

By Senator Webster

12-1089-99

See HB

1                                   A bill to be entitled  
2           An act relating to highway safety and motor  
3           vehicles; reenacting s. 316.003, F.S.; relating  
4           to the definition of hazardous material;  
5           amending s. 316.008, F.S.; revising terminology  
6           and deleting obsolete provisions; amending s.  
7           316.061, F.S.; providing second degree  
8           misdemeanor penalty for certain violations with  
9           respect to leaving the scene of an accident;  
10          revising terminology; amending ss. 316.027,  
11          316.062, 316.063, 316.064, 316.065, 316.066,  
12          316.068, 316.069, 316.070, 316.072, 316.640,  
13          316.645, 318.1451, 318.17, 318.19, 318.32,  
14          321.051, 321.23, 322.201, 322.221, 322.26,  
15          322.291, 322.44, 322.61, 322.63, 324.011,  
16          324.021, 324.022, 324.051, 324.061, 324.081,  
17          324.091, 324.101, F.S.; changing the term  
18          "accident" to "crash"; amending s. 316.067,  
19          F.S.; providing a second degree misdemeanor  
20          penalty for certain false reports; amending ss.  
21          316.0745, 316.0747, 316.1895, 316.193,  
22          316.2065, F.S.; deleting obsolete provisions;  
23          amending s. 316.1935, F.S.; providing a first  
24          degree misdemeanor penalty for certain  
25          violations with respect to fleeing or  
26          attempting to elude a law enforcement officer;  
27          amending s. 316.2074, F.S.; deleting certain  
28          findings of the Legislature with respect to  
29          all-terrain vehicles; amending ss. 316.3027,  
30          316.70, F.S.; providing reference to the United  
31          States Department of Transportation; amending

1 s. 316.615, F.S., relating to school buses;  
2 amending ss. 316.613, 316.6135, F.S.;  
3 correcting reference to the Department of  
4 Children and Family Services; revising various  
5 provisions in chapter 316, F.S., to conform  
6 cross-references, delete obsolete provisions,  
7 and to provide uniform references to penalties  
8 for moving and nonmoving noncriminal traffic  
9 offenses punishable under chapter 318, F.S.;  
10 amending s. 318.12, F.S.; revising references;  
11 amending ss. 318.13, 318.14, F.S.; conforming  
12 cross-references; amending ss. 318.18, 318.21,  
13 F.S.; revising provisions relating to civil  
14 penalties; repealing s. 318.39, F.S., relating  
15 to the Highway Safety Operating Trust Fund;  
16 amending s. 319.28, F.S.; revising provisions  
17 relating to repossession; amending s. 319.33,  
18 F.S.; conforming cross-references; amending ss.  
19 320.02 and 320.03, F.S.; deleting obsolete  
20 provisions; amending s. 320.031, F.S.; revising  
21 provisions relating to the mailing of  
22 registration certificates, license plates, and  
23 validation stickers; amending s. 320.055, F.S.;  
24 conforming cross-references; amending ss.  
25 320.06, 320.061, F.S.; deleting obsolete  
26 provisions; amending ss. 320.0605, 320.07,  
27 F.S.; providing uniform reference to  
28 noncriminal traffic infractions; repealing s.  
29 320.073, F.S., relating to refund of impact  
30 fees; amending s. 320.0802, F.S.; providing  
31 reference to the Department of Management

1 Services; amending s. 320.08058, F.S.; revising  
2 provisions relating to Manatee license plates  
3 and Florida Special Olympics license plates;  
4 amending s. 320.0848, F.S.; conforming a  
5 cross-reference with respect to disabled  
6 parking permits; amending s. 320.087, F.S.;  
7 providing reference to the United States  
8 Department of Transportation; amending s.  
9 320.1325, F.S.; deleting a cross-reference;  
10 amending s. 320.20, F.S.; deleting obsolete  
11 provisions; amending s. 320.8255, F.S.;  
12 providing reference to labels rather than seals  
13 with respect to certain mobile home  
14 inspections; repealing s. 320.8256, F.S.,  
15 relating to recreational vehicle inspection;  
16 repealing ss. 321.06, 321.07, 321.09, 321.15,  
17 321.17, 321.18, 321.19, 321.191, 321.20,  
18 321.201, 321.202, 321.203, 321.21, 321.22,  
19 321.2205, 321.221, 321.222, 321.223, F.S.,  
20 relating to the Florida Highway Patrol and the  
21 pension system therefor; amending s. 322.055,  
22 F.S.; providing reference to the Department of  
23 Health; amending s. 322.0261, F.S.; revising  
24 terminology to change the term "accident" to  
25 "crash"; amending s. 322.08, F.S.; deleting  
26 obsolete provisions; amending ss. 322.12,  
27 322.121, F.S.; conforming cross-references;  
28 amending s. 322.141, F.S.; deleting obsolete  
29 provisions; amending s. 322.15, F.S.; providing  
30 reference to noncriminal traffic infractions;  
31 amending s. 322.20, F.S.; providing reference

1 to the Department of Health; reenacting and  
2 amending s. 322.264, F.S., relating to habitual  
3 traffic offenders; revising terminology;  
4 amending s. 322.27, F.S.; conforming  
5 cross-references; amending s. 322.292, F.S.;  
6 revising provisions relating to DUI programs  
7 supervision; amending s. 322.293, F.S.;  
8 deleting obsolete provisions; amending s.  
9 322.57, F.S.; revising provisions relating to  
10 driving tests; amending s. 324.202, F.S.;  
11 deleting obsolete provisions; repealing ss.  
12 325.01, 325.02, 325.03, 325.04, 325.05, 325.06,  
13 325.07, 325.08, 325.09, 325.10, F.S., relating  
14 to vehicle safety equipment and inspections;  
15 amending s. 325.209, F.S.; revising provisions  
16 relating to waivers; reenacting s. 325.212(2),  
17 F.S., relating to reinspections; reenacting s.  
18 328.17(1), F.S., relating to nonjudicial sale  
19 of vessels; amending s. 627.7415, F.S.,  
20 relating to commercial motor vehicles, to  
21 include reference to noncriminal traffic  
22 infractions; amending s. 627.742, F.S.;  
23 providing reference to noncriminal traffic  
24 infractions with respect to certain violations  
25 with respect to nonpublic sector buses;  
26 amending s. 784.07, F.S.; conforming a  
27 cross-reference; providing an effective date.

28  
29 Be It Enacted by the Legislature of the State of Florida:  
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1 Section 1. Subsection (69) of section 316.003, Florida  
2 Statutes, 1998 Supplement, is reenacted to read:

3 316.003 Definitions.--The following words and phrases,  
4 when used in this chapter, shall have the meanings  
5 respectively ascribed to them in this section, except where  
6 the context otherwise requires:

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

12 Section 2. Paragraph (k) of subsection (1) and  
13 subsection (6) of section 316.008, Florida Statutes, are  
14 amended to read:

15 316.008 Powers of local authorities.--

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

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

21 (6) A county or municipality may enact an ordinance  
22 providing for the establishment of a "combat automobile theft"  
23 program, and may charge a fee for the administration of the  
24 program and the cost of the decal. Such a program shall  
25 include:

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

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

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

16           Section 3. Section 316.027, Florida Statutes, is  
17 amended to read:

18           316.027 Crash ~~Accidents~~ involving death or personal  
19 injuries.--

20           (1)(a) The driver of any vehicle involved in a crash  
21 ~~an accident~~ resulting in injury of any person must immediately  
22 stop the vehicle at the scene of the crash ~~accident~~, or as  
23 close thereto as possible, and must remain at the scene of the  
24 crash ~~accident~~ until he or she has fulfilled the requirements  
25 of s. 316.062. Any person who willfully violates this  
26 paragraph is guilty of a felony of the third degree,  
27 punishable as provided in s. 775.082, s. 775.083, or s.  
28 775.084.

29           (b) The driver of any vehicle involved in a crash ~~an~~  
30 ~~accident~~ resulting in the death of any person must immediately  
31 stop the vehicle at the scene of the crash ~~accident~~, or as

1 close thereto as possible, and must remain at the scene of the  
2 crash ~~accident~~ until he or she has fulfilled the requirements  
3 of s. 316.062. Any person who willfully violates this  
4 paragraph is guilty of a felony of the second degree,  
5 punishable as provided in s. 775.082, s. 775.083, or s.  
6 775.084.

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

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

16 (4) A person whose commission of a noncriminal traffic  
17 infraction or any violation of this chapter or s. 240.265  
18 causes or results in the death of another person may, in  
19 addition to any other civil, criminal, or administrative  
20 penalty imposed, be required by the court to serve 120  
21 community service hours in a trauma center or hospital that  
22 regularly receives victims of vehicle accidents, under the  
23 supervision of a registered nurse, an emergency room  
24 physician, or an emergency medical technician pursuant to a  
25 voluntary community service program operated by the trauma  
26 center or hospital.

27 Section 4. Section 316.061, Florida Statutes, is  
28 amended to read:

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

31

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

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

25           Section 5. Section 316.062, Florida Statutes, is  
26 amended to read:

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

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



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

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

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

30  
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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 6. Section 316.063, Florida Statutes, is  
5 amended to read:

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

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

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

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

5 Section 7. Section 316.064, Florida Statutes, is  
6 amended to read:

7 316.064 When driver unable to report.--

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

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

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

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

25 Section 8. Section 316.065, Florida Statutes, is  
26 amended to read:

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

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

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

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

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

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

31

1           Section 9. Section 316.066, Florida Statutes, is  
2 amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

31

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

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

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

31



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

6           Section 10. Section 316.067, Florida Statutes, is  
7 amended to read:

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

16           Section 11. Section 316.068, Florida Statutes, is  
17 amended to read:

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

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

31

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

9           Section 12. Section 316.069, Florida Statutes, is  
10 amended to read:

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

18           Section 13. Section 316.070, Florida Statutes, is  
19 amended to read:

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

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

29           (2) The license number of the vehicle.

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

31

1           Section 14. Subsections (2) and (3) of section  
2 316.072, Florida Statutes, are amended to read:

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

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

13           (3) OBEDIENCE TO POLICE AND FIRE DEPARTMENT

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

30           Section 15. Subsection (6) is added to section  
31 316.074, Florida Statutes, to read:

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

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

6           Section 16. Subsections (2) and (3) of section  
7 316.0745, Florida Statutes, are amended to read:

8           316.0745 Uniform signals and devices.--

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

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

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

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

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

3 Section 17. Section 316.0747, Florida Statutes, is  
4 amended to read:

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

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

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

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

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

1           Section 18. Section 316.075, Florida Statutes, is  
2 amended to read:

3           316.075 Traffic control signal devices.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

7 Section 19. Section 316.076, Florida Statutes, is  
8 amended to read:

9 316.076 Flashing signals.--

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

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

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

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

31

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

4           Section 20. Section 316.0765, Florida Statutes, is  
5 amended to read:

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

14           Section 21. Subsection (5) is added to section  
15 316.077, Florida Statutes, to read:

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

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

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

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

1 Section 23. Section 316.078, Florida Statutes, is  
2 amended to read:

3 316.078 Detour signs to be respected.--

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

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

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

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

21 Section 24. Subsection (3) is added to section  
22 316.079, Florida Statutes, to read:

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

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

28 Section 25. Subsection (4) is added to section  
29 316.081, Florida Statutes, to read:

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

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

4           Section 26. Subsection (3) is added to section  
5 316.082, Florida Statutes, to read:

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

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

11           Section 27. Section 316.0825, Florida Statutes, is  
12 amended to read:

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

20           Section 28. Subsection (3) is added to section  
21 316.083, Florida Statutes, to read:

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

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

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

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

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

4           Section 30. Subsection (3) is added to section  
5 316.085, Florida Statutes, to read:

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

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

11           Section 31. Subsection (3) is added to section  
12 316.087, Florida Statutes, to read:

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

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

18           Section 32. Subsection (4) is added to section  
19 316.0875, Florida Statutes, to read:

20           316.0875 No-passing zones.--

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

24           Section 33. Subsection (4) is added to section  
25 316.088, Florida Statutes, to read:

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

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

30           Section 34. Subsection (5) is added to section  
31 316.089, Florida Statutes, to read:

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

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

8           Section 35. Subsection (4) is added to section  
9 316.0895, Florida Statutes, to read:

10           316.0895 Following too closely.--

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

14           Section 36. Subsection (3) is added to section  
15 316.090, Florida Statutes, to read:

16           316.090 Driving on divided highways.--

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

20           Section 37. Subsection (5) is added to section  
21 316.091, Florida Statutes, to read:

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

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

27           Section 38. Subsection (6) is added to section  
28 316.121, Florida Statutes, to read:

29           316.121 Vehicles approaching or entering  
30 intersections.--

31

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

4           Section 39. Section 316.122, Florida Statutes, is  
5 amended to read:

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

14           Section 40. Subsection (4) is added to section  
15 316.123, Florida Statutes, to read:

16           316.123 Vehicle entering stop or yield intersection.--  
17           (4) A violation of this section is a noncriminal  
18 traffic infraction, punishable as a moving violation as  
19 provided in chapter 318.

