

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 Highway Safety and Motor Vehicles; amending s.
5 316.405, F.S.; authorizing certain use of
6 modulating headlights by motorcycles; revising
7 various provisions in chapter 316, F.S., to
8 conform cross-references, delete obsolete
9 provisions, and to provide uniform references
10 to penalties for moving and nonmoving
11 noncriminal traffic offenses punishable under
12 chapter 318, F.S.; amending s. 318.12, F.S.;
13 revising references; amending ss. 318.13,
14 318.14, F.S.; conforming cross-references;
15 amending ss. 318.18, 318.21, F.S.; revising
16 provisions relating to civil penalties;
17 repealing s. 318.39, F.S., relating to the
18 Highway Safety Operating Trust Fund; amending
19 s. 319.28, F.S.; revising provisions relating
20 to repossession; amending s. 319.33, F.S.;
21 conforming cross-references; amending ss.
22 320.02 and 320.03, F.S.; deleting obsolete
23 provisions; amending s. 320.031, F.S.; revising
24 provisions relating to the mailing of
25 registration certificates, license plates, and
26 validation stickers; amending s. 320.055, F.S.;
27 conforming cross-references; amending ss.
28 320.06, 320.061, F.S.; deleting obsolete
29 provisions; amending ss. 320.0605, 320.07,
30 F.S.; providing uniform reference to
31 noncriminal traffic infractions; repealing s.

1 320.073, F.S., relating to refund of impact
2 fees; amending s. 320.0802, F.S.; providing
3 reference to the Department of Management
4 Services; amending s. 320.08058, F.S.; revising
5 provisions relating to Manatee license plates
6 and Florida Special Olympics license plates;
7 amending s. 320.0848, F.S.; conforming a
8 cross-reference with respect to disabled
9 parking permits; amending s. 320.087, F.S.;
10 providing reference to the United States
11 Department of Transportation; amending s.
12 320.1325, F.S.; deleting a cross-reference;
13 amending s. 320.20, F.S.; deleting obsolete
14 provisions; amending s. 320.8255, F.S.;
15 providing reference to labels rather than seals
16 with respect to certain mobile home
17 inspections; repealing s. 320.8256, F.S.,
18 relating to recreational vehicle inspection;
19 repealing ss. 321.06, 321.07, 321.09, 321.15,
20 321.17, 321.18, 321.19, 321.191, 321.20,
21 321.201, 321.202, 321.203, 321.21, 321.22,
22 321.2205, 321.221, 321.222, 321.223, F.S.,
23 relating to the Florida Highway Patrol and the
24 pension system therefor; amending s. 322.055,
25 F.S.; providing reference to the Department of
26 Children and Family Services; amending s.
27 322.0261, F.S.; revising terminology to change
28 the term "accident" to "crash"; amending s.
29 322.08, F.S.; deleting obsolete provisions;
30 amending ss. 322.12, 322.121, F.S.; conforming
31 cross-references; amending s. 322.141, F.S.;

1 deleting obsolete provisions; amending s.
2 322.15, F.S.; providing reference to
3 noncriminal traffic infractions; amending s.
4 322.20, F.S.; providing reference to the
5 Department of Health; reenacting and amending
6 s. 322.264, F.S., relating to habitual traffic
7 offenders; revising terminology; amending s.
8 322.27, F.S.; conforming cross-references;
9 amending s. 322.292, F.S.; revising provisions
10 relating to DUI programs supervision; amending
11 s. 322.293, F.S.; deleting obsolete provisions;
12 amending s. 322.57, F.S.; revising provisions
13 relating to driving tests; amending s. 324.202,
14 F.S.; deleting obsolete provisions; repealing
15 ss. 325.01, 325.02, 325.03, 325.04, 325.05,
16 325.06, 325.07, 325.08, 325.09, 325.10, F.S.,
17 relating to vehicle safety equipment and
18 inspections; amending s. 325.209, F.S.;
19 revising provisions relating to waivers;
20 reenacting s. 325.212(2), F.S., relating to
21 reinspections; reenacting s. 328.17(1), F.S.,
22 relating to nonjudicial sale of vessels;
23 amending s. 627.7415, F.S., relating to
24 commercial motor vehicles, to include reference
25 to noncriminal traffic infractions; amending s.
26 627.742, F.S.; providing reference to
27 noncriminal traffic infractions with respect to
28 certain violations with respect to nonpublic
29 sector buses; amending s. 784.07, F.S.;
30 conforming a cross-reference; amending s.
31 335.0415, F.S.; modifying the date to be used

1 in determining the jurisdiction of and
2 responsibility for public roads; providing an
3 effective date.

