any
18 accident described in paragraph (1)(a) involving a motor
19 vehicle within this state, the department shall suspend, after
20 due notice and opportunity to be heard, the license of each
21 operator and all registrations of the owner of the vehicles
22 operated by such operator whether or not involved in such
23 crash ~~accident~~ and, in the case of a nonresident owner or
24 operator, shall suspend such nonresident's operating privilege
25 in this state, unless such operator or owner shall, prior to
26 the expiration of such 30 days, be found by the department to
27 be exempt from the operation of this chapter, based upon
28 evidence satisfactory to the department that:

29 1. The motor vehicle was legally parked at the time of
30 such crash ~~accident~~.

31 2. The motor vehicle was owned by the United States

1 Government, this state, or any political subdivision of this
2 state or any municipality therein.

3 3. Such operator or owner has secured a duly
4 acknowledged written agreement providing for release from
5 liability by all parties injured as the result of said crash
6 ~~accident~~ and has complied with one of the provisions of s.
7 324.031.

8 4. Such operator or owner has deposited with the
9 department security to conform with s. 324.061 when applicable
10 and has complied with one of the provisions of s. 324.031.

11 5. One year has elapsed since such owner or operator
12 was suspended pursuant to subsection (3), the owner or
13 operator has complied with one of the provisions of s.
14 324.031, and no bill of complaint of which the department has
15 notice has been filed in a court of competent jurisdiction.

16 (b) This subsection shall not apply:

17 1. To such operator or owner if such operator or owner
18 had in effect at the time of such crash ~~accident~~ or traffic
19 conviction an automobile liability policy with respect to all
20 of the registered motor vehicles owned by such operator or
21 owner.

22 2. To such operator, if not the owner of such motor
23 vehicle, if there was in effect at the time of such crash
24 ~~accident~~ or traffic conviction an automobile liability policy
25 or bond with respect to his or her operation of motor vehicles
26 not owned by him or her.

27 3. To such operator or owner if the liability of such
28 operator or owner for damages resulting from such crash
29 ~~accident~~ is, in the judgment of the department, covered by any
30 other form of liability insurance or bond.

31 4. To any person who has obtained from the department

1 a certificate of self-insurance, in accordance with s.
2 324.171, or to any person operating a motor vehicle for such
3 self-insurer.

4
5 No such policy or bond shall be effective under this
6 subsection unless it contains limits of not less than those
7 specified in s. 324.021(7).

8 (3) Any driver's license or registration certificate
9 or certificates and registration plates which are suspended as
10 provided for in this section shall remain suspended for a
11 period of 3 years unless reinstated as otherwise provided in
12 this chapter.

13 Section 296. Subsections (1) and (2) of section
14 324.061, Florida Statutes, are amended to read:

15 324.061 Security deposited with Department of Highway
16 Safety and Motor Vehicles; release.--

17 (1) Security deposited pursuant to the provisions of
18 s. 324.051(2)(a)4. with respect to claims for injuries to
19 persons or properties resulting from a crash ~~an accident~~
20 occurring prior to such deposit shall be in the form and
21 amount determined by the department which, in its judgment,
22 will be sufficient to compensate for all injuries arising out
23 of such crash ~~accident~~, but in no case shall the amount exceed
24 the limits as specified in s. 324.021(7).

25 (2) Such security shall be deposited with the
26 department and shall not be released except under one of the
27 following conditions:

28 (a) A duly attested written statement of satisfaction
29 by all parties shown to be injured in such crash ~~accident~~ has
30 been received by the department. ~~or~~

31 (b) In the event the depositor has been finally

1 adjudicated by a court of competent jurisdiction not to be
2 liable; or all judgments of liability against the depositor
3 have been satisfied, ~~or~~

4 (c) One year shall have elapsed after deposit and
5 during such period the department has not been duly notified
6 of any court action brought for damages.