20           Section 41. Section 316.1235, Florida Statutes, is  
21 amended to read:

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

1           Section 42. Subsection (3) is added to section  
2 316.125, Florida Statutes, to read:

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

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

8           Section 43. Subsection (6) is added to section  
9 316.126, Florida Statutes, to read:

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

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

17           Section 44. Subsection (19) is added to section  
18 316.130, Florida Statutes, to read:

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

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

25           Section 45. Section 316.1355, Florida Statutes, is  
26 amended to read:

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



1           Section 46. Subsection (3) is added to section  
2 316.151, Florida Statutes, to read:

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

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

8           Section 47. Section 316.1515, Florida Statutes, is  
9 amended to read:

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

18          Section 48. Section 316.152, Florida Statutes, is  
19 amended to read:

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

28          Section 49. Section 316.154, Florida Statutes, is  
29 amended to read:

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

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

4 Section 50. Subsection (5) is added to section  
5 316.155, Florida Statutes, to read:

6 316.155 When signal required.--

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

10 Section 51. Subsection (3) is added to section  
11 316.156, Florida Statutes, to read:

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

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

17 Section 52. Section 316.157, Florida Statutes, is  
18 amended to read:

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

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

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

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

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

30  
31

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

4           Section 53. Subsection (3) is added to section  
5 316.1575, Florida Statutes, to read:

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

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

12           Section 54. Subsection (3) is added to section  
13 316.159, Florida Statutes, to read:

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

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

19           Section 55. Subsection (5) is added to section  
20 316.170, Florida Statutes, to read:

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

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

26           Section 56. Subsection (7) is added to section  
27 316.183, Florida Statutes, to read:

28           316.183 Unlawful speed.--

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

1           Section 57. Section 316.185, Florida Statutes, is  
2 amended to read:

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

17           Section 58. Subsection (4) of section 316.1895,  
18 Florida Statutes, is amended to read:

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

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

30           Section 59. Subsection (5) is added to section  
31 316.191, Florida Statutes, to read:

1           316.191 Racing on highways.--

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

6           Section 60. Paragraph (c) of subsection (3) and  
7 subsection (5) of section 316.193, Florida Statutes, 1998  
8 Supplement, are amended to read:

9           316.193 Driving under the influence; penalties.--

10          (3) Any person:

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

12           1. Damage to the property or person of another commits  
13 a misdemeanor of the first degree, punishable as provided in  
14 s. 775.082 or s. 775.083.

15           2. Serious bodily injury to another, as defined in s.  
16 316.1933, commits a felony of the third degree, punishable as  
17 provided in s. 775.082, s. 775.083, or s. 775.084.

18           3. The death of any human being commits DUI  
19 manslaughter, and commits:

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

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

24           (I) At the time of the crash ~~accident~~, the person  
25 knew, or should have known, that the crash ~~accident~~ occurred;  
26 and

27           (II) The person failed to give information and render  
28 aid as required by s. 316.062.

29           (5) The court shall place any offender convicted of  
30 violating this section on monthly reporting probation and  
31 shall require attendance at a substance abuse course licensed

1 by the department; and the agency conducting the course may  
2 refer the offender to an authorized service provider for  
3 substance abuse evaluation and treatment, in addition to any  
4 sentence or fine imposed under this section. The offender  
5 shall assume reasonable costs for such education, evaluation,  
6 and treatment, with completion of all such education,  
7 evaluation, and treatment being a condition of reporting  
8 probation. Treatment resulting from a psychosocial evaluation  
9 may not be waived without a supporting psychosocial evaluation  
10 conducted by an agency appointed by the court and with access  
11 to the original evaluation. The offender shall bear the cost  
12 of this procedure. The term "substance abuse" means the abuse  
13 of alcohol or any substance named or described in Schedules I  
14 through V of s. 893.03. If an offender referred to treatment  
15 under this subsection fails to report for or complete such  
16 treatment or fails to complete the substance abuse education  
17 course, the DUI program shall notify the court and the  
18 department of the failure. Upon receipt of the notice, the  
19 department shall cancel the offender's driving privilege. The  
20 department shall reinstate the driving privilege when the  
21 offender completes the substance abuse education course or  
22 enters treatment required under this subsection. The  
23 organization that conducts the substance abuse education and  
24 evaluation may not provide required substance abuse treatment  
25 unless a waiver has been granted to that organization by the  
26 department. A waiver may be granted only if the department  
27 determines, in accordance with its rules, that the service  
28 provider that conducts the substance abuse education and  
29 evaluation is the most appropriate service provider and is  
30 licensed under chapter 397 or is exempt from such licensure.  
31 ~~All DUI treatment programs providing treatment services on~~

1 ~~January 1, 1994, shall be allowed to continue to provide such~~  
2 ~~services until the department determines whether a waiver~~  
3 ~~should be granted.~~A statistical referral report shall be  
4 submitted quarterly to the department by each organization  
5 authorized to provide services under this section.

6 Section 61. Subsections (1) and (4) of section  
7 316.1935, Florida Statutes, 1998 Supplement, are amended to  
8 read:

9 316.1935 Fleeing or attempting to elude a law  
10 enforcement officer; aggravated fleeing and eluding.--

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

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

28 (a) Willfully refuses or fails to stop in compliance  
29 with such an order, or having stopped in knowing compliance  
30 with such order, willfully flees in an attempt to elude such  
31 officer; and

1 (b) As a result of such fleeing or eluding, causes  
2 injury to another person or causes damage to any property  
3 belonging to another person

4  
5 commits aggravated fleeing or eluding, a felony of the second  
6 degree, punishable as provided in s. 775.082, s. 775.083, or  
7 s. 775.084. The felony of aggravated fleeing or eluding  
8 constitutes a separate offense for which a person may be  
9 charged, in addition to the offense of unlawfully leaving the  
10 scene of a crash ~~an accident~~ which the person had been in the  
11 course of committing or attempting to commit when the order to  
12 stop was given.

13 Section 62. Subsection (8) is added to section  
14 316.1937, Florida Statutes, to read:

15 316.1937 Ignition interlock devices, requiring;  
16 unlawful acts.--

17 (8) In addition to the penalties provided in this  
18 section, a violation of this section is a noncriminal traffic  
19 infraction, punishable as a nonmoving violation as provided in  
20 chapter 318.

21 Section 63. Subsection (4) is added to section  
22 316.194, Florida Statutes, to read:

23 316.194 Stopping, standing or parking outside of  
24 municipalities.--

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

28 Section 64. Paragraph (a) of subsection (1) of section  
29 316.1945, Florida Statutes, is amended, and subsection (4) is  
30 added to that section, to read:

31



1           316.1945 Stopping, standing, or parking prohibited in  
2 specified places.--

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

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

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

10          2. On a sidewalk.

11          3. Within an intersection.

12          4. On a crosswalk.

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

17          6. Alongside or opposite any street excavation or  
18 obstruction when stopping, standing, or parking would obstruct  
19 traffic.

20          7. Upon any bridge or other elevated structure upon a  
21 highway or within a highway tunnel.

22          8. On any railroad tracks.

23          9. On a bicycle path.

24          10. At any place where official traffic control  
25 devices prohibit stopping.

26          11. On the roadway or shoulder of a limited access  
27 facility, except as provided by regulation of the Department  
28 of Transportation, or on the paved portion of a connecting  
29 ramp; except that a vehicle which is disabled or in a  
30 condition improper to be driven as a result of mechanical  
31 failure or crash ~~accident~~ may be parked on such shoulder for a

1 period not to exceed 6 hours. This provision is not  
2 applicable to a person stopping a vehicle to render aid to an  
3 injured person or assistance to a disabled vehicle in  
4 obedience to the directions of a law enforcement officer or to  
5 a person stopping a vehicle in compliance with applicable  
6 traffic laws.

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

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

16         Section 65. Subsection (4) is added to section  
17 316.195, Florida Statutes, to read:

18         316.195 Additional parking regulations.--

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

22         Section 66. Subsection (7) is added to section  
23 316.1951, Florida Statutes, to read:

24         316.1951 Parking for certain purposes prohibited.--

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

28         Section 67. Paragraph (a) of subsection (10) of  
29 section 316.1955, Florida Statutes, 1998 Supplement, is  
30 amended to read:

31

1           316.1955 Parking spaces for persons who have  
2 disabilities.--

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

7           Section 68. Subsection (6) is added to section  
8 316.1974, Florida Statutes, to read:

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

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

18           Section 69. Section 316.1975, Florida Statutes, is  
19 amended to read:

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

31

1 Section 70. Subsection (3) is added to section  
2 316.1985, Florida Statutes, to read:

3 316.1985 Limitations on backing.--

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

7 Section 71. Section 316.1995, Florida Statutes, is  
8 amended to read:

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

15 Section 72. Subsection (3) is added to section  
16 316.2004, Florida Statutes, to read:

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

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

22 Section 73. Section 316.2005, Florida Statutes, is  
23 amended to read:

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

31

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

3 Section 74. 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 75. 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 76. 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 77. 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 78. 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 79. 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 80. 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 81. 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 82. 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 83. 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 84. Subsection (5) is added to section  
29 316.208, Florida Statutes, to read:

30           316.208 Motorcycles and mopeds.--  
31

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

4           Section 85. Subsection (6) is added to section  
5 316.2085, Florida Statutes, to read:

6           316.2085 Riding on motorcycles or mopeds.--

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

10          Section 86. Subsection (6) is added to section  
11 316.209, Florida Statutes, to read:

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

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

17          Section 87. Subsection (3) is added to section  
18 316.2095, Florida Statutes, to read:

19          316.2095 Footrests and handlebars.--

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

23          Section 88. Subsection (6) is added to section  
24 316.211, Florida Statutes, to read:

25          316.211 Equipment for motorcycle and moped riders.--

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

29          Section 89. Subsection (6) is added to section  
30 316.212, Florida Statutes, to read:

31

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

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

10           Section 90. Subsection (2) of section 316.2126,  
11 Florida Statutes, is amended to read:

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

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

22           Section 91. Subsection (6) is added to section  
23 316.215, Florida Statutes, to read:

24           316.215 Scope and effect of regulations.--

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

28           Section 92. Subsection (4) is added to section  
29 316.217, Florida Statutes, to read:

30           316.217 When lighted lamps are required.--

31

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

4           Section 93. Subsection (3) is added to section  
5 316.220, Florida Statutes, to read:

6           316.220 Headlamps on motor vehicles.--

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

10          Section 94. Subsection (3) is added to section  
11 316.221, Florida Statutes, to read:

12          316.221 Taillamps.--

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

16          Section 95. Subsection (4) is added to section  
17 316.222, Florida Statutes, to read:

18          316.222 Stop lamps and turn signals.--

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

22          Section 96. Subsection (8) is added to section  
23 316.2225, Florida Statutes, to read:

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

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

31

1           Section 97. Subsection (4) is added to section  
2 316.224, Florida Statutes, to read:

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

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

9           Section 98. Subsection (3) is added to section  
10 316.225, Florida Statutes, to read:

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

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

16           Section 99. Subsection (4) is added to section  
17 316.226, Florida Statutes, to read:

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

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

23           Section 100. Section 316.228, Florida Statutes, is  
24 amended to read:

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

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

13 Section 101. Subsection (5) is added to section  
14 316.229, Florida Statutes, to read:

15 316.229 Lamps on parked vehicles.--

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

19 Section 102. Subsection (8) is added to section  
20 316.2295, Florida Statutes, to read:

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

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

26 Section 103. Section 316.231, Florida Statutes, is  
27 amended to read:

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

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

14 Section 104. Subsection (5) is added to section  
15 316.233, Florida Statutes, to read:

16 316.233 Spot lamps and auxiliary lamps.--

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

20 Section 105. Subsection (3) is added to section  
21 316.234, Florida Statutes, to read:

22 316.234 Signal lamps and signal devices.--

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

26 Section 106. Subsection (6) is added to section  
27 316.235, Florida Statutes, to read:

28 316.235 Additional lighting equipment.--

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

1           Section 107. Subsection (3) is added to section  
2 316.237, Florida Statutes, to read:

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

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

7           Section 108. Section 316.238, Florida Statutes, is  
8 amended to read:

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

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

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

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

31



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

4           Section 109. Section 316.2385, Florida Statutes, is  
5 amended to read:

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

14           Section 110. Section 316.239, Florida Statutes, is  
15 amended to read:

16           316.239 Single-beam road-lighting equipment.--

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

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

31

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

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

6           Section 111. Section 316.2395, Florida Statutes, is  
7 amended to read:

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

19           Section 112. Subsection (3) is added to section  
20 316.2396, Florida Statutes, to read:

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

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

26           Section 113. Subsection (10) is added to section  
27 316.2397, Florida Statutes, to read:

28           316.2397 Certain lights prohibited; exceptions.--

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

1 Section 114. Section 316.2399, Florida Statutes, is  
2 amended to read:

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

17 Section 115. Subsection (3) is added to section  
18 316.240, Florida Statutes, to read:

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

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

24 Section 116. Subsection (4) is added to section  
25 316.241, Florida Statutes, to read:

26 316.241 Selling or using lamps or equipment.--

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

30 Section 117. Subsection (3) of section 316.251,  
31 Florida Statutes, is amended to read:

1           316.251 Maximum bumper heights.--

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

5           Section 118. Subsection (3) is added to section  
6 316.252, Florida Statutes, to read:

7           316.252 Splash and spray suppressant devices.--

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

11           Section 119. Section 316.253, Florida Statutes, is  
12 amended to read:

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

23           Section 120. Subsection (11) is added to section  
24 316.261, Florida Statutes, to read:

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

30  
31

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

4           Section 121. Subsection (3) is added to section  
5 316.262, Florida Statutes, to read:

6           316.262 Performance ability of motor vehicle brakes.--

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

10          Section 122. Section 316.263, Florida Statutes, is  
11 amended to read:

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

18          Section 123. Section 316.267, Florida Statutes, is  
19 amended to read:

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

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

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

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

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

3

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

7 Section 124. Subsection (8) is added to section  
8 316.271, Florida Statutes, to read;

9 316.271 Horns and warning devices.--

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

13 Section 125. Subsection (3) is added to section  
14 316.272, Florida Statutes, to read:

15 316.272 Exhaust systems, prevention of noise.--

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

19 Section 126. Subsection (7) is added to section  
20 316.293, Florida Statutes, to read:

21 316.293 Motor vehicle noise.--

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

25 Section 127. Subsections (1), (2), and (6) of section  
26 316.2935, Florida Statutes, are amended to read:

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

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

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

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

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

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

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

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

23 Section 128. Section 316.294, Florida Statutes, is  
24 amended to read:

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



1           Section 129. Subsection (6) is added to section  
2 316.2952, Florida Statutes, to read:

3           316.2952 Windshields; requirements; restrictions.--

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

7           Section 130. Section 316.2953, Florida Statutes, is  
8 amended to read:

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

27           Section 131. Subsection (3) is added to section  
28 316.2954, Florida Statutes, to read:

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

31

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

4           Section 132. Subsections (1) and (3) of section  
5 316.2956, Florida Statutes, are amended to read:

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

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

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

19           Section 133. Section 316.299, Florida Statutes, is  
20 amended to read:

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

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

12 Section 134. Subsection (4) is added to section  
13 316.300, Florida Statutes, to read:

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

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

19 Section 135. Subsection (10) is added to section  
20 316.301, Florida Statutes, to read:

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

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

26 Section 136. Paragraph (c) of subsection (1) of  
27 section 316.302, Florida Statutes, 1998 Supplement, is  
28 reenacted, and paragraph (f) of subsection (2) of that section  
29 is amended, to read:

30  
31

1           316.302 Commercial motor vehicles; safety regulations;  
2 transporters and shippers of hazardous materials;  
3 enforcement.--

4           (1)

5           (c) Except as provided in s. 316.215(5), and except as  
6 provided in s. 316.228 for rear overhang lighting and flagging  
7 requirements for intrastate operations, the requirements of  
8 this section supersede all other safety requirements of this  
9 chapter for commercial motor vehicles.