4

5 Be It Enacted by the Legislature of the State of Florida:

6

7 Section 1. Subsection (69) of section 316.003, Florida
8 Statutes, 1998 Supplement, is reenacted to read:

9 316.003 Definitions.--The following words and phrases,
10 when used in this chapter, shall have the meanings
11 respectively ascribed to them in this section, except where
12 the context otherwise requires:

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

18 Section 2. Paragraph (k) of subsection (1) and
19 subsection (6) of section 316.008, Florida Statutes, are
20 amended to read:

21 316.008 Powers of local authorities.--

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

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

27 (6) A county or municipality may enact an ordinance
28 providing for the establishment of a "combat automobile theft"
29 program, and may charge a fee for the administration of the
30 program and the cost of the decal. Such a program shall
31 include:

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

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

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

22 Section 3. Section 316.027, Florida Statutes, is
23 amended to read:

24 316.027 Crash Accidents involving death or personal
25 injuries.--

26 (1)(a) The driver of any vehicle involved in a crash
27 ~~an accident~~ resulting in injury of any person must immediately
28 stop the vehicle at the scene of the crash accident, or as
29 close thereto as possible, and must remain at the scene of the
30 crash accident until he or she has fulfilled the requirements
31 of s. 316.062. Any person who willfully violates this

1 paragraph is guilty of a felony of the third degree,
2 punishable as provided in s. 775.082, s. 775.083, or s.
3 775.084.

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

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

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

22 (4) A person whose commission of a noncriminal traffic
23 infraction or any violation of this chapter or s. 240.265
24 causes or results in the death of another person may, in
25 addition to any other civil, criminal, or administrative
26 penalty imposed, be required by the court to serve 120
27 community service hours in a trauma center or hospital that
28 regularly receives victims of vehicle accidents, under the
29 supervision of a registered nurse, an emergency room
30 physician, or an emergency medical technician pursuant to a
31

1 voluntary community service program operated by the trauma
2 center or hospital.

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

5 316.061 Crashes ~~Accidents~~ involving damage to vehicle
6 or property.--

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

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

31

1 Section 5. Section 316.062, Florida Statutes, is
2 amended to read:

3 316.062 Duty to give information and render aid.--

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

22 (2) In the event none of the persons specified are in
23 condition to receive the information to which they otherwise
24 would be entitled under subsection (1), and no police officer
25 is present, the driver of any vehicle involved in such crash
26 ~~accident~~, after fulfilling all other requirements of s.
27 316.027 and subsection (1), insofar as possible on his or her
28 part to be performed, shall forthwith report the crash
29 ~~accident~~ to the nearest office of a duly authorized police
30 authority and submit thereto the information specified in
31 subsection (1).

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

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

11 316.063 Duty upon damaging unattended vehicle or other
12 property.--

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

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1 of the second degree, punishable as provided in s. 775.082 or
2 s. 775.083.

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

11 Section 7. Section 316.064, Florida Statutes, is
12 amended to read:

13 316.064 When driver unable to report.--

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

17 (2) Whenever the driver of a vehicle is physically
18 incapable of making an immediate or a written report of a
19 crash ~~an accident~~, as required in ss. 316.065 and 316.066, and
20 there was another occupant in the vehicle at the time of the
21 crash ~~accident~~ capable of making a report, such occupant shall
22 make or cause to be made the report not made by the driver.

23 (3) Whenever the driver is physically incapable of
24 making a written report of a crash ~~an accident~~ as required in
25 this chapter, then the owner of the vehicle involved in the
26 crash ~~accident~~ shall, within 10 days after the crash ~~accident~~,
27 make such report not made by the driver.