7 (d) Upon receipt of an order from a court ordering
8 that such deposit be paid to satisfy a recorded judgment, in
9 whole or in part, resulting from a crash ~~an accident~~. If the
10 department does not have sufficient funds on deposit to
11 satisfy such judgment it shall forthwith call upon the
12 judgment debtor for the balance, subject to the limits
13 specified in s. 324.021(7). Upon failure of the judgment
14 debtor to make the necessary deposit or to satisfy the
15 judgment in full, the department shall revoke the driving
16 privilege and all registrations of such judgment debtor within
17 10 days subsequent to notification to the judgment debtor by
18 the department.

19 (e) In any case in which securities deposited under
20 this section have remained unclaimed for 5 years or more such
21 deposit shall be transferred by the department to the State
22 School Fund, and all interest and income that may accrue from
23 said deposits after the aforesaid period of time, shall belong
24 to said fund.

25 Section 297. Subsections (1) and (3) of section
26 324.081, Florida Statutes, are amended to read:

27 324.081 Nonresident owner or operator.--

28 (1) The department may establish reciprocal
29 agreements with any other states for the purpose of fulfilling
30 the provisions of this chapter and pursuant to such agreements
31 may suspend the license and registration of a resident of this

1 state involved in a crash ~~an accident~~ in another state.
2 (3) Upon receipt of such certification that the
3 operating privilege of a resident of this state has been
4 suspended or revoked in any such other reciprocating state
5 pursuant to a law providing for its suspension or revocation
6 for failure to deposit security for the payment of judgments
7 arising out of a motor vehicle crash ~~accident~~, under
8 circumstances which would require the department to suspend a
9 nonresident's operating privilege had the crash ~~accident~~
10 occurred in this state, the department shall suspend the
11 license of such resident if he or she was the operator, and
12 all of his or her registrations if he or she was the owner of
13 a motor vehicle involved in such crash ~~accident~~. Such
14 suspension shall continue until such resident furnishes
15 evidence of his or her compliance with the law of such other
16 state relating to the deposit of such security.

17 Section 298. Subsection (1) of section 324.091,
18 Florida Statutes, is amended to read:

19 324.091 Notice to department; notice to insurer.--

20 (1) Each owner and operator involved in a crash ~~an~~
21 ~~accident~~ or conviction case within the purview of this chapter
22 shall furnish evidence of automobile liability insurance,
23 motor vehicle liability insurance, or surety bond within 30
24 days from the date of the mailing of notice of crash ~~accident~~
25 by the department in such form and manner as it may designate.
26 Upon receipt of evidence that an automobile liability policy,
27 motor vehicle liability policy, or surety bond was in effect
28 at the time of the crash ~~accident~~ or conviction case, the
29 department shall forward by United States mail, postage
30 prepaid, to the insurer or surety insurer a copy of such
31 information and shall assume that such policy or bond was in

1 effect unless the insurer or surety insurer shall notify the
2 department otherwise within 20 days from the mailing of the
3 notice to the insurer or surety insurer; provided that if the
4 department shall later ascertain that an automobile liability
5 policy, motor vehicle liability policy, or surety bond was not
6 in effect and did not provide coverage for both the owner and
7 the operator, it shall at such time take such action as it is
8 otherwise authorized to do under this chapter. Proof of
9 mailing to the insurer or surety insurer may be made by the
10 department by naming the insurer or surety insurer to whom
11 such mailing was made and specifying the time, place and
12 manner of mailing.

13 Section 299. Section 324.101, Florida Statutes, is
14 amended to read:

15 324.101 Compliance before license or registration
16 allowed.--In case the operator or owner of a motor vehicle
17 involved in a crash ~~an accident~~ within the state has no
18 license or registration, he or she shall not be allowed a
19 license or registration until he or she has complied with the
20 requirements of this chapter to the same extent that would be
21 necessary, if at the time of the crash ~~accident~~ he or she had
22 held a license and registration.