10          (2)

11          (f) A person who operates a commercial motor vehicle  
12 having a declared gross vehicle weight of less than 26,000  
13 pounds solely in intrastate commerce and who is not  
14 transporting hazardous materials, or who is transporting  
15 petroleum products as defined in s. 376.301(31)(~~29~~), is exempt  
16 from subsection (1). However, such person must comply with 49  
17 C.F.R. parts 382, 392, 393, and 49 C.F.R. s. 396.9.

18           Section 137. Paragraph (c) of subsection (3) of  
19 section 316.3025, Florida Statutes, is amended to read:

20           316.3025 Penalties.--

21           (3)

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

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

25           2. A violation of the shipping paper requirements of  
26 49 C.F.R. parts 171-179;

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

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

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

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

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

1           Section 138. Subsection (5) of section 316.3027,  
2 Florida Statutes, is amended to read:

3           316.3027 Identification required on commercial motor  
4 vehicles.--

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

9           Section 139. Subsection (4) is added to section  
10 316.303, Florida Statutes, to read:

11           316.303 Television receivers.--

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

15           Section 140. Subsection (4) is added to section  
16 316.304, Florida Statutes, to read:

17           316.304 Wearing of headsets.--

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

21           Section 141. Subsection (5) is added to section  
22 316.3045, Florida Statutes, to read:

23           316.3045 Operation of radios or other mechanical  
24 soundmaking devices or instruments in vehicles; exemptions.--

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 142. Subsection (3) is added to section  
29 316.400, Florida Statutes, to read:

30           316.400 Headlamps.--

31

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

4           Section 143. Subsection (2) of section 316.405,  
5 Florida Statutes, is amended, and subsection (3) is added to  
6 that section, to read:

7           316.405 Motorcycle headlights to be turned on.--

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

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

16           Section 144. Subsection (3) is added to section  
17 316.410, Florida Statutes, to read:

18           316.410 Taillamps.--

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 145. Section 316.415, Florida Statutes, is  
23 amended to read:

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

29           Section 146. Section 316.420, Florida Statutes, is  
30 amended to read:

31

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

6           Section 147. Subsection (3) is added to section  
7 316.425, Florida Statutes, to read:

8           316.425 Lamps on parked motorcycles.--

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 148. Subsection (3) is added to section  
13 316.430, Florida Statutes, to read:

14           316.430 Multiple-beam road-lighting 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 149. Section 316.435, Florida Statutes, is  
19 amended to read:

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

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

1 motor-driven cycle is operated at a speed of 35 or more miles  
2 per hour.

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

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

10 Section 150. Section 316.440, Florida Statutes, is  
11 amended to read:

12 316.440 Brake equipment required.--Every motor-driven  
13 cycle must comply with the provisions of s. 316.261, except  
14 that:

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

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

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 151. Subsection (3) is added to section  
27 316.445, Florida Statutes, to read:

28 316.445 Performance ability of motorcycle brakes.--

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



1           Section 152. Subsection (4) is added to section  
2 316.450, Florida Statutes, to read:

3           316.450 Brakes on motor-driven cycles.--

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 153. Section 316.455, Florida Statutes, is  
8 amended to read:

9           316.455 Other equipment.--Every motorcycle and every  
10 motor-driven cycle when operated upon a highway shall comply  
11 with the requirements and limitations of:

12           (1) Section 316.271(1) and (2) on the requirement for  
13 horns and warning devices.

14           (2) Section 316.271(3) on the requirement for the use  
15 of horns.

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

18           (4) Section 316.271(5) on the requirement for theft  
19 alarms.

20           (5) Section 316.271(6) on the requirement for  
21 emergency vehicles.

22           (6) Section 316.272 on the requirement for mufflers  
23 and prevention of noise.

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

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

29           Section 154. Section 316.46, Florida Statutes, is  
30 amended to read:

31

1           316.46 Equipment regulations for mopeds.--No person  
2 may operate a moped that does not conform to all applicable  
3 federal motor vehicle safety standards relating to lights and  
4 safety and other equipment contained in Title 49, Code of  
5 Federal Regulations. A violation of this section is a  
6 noncriminal traffic infraction, punishable as a nonmoving  
7 violation as provided in chapter 318.

8           Section 155. Section 316.510, Florida Statutes, is  
9 amended to read:

10           316.510 Projecting loads on passenger vehicles.--No  
11 passenger type vehicle shall be operated on any highway with  
12 any load carried thereon extending beyond the fenders on the  
13 left side of the vehicle or extending more than 6 inches  
14 beyond the line of the fenders on the right side thereof. A  
15 violation of this section is a noncriminal traffic infraction,  
16 punishable as a nonmoving violation as provided in chapter  
17 318.

18           Section 156. Subsection (3) is added to section  
19 316.520, Florida Statutes, to read:

20           316.520 Loads on vehicles.--

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

24           Section 157. Subsection (3) is added to section  
25 316.525, Florida Statutes, to read:

26           316.525 Requirements for vehicles hauling loads.--

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

30           Section 158. Subsection (4) is added to section  
31 316.530, Florida Statutes, to read:

1           316.530 Towing requirements.--

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

5           Section 159. Section 316.600, Florida Statutes, is  
6 amended to read:

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

13           Section 160. Section 316.605, Florida Statutes, is  
14 amended to read:

15           316.605 Licensing of vehicles.--

16           (1) Every vehicle, at all times while driven, stopped,  
17 or parked upon any highways, roads, or streets of this state,  
18 shall be licensed in the name of the owner thereof in  
19 accordance with the laws of this state unless such vehicle is  
20 not required by the laws of this state to be licensed in this  
21 state and shall, except as otherwise provided in s. 320.0706  
22 for front-end registration license plates on truck tractors,  
23 display the license plate or both of the license plates  
24 assigned to it by the state, one on the rear and, if two, the  
25 other on the front of the vehicle, each to be securely  
26 fastened to the vehicle outside the main body of the vehicle  
27 in such manner as to prevent the plates from swinging, with  
28 all letters, numerals, printing, writing, and other  
29 identification marks upon the plates clear and distinct and  
30 free from defacement, mutilation, grease, and other obscuring  
31 matter, so that they will be plainly visible and legible at

1 all times 100 feet from the rear or front. Nothing shall be  
2 placed upon the face of a Florida plate except as permitted by  
3 law or by rule or regulation of a governmental agency. No  
4 license plates other than those furnished by the state shall  
5 be used. However, if the vehicle is not required to be  
6 licensed in this state, the license plates on such vehicle  
7 issued by another state, by a territory, possession, or  
8 district of the United States, or by a foreign country,  
9 substantially complying with the provisions hereof, shall be  
10 considered as complying with this chapter. A violation of this  
11 subsection is a noncriminal traffic infraction, punishable as  
12 a nonmoving violation as provided in chapter 318.

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

25 Section 161. Subsection (5) of section 316.613,  
26 Florida Statutes, is amended to read:

27 316.613 Child restraint requirements.--

28 (5) Any person who violates the provisions of this  
29 section commits a moving violation, punishable as provided in  
30 chapter 318 and shall have 3 points assessed against his or  
31 her driver's license as set forth in s. 322.27. In lieu of the

1 penalty specified in s. 318.18 and the assessment of points, a  
2 person who violates the provisions of this section may elect,  
3 with the court's approval, to participate in a child restraint  
4 safety program approved by the chief judge of the circuit in  
5 which the violation occurs, and upon completing such program,  
6 the penalty specified in chapter 318 and associated costs may  
7 be waived at the court's discretion and the assessment of  
8 points shall be waived. The child restraint safety program  
9 must use a course approved by the Department of Transportation  
10 ~~Health and Rehabilitative Services~~, and the fee for the course  
11 must bear a reasonable relationship to the cost of providing  
12 the course.

13 Section 162. Subsection (5) of section 316.6135,  
14 Florida Statutes, is amended to read:

15 316.6135 Leaving children unattended or unsupervised  
16 in motor vehicle; penalty; authority of law enforcement  
17 officer.--

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

23 Section 163. Subsection (6) is added to section  
24 316.615, Florida Statutes, to read:

25 316.615 School buses; physical requirements of  
26 drivers.--

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 164. Subsection (7) is added to section  
31 316.620, Florida Statutes, to read:

1           316.620 Transportation of migrant farm workers.--Every  
2 carrier of migrant farm workers shall systematically inspect  
3 and maintain, or cause to be systematically maintained, all  
4 motor vehicles and their accessories subject to its control to  
5 ensure that such motor vehicles and accessories are in safe  
6 and proper operating condition in accordance with the  
7 provisions of this chapter.

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

11           Section 165. Paragraph (b) of subsection (2),  
12 paragraph (b) of subsection (3), and paragraph (b) of  
13 subsection (5) of section 316.640, Florida Statutes, are  
14 amended to read:

15           316.640 Enforcement.--The enforcement of the traffic  
16 laws of this state is vested as follows:

17           (2) COUNTIES.--

18           (b) The sheriff's office of each county may employ as  
19 a traffic crash ~~accident~~ investigation officer any individual  
20 who successfully completes at least 200 hours of instruction  
21 in traffic crash ~~accident~~ investigation and court presentation  
22 through the Selective Traffic Enforcement Program (STEP) as  
23 approved by the Criminal Justice Standards and Training  
24 Commission and funded through the National Highway Traffic  
25 Safety Administration (NHTSA) or a similar program approved by  
26 the commission, but who does not necessarily otherwise meet  
27 the uniform minimum standards established by the commission  
28 for law enforcement officers or auxiliary law enforcement  
29 officers under chapter 943. Any such traffic crash ~~accident~~  
30 investigation officer who makes an investigation at the scene  
31 of a traffic crash ~~accident~~ may issue traffic citations when,

1 based upon personal investigation, he or she has reasonable  
2 and probable grounds to believe that a person who was involved  
3 has committed an offense under this chapter in connection with  
4 the crash ~~accident~~. This paragraph does not permit the  
5 carrying of firearms or other weapons, nor do such officers  
6 have arrest authority other than for the issuance of a traffic  
7 citation as authorized in this paragraph.

8 (3) MUNICIPALITIES.--

9 (b) The police department of a chartered municipality  
10 may employ as a traffic crash ~~accident~~ investigation officer  
11 any individual who successfully completes at least 200 hours  
12 of instruction in traffic crash ~~accident~~ investigation and  
13 court presentation through the Selective Traffic Enforcement  
14 Program (STEP) as approved by the Criminal Justice Standards  
15 and Training Commission and funded through the National  
16 Highway Traffic Safety Administration (NHTSA) or a similar  
17 program approved by the commission, but who does not otherwise  
18 meet the uniform minimum standards established by the  
19 commission for law enforcement officers or auxiliary law  
20 enforcement officers under chapter 943. Any such traffic crash  
21 ~~accident~~ investigation officer who makes an investigation at  
22 the scene of a traffic crash ~~accident~~ is authorized to issue  
23 traffic citations when, based upon personal investigation, he  
24 or she has reasonable and probable grounds to believe that a  
25 person involved has committed an offense under the provisions  
26 of this chapter in connection with the crash ~~accident~~.  
27 Nothing in this paragraph shall be construed to permit the  
28 carrying of firearms or other weapons, nor shall such officers  
29 have arrest authority other than for the issuance of a traffic  
30 citation as authorized above.

31 (5)

1           (b) The traffic enforcement officer shall be employed  
2 in relationship to a selective traffic enforcement program at  
3 a fixed location or as part of a crash ~~an accident~~  
4 investigation team at the scene of a vehicle crash ~~accident~~ or  
5 in other types of traffic infraction enforcement under the  
6 direction of a fully qualified law enforcement officer;  
7 however, it is not necessary that the traffic infraction  
8 enforcement officer's duties be performed under the immediate  
9 supervision of a fully qualified law enforcement officer.