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

31

1 Section 8. Section 316.065, Florida Statutes, is
2 amended to read:

3 316.065 Crashes ~~Accidents~~; reports; penalties.--

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

15 (2) Every coroner or other official performing like
16 functions, upon learning of the death of a person in his or
17 her jurisdiction as the result of a traffic crash ~~accident~~,
18 shall immediately notify the nearest office or station of the
19 department.

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

31

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

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

10 316.066 Written reports of crashes ~~accidents~~.--

11 (1) The driver of a vehicle which is in any manner
12 involved in a crash ~~an accident~~ resulting in bodily injury to
13 or death of any person or damage to any vehicle or other
14 property in an apparent amount of at least \$500 shall, within
15 10 days after the crash ~~accident~~, forward a written report of
16 such crash ~~accident~~ to the department or traffic records
17 center. However, when the investigating officer has made a
18 written report of the crash ~~accident~~ pursuant to paragraph
19 (3)(a), no written report need be forwarded to the department
20 or traffic records center by the driver.

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

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

31

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

5 2. Which crash ~~accident~~ involved a violation of s.
6 316.061(1) or s. 316.193 shall, within 10 days after
7 completing the investigation, forward a written report of the
8 crash ~~accident~~ to the department or traffic records center.

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

15
16 However, in every case in which a crash ~~an accident~~ report is
17 required by this section and a written report to a law
18 enforcement officer is not prepared, the law enforcement
19 officer shall provide each party involved in the crash
20 ~~accident~~ a short-form report, prescribed by the state, to be
21 completed by the party. The short-form report must include,
22 but is not limited to: the date, time, and location of the
23 crash ~~accident~~; a description of the vehicles involved; the
24 names and addresses of the parties involved; the names and
25 addresses of witnesses; the name, badge number, and law
26 enforcement agency of the officer investigating the crash
27 ~~accident~~; and the names of the insurance companies for the
28 respective parties involved in the crash ~~accident~~. Each party
29 to the crash ~~accident~~ shall provide the law enforcement
30 officer with proof of insurance to be included in the crash
31 ~~accident~~ report. If a law enforcement officer submits a report

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

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

31 For a crash ~~an accident~~ report.....\$2 per copy.

1 For a homicide report.....\$25 per copy.

2 For a uniform traffic citation.....\$0.50 per copy.

3

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

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

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

1 ~~crash an accident~~ report for purposes of publication in a
2 newspaper or other news periodical or a radio or television
3 broadcast shall not be construed as "commercial purpose."

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

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

12 Section 10. Section 316.067, Florida Statutes, is
13 amended to read:

14 316.067 False reports.--Any person who gives
15 information in oral, electronic, or written reports as
16 required in this chapter, knowing or having reason to believe
17 that such information is false, commits a misdemeanor of the
18 second degree, punishable as provided in s. 775.082 or s.
19 775.083 ~~shall be punished by a fine of not more than \$500 or~~
20 ~~by imprisonment for not more than 60 days or by both such fine~~
21 ~~and imprisonment.~~

22 Section 11. Section 316.068, Florida Statutes, is
23 amended to read:

24 316.068 Crash Accident report forms.--

25 (1) The department shall prepare and, upon request,
26 supply to police departments, sheriffs, and other appropriate
27 agencies or individuals forms for crash accident reports as
28 required in this chapter, suitable with respect to the persons
29 required to make such reports and the purposes to be served.
30 The form must call for sufficiently detailed information to
31 disclose, with reference to a vehicle crash accident, the

1 cause and conditions then existing and the persons and
2 vehicles involved. Every crash ~~accident~~ report form must call
3 for the policy numbers of liability insurance and the names of
4 carriers covering any vehicle involved in a crash ~~an accident~~
5 required to be reported by this chapter.

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

14 Section 12. Section 316.069, Florida Statutes, is
15 amended to read:

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

23 Section 13. Section 316.070, Florida Statutes, is
24 amended to read:

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

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

3 (2) The license number of the vehicle.