23 Section 300. Subsection (1) of section 324.202,
24 Florida Statutes, is amended to read:

25 324.202 Seizure of motor vehicle license plates by
26 recovery agents.--

27 (1) The Department of Highway Safety and Motor
28 Vehicles shall implement a pilot project in Broward County,
29 Dade County, and Hillsborough County to determine the
30 effectiveness of using recovery agents for the seizure of
31 license plates. ~~On October 1, 1996, the department shall~~

1 ~~provide a report to the President of the Senate, the Speaker~~
2 ~~of the House of Representatives, the chair of the Senate~~
3 ~~Commerce Committee, the chair of the House Insurance~~
4 ~~Committee, and the Majority and Minority Leaders of the Senate~~
5 ~~and the House of Representatives, on the results of the pilot~~
6 ~~project.~~ Licensed recovery agents and recovery agencies as
7 described in s. 493.6101(20) and (21) may seize license plates
8 of motor vehicles whose registrations have been suspended
9 pursuant to s. 316.646 or s. 627.733 in such counties upon
10 compliance with this section and rules of the Department of
11 Highway Safety and Motor Vehicles.

12 Section 301. Sections 325.01, 325.02, 325.03, 325.04,
13 325.05, 325.06, 325.07, 325.08, 325.09, and 325.10, Florida
14 Statutes, are repealed.

15 Section 302. Subsection (2) of section 325.209,
16 Florida Statutes, is amended to read:

17 325.209 Waivers.--

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

20 (a) The motor vehicle owner must present evidence
21 satisfactory to the department that a low emissions
22 adjustment, as defined by rule of the Department of
23 Environmental Protection, has been performed;

24 (b) The motor vehicle must not have been tampered with
25 by either the current owner or any previous owner;

26 (c) The owner must have spent the required minimum
27 amount for emissions-related repairs on the vehicle within the
28 180-day ~~90-day~~ period prescribed in s. 325.203(1), not
29 including the amount spent to repair or replace air pollution
30 control equipment that has been tampered with.

31 Emissions-related repairs performed within 30 days prior to

1 inspection may also be considered under this provision. For
2 any vehicle the registration period for which is established
3 under s. 320.055(4) or (5), the required minimum amount for
4 emissions-related repairs must be spent by the owner within
5 180 ~~90~~ days before the expiration of the registration period.
6 The required minimum amount that must have been spent on
7 related repairs is:

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

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

12 (d) Repairs and adjustments provided for in paragraphs
13 (a) and (c) must have caused substantial improvement in the
14 emissions performance of the motor vehicle; and

15 (e) The motor vehicle must not be covered under any
16 manufacturer's or federally mandated emissions warranty.

17 Section 303. Subsection (2) of section 325.212,
18 Florida Statutes, is reenacted to read:

19 325.212 Reinspections; reinspection facilities; rules;
20 minority business participation.--

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

26 Section 304. Subsection (1) of section 328.17, Florida
27 Statutes, is reenacted to read:

28 328.17 Nonjudicial sale of vessels.--

29 (1) It is the intent of the Legislature that any
30 nonjudicial sale of any unclaimed vessel held for unpaid costs
31 of repairs, improvements, or other work and related storage

1 charges, or any vessel held for failure to pay removal costs
2 pursuant to s. 327.53(7), or any undocumented vessel in
3 default of marina storage fees be disposed of pursuant to the
4 provisions of this section.

5 Section 305. Section 627.7415, Florida Statutes, is
6 amended to read:

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

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

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

20 (3) Three hundred thousand dollars per occurrence for
21 a commercial motor vehicle with a gross vehicle weight of
22 44,000 pounds or more.

23 (4) All commercial motor vehicles subject to
24 regulations of the United States Department of Transportation,
25 Title 49 C.F.R. part 387, subpart A, and as may be hereinafter
26 amended, shall be insured in an amount equivalent to the
27 minimum levels of financial responsibility as set forth in
28 such regulations.

29

30 A violation of this section is a noncriminal traffic
31 infraction, punishable as a nonmoving violation as provided in

1 chapter 318.