10           Section 166. Section 316.645, Florida Statutes, is  
11 amended to read:

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

20           Section 167. Paragraph (b) of subsection (1) of  
21 section 316.70, Florida Statutes, is amended to read:

22           316.70 Nonpublic sector buses; safety rules.--

23           (1) The Department of Transportation shall establish  
24 and revise standards to assure the safe operation of nonpublic  
25 sector buses, as defined in s. 316.003(78), which standards  
26 shall be those contained in 49 C.F.R. parts 382, 385, and  
27 390-397 and which shall be directed towards assuring that:

28           (b) Nonpublic sector buses are carrying the insurance  
29 required by law and carrying liability insurance on the  
30 checked baggage of passengers not to exceed the standard  
31



1 adopted by the United States Department of Transportation  
2 ~~Interstate Commerce Commission.~~

3 Section 168. Section 318.12, Florida Statutes, is  
4 amended to read:

5 318.12 Purpose.--It is the legislative intent in the  
6 adoption of this chapter to decriminalize certain violations  
7 of chapter 316, the Florida Uniform Traffic Control Law;  
8 chapter 320, Motor Vehicle Licenses; chapter 322, Drivers'  
9 Licenses; ~~chapter 339, Florida Transportation Code, Sixth~~  
10 ~~Part~~ chapter 240, Postsecondary Education ~~239, Universities;~~  
11 ~~Scholarships, etc.;~~ and chapter 338, Florida Intrastate  
12 Highway System and Toll Facilities ~~340, Turnpike Projects,~~  
13 thereby facilitating the implementation of a more uniform and  
14 expeditious system for the disposition of traffic infractions.

15 Section 169. Subsection (5) of section 318.13, Florida  
16 Statutes, is amended to read:

17 318.13 Definitions.--The following words and phrases,  
18 when used in this chapter, shall have the meanings  
19 respectively ascribed to them in this section, except where  
20 the context otherwise requires:

21 (5) "Officer" means any law enforcement officer  
22 charged with and acting under his or her authority to arrest  
23 persons suspected of, or known to be, violating statutes or  
24 ordinances regulating traffic or the operation or equipment of  
25 vehicles. "Officer" includes any individual employed by a  
26 sheriff's department or the police department of a chartered  
27 municipality who is acting as a traffic infraction enforcement  
28 officer as provided in s. 316.640 ~~318.141~~.

29 Section 170. Subsections (1), (4), (9), and (10) of  
30 section 318.14, Florida Statutes, are amended to read:

31

1           318.14 Noncriminal traffic infractions; exception;  
2 procedures.--

3           (1) Except as provided in ss. 318.17 and  
4 320.07(3)(c)(~~b~~), any person cited for a violation of s.  
5 240.265, chapter 316, s. 320.0605(~~1~~), s. 320.07(3)(a), s.  
6 322.065, s. 322.15(1), s. 322.16(2) or (3), s. 322.1615 ~~s.~~  
7 ~~322.161(4)~~, or s. 322.19 is charged with a noncriminal  
8 infraction and must be cited for such an infraction and cited  
9 to appear before an official. If another person dies as a  
10 result of the noncriminal infraction, the person cited may be  
11 required to perform 120 community service hours under s.  
12 316.027(4), in addition to any other penalties.

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

29           (9) Any person who is cited for an infraction under  
30 this section other than a violation of s. 320.0605(~~1~~), s.  
31 320.07(3)(a), s. 322.065, s. 322.15(1), s. 322.61, or s.

1 322.62 may, in lieu of a court appearance, elect to attend in  
2 the location of his or her choice within this state a basic  
3 driver improvement course approved by the Department of  
4 Highway Safety and Motor Vehicles. In such a case,  
5 adjudication must be withheld; points, as provided by s.  
6 322.27, may not be assessed; and the civil penalty that is  
7 imposed by s. 318.18(3) must be reduced by 18 percent;  
8 however, a person may not make an election under this  
9 subsection if the person has made an election under this  
10 subsection in the preceding 12 months. A person may make no  
11 more than five elections under this subsection. The  
12 requirement for community service under s. 318.18(8)~~(7)~~ is not  
13 waived by a plea of nolo contendere or by the withholding of  
14 adjudication of guilt by a court.

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

26 1. Operating a motor vehicle without a valid driver's  
27 license in violation of the provisions of s. 322.03, s.  
28 322.065, or s. 322.15(1), or operating a motor vehicle with a  
29 license which has been suspended for failure to appear,  
30 failure to pay civil penalty, or failure to attend a driver  
31 improvement course pursuant to s. 322.291.

1           2. Operating a motor vehicle without a valid  
2 registration in violation of s. 320.0605, or s. 320.07, or s.  
3 320.131.

4           3. Operating a motor vehicle in violation of s.  
5 316.646.

6           (b) Any person cited for an offense listed in this  
7 subsection shall present proof of compliance prior to the  
8 scheduled court appearance date. For the purposes of this  
9 subsection, proof of compliance shall consist of a valid,  
10 renewed, or reinstated driver's license or registration  
11 certificate and proper proof of maintenance of security as  
12 required by s. 316.646. Notwithstanding waiver of fine, any  
13 person establishing proof of compliance shall be assessed  
14 court costs of \$22, except that a person charged with  
15 violation of s. 316.646(1)-(3) may be assessed court costs of  
16 \$7. One dollar of such costs shall be distributed to the  
17 Department of Children and Family ~~Health and Rehabilitative~~  
18 Services for deposit into the Child Welfare Training Trust  
19 Fund. One dollar of such costs shall be distributed to the  
20 Department of Juvenile Justice for deposit into the Juvenile  
21 Justice Training Trust Fund. Twelve dollars of such costs  
22 shall be distributed to the municipality and \$8 shall be  
23 retained by the county, if the offense was committed within  
24 the municipality. If the offense was committed in an  
25 unincorporated area of a county or if the citation was for a  
26 violation of s. 316.646(1)-(3), the county shall retain the  
27 entire amount, except for the moneys to be deposited into the  
28 Child Welfare Training Trust Fund and the Juvenile Justice  
29 Training Trust Fund. This subsection shall not be construed  
30 to authorize the operation of a vehicle without a valid  
31

1 driver's license, without a valid vehicle tag and  
2 registration, or without the maintenance of required security.

3 Section 171. Subsection (2) of section 318.1451,  
4 Florida Statutes, is amended to read:

5 318.1451 Driver improvement schools.--

6 (2) In determining whether to approve the courses  
7 referenced in this section, the department shall consider  
8 course content designed to promote safety, driver awareness,  
9 crash ~~accident~~ avoidance techniques, and other factors or  
10 criteria to improve driver performance from a safety  
11 viewpoint.

12 Section 172. Section 318.17, Florida Statutes, is  
13 amended to read:

14 318.17 Offenses excepted.--No provision of this  
15 chapter is available to a person who is charged with any of  
16 the following offenses:

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

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

21 (3) Driving, or being in actual physical control of,  
22 any vehicle while under the influence of alcoholic beverages,  
23 any chemical substance set forth in s. 877.111, or any  
24 substance controlled under chapter 893, in violation of s.  
25 316.193, or driving with an unlawful blood-alcohol level;

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

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

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

1           (7) Obstructing an officer, in violation of s.  
2 316.545(1); or

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

5           Section 173. Subsection (1) of section 318.18, Florida  
6 Statutes, 1998 Supplement, is amended to read:

7           318.18 Amount of civil penalties.--The penalties  
8 required for a noncriminal disposition pursuant to s. 318.14  
9 are as follows:

10           (1) Fifteen dollars for:

11           (a) All infractions of pedestrian regulations.

12           (b) All infractions of s. 316.2065, unless otherwise  
13 specified.~~and~~

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

17           Section 174. Section 318.19, Florida Statutes, is  
18 amended to read:

19           318.19 Infractions requiring a mandatory hearing.--Any  
20 person cited for the infractions listed in this section shall  
21 not have the provisions of s. 318.14(2), (4), and (9)  
22 available to him or her but must appear before the designated  
23 official at the time and location of the scheduled hearing:

24           (1) Any infraction which results in a crash ~~an~~  
25 ~~accident~~ that causes the death of another; or

26           (2) Any infraction which results in a crash ~~an~~  
27 ~~accident~~ that causes "serious bodily injury" of another as  
28 defined in s. 316.1933(1); or

29           (3) Any infraction of s. 316.172(1)(b).  
30  
31



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

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

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

13           (c) Hear a criminal traffic offense case or a case  
14 involving a civil traffic infraction issued in conjunction  
15 with a criminal traffic offense.

16           Section 177. Section 318.39, Florida Statutes, is  
17 repealed.

18           Section 178. Paragraph (b) of subsection (2) of  
19 section 319.28, Florida Statutes, is amended to read:

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

21           (2)

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



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

29 Section 179. Paragraph (d) of subsection (1) of  
30 section 319.33, Florida Statutes, is amended to read:

31

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

3           (1) It is unlawful:

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

11           Section 180. Subsection (12) of section 320.02,  
12 Florida Statutes, is amended to read:

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

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

25           Section 181. Subsections (7) and (8) of section  
26 320.03, Florida Statutes, 1998 Supplement, are amended to  
27 read:

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

30           (7) The Department of Highway Safety and Motor  
31 Vehicles shall register apportioned motor vehicles under the

1 provisions of the International Registration Plan.  
2 ~~Implementation of the plan shall occur by July 1, 1986, for~~  
3 ~~the 1986-1987 registration period.~~ The department may adopt  
4 rules to implement and enforce the provisions of the plan.

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

30 Section 182. Section 320.031, Florida Statutes, is  
31 amended to read:

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

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

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

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

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

4 Section 183. Subsections (1) and (5) of section  
5 320.055, Florida Statutes, are amended to read:

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

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

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

31

1           Section 184. Paragraph (b) of subsection (1) and  
2 paragraph (a) of subsection (3) of section 320.06, Florida  
3 Statutes, are amended to read:

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

6           (1)

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

1 shall occur based on the applicant's appropriate registration  
2 period. A vehicle with an apportioned registration shall be  
3 issued an annual license plate and a cab card that denote the  
4 declared gross vehicle weight for each apportioned  
5 jurisdiction in which the vehicle is authorized to operate.

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

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

17 Section 185. Subsection (1) of section 320.0601,  
18 Florida Statutes, is amended to read:

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

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

26 Section 186. Section 320.0605, Florida Statutes, is  
27 amended to read:

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



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

13 Section 187. Paragraph (a) of subsection (3) of  
14 section 320.07, Florida Statutes, is amended to read:

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

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

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

29 Section 188. Section 320.073, Florida Statutes, is  
30 repealed.

31

1           Section 189. Section 320.0802, Florida Statutes, is  
2 amended to read:

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

16           Section 190. Paragraph (b) of subsection (1) and  
17 paragraph (b) of subsection (7) of section 320.08058, Florida  
18 Statutes, 1998 Supplement, are amended to read:

19           320.08058 Specialty license plates.--

20           (1) MANATEE LICENSE PLATES.--

21           (b)1. The manatee license plate annual use fee must be  
22 deposited into the Save the Manatee Trust Fund, created within  
23 the Department of Environmental Protection. The funds  
24 deposited in the Save the Manatee Trust Fund may be used only  
25 for manatee-related environmental education; manatee research;  
26 facilities, as provided in s. 370.12(4)(b)~~(5)(b)~~; and manatee  
27 protection and recovery.

28           2. For fiscal year 1996-1997, 25 percent of the  
29 manatee license plate annual use fee must be deposited into  
30 the Save the Manatee Trust Fund within the Department of  
31

1 Environmental Protection and shall be used for manatee  
2 facilities as provided in s. 370.12(5)(b).

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

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

6 1. The first \$5 million collected annually must be  
7 forwarded to the private nonprofit corporation Florida  
8 ~~Developmental Disabilities Planning Council~~ as described in s.  
9 393.002 ~~393.001~~ and must be used solely for Special Olympics  
10 purposes as approved by the private nonprofit corporation  
11 ~~council~~.

12 2. Any additional fees must be deposited into the  
13 General Revenue Fund.

14 Section 191. Section 320.08062, Florida Statutes, 1998  
15 Supplement, is amended to read:

16 320.08062 Audits required; annual use fees of  
17 specialty ~~special~~ license plates.--

18 (1)(a) All organizations that receive annual use fee  
19 proceeds from the department are responsible for ensuring that  
20 proceeds are used in accordance with ss. 320.08056 and  
21 320.08058.

22 (b) All organizational recipients of any specialty  
23 license plate annual use fee authorized in this chapter, not  
24 otherwise subject to annual audit by the Office of the Auditor  
25 General, shall submit an annual audit of the expenditures of  
26 annual use fees and interest earned from these fees, to  
27 determine if expenditures are being made in accordance with  
28 the specifications outlined by law. The audit shall be  
29 prepared by a certified public accountant licensed under  
30 chapter 473 at that organizational recipient's expense. The  
31 notes to the financial statements should state whether

1 expenditures were made in accordance with ss. 320.08056 and  
2 320.08058.

3 (c) In lieu of an annual audit, any organization  
4 receiving less than \$25,000 in annual use fee proceeds  
5 directly from the department, or from another state agency,  
6 may annually report, under penalties of perjury, that such  
7 proceeds were used in compliance with ss. 320.08056 and  
8 320.08058. The attestation shall be made annually in a form  
9 and format determined by the department.

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

13 (2) Within 90 days after receiving an organization's  
14 audit or report, the department shall determine which  
15 recipients of revenues from specialty license plate annual use  
16 fees have not complied with subsection (1). If the department  
17 determines that an organization has not complied or has failed  
18 to use the revenues in accordance with ss. 320.08056 and  
19 320.08058, the department must discontinue the distribution of  
20 the revenues to the organization until the department  
21 determines that the organization has complied. If an  
22 organization fails to comply within 12 months after the annual  
23 use fee proceeds are withheld by the department, the proceeds  
24 shall be deposited into the Highway Safety Operating Trust  
25 Fund to offset department costs related to the issuance of  
26 specialty license plates.