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

5 Section 14. Subsections (2) and (3) of section
6 316.072, Florida Statutes, are amended to read:

7 316.072 Obedience to and effect of traffic laws.--

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

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

1 accordance with any local emergency medical response
2 protocols.

3 Section 15. Subsection (6) is added to section
4 316.074, Florida Statutes, to read:

5 316.074 Obedience to and required traffic control
6 devices.--

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 16. Subsections (2) and (3) of section
11 316.0745, Florida Statutes, are amended to read:

12 316.0745 Uniform signals and devices.--

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

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

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

26 (3) All official traffic control signals or official
27 traffic control devices purchased and installed in this state
28 by any public body or official shall conform with the manual
29 and specifications published by the Department of
30 Transportation pursuant to subsection (2). ~~All traffic control~~
31 ~~devices other than traffic control signals purchased prior to~~

1 ~~July 1, 1972, not conforming to said system may continue in~~
2 ~~use until January 1, 1975, after which time such devices must~~
3 ~~comply with the uniform system. All traffic control signals~~
4 ~~purchased prior to January 1, 1972, not conforming to said~~
5 ~~system may continue in use until January 1, 1980, after which~~
6 ~~time such signals must comply with the uniform system.~~

7 Section 17. Section 316.0747, Florida Statutes, is
8 amended to read:

9 316.0747 Sale or purchase of traffic control devices
10 by nongovernmental entities; prohibitions.--

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

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

22 (2)(3) Nongovernmental entities to which the general
23 public is invited to travel shall install and maintain uniform
24 traffic control devices at appropriate locations pursuant to
25 the standards set forth by the Manual on Uniform Traffic
26 Control Devices as adopted by the Department of Transportation
27 pursuant to s. 316.0745. Such traffic control devices shall
28 be installed no later than January 1, 1992. Businesses the
29 parking lots of which do not provide intersecting lanes of
30 traffic and businesses having fewer than 25 parking spaces are
31

1 exempt from the provisions of this subsection. The Department
2 of Transportation shall adopt rules to implement this section.

3 (3)~~(4)~~ A person who violates this section commits a
4 misdemeanor of the second degree, punishable as provided in s.
5 775.082 or s. 775.083.

6 Section 18. Section 316.075, Florida Statutes, is
7 amended to read:

8 316.075 Traffic control signal devices.--

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

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

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

26 2.~~(b)~~ Vehicular traffic facing a green arrow signal,
27 shown alone or in combination with another indication, as
28 directed by the manual, may cautiously enter the intersection
29 only to make the movement indicated by such arrow, or such
30 other movement as is permitted by other indications shown at
31 the same time, except the driver of any vehicle may U-turn, so

1 as to proceed in the opposite direction unless such movement
2 is prohibited by posted traffic control signs. Such vehicular
3 traffic shall yield the right-of-way to pedestrians lawfully
4 within an adjacent crosswalk and to other traffic lawfully
5 using the intersection.

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

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

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

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

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

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

28 a.1. The driver of a vehicle which is stopped at a
29 clearly marked stop line, but if none, before entering the
30 crosswalk on the near side of the intersection, or, if none
31 then at the point nearest the intersecting roadway where the

1 driver has a view of approaching traffic on the intersecting
2 roadway before entering the intersection in obedience to a
3 steady red signal may make a right turn, but shall yield the
4 right-of-way to pedestrians and other traffic proceeding as
5 directed by the signal at the intersection, except that
6 municipal and county authorities may prohibit any such right
7 turn against a steady red signal at any intersection, which
8 prohibition shall be effective when a sign giving notice
9 thereof is erected in a location visible to traffic
10 approaching the intersection.

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

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

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

1 ~~(3)(5)~~(a) No traffic control signal device shall be
2 used which does not exhibit a yellow or "caution" light
3 between the green or "go" signal and the red or "stop" signal.