2 Section 306. Subsection (3) is added to section
3 627.742, Florida Statutes, to read:

4 627.742 Nonpublic sector buses; additional liability
5 insurance coverage.--

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

9 Section 307. Subsection (2) of section 784.07, Florida
10 Statutes, 1998 Supplement, is amended to read:

11 784.07 Assault or battery of law enforcement officers,
12 firefighters, emergency medical care providers, public transit
13 employees or agents, or other specified officers;
14 reclassification of offenses; minimum sentences.--

15 (2) Whenever any person is charged with knowingly
16 committing an assault or battery upon a law enforcement
17 officer, a firefighter, an emergency medical care provider, a
18 traffic accident investigation officer as described in s.
19 316.640, a traffic infraction enforcement officer as described
20 in s. 316.640 ~~318.141~~, a parking enforcement specialist as
21 defined in s. 316.640, or a security officer employed by the
22 board of trustees of a community college, while the officer,
23 firefighter, emergency medical care provider, intake officer,
24 traffic accident investigation officer, traffic infraction
25 enforcement officer, parking enforcement specialist, public
26 transit employee or agent, or security officer is engaged in
27 the lawful performance of his or her duties, the offense for
28 which the person is charged shall be reclassified as follows:

29 (a) In the case of assault, from a misdemeanor of the
30 second degree to a misdemeanor of the first degree.

31 (b) In the case of battery, from a misdemeanor of the

1 first degree to a felony of the third degree.

2 (c) In the case of aggravated assault, from a felony
3 of the third degree to a felony of the second degree.

4 (d) In the case of aggravated battery, from a felony
5 of the second degree to a felony of the first degree.

6 Section 308. Subsection (1) of section 335.0415,
7 Florida Statutes, is amended to read:

8 335.0415 Public road jurisdiction and transfer
9 process.--

10 (1) The jurisdiction of public roads and the
11 responsibility for operation and maintenance within the
12 right-of-way of any road within the state, county, and
13 municipal road system shall be that which existed on June 10,
14 1995 ~~exists on July 1, 1995.~~

15
16

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

18 And the title is amended as follows:

19 On page 7, line 20,

20

21 after the semicolon insert:

22 reenacting s. 316.003, F.S.; relating to the
23 definition of hazardous material; amending s.
24 316.008, F.S.; revising terminology and
25 deleting obsolete provisions; amending s.
26 316.061, F.S.; providing second degree
27 misdemeanor penalty for certain violations with
28 respect to leaving the scene of an accident;
29 revising terminology; amending ss. 316.027,
30 316.062, 316.063, 316.064, 316.065, 316.066,
31 316.068, 316.069, 316.070, 316.072, 316.640,

1 316.645, 318.1451, 318.17, 318.19, 318.32,
2 321.051, 321.23, 322.201, 322.221, 322.26,
3 322.291, 322.44, 322.61, 322.63, 324.011,
4 324.021, 324.022, 324.051, 324.061, 324.081,
5 324.091, 324.101, F.S.; changing the term
6 "accident" to "crash"; amending s. 316.067,
7 F.S.; providing a second degree misdemeanor
8 penalty for certain false reports; amending ss.
9 316.0745, 316.0747, 316.1895, 316.193,
10 316.2065, F.S.; deleting obsolete provisions;
11 amending s. 316.1935, F.S.; providing a first
12 degree misdemeanor penalty for certain
13 violations with respect to fleeing or
14 attempting to elude a law enforcement officer;
15 amending s. 316.2074, F.S.; deleting certain
16 findings of the Legislature with respect to
17 all-terrain vehicles; amending ss. 316.3027,
18 316.70, F.S.; providing reference to the United
19 States Department of Transportation; amending
20 s. 316.615, F.S., relating to school buses;
21 amending ss. 316.613, 316.6135, F.S.;
22 correcting reference to the Department of
23 Highway Safety and Motor Vehicles; amending s.
24 316.405, F.S.; authorizing certain use of
25 modulating headlights by motorcycles; revising
26 various provisions in chapter 316, F.S., to
27 conform cross-references, delete obsolete
28 provisions, and to provide uniform references
29 to penalties for moving and nonmoving
30 noncriminal traffic offenses punishable under
31 chapter 318, F.S.; amending s. 318.12, F.S.;