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

30  
31

1           Section 192. Paragraph (c) of subsection (2) of  
2 section 320.0848, Florida Statutes, 1998 Supplement, is  
3 amended to read:

4           320.0848 Persons who have disabilities; issuance of  
5 disabled parking permits; temporary permits; permits for  
6 certain providers of transportation services to persons who  
7 have disabilities.--

8           (2) DISABLED PARKING PERMIT; PERSONS WITH LONG-TERM  
9 MOBILITY PROBLEMS.--

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

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

16          b. One dollar for each additional or additional  
17 renewal 4-year permit, of which the State Transportation Trust  
18 Fund shall receive all funds collected.

19  
20 The department shall not issue an additional disabled parking  
21 permit unless the applicant states that they are a frequent  
22 traveler or a quadriplegic. The department may not issue to  
23 any one eligible applicant more than two disabled parking  
24 permits except to an organization in accordance with paragraph  
25 (1)(e)~~(d)~~. Subsections (1), (5), (6), and (7) apply to this  
26 subsection.

27          2. If an applicant who is a disabled veteran, is a  
28 resident of this state, has been honorably discharged, and  
29 either has been determined by the Department of Defense or the  
30 United States Department of Veterans Affairs or its  
31 predecessor to have a service-connected disability rating for

1 compensation of 50 percent or greater or has been determined  
2 to have a service-connected disability rating of 50 percent or  
3 greater and is in receipt of both disability retirement pay  
4 from the United States Department of Veterans Affairs and has  
5 a signed physician's statement of qualification for the  
6 disabled parking permits, the fee for a disabled parking  
7 permit shall be:

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

10 b. One dollar for each additional or additional  
11 renewal 4-year permit.

12  
13 The tax collector of the county in which the fee was collected  
14 shall retain all funds received pursuant to this subparagraph.

15 3. If an applicant presents to the department a  
16 statement from the Federal Government or the State of Florida  
17 indicating the applicant is a recipient of supplemental  
18 security income, the fee for the disabled parking permit shall  
19 be \$9 for the initial 4-year permit or renewal permit, of  
20 which the State Transportation Trust Fund shall receive \$6.75  
21 and the tax collector of the county in which the fee was  
22 collected shall receive \$2.25.

23 Section 193. Section 320.087, Florida Statutes, is  
24 amended to read:

25 320.087 Intercity buses operated in interstate  
26 commerce; tax.--All intercity motor buses owned or operated by  
27 residents or nonresidents of this state in interstate commerce  
28 or combined interstate and intrastate commerce as a result of  
29 which operation such motor buses operate both within and  
30 without this state under the authority of the United States  
31 Department of Transportation ~~Interstate Commerce Commission,~~

1 are subject to motor vehicle license taxes on a basis  
2 commensurate with the use of Florida roads. The department  
3 shall require the registration in this state of that  
4 percentage of intercity motor buses operating in interstate  
5 commerce or combined interstate-intrastate commerce, into or  
6 through this state, which the actual mileage operated in this  
7 state bears to the total mileage all such intercity motor  
8 buses are operated both within and without this state. Such  
9 percentage figure, so determined, is the "Florida mileage  
10 factor." In determining the state license tax to be paid on  
11 the buses actually operated in this state under the foregoing  
12 method, the department shall first compute the amount that the  
13 state license tax would be if all of such buses were in fact  
14 subject to such tax, and then apply to that amount the Florida  
15 mileage factor.

16 Section 194. Section 320.1325, Florida Statutes, is  
17 amended to read:

18 320.1325 Registration required for the temporarily  
19 employed.--Motor vehicles owned or leased by persons who are  
20 temporarily employed within the state but are not residents  
21 are required to be registered. The department shall provide a  
22 temporary registration plate and a registration certificate  
23 valid for 90 days to an applicant who is temporarily employed  
24 in the state. The temporary registration plate may be renewed  
25 one time for an additional 90-day period. At the end of the  
26 180-day period of temporary registration, the applicant shall  
27 apply for a permanent registration if there is a further need  
28 to remain in this state. A temporary license registration  
29 plate may not be issued for any commercial motor vehicle as  
30 defined in s. 320.01. The fee for the 90-day temporary  
31 registration plate shall be \$40 plus the applicable service

1 charge required by s. 320.04. Subsequent permanent  
2 registration and titling of a vehicle registered hereunder  
3 shall subject the applicant to the fees required by s. ss.  
4 ~~319.231~~ and 320.072, in addition to all other taxes and fees  
5 required.

6 Section 195. Paragraph (b) of subsection (5) of  
7 section 320.20, Florida Statutes, is amended to read:

8 320.20 Disposition of license tax moneys.--The revenue  
9 derived from the registration of motor vehicles, including any  
10 delinquent fees and excluding those revenues collected and  
11 distributed under the provisions of s. 320.081, must be  
12 distributed monthly, as collected, as follows:

13 (5)

14 (b) ~~Beginning July 1, 1989,~~The State Comptroller each  
15 month shall deposit in the State Transportation Trust Fund an  
16 amount, drawn from other funds in the State Treasury which are  
17 not immediately needed or are otherwise in excess of the  
18 amount necessary to meet the requirements of the State  
19 Treasury, which when added to such remaining revenues each  
20 month will equal one-twelfth of the amount of the anticipated  
21 annual revenues to be deposited in the State Transportation  
22 Trust Fund under paragraph (a) as estimated by the most recent  
23 revenue estimating conference held pursuant to s. 216.136(3).  
24 The transfers required hereunder may be suspended by action of  
25 the Administration Commission in the event of a significant  
26 shortfall of state revenues.

27 Section 196. Subsection (4) of section 320.8255,  
28 Florida Statutes, is amended to read:

29 320.8255 Mobile home inspection.--

30 (4) The department shall determine fees for special  
31 inspections and for the label ~~seal~~ authorized under s. 320.827



1 which are sufficient to cover the cost of inspection and  
2 administration under this section. Fees collected shall be  
3 deposited into the General Revenue Fund.

4 Section 197. Section 320.8256, Florida Statutes, is  
5 repealed.

6 Section 198. Subsections (2) and (4) of section  
7 321.051, Florida Statutes, 1998 Supplement, are amended to  
8 read:

9 321.051 Florida Highway Patrol wrecker operator  
10 system; penalties for operation outside of system.--

11 (2) The Division of Florida Highway Patrol of the  
12 Department of Highway Safety and Motor Vehicles is authorized  
13 to establish within areas designated by the patrol a wrecker  
14 operator system using qualified, reputable wrecker operators  
15 for removal and storage of wrecked or disabled vehicles from a  
16 crash ~~an accident~~ scene or for removal and storage of  
17 abandoned vehicles, in the event the owner or operator is  
18 incapacitated or unavailable or leaves the procurement of  
19 wrecker service to the officer at the scene. All reputable  
20 wrecker operators shall be eligible for use in the system  
21 provided their equipment and drivers meet recognized safety  
22 qualifications and mechanical standards set by rules of the  
23 Division of Florida Highway Patrol for the size of vehicle it  
24 is designed to handle. The division is authorized to limit the  
25 number of wrecker operators participating in the wrecker  
26 operator system, which authority shall not affect wrecker  
27 operators currently participating in the system established by  
28 this section. The division is authorized to establish maximum  
29 rates for the towing and storage of vehicles removed at the  
30 division's request, where such rates have not been set by a  
31 county or municipality pursuant to s. 125.0103 or s. 166.043.

1 Such rates shall not be considered rules for the purpose of  
2 chapter 120; however, the department shall establish by rule a  
3 procedure for setting such rates. Any provision in chapter  
4 120 to the contrary notwithstanding, a final order of the  
5 department denying, suspending, or revoking a wrecker  
6 operator's participation in the system shall be reviewable in  
7 the manner and within the time provided by the Florida Rules  
8 of Appellate Procedure only by a writ of certiorari issued by  
9 the circuit court in the county wherein such wrecker operator  
10 resides.

11 (4) This section does not prohibit, or in any way  
12 prevent, the owner or operator of a vehicle involved in a  
13 crash ~~an accident~~ or otherwise disabled from contacting any  
14 wrecker operator for the provision of towing services, whether  
15 the wrecker operator is an authorized wrecker operator or not.

16 Section 199. Subsection (2) of section 321.23, Florida  
17 Statutes, is amended to read:

18 321.23 Public records; fees for copies; destruction of  
19 obsolete records; photographing records; effect as evidence.--

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

- 22 (a) For a crash ~~an accident~~ report, a copy.....\$2
- 23 (b) For a homicide report, a copy.....\$25
- 24 (c) Photographs (accidents, etc.):

25			
26	Enlargement	Color	Black
27	Proof		& White
28			
29	1. 5" x 7"	\$1.00	\$0.75
30	2. 8" x 10"	\$1.50	\$1.00
31	3. 11" x 14"	Not Available	\$1.75

1	4. 16" x 20"	Not Available	\$2.75
2	5. 20" x 24"	Not Available	\$3.75

3

4 (d) The department shall furnish such information  
5 without charge to any local, state, or federal law enforcement  
6 agency upon proof satisfactory to the department as to the  
7 purpose of the investigation.

8 Section 200. Sections 321.06, 321.07, 321.09, 321.12,  
9 321.15, 321.17, 321.18, 321.19, 321.191, 321.20, 321.201,  
10 321.202, 321.203, 321.21, 321.22, 321.2205, 321.221, 321.222,  
11 and 321.223, Florida Statutes, are repealed.

12 Section 201. Section 322.0261, Florida Statutes, is  
13 amended to read:

14 322.0261 Mandatory driver improvement course; certain  
15 crashes ~~accidents~~.--

16 (1) The department shall screen crash ~~accident~~ reports  
17 received under s. 316.066 or s. 324.051 to identify crashes  
18 ~~accidents~~ involving the following:

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

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

24 (2) With respect to an operator convicted of, or who  
25 pleaded nolo contendere to, a traffic offense giving rise to a  
26 crash ~~an accident~~ identified pursuant to subsection (1), the  
27 department shall require that the operator, in addition to  
28 other applicable penalties, attend a departmentally approved  
29 driver improvement course in order to maintain driving  
30 privileges. If the operator fails to complete the course  
31 within 90 days of receiving notice from the department, the

1 operator's driver's license shall be canceled by the  
2 department until the course is successfully completed.

3 (3) In determining whether to approve a driver  
4 improvement course for the purposes of this section, the  
5 department shall consider course content designed to promote  
6 safety, driver awareness, crash ~~accident~~ avoidance techniques,  
7 and other factors or criteria to improve driver performance  
8 from a safety viewpoint.

9 Section 202. Subsection (2) of section 322.055,  
10 Florida Statutes, is amended to read:

11 322.055 Revocation or suspension of, or delay of  
12 eligibility for, driver's license for persons 18 years of age  
13 or older convicted of certain drug offenses.--

14 (2) If a person 18 years of age or older is convicted  
15 for the possession or sale of, trafficking in, or conspiracy  
16 to possess, sell, or traffic in a controlled substance and  
17 such person is eligible by reason of age for a driver's  
18 license or privilege, the court shall direct the department to  
19 withhold issuance of such person's driver's license or driving  
20 privilege for a period of 2 years after the date the person  
21 was convicted or until the person is evaluated for and, if  
22 deemed necessary by the evaluating agency, completes a drug  
23 treatment and rehabilitation program approved or regulated by  
24 the Department of Health ~~and Rehabilitative Services~~. However,  
25 the court may, in its sound discretion, direct the department  
26 to issue a license for driving privileges restricted to  
27 business or employment purposes only, as defined by s.  
28 322.271, if the person is otherwise qualified for such a  
29 license. A driver whose license or driving privilege has been  
30 suspended or revoked under this section or s. 322.056 may,  
31 upon the expiration of 6 months, petition the department for

1 restoration of the driving privilege on a restricted or  
2 unrestricted basis depending on the length of suspension or  
3 revocation. In no case shall a restricted license be available  
4 until 6 months of the suspension or revocation period has  
5 expired.

6 Section 203. Subsection (5) of section 322.08, Florida  
7 Statutes, 1998 Supplement, is amended to read:

8 322.08 Application for license.--

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

14 Section 204. Subsection (2) of section 322.12, Florida  
15 Statutes, is amended to read:

16 322.12 Examination of applicants.--

17 (2) The department shall examine every applicant for a  
18 driver's license, including an applicant who is licensed in  
19 another state or country, except as otherwise provided in this  
20 chapter. A person who holds a learner's driver's license as  
21 provided for in s. 322.1615 ~~s. 322.161~~ is not required to pay  
22 a fee for successfully completing the examination showing his  
23 or her ability to operate a motor vehicle as provided for  
24 herein and need not pay the fee for a replacement license as  
25 provided in s. 322.17(2). Any person who applies for  
26 reinstatement following the suspension or revocation of his or  
27 her driver's license shall pay a service fee of \$25 following  
28 a suspension, and \$50 following a revocation, which is in  
29 addition to the fee for a license. Any person who applies for  
30 reinstatement of a commercial driver's license following the  
31 disqualification of his or her privilege to operate a

1 commercial motor vehicle shall pay a service fee of \$50, which  
2 is in addition to the fee for a license. The department shall  
3 collect all of these fees at the time of reinstatement. The  
4 department shall issue proper receipts for such fees and shall  
5 promptly transmit all funds received by it as follows:

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

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

14  
15 If the revocation or suspension of the driver's license was  
16 for a violation of s. 316.193, or for refusal to submit to a  
17 lawful breath, blood, or urine test, an additional fee of \$105  
18 must be charged. However, only one such \$105 fee is to be  
19 collected from one person convicted of such violations arising  
20 out of the same incident. The department shall collect the  
21 \$105 fee and deposit it into the Highway Safety Operating  
22 Trust Fund at the time of reinstatement of the person's  
23 driver's license, but the fee must not be collected if the  
24 suspension or revocation was overturned.