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

8 (4) 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 19. Section 316.076, Florida Statutes, is
13 amended to read:

14 316.076 Flashing signals.--

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

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

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

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

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

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

18 Section 21. Subsection (5) is added to section
19 316.077, Florida Statutes, to read:

20 316.077 Display of unauthorized signs, signals or
21 markings.--

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

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

27 316.0775 Interference with official traffic control
28 devices or railroad signs or signals.--No person shall,
29 without lawful authority, attempt to or in fact alter, deface,
30 injure, knock down or remove any official traffic control
31 device or any railroad sign or signal or any inscription,

1 shield or insignia thereon, or any other part thereof. A
2 violation of this section is a noncriminal traffic infraction,
3 punishable as a nonmoving violation as provided in chapter
4 318.

5 Section 23. Section 316.078, Florida Statutes, is
6 amended to read:

7 316.078 Detour signs to be respected.--

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

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

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

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

25 Section 24. Subsection (3) is added to section
26 316.079, Florida Statutes, to read:

27 316.079 Duty to yield to highway construction
28 workers.--

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

1 Section 25. Subsection (4) is added to section
2 316.081, Florida Statutes, to read:

3 316.081 Driving on right side of roadway;
4 exceptions.--

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

8 Section 26. Subsection (3) is added to section
9 316.082, Florida Statutes, to read:

10 316.082 Passing vehicles proceeding in opposite
11 directions.--

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

15 Section 27. Section 316.0825, Florida Statutes, is
16 amended to read:

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

24 Section 28. Subsection (3) is added to section
25 316.083, Florida Statutes, to read:

26 316.083 Overtaking and passing a vehicle.--The
27 following rules shall govern the overtaking and passing of
28 vehicles proceeding in the same direction, subject to those
29 limitations, exceptions, and special rules hereinafter stated:
30
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 29. Subsection (3) is added to section
5 316.084, Florida Statutes, to read:

6 316.084 When overtaking on the right is permitted.--

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

10 Section 30. Subsection (3) is added to section
11 316.085, Florida Statutes, to read:

12 316.085 Limitations on overtaking, passing, changing
13 lanes and changing course.--

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

17 Section 31. Subsection (3) is added to section
18 316.087, Florida Statutes, to read:

19 316.087 Further limitations on driving to left of
20 center of roadway.--

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

24 Section 32. Subsection (4) is added to section
25 316.0875, Florida Statutes, to read:

26 316.0875 No-passing zones.--

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

30 Section 33. Subsection (4) is added to section
31 316.088, Florida Statutes, to read:

1 316.088 One-way roadways and rotary traffic islands.--

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

7 316.089 Driving on roadways laned for
8 traffic.--Whenever any roadway has been divided into two or
9 more clearly marked lanes for traffic, the following rules, in
10 addition to all others consistent herewith, shall apply:

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

14 Section 35. Subsection (4) is added to section
15 316.0895, Florida Statutes, to read:

16 316.0895 Following too closely.--

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

22 316.090 Driving on divided highways.--

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

26 Section 37. Subsection (5) is added to section
27 316.091, Florida Statutes, to read:

28 316.091 Limited access facilities; interstate
29 highways; use restricted.--

30
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 38. Subsection (6) is added to section
5 316.121, Florida Statutes, to read:

6 316.121 Vehicles approaching or entering
7 intersections.--

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

11 Section 39. Section 316.122, Florida Statutes, is
12 amended to read:

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

21 Section 40. Subsection (4) is added to section
22 316.123, Florida Statutes, to read:

23 316.123 Vehicle entering stop or yield intersection.--

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

27 Section 41. Section 316.1235, Florida Statutes, is
28 amended to read:

29 316.1235 Vehicle approaching intersection in which
30 traffic lights are inoperative.--The driver of a vehicle
31 approaching an intersection in which the traffic lights are

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

8 Section 42. Subsection (3) is added to section
9 316.125, Florida Statutes, to read:

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

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

15 Section 43. Subsection (6) is added to section
16 316.126, Florida Statutes, to read:

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

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

24 Section 44. Subsection (19) is added to section
25 316.130, Florida Statutes, to read:

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

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

1 Section 45. Section 316.1355, Florida Statutes, is
2 amended to read:

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

8 Section 46. Subsection (3) is added to section
9 316.151, Florida Statutes, to read:

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

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

15 Section 47. Section 316.1515, Florida Statutes, is
16 amended to read:

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

25 Section 48. Section 316.152, Florida Statutes, is
26 amended to read:

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

1 either direction within 500 feet. A violation of this section
2 is a noncriminal traffic infraction, punishable as a moving
3 violation as provided in chapter 318.