1 revising references; amending ss. 318.13,
2 318.14, F.S.; conforming cross-references;
3 amending ss. 318.18, 318.21, F.S.; revising
4 provisions relating to civil penalties;
5 repealing s. 318.39, F.S., relating to the
6 Highway Safety Operating Trust Fund; amending
7 s. 319.28, F.S.; revising provisions relating
8 to repossession; amending s. 319.33, F.S.;
9 conforming cross-references; amending ss.
10 320.02 and 320.03, F.S.; deleting obsolete
11 provisions; amending s. 320.031, F.S.; revising
12 provisions relating to the mailing of
13 registration certificates, license plates, and
14 validation stickers; amending s. 320.055, F.S.;
15 conforming cross-references; amending ss.
16 320.06, 320.061, F.S.; deleting obsolete
17 provisions; amending ss. 320.0605, 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 provisions relating to Manatee license plates
25 and Florida Special Olympics license plates;
26 amending s. 320.0848, F.S.; conforming a
27 cross-reference with respect to disabled
28 parking permits; amending s. 320.087, F.S.;
29 providing reference to the United States
30 Department of Transportation; amending s.
31 320.1325, F.S.; deleting a cross-reference;

1 amending s. 320.20, F.S.; deleting obsolete
2 provisions; amending s. 320.8255, F.S.;
3 providing reference to labels rather than seals
4 with respect to certain mobile home
5 inspections; repealing s. 320.8256, F.S.,
6 relating to recreational vehicle inspection;
7 repealing ss. 321.06, 321.07, 321.09, 321.15,
8 321.17, 321.18, 321.19, 321.191, 321.20,
9 321.201, 321.202, 321.203, 321.21, 321.22,
10 321.2205, 321.221, 321.222, 321.223, F.S.,
11 relating to the Florida Highway Patrol and the
12 pension system therefor; amending s. 322.055,
13 F.S.; providing reference to the Department of
14 Children and Family Services; amending s.
15 322.0261, F.S.; revising terminology to change
16 the term "accident" to "crash"; amending s.
17 322.08, F.S.; deleting obsolete provisions;
18 amending ss. 322.12, 322.121, F.S.; conforming
19 cross-references; amending s. 322.141, F.S.;
20 deleting obsolete provisions; amending s.
21 322.15, F.S.; providing reference to
22 noncriminal traffic infractions; amending s.
23 322.20, F.S.; providing reference to the
24 Department of Health; reenacting and amending
25 s. 322.264, F.S., relating to habitual traffic
26 offenders; revising terminology; amending s.
27 322.27, F.S.; conforming cross-references;
28 amending s. 322.292, F.S.; revising provisions
29 relating to DUI programs supervision; amending
30 s. 322.293, F.S.; deleting obsolete provisions;
31 amending s. 322.57, F.S.; revising provisions

1 relating to driving tests; amending s. 324.202,
2 F.S.; deleting obsolete provisions; repealing
3 ss. 325.01, 325.02, 325.03, 325.04, 325.05,
4 325.06, 325.07, 325.08, 325.09, 325.10, F.S.,
5 relating to vehicle safety equipment and
6 inspections; amending s. 325.209, F.S.;
7 revising provisions relating to waivers;
8 reenacting s. 325.212(2), F.S., relating to
9 reinspections; reenacting s. 328.17(1), F.S.,
10 relating to nonjudicial sale of vessels;
11 amending s. 627.7415, F.S., relating to
12 commercial motor vehicles, to include reference
13 to noncriminal traffic infractions; amending s.
14 627.742, F.S.; providing reference to
15 noncriminal traffic infractions with respect to
16 certain violations with respect to nonpublic
17 sector buses; amending s. 784.07, F.S.;
18 conforming a cross-reference; amending s.
19 335.0415, F.S.; modifying the date to be used
20 in determining the jurisdiction of and
21 responsibility for public roads;

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