25 Section 205. Subsection (3) of section 322.121,  
26 Florida Statutes, is amended to read:

27 322.121 Periodic reexamination of all drivers.--

28 (3) For each licensee whose driving record does not  
29 show any revocations, disqualifications, or suspensions for  
30 the preceding 7 years or any convictions for the preceding 3

31

1 years except for convictions of the following nonmoving  
2 violations:

3 (a) Failure to exhibit a vehicle registration  
4 certificate, rental agreement, or cab card pursuant to s.  
5 320.0605 ~~s. 320.0605(1)~~;

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

9 (c) Operating a motor vehicle with an expired license  
10 that has been expired for 4 months or less pursuant to s.  
11 322.065;

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

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

16  
17 the department shall cause such licensee's license to be  
18 prominently marked with the notation "Safe Driver."

19 Section 206. Paragraph (a) of subsection (2) of  
20 section 322.141, Florida Statutes, is amended to read:

21 322.141 Color of licenses.--

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

28 Section 207. Subsection (4) is added to section  
29 322.15, Florida Statutes, to read:

30 322.15 License to be carried and exhibited on demand;  
31 fingerprint to be imprinted upon a citation.--

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

4           Section 208. Subsections (2), (3), and (7) of section  
5 322.20, Florida Statutes, are amended to read:

6           322.20 Records of the department; fees; destruction of  
7 records.--

8           (2) The department shall also maintain a record of all  
9 crash ~~accident~~ reports, abstracts of court records of  
10 convictions, and notices of revocation or suspension of a  
11 person's driver's license or driving privilege.

12           (3) The department shall maintain convenient records  
13 or make suitable notations, in order that the individual  
14 driver history record of each licensee is readily available  
15 for the consideration of the department upon application for  
16 renewal of a license and at other suitable times. The release  
17 by the department of the driver history record, with respect  
18 to crashes ~~accidents~~ involving a licensee, shall not include  
19 any notation or record of the occurrence of a motor vehicle  
20 crash ~~accident~~ unless the licensee received a traffic citation  
21 as a direct result of the crash ~~accident~~, and to this extent  
22 such notation or record is exempt from the provisions of s.  
23 119.07(1).

24           (7) The requirement for the department to keep records  
25 shall terminate upon the death of an individual licensed by  
26 the department upon notification by the Department of Health  
27 ~~and Rehabilitative Services~~ of such death. The department  
28 shall make such notification as is proper of the deletions  
29 from their records to the court clerks of the state.

30           Section 209. Section 322.201, Florida Statutes, is  
31 amended to read:



1           322.201 Records as evidence.--A copy, computer copy,  
2 or transcript of all abstracts of crash ~~accident~~ reports and  
3 all abstracts of court records of convictions received by the  
4 department and the complete driving record of any individual  
5 duly certified by machine imprint of the department or by  
6 machine imprint of the clerk of a court shall be received as  
7 evidence in all courts of this state without further  
8 authentication, provided the same is otherwise admissible in  
9 evidence. Further, any court or the office of the clerk of  
10 any court of this state which is electronically connected by a  
11 terminal device to the computer data center of the department  
12 may use as evidence in any case the information obtained by  
13 this device from the records of the department without need of  
14 such certification; however, if a genuine issue as to the  
15 authenticity of such information is raised by a party or by  
16 the court, the court in its sound discretion may require that  
17 a record certified by the department be submitted for  
18 admission into evidence. For such computer copies generated  
19 by a terminal device of a court or clerk of court, entry in a  
20 driver's record that the notice required by s. 322.251 was  
21 given shall constitute sufficient evidence that such notice  
22 was given.

23           Section 210. Paragraph (a) of subsection (2) of  
24 section 322.221, Florida Statutes, is amended to read:

25           322.221 Department may require reexamination.--

26           (2)(a) The department may require an examination or  
27 reexamination to determine the competence and driving ability  
28 of any driver causing or contributing to the cause of any  
29 crash ~~accident~~ resulting in death, personal injury, or  
30 property damage.

31

1           Section 211. Subsection (4) of section 322.26, Florida  
2 Statutes, 1998 Supplement, is amended to read:

3           322.26 Mandatory revocation of license by  
4 department.--The department shall forthwith revoke the license  
5 or driving privilege of any person upon receiving a record of  
6 such person's conviction of any of the following offenses:

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

10           Section 212. Section 322.264, Florida Statutes, is  
11 reenacted and amended to read:

12           322.264 "Habitual traffic offender" defined.--A  
13 "habitual traffic offender" is any person whose record, as  
14 maintained by the Department of Highway Safety and Motor  
15 Vehicles, shows that such person has accumulated the specified  
16 number of convictions for offenses described in subsection (1)  
17 or subsection (2) within a 5-year period:

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

20           (a) Voluntary or involuntary manslaughter resulting  
21 from the operation of a motor vehicle;

22           (b) Any violation of s. 316.193, former s. 316.1931,  
23 or former s. 860.01;

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

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

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

31 or

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

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

6  
7 Any violation of any federal law, any law of another state or  
8 country, or any valid ordinance of a municipality or county of  
9 another state similar to a statutory prohibition specified in  
10 subsection (1) or subsection (2) shall be counted as a  
11 violation of such prohibition. In computing the number of  
12 convictions, all convictions during the 5 years previous to  
13 July 1, 1972, will be used, provided at least one conviction  
14 occurs after that date. The fact that previous convictions  
15 may have resulted in suspension, revocation, or  
16 disqualification under another section does not exempt them  
17 from being used for suspension or revocation under this  
18 section as a habitual offender.

19 Section 213. Subsections (1) and (3) of section  
20 322.27, Florida Statutes, are amended to read:

21 322.27 Authority of department to suspend or revoke  
22 license.--

23 (1) Notwithstanding any provisions to the contrary in  
24 chapter 120, the department is hereby authorized to suspend  
25 the license of any person without preliminary hearing upon a  
26 showing of its records or other sufficient evidence that the  
27 licensee:

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

30 (b) Has been convicted of a violation of any traffic  
31 law which resulted in a crash ~~an accident~~ that caused the

1 death or personal injury of another or property damage in  
2 excess of \$500; ~~or~~  
3 (c) Is incompetent to drive a motor vehicle; ~~or~~  
4 (d) Has permitted an unlawful or fraudulent use of  
5 such license or has knowingly been a party to the obtaining of  
6 a license by fraud or misrepresentation or to display, or  
7 represent as one's own, any driver's license not issued him or  
8 her. Provided, however, no provision of this section shall be  
9 construed to include the provisions of s. 322.32(1); ~~or~~  
10 (e) Has committed an offense in another state which if  
11 committed in this state would be grounds for suspension or  
12 revocation; or  
13 (f) Has committed a second or subsequent violation of  
14 s. 316.172(1) within a 5-year period of any previous  
15 violation.  
16 (3) There is established a point system for evaluation  
17 of convictions of violations of motor vehicle laws or  
18 ordinances, and violations of applicable provisions of s.  
19 403.413(6)(b)(b)~~(5)(b)~~ when such violations involve the use of  
20 motor vehicles, for the determination of the continuing  
21 qualification of any person to operate a motor vehicle. The  
22 department is authorized to suspend the license of any person  
23 upon showing of its records or other good and sufficient  
24 evidence that the licensee has been convicted of violation of  
25 motor vehicle laws or ordinances, or applicable provisions of  
26 s. 403.413(6)(b)(b)~~(5)(b)~~, amounting to 12 or more points as  
27 determined by the point system. The suspension shall be for a  
28 period of not more than 1 year.  
29 (a) When a licensee accumulates 12 points within a  
30 12-month period, the period of suspension shall be for not  
31 more than 30 days.

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

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

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

12 1. Reckless driving, willful and wanton--4 points.

13 2. Leaving the scene of a crash ~~an accident~~ resulting  
14 in property damage of more than \$50--6 points.

15 3. Unlawful speed resulting in a crash ~~an accident~~--6  
16 points.

17 4. Passing a stopped school bus--4 points.

18 5. Unlawful speed:

19 a. Not in excess of 15 miles per hour of lawful or  
20 posted speed--3 points.

21 b. In excess of 15 miles per hour of lawful or posted  
22 speed--4 points.

23 6. All other moving violations (including parking on a  
24 highway outside the limits of a municipality)--3 points.

25 However, no points shall be imposed for a violation of s.  
26 316.0741 or s. 316.2065(12).

27 7. Any moving violation covered above, excluding  
28 unlawful speed, resulting in a crash ~~an accident~~--4 points.

29 8. Any conviction under s. 403.413(5)(b)--3 points.

30 (e) A conviction in another state of a violation  
31 therein which, if committed in this state, would be a

1 violation of the traffic laws of this state, or a conviction  
2 of an offense under any federal law substantially conforming  
3 to the traffic laws of this state, except a violation of s.  
4 322.26, may be recorded against a driver on the basis of the  
5 same number of points received had the conviction been made in  
6 a court of this state.

7 (f) In computing the total number of points, when the  
8 licensee reaches the danger zone, the department is authorized  
9 to send the licensee a warning letter advising that any  
10 further convictions may result in suspension of his or her  
11 driving privilege.

12 (g) The department shall administer and enforce the  
13 provisions of this law and may make rules and regulations  
14 necessary for its administration.

15 (h) Three points shall be deducted from the driver  
16 history record of any person whose driving privilege has been  
17 suspended only once pursuant to this subsection and has been  
18 reinstated, if such person has complied with all other  
19 requirements of this chapter.

20 (i) This subsection shall not apply to persons  
21 operating a nonmotorized vehicle for which a driver's license  
22 is not required.

23 Section 214. Paragraph (a) of subsection (1) of  
24 section 322.291, Florida Statutes, is amended to read:

25 322.291 Driver improvement schools; required in  
26 certain suspension and revocation cases.--Except as provided  
27 in s. 322.03(2), any person:

28 (1) Whose driving privilege has been revoked:

29 (a) Upon conviction for:

30 1. Driving, or being in actual physical control of,  
31 any vehicle while under the influence of alcoholic beverages,

1 any chemical substance set forth in s. 877.111, or any  
2 substance controlled under chapter 893, in violation of s.  
3 316.193;  
4 2. Driving with an unlawful blood- or breath-alcohol  
5 level;  
6 3. Manslaughter resulting from the operation of a  
7 motor vehicle;  
8 4. Failure to stop and render aid as required under  
9 the laws of this state in the event of a motor vehicle crash  
10 ~~accident~~ resulting in the death or personal injury of another;  
11 5. Reckless driving; or  
12  
13 shall, before the driving privilege may be reinstated, present  
14 to the department proof of enrollment in a department-approved  
15 advanced driver improvement course or substance abuse  
16 education course. If the person fails to complete such course  
17 within 90 days after reinstatement, the driver's license shall  
18 be canceled by the department until such course is  
19 successfully completed.  
20 Section 215. Section 322.292, Florida Statutes, is  
21 amended to read:  
22 322.292 DUI programs supervision; powers and duties of  
23 the department.--  
24 (1) The Department of Highway Safety and Motor  
25 Vehicles shall license and regulate all DUI programs, which  
26 regulation shall include the certification of instructors,  
27 evaluators, clinical supervisors, and evaluator supervisors.  
28 The department shall, after consultation with the chief judge  
29 of the affected judicial circuit, establish requirements  
30 regarding the number of programs to be offered within a  
31 judicial circuit. Such requirements shall address the number

1 of clients currently served in the circuit as well as  
2 improvements in service that may be derived from operation of  
3 an additional DUI program. DUI education and evaluation  
4 services are exempt from licensure under chapter ~~chapters 396~~  
5 ~~and~~ 397. However, treatment programs must continue to be  
6 licensed under chapter ~~chapters 396 and~~ 397.

7 (2) The department shall adopt rules to implement its  
8 supervisory authority over DUI programs in accordance with the  
9 procedures of chapter 120, including the establishment of  
10 uniform standards of operation for DUI programs and the method  
11 for setting and approving fees, as follows:

12 (a) Establish rules ~~minimum standards~~ for statutorily  
13 required education, evaluation, and supervision of DUI  
14 offenders. Such rules ~~minimum standards~~ previously adopted by  
15 the Traffic Court Review Committee of the Supreme Court of  
16 Florida shall remain in effect unless modified by the  
17 department.

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

21 1. Rules ~~Standards~~ governing the types of expenditures  
22 that may be made by DUI programs from funds paid by persons  
23 attending such programs.

24 2. Rules ~~Standards~~ for financial reporting that  
25 require data on DUI programs expenditures in sufficient detail  
26 to support reasonable and informed decisions concerning the  
27 fees that are to be assessed those attending DUI programs.  
28 The department shall perform financial audits of DUI programs  
29 required under this section or require that financial audits  
30 of the programs be performed by certified public accountants

31



1 at program expense and submitted directly from the auditor to  
2 the department.

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

6 4. Such other rules ~~standards~~ as the department deems  
7 appropriate and necessary for the effective oversight of the  
8 DUI programs.

9 (c) Implement procedures for the granting and revoking  
10 of licenses for DUI programs.

11 (d) Establish a fee structure for the various programs  
12 offered by the DUI programs, based only on the reasonable and  
13 necessary costs for operating the programs throughout the  
14 state. The department shall approve, modify, or reduce fees as  
15 necessary. ~~The DUI programs fees that are in effect on January~~  
16 ~~1, 1994, shall remain in effect until the department adopts a~~  
17 ~~fee schedule for the DUI programs system. After the adoption~~  
18 ~~of the schedule, the programs shall adjust their fees to~~  
19 ~~conform with the established amounts.~~

20 (e) Establish policies and procedures for monitoring  
21 DUI programs compliance with all rules ~~minimum standards~~  
22 established by the department.