4 Section 49. Section 316.154, Florida Statutes, is
5 amended to read:

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

11 Section 50. Subsection (5) is added to section
12 316.155, Florida Statutes, to read:

13 316.155 When signal required.--

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

17 Section 51. Subsection (3) is added to section
18 316.156, Florida Statutes, to read:

19 316.156 Signals by hand and arm or signal lamps.--

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

24 Section 52. Section 316.157, Florida Statutes, is
25 amended to read:

26 316.157 Method of giving hand and arm signals.--

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

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

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

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

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

9 Section 53. Subsection (3) is added to section
10 316.1575, Florida Statutes, to read:

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

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

17 Section 54. Subsection (3) is added to section
18 316.159, Florida Statutes, to read:

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

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

24 Section 55. Subsection (5) is added to section
25 316.170, Florida Statutes, to read:

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

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

31

1 Section 56. Subsection (7) is added to section
2 316.183, Florida Statutes, to read:

3 316.183 Unlawful speed.--

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

7 Section 57. Section 316.185, Florida Statutes, is
8 amended to read:

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

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

25 316.1895 Establishment of school speed zones,
26 enforcement; designation.--

27 (4) A school zone speed limit may not be less than 15
28 miles per hour except by local regulation. ~~After July 1,~~
29 ~~1992,~~ No school zone speed limit shall be more than 20 miles
30 per hour in an urbanized area, as defined in s. 334.03. Such
31 speed limit may be in force only during those times 30 minutes

1 before, during, and 30 minutes after the periods of time when
2 pupils are arriving at a regularly scheduled breakfast program
3 or a regularly scheduled school session and leaving a
4 regularly scheduled school session.

5 Section 59. Subsection (5) is added to section
6 316.191, Florida Statutes, to read:

7 316.191 Racing on highways.--

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

15 316.193 Driving under the influence; penalties.--

16 (3) Any person:

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

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

21 2. Serious bodily injury to another, as defined in s.
22 316.1933, commits a felony of the third degree, punishable as
23 provided in s. 775.082, s. 775.083, or s. 775.084.

24 3. The death of any human being commits DUI
25 manslaughter, and commits:

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

28 b. A felony of the first degree, punishable as
29 provided in s. 775.082, s. 775.083, or s. 775.084, if:
30
31

1 (I) At the time of the crash ~~accident~~, the person
2 knew, or should have known, that the crash ~~accident~~ occurred;
3 and

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

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

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

14 Section 61. Subsections (1) and (4) of section
15 316.1935, Florida Statutes, 1998 Supplement, are amended to
16 read:

17 316.1935 Fleeing or attempting to elude a law
18 enforcement officer; aggravated fleeing and eluding.--

19 (1) It is unlawful for the operator of any vehicle,
20 having knowledge that he or she has been ordered to stop such
21 vehicle by a duly authorized law enforcement officer,
22 willfully to refuse or fail to stop the vehicle in compliance
23 with such order or, having stopped in knowing compliance with
24 such order, willfully to flee in an attempt to elude the
25 officer, and a person who violates this subsection commits a
26 misdemeanor of the first degree, punishable as provided in s.
27 775.082 or s. 775.083 ~~shall, upon conviction, be punished by~~
28 ~~imprisonment in the county jail for a period not to exceed 1~~
29 ~~year, or by fine not to exceed \$1,000, or by both such fine~~
30 ~~and imprisonment.~~

31

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

6 (a) Willfully refuses or fails to stop in compliance
7 with such an order, or having stopped in knowing compliance
8 with such order, willfully flees in an attempt to elude such
9 officer; and

10 (b) As a result of such fleeing or eluding, causes
11 injury to another person or causes damage to any property
12 belonging to another person

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

22 Section 62. Subsection (8) is added to section
23 316.1937, Florida Statutes, to read:

24 316.1937 Ignition interlock devices, requiring;
25 unlawful acts.--

26 (8) In addition to the penalties provided in this
27 section, a violation of this section is a noncriminal traffic
28 infraction, punishable as a nonmoving violation as provided in
29 chapter 318.