23 (f) The department shall oversee an ongoing evaluation  
24 to assess the effectiveness of the DUI programs. This  
25 evaluation shall be performed by an independent group and  
26 shall evaluate the curriculum, client treatment referrals,  
27 recidivism rates, and any other relevant matters. ~~The~~  
28 ~~department shall report to the Legislature by January 1, 1995,~~  
29 ~~on the status of the evaluation, including its design and~~  
30 ~~schedule for completion.~~The department may use funds received  
31 under s. 322.293 to retain the services and reimburse expenses

1 of such private persons or professional consultants as are  
2 required for monitoring and evaluating DUI programs.

3 (g) Investigate complaints about the DUI programs and  
4 resolve problems in the provision of services to DUI  
5 offenders, as needed.

6 (3) ~~All DUI programs and certified program personnel~~  
7 ~~providing DUI programs services that meet the department's~~  
8 ~~standards and that are operating on January 1, 1994, may~~  
9 ~~remain in operation until the department's license procedures~~  
10 ~~are in place. At that time the DUI programs and certified~~  
11 ~~program personnel may apply for relicensure.~~

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

14 (5) ~~The department shall report to the Supreme Court~~  
15 ~~by December 1, 1994, and by December 31 of each succeeding~~  
16 ~~year through 1996, on the general status of the statewide~~  
17 ~~program. This report must include programmatic and statistical~~  
18 ~~information regarding the number of licensed programs,~~  
19 ~~enrollment and referral figures, program monitoring and~~  
20 ~~evaluation activities, and findings, and the general steps~~  
21 ~~taken by the department to implement the provisions of this~~  
22 ~~section.~~

23 Section 216. Section 322.293, Florida Statutes, is  
24 amended to read:

25 322.293 DUI Programs Coordination Trust Fund;  
26 assessment; disposition.--

27 (1) ~~The DUI Programs Coordination Trust Fund, created~~  
28 ~~pursuant to chapter 81-208, Laws of Florida, shall be~~  
29 ~~transferred to the department with all funds therein on~~  
30 ~~January 1, 1994. The DUI Programs Coordination Office shall~~  
31 ~~be transferred from the budget of the Supreme Court to the~~

1 ~~Department of Highway Safety and Motor Vehicles Division of~~  
2 ~~Driver Licenses. The transfer shall include all of the~~  
3 ~~statutory powers, duties and functions, records, personnel,~~  
4 ~~property, and unexpended balances of appropriations,~~  
5 ~~allocations, and other funds. All personnel shall be~~  
6 ~~transferred at their current classifications and levels of~~  
7 ~~compensation. Any legal commitments, contracts, and other~~  
8 ~~obligations heretofore entered into on behalf of or assumed by~~  
9 ~~the DUI Programs Coordination Office in connection with the~~  
10 ~~performance of its functions and duties are charged to and~~  
11 ~~shall be performed by the department.~~

12       ~~(2)~~ The DUI Programs Coordination Trust Fund shall be  
13 administered by the department, and the costs of  
14 administration shall be borne by the fund. All funds received  
15 by the DUI Programs Coordination Trust Fund shall be used  
16 solely for the purposes set forth in this section and s.  
17 322.292. However, if the Legislature passes legislation  
18 consolidating existing trust funds assigned to the department,  
19 all funds remaining in and deposited to the DUI Programs  
20 Coordination Trust Fund shall be transferred to the  
21 consolidated trust funds, subject to their being earmarked for  
22 use solely for the purposes set forth in this section and s.  
23 322.292.

24       (2)~~(3)~~ Each DUI program shall assess \$12 against each  
25 person enrolling in a DUI program at the time of enrollment,  
26 including persons who transfer to or from a program in another  
27 state. In addition, second and third offenders and those  
28 offenders under permanent driver's-license revocation who are  
29 evaluated for eligibility for license restrictions under s.  
30 322.271(2)(b) and (4) shall be assessed \$12 upon enrollment in  
31 the program and upon each subsequent anniversary date while

1 they are in the program, for the duration of the license  
2 period.

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

7 Section 217. Section 322.44, Florida Statutes, is  
8 amended to read:

9 322.44 Driver License Compact.--The Driver License  
10 Compact is hereby enacted into law and entered into with all  
11 other jurisdictions legally joining therein in the form  
12 substantially as follows:

13  
14 ARTICLE I

15  
16 FINDINGS AND DECLARATION OF POLICY.--

17 (1) The party states find that:

18 (a) The safety of their streets and highways is  
19 materially affected by the degree of compliance with state  
20 laws and local ordinances relating to the operation of motor  
21 vehicles;

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

25 (c) The continuance in force of a license to drive is  
26 predicated upon compliance with laws and ordinances relating  
27 to the operation of motor vehicles, in whichever jurisdiction  
28 the vehicle is operated.

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

30 (a) Promote compliance with the laws, ordinances, and  
31 administrative rules and regulations relating to the operation

1 of motor vehicles by their operators in each of the  
2 jurisdictions where such operators drive motor vehicles;

3 (b) Make the reciprocal recognition of licenses to  
4 drive and eligibility therefor more just and equitable by  
5 considering the overall compliance with motor vehicle laws,  
6 ordinances, and administrative rules and regulations as a  
7 condition precedent to the continuance or issuance of any  
8 license by reason of which the licensee is authorized or  
9 permitted to operate a motor vehicle in any of the party  
10 states.

11  
12 ARTICLE II

13  
14 DEFINITIONS.--As used in this compact:

15 (1) "State" means a state, territory or possession of  
16 the United States, the District of Columbia, or the  
17 Commonwealth of Puerto Rico.

18 (2) "Home state" means the state which has issued and  
19 has the power to suspend or revoke the use of the license or  
20 permit to operate a motor vehicle.

21 (3) "Conviction" means a conviction of any offense  
22 related to the use or operation of a motor vehicle which is  
23 prohibited by state law, municipal ordinance, or  
24 administrative rule or regulation, or a forfeiture of bail,  
25 bond, or other security deposited to secure appearance by a  
26 person charged with having committed any such offense, and  
27 which conviction or forfeiture is required to be reported to  
28 the licensing authority.

29  
30 ARTICLE III











1           322.57 Tests of knowledge concerning specified  
2 vehicles; endorsement; nonresidents; violations.--

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

5           (b) Drives a passenger vehicle must successfully  
6 complete a test of his or her knowledge concerning the safe  
7 operation of such vehicles and a test of his or her driving  
8 skill in such a vehicle. ~~However, if such a person satisfies~~  
9 ~~the requirements of s. 322.55(1)-(3), he or she is exempt from~~  
10 ~~the test of his or her driving skills.~~

11           Section 219. Subsections (1) and (3) of section  
12 322.61, Florida Statutes, are amended to read:

13           322.61 Disqualification from operating a commercial  
14 motor vehicle.--

15           (1) A person who, within a 3-year period, is convicted  
16 of two of the following serious traffic violations or any  
17 combination thereof, arising in separate incidents committed  
18 in a commercial motor vehicle shall, in addition to any other  
19 applicable penalties, be disqualified from operating a  
20 commercial motor vehicle for a period of 60 days:

21           (a) A violation of any state or local law relating to  
22 motor vehicle traffic control, other than a parking violation,  
23 a weight violation, or a vehicle equipment violation, arising  
24 in connection with a crash ~~an accident~~ resulting in death or  
25 personal injury to any person;

26           (b) Reckless driving, as defined in s. 316.192;

27           (c) Careless driving, as defined in s. 316.1925;

28           (d) Fleeing or attempting to elude a law enforcement  
29 officer, as defined in s. 316.1935;

30           (e) Unlawful speed of 15 miles per hour or more above  
31 the posted speed limit;

1 (f) Driving a commercial motor vehicle, owned by such  
2 person, which is not properly insured;

3 (g) Improper lane change, as defined in s. 316.085; or

4 (h) Following too closely, as defined in s. 316.0895.

5 (3) Except as provided in subsection (4), any person  
6 who is convicted of one of the following offenses shall, in  
7 addition to any other applicable penalties, be disqualified  
8 from operating a commercial motor vehicle for a period of 1  
9 year:

10 (a) Driving a commercial motor vehicle while he or she  
11 is under the influence of alcohol or a controlled substance;

12 (b) Driving a commercial motor vehicle while the  
13 alcohol concentration of his or her blood, breath, or urine is  
14 .04 percent or higher;

15 (c) Leaving the scene of a crash ~~an accident~~ involving  
16 a commercial motor vehicle driven by such person;

17 (d) Using a commercial motor vehicle in the commission  
18 of a felony;

19 (e) Driving a commercial motor vehicle while in  
20 possession of a controlled substance; or

21 (f) Refusing to submit to a test to determine his or  
22 her alcohol concentration while driving a commercial motor  
23 vehicle.

24 Section 220. Paragraph (c) of subsection (2) of  
25 section 322.63, Florida Statutes, is amended to read:

26 322.63 Alcohol or drug testing; commercial motor  
27 vehicle operators.--

28 (2) The chemical and physical tests authorized by this  
29 section shall only be required if a law enforcement officer  
30 has reasonable cause to believe that a person driving a  
31

1 commercial motor vehicle has any alcohol, chemical substance,  
2 or controlled substance in his or her body.

3 (c) The blood test shall be administered at the  
4 request of a law enforcement officer who has reasonable cause  
5 to believe that a person was driving a commercial motor  
6 vehicle with any alcohol, chemical substance, or controlled  
7 substance in his or her body. The blood test shall be  
8 performed in a reasonable manner by qualified medical  
9 personnel. Any person who appears for treatment at a medical  
10 facility as a result of his or her involvement as a commercial  
11 motor vehicle driver in a crash ~~an accident~~ and who is  
12 incapable, by reason of a mental or physical condition, of  
13 refusing a blood test shall be deemed to have consented to  
14 such test.

15 Section 221. Section 324.011, Florida Statutes, is  
16 amended to read:

17 324.011 Purpose of chapter.--It is the intent of this  
18 chapter to recognize the existing privilege to own or operate  
19 a motor vehicle on the public streets and highways of this  
20 state when such vehicles are used with due consideration for  
21 others and their property, and to promote safety and provide  
22 financial security requirements for such owners or operators  
23 whose responsibility it is to recompense others for injury to  
24 person or property caused by the operation of a motor vehicle.  
25 Therefore, it is required herein that the operator of a motor  
26 vehicle involved in a crash ~~an accident~~ or convicted of  
27 certain traffic offenses meeting the operative provisions of  
28 s. 324.051(2) shall respond for such damages and show proof of  
29 financial ability to respond for damages in future accidents  
30 as a requisite to his or her future exercise of such  
31 privileges.

1           Section 222. Subsection (7) of section 324.021,  
2 Florida Statutes, is amended to read:

3           324.021 Definitions; minimum insurance required.--The  
4 following words and phrases when used in this chapter shall,  
5 for the purpose of this chapter, have the meanings  
6 respectively ascribed to them in this section, except in those  
7 instances where the context clearly indicates a different  
8 meaning:

9           (7) PROOF OF FINANCIAL RESPONSIBILITY.--That proof of  
10 ability to respond in damages for liability on account of  
11 crashes ~~accidents~~ arising out of the use of a motor vehicle:

12           (a) In the amount of \$10,000 because of bodily injury  
13 to, or death of, one person in any one crash ~~accident~~;

14           (b) Subject to such limits for one person, in the  
15 amount of \$20,000 because of bodily injury to, or death of,  
16 two or more persons in any one crash ~~accident~~;

17           (c) In the amount of \$10,000 because of injury to, or  
18 destruction of, property of others in any one crash ~~accident~~;  
19 and

20           (d) With respect to commercial motor vehicles and  
21 nonpublic sector buses, in the amounts specified in ss.  
22 627.7415 and 627.742, respectively.

23           Section 223. Section 324.022, Florida Statutes, is  
24 amended to read:

25           324.022 Financial responsibility for property  
26 damage.--Every owner or operator of a motor vehicle, which  
27 motor vehicle is subject to the requirements of ss.  
28 627.730-627.7405 and required to be registered in this state,  
29 shall, by one of the methods established in s. 324.031 or by  
30 having a policy that complies with s. 627.7275, establish and  
31 maintain the ability to respond in damages for liability on

1 account of accidents arising out of the use of the motor  
2 vehicle in the amount of \$10,000 because of damage to, or  
3 destruction of, property of others in any one crash ~~accident~~.  
4 The requirements of this section may also be met by having a  
5 policy which provides coverage in the amount of at least  
6 \$30,000 for combined property damage liability and bodily  
7 injury liability for any one crash ~~accident~~ arising out of the  
8 use of the motor vehicle. No insurer shall have any duty to  
9 defend uncovered claims irrespective of their joinder with  
10 covered claims.

11 Section 224. Section 324.051, Florida Statutes, is  
12 amended to read:

13 324.051 Reports of crashes ~~accidents~~; suspensions of  
14 licenses and registrations.--

15 (1)(a) Every law enforcement officer who, in the  
16 regular course of duty either at the time of and at the scene  
17 of the crash ~~accident~~ or thereafter by interviewing  
18 participants or witnesses, investigates a motor vehicle crash  
19 ~~accident~~ which he or she is required to report pursuant to s.  
20 316.066(3)(a) shall forward a written report of the crash  
21 ~~accident~~ to the department within 10 days of completing the  
22 investigation. However, when the investigation of a crash ~~an~~  
23 ~~accident~~ will take more than 10 days to complete, a  
24 preliminary copy of the crash ~~accident~~ report shall be  
25 forwarded to the department within 10 days of the occurrence  
26 of the crash ~~accident~~, to be followed by a final report within  
27 10 days after completion of the investigation. The report  
28 shall be on a form and contain information consistent with the  
29 requirements of s. 316.068.

30 (b) The department is hereby further authorized to  
31 require reports of crashes ~~accidents~~ from individual owners or

1 operators whenever it deems it necessary for the proper  
2 administration of this chapter, and these reports shall be  
3 made without prejudice except as specified in this subsection.  
4 No such report shall be used as evidence in any trial arising  
5 out of a crash ~~an accident~~. However, subject to the  
6 applicable rules of evidence, a law enforcement officer at a  
7 criminal trial may testify as to any statement made to the  
8 officer by the person involved in the accident if that  
9 person's privilege against self-incrimination is not violated.

10 (2)(a) Thirty days after receipt of notice of any  
11 accident described in paragraph (1)(a) involving a motor  
12 vehicle within this state, the department shall suspend, after  
13 due notice and opportunity to be heard, the license of each  
14 operator and all registrations of the owner of the vehicles  
15 operated by such operator whether or not involved in such  
16 crash ~~accident~~ and, in the case of a nonresident owner or  
17 operator, shall suspend such nonresident's operating privilege  
18 in this state, unless such operator or owner shall, prior to  
19 the expiration of such 30 days, be found by the department to  
20 be exempt from the operation of this chapter, based upon  
21 evidence satisfactory to the department that:

22 1. The motor vehicle was legally parked at the time of  
23 such crash ~~accident~~.

24 2. The motor vehicle was owned by the United States  
25 Government, this state, or any political subdivision of this  
26 state or any municipality therein.

27 3. Such operator or owner has secured a duly  
28 acknowledged written agreement providing for release from  
29 liability by all parties injured as the result of said crash  
30 ~~accident~~ and has complied with one of the provisions of s.

31 324.031.

1           4. Such operator or owner has deposited with the  
2 department security to conform with s. 324.061 when applicable  
3 and has complied with one of the provisions of s. 324.031.

4           5. One year has elapsed since such owner or operator  
5 was suspended pursuant to subsection (3), the owner or  
6 operator has complied with one of the provisions of s.  
7 324.031, and no bill of complaint of which the department has  
8 notice has been filed in a court of competent jurisdiction.

9           (b) This subsection shall not apply:

10           1. To such operator or owner if such operator or owner  
11 had in effect at the time of such crash ~~accident~~ or traffic  
12 conviction an automobile liability policy with respect to all  
13 of the registered motor vehicles owned by such operator or  
14 owner.

15           2. To such operator, if not the owner of such motor  
16 vehicle, if there was in effect at the time of such crash  
17 ~~accident~~ or traffic conviction an automobile liability policy  
18 or bond with respect to his or her operation of motor vehicles  
19 not owned by him or her.

20           3. To such operator or owner if the liability of such  
21 operator or owner for damages resulting from such crash  
22 ~~accident~~ is, in the judgment of the department, covered by any  
23 other form of liability insurance or bond.

24           4. To any person who has obtained from the department  
25 a certificate of self-insurance, in accordance with s.  
26 324.171, or to any person operating a motor vehicle for such  
27 self-insurer.

28  
29 No such policy or bond shall be effective under this  
30 subsection unless it contains limits of not less than those  
31 specified in s. 324.021(7).



1           (3) Any driver's license or registration certificate  
2 or certificates and registration plates which are suspended as  
3 provided for in this section shall remain suspended for a  
4 period of 3 years unless reinstated as otherwise provided in  
5 this chapter.

6           Section 225. Subsections (1) and (2) of section  
7 324.061, Florida Statutes, are amended to read:

8           324.061 Security deposited with Department of Highway  
9 Safety and Motor Vehicles; release.--

10           (1) Security deposited pursuant to the provisions of  
11 s. 324.051(2)(a)4. with respect to claims for injuries to  
12 persons or properties resulting from a crash ~~an accident~~  
13 occurring prior to such deposit shall be in the form and  
14 amount determined by the department which, in its judgment,  
15 will be sufficient to compensate for all injuries arising out  
16 of such crash ~~accident~~, but in no case shall the amount exceed  
17 the limits as specified in s. 324.021(7).

18           (2) Such security shall be deposited with the  
19 department and shall not be released except under one of the  
20 following conditions:

21           (a) A duly attested written statement of satisfaction  
22 by all parties shown to be injured in such crash ~~accident~~ has  
23 been received by the department. ~~, or~~

24           (b) In the event the depositor has been finally  
25 adjudicated by a court of competent jurisdiction not to be  
26 liable; or all judgments of liability against the depositor  
27 have been satisfied. ~~, or~~

28           (c) One year shall have elapsed after deposit and  
29 during such period the department has not been duly notified  
30 of any court action brought for damages.

31

1           (d) Upon receipt of an order from a court ordering  
2 that such deposit be paid to satisfy a recorded judgment, in  
3 whole or in part, resulting from a crash ~~an accident~~. If the  
4 department does not have sufficient funds on deposit to  
5 satisfy such judgment it shall forthwith call upon the  
6 judgment debtor for the balance, subject to the limits  
7 specified in s. 324.021(7). Upon failure of the judgment  
8 debtor to make the necessary deposit or to satisfy the  
9 judgment in full, the department shall revoke the driving  
10 privilege and all registrations of such judgment debtor within  
11 10 days subsequent to notification to the judgment debtor by  
12 the department.

13           (e) In any case in which securities deposited under  
14 this section have remained unclaimed for 5 years or more such  
15 deposit shall be transferred by the department to the State  
16 School Fund, and all interest and income that may accrue from  
17 said deposits after the aforesaid period of time, shall belong  
18 to said fund.

19           Section 226. Subsections (1) and (3) of section  
20 324.081, Florida Statutes, are amended to read:

21           324.081 Nonresident owner or operator.--

22           (1) The department may establish reciprocal  
23 agreements with any other states for the purpose of fulfilling  
24 the provisions of this chapter and pursuant to such agreements  
25 may suspend the license and registration of a resident of this  
26 state involved in a crash ~~an accident~~ in another state.

27           (3) Upon receipt of such certification that the  
28 operating privilege of a resident of this state has been  
29 suspended or revoked in any such other reciprocating state  
30 pursuant to a law providing for its suspension or revocation  
31 for failure to deposit security for the payment of judgments

1 arising out of a motor vehicle crash ~~accident~~, under  
2 circumstances which would require the department to suspend a  
3 nonresident's operating privilege had the crash ~~accident~~  
4 occurred in this state, the department shall suspend the  
5 license of such resident if he or she was the operator, and  
6 all of his or her registrations if he or she was the owner of  
7 a motor vehicle involved in such crash ~~accident~~. Such  
8 suspension shall continue until such resident furnishes  
9 evidence of his or her compliance with the law of such other  
10 state relating to the deposit of such security.

11 Section 227. Subsection (1) of section 324.091,  
12 Florida Statutes, is amended to read:

13 324.091 Notice to department; notice to insurer.--

14 (1) Each owner and operator involved in a crash ~~an~~  
15 ~~accident~~ or conviction case within the purview of this chapter  
16 shall furnish evidence of automobile liability insurance,  
17 motor vehicle liability insurance, or surety bond within 30  
18 days from the date of the mailing of notice of crash ~~accident~~  
19 by the department in such form and manner as it may designate.  
20 Upon receipt of evidence that an automobile liability policy,  
21 motor vehicle liability policy, or surety bond was in effect  
22 at the time of the crash ~~accident~~ or conviction case, the  
23 department shall forward by United States mail, postage  
24 prepaid, to the insurer or surety insurer a copy of such  
25 information and shall assume that such policy or bond was in  
26 effect unless the insurer or surety insurer shall notify the  
27 department otherwise within 20 days from the mailing of the  
28 notice to the insurer or surety insurer; provided that if the  
29 department shall later ascertain that an automobile liability  
30 policy, motor vehicle liability policy, or surety bond was not  
31 in effect and did not provide coverage for both the owner and

1 the operator, it shall at such time take such action as it is  
2 otherwise authorized to do under this chapter. Proof of  
3 mailing to the insurer or surety insurer may be made by the  
4 department by naming the insurer or surety insurer to whom  
5 such mailing was made and specifying the time, place and  
6 manner of mailing.

7 Section 228. Section 324.101, Florida Statutes, is  
8 amended to read:

9 324.101 Compliance before license or registration  
10 allowed.--In case the operator or owner of a motor vehicle  
11 involved in a crash ~~an accident~~ within the state has no  
12 license or registration, he or she shall not be allowed a  
13 license or registration until he or she has complied with the  
14 requirements of this chapter to the same extent that would be  
15 necessary, if at the time of the crash ~~accident~~ he or she had  
16 held a license and registration.

17 Section 229. Subsection (1) of section 324.202,  
18 Florida Statutes, is amended to read:

19 324.202 Seizure of motor vehicle license plates by  
20 recovery agents.--

21 (1) The Department of Highway Safety and Motor  
22 Vehicles shall implement a pilot project in Broward County,  
23 Dade County, and Hillsborough County to determine the  
24 effectiveness of using recovery agents for the seizure of  
25 license plates. ~~On October 1, 1996, the department shall~~  
26 ~~provide a report to the President of the Senate, the Speaker~~  
27 ~~of the House of Representatives, the chair of the Senate~~  
28 ~~Commerce Committee, the chair of the House Insurance~~  
29 ~~Committee, and the Majority and Minority Leaders of the Senate~~  
30 ~~and the House of Representatives, on the results of the pilot~~  
31 ~~project.~~Licensed recovery agents and recovery agencies as

1 described in s. 493.6101(20) and (21) may seize license plates  
2 of motor vehicles whose registrations have been suspended  
3 pursuant to s. 316.646 or s. 627.733 in such counties upon  
4 compliance with this section and rules of the Department of  
5 Highway Safety and Motor Vehicles.

6 Section 230. Sections 325.01, 325.02, 325.03, 325.04,  
7 325.05, 325.06, 325.07, 325.08, 325.09, and 325.10, Florida  
8 Statutes, are repealed.

9 Section 231. Subsection (2) of section 325.209,  
10 Florida Statutes, is amended to read:

11 325.209 Waivers.--

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

14 (a) The motor vehicle owner must present evidence  
15 satisfactory to the department that a low emissions  
16 adjustment, as defined by rule of the Department of  
17 Environmental Protection, has been performed;

18 (b) The motor vehicle must not have been tampered with  
19 by either the current owner or any previous owner;

20 (c) The owner must have spent the required minimum  
21 amount for emissions-related repairs on the vehicle within the  
22 180-day ~~90-day~~ period prescribed in s. 325.203(1), not  
23 including the amount spent to repair or replace air pollution  
24 control equipment that has been tampered with.

25 Emissions-related repairs performed within 30 days prior to  
26 inspection may also be considered under this provision. For  
27 any vehicle the registration period for which is established  
28 under s. 320.055(4) or (5), the required minimum amount for  
29 emissions-related repairs must be spent by the owner within  
30 180 ~~90~~ days before the expiration of the registration period.

31

1 The required minimum amount that must have been spent on  
2 related repairs is:

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

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

7 (d) Repairs and adjustments provided for in paragraphs  
8 (a) and (c) must have caused substantial improvement in the  
9 emissions performance of the motor vehicle; and

10 (e) The motor vehicle must not be covered under any  
11 manufacturer's or federally mandated emissions warranty.

12 Section 232. Subsection (2) of section 325.212,  
13 Florida Statutes, is reenacted to read:

14 325.212 Reinspections; reinspection facilities; rules;  
15 minority business participation.--

16 (2) Any motor vehicle repair shop, as defined in s.  
17 559.903(7), may apply to the department, on a form approved by  
18 the department, to be licensed as a reinspection facility to  
19 reinspect motor vehicles which fail to pass inspections  
20 required by this act.

21 Section 233. Subsection (1) of section 328.17, Florida  
22 Statutes, is reenacted to read:

23 328.17 Nonjudicial sale of vessels.--

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

31

1           Section 234. Section 627.7415, Florida Statutes, is  
2 amended to read:

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

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

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

16           (3) Three hundred thousand dollars per occurrence for  
17 a commercial motor vehicle with a gross vehicle weight of  
18 44,000 pounds or more.

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

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

29           Section 235. Subsection (3) is added to section  
30 627.742, Florida Statutes, to read:

31

1           627.742 Nonpublic sector buses; additional liability  
2 insurance coverage.--

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

6           Section 236. Subsection (2) of section 784.07, Florida  
7 Statutes, 1998 Supplement, is amended to read:

8           784.07 Assault or battery of law enforcement officers,  
9 firefighters, emergency medical care providers, public transit  
10 employees or agents, or other specified officers;  
11 reclassification of offenses; minimum sentences.--

12           (2) Whenever any person is charged with knowingly  
13 committing an assault or battery upon a law enforcement  
14 officer, a firefighter, an emergency medical care provider, a  
15 traffic accident investigation officer as described in s.  
16 316.640, a traffic infraction enforcement officer as described  
17 in s. 316.640 ~~318.141~~, a parking enforcement specialist as  
18 defined in s. 316.640, or a security officer employed by the  
19 board of trustees of a community college, while the officer,  
20 firefighter, emergency medical care provider, intake officer,  
21 traffic accident investigation officer, traffic infraction  
22 enforcement officer, parking enforcement specialist, public  
23 transit employee or agent, or security officer is engaged in  
24 the lawful performance of his or her duties, the offense for  
25 which the person is charged shall be reclassified as follows:

26           (a) In the case of assault, from a misdemeanor of the  
27 second degree to a misdemeanor of the first degree.

28           (b) In the case of battery, from a misdemeanor of the  
29 first degree to a felony of the third degree.

30           (c) In the case of aggravated assault, from a felony  
31 of the third degree to a felony of the second degree.



1 (d) In the case of aggravated battery, from a felony  
2 of the second degree to a felony of the first degree.  
3 Section 237. This act shall take effect July 1, 1999.

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6 LEGISLATIVE SUMMARY

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