30 Section 63. Subsection (4) is added to section
31 316.194, Florida Statutes, to read:

1 316.194 Stopping, standing or parking outside of
2 municipalities.--

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

6 Section 64. Paragraph (a) of subsection (1) of section
7 316.1945, Florida Statutes, is amended, and subsection (4) is
8 added to that section, to read:

9 316.1945 Stopping, standing, or parking prohibited in
10 specified places.--

11 (1) Except when necessary to avoid conflict with other
12 traffic, or in compliance with law or the directions of a
13 police officer or official traffic control device, no person
14 shall:

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

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

18 2. On a sidewalk.

19 3. Within an intersection.

20 4. On a crosswalk.

21 5. Between a safety zone and the adjacent curb or
22 within 30 feet of points on the curb immediately opposite the
23 ends of a safety zone, unless the Department of Transportation
24 indicates a different length by signs or markings.

25 6. Alongside or opposite any street excavation or
26 obstruction when stopping, standing, or parking would obstruct
27 traffic.

28 7. Upon any bridge or other elevated structure upon a
29 highway or within a highway tunnel.

30 8. On any railroad tracks.

31 9. On a bicycle path.

1 10. At any place where official traffic control
2 devices prohibit stopping.

3 11. On the roadway or shoulder of a limited access
4 facility, except as provided by regulation of the Department
5 of Transportation, or on the paved portion of a connecting
6 ramp; except that a vehicle which is disabled or in a
7 condition improper to be driven as a result of mechanical
8 failure or ~~crash accident~~ may be parked on such shoulder for a
9 period not to exceed 6 hours. This provision is not
10 applicable to a person stopping a vehicle to render aid to an
11 injured person or assistance to a disabled vehicle in
12 obedience to the directions of a law enforcement officer or to
13 a person stopping a vehicle in compliance with applicable
14 traffic laws.

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

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

24 Section 65. Subsection (4) is added to section
25 316.195, Florida Statutes, to read:

26 316.195 Additional parking regulations.--

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 66. Subsection (7) is added to section
31 316.1951, Florida Statutes, to read:

1 316.1951 Parking for certain purposes prohibited.--

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

5 Section 67. Paragraph (a) of subsection (10) of
6 section 316.1955, Florida Statutes, 1998 Supplement, is
7 amended to read:

8 316.1955 Parking spaces for persons who have
9 disabilities.--

10 (10)(a) A vehicle that is transporting a person who
11 has a disability and that has been granted a permit under s.
12 320.0848(1)(a)~~(d)~~ may be parked for a maximum of 30 minutes in
13 any parking space reserved for persons who have disabilities.

14 Section 68. Subsection (6) is added to section
15 316.1974, Florida Statutes, to read:

16 316.1974 Funeral procession right-of-way and
17 liability.--

18 (6) VIOLATIONS.--A violation of this section is a
19 noncriminal traffic infraction, punishable pursuant to chapter
20 318 as a nonmoving violation for infractions of subsection
21 (2), a pedestrian violation for infractions of subsection (3),
22 or as a moving violation for infractions of subsection (3) or
23 subsection (4) if the infraction resulted from the operation
24 of a vehicle.

25 Section 69. Section 316.1975, Florida Statutes, is
26 amended to read:

27 316.1975 Unattended motor vehicle.--No person driving
28 or in charge of any motor vehicle except a licensed delivery
29 truck or other delivery vehicle while making deliveries, shall
30 permit it to stand unattended without first stopping the
31 engine, locking the ignition, and removing the key. No

1 vehicle shall be permitted to stand unattended upon any
2 perceptible grade without stopping the engine and effectively
3 setting the brake thereon and turning the front wheels to the
4 curb or side of the street. A violation of this section is a
5 noncriminal traffic infraction, punishable as a nonmoving
6 violation as provided in chapter 318.

7 Section 70. Subsection (3) is added to section
8 316.1985, Florida Statutes, to read:

9 316.1985 Limitations on backing.--

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

13 Section 71. Section 316.1995, Florida Statutes, is
14 amended to read:

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

21 Section 72. Subsection (3) is added to section
22 316.2004, Florida Statutes, to read:

23 316.2004 Obstruction to driver's view or driving
24 mechanism.--

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

28 Section 73. Section 316.2005, Florida Statutes, is
29 amended to read:

30 316.2005 Opening and closing vehicle doors.--No person
31 shall open any door on a motor vehicle unless and until it is

1 reasonably safe to do so and can be done without interfering
2 with the movement of other traffic, nor shall any person leave
3 a door open on the side of a vehicle available to moving
4 traffic for a period of time longer than necessary to load or
5 unload passengers. A violation of this section is a
6 noncriminal traffic infraction, punishable as a nonmoving
7 violation as provided in chapter 318.

8 Section 74. Section 316.2014, Florida Statutes, is
9 amended to read:

10 316.2014 Riding in house trailers.--No person or
11 persons shall occupy a house trailer while it is being moved
12 upon a public street or highway. A violation of this section
13 is a noncriminal traffic infraction, punishable as a nonmoving
14 violation as provided in chapter 318.

15 Section 75. Section 316.2024, Florida Statutes, is
16 amended to read:

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

23 Section 76. Section 316.2025, Florida Statutes, is
24 amended to read:

25 316.2025 Following fire apparatus prohibited.--No
26 driver of any vehicle other than an authorized emergency
27 vehicle on official business shall follow any fire apparatus
28 traveling in response to a fire alarm closer than 500 feet or
29 drive into or park such vehicle within the block where fire
30 apparatus has stopped in answer to a fire alarm. A violation
31 of this section is a noncriminal traffic infraction,

1 punishable pursuant to chapter 318 as a moving violation for
2 following too close to a fire apparatus or as a nonmoving
3 violation for parking near a fire apparatus.

4 Section 77. Section 316.2034, Florida Statutes, is
5 amended to read:

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

13 Section 78. Subsection (5) is added to section
14 316.2035, Florida Statutes, to read:

15 316.2035 Injurious substances prohibited; dragging
16 vehicle or load; obstructing, digging, etc.--

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

22 Section 79. Subsection (3) is added to section
23 316.2044, Florida Statutes, to read:

24 316.2044 Removal of injurious substances.--

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

28 Section 80. Section 316.2051, Florida Statutes, is
29 amended to read:

30 316.2051 Certain vehicles prohibited on hard-surfaced
31 roads.--It is unlawful to operate upon any hard-surfaced road

1 in this state any log cart, tractor, or well machine; any
2 steel-tired vehicle other than the ordinary farm wagon or
3 buggy; or any other vehicle or machine that is likely to
4 damage a hard-surfaced road except to cause ordinary wear and
5 tear on the same. A violation of this section is a noncriminal
6 traffic infraction, punishable as a moving violation as
7 provided in chapter 318.

8 Section 81. Section 316.2061, Florida Statutes, is
9 amended to read:

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

19 Section 82. Paragraph (e) of subsection (3) and
20 subsection (20) of section 316.2065, Florida Statutes, are
21 amended to read:

22 316.2065 Bicycle regulations.--

23 (3)

24 (e) Law enforcement officers and school crossing
25 guards may issue a bicycle safety brochure and a verbal
26 warning to a bicycle rider or passenger who violates this
27 subsection. ~~Effective January 1, 1998,~~A bicycle rider or
28 passenger who violates this subsection may be issued a
29 citation by a law enforcement officer and assessed a fine for
30 a pedestrian violation, as provided in s. 318.18. The court
31 shall dismiss the charge against a bicycle rider or passenger

1 for a first violation of paragraph (d) upon proof of purchase
2 of a bicycle helmet that complies with this subsection.

3 (20) Except as otherwise provided in this section, a
4 violation of this section is a noncriminal traffic infraction,
5 punishable as a pedestrian violation as provided in chapter
6 318. A ~~Effective January 1, 1998,~~law enforcement officer
7 ~~officers~~ may issue traffic citations for a violation of
8 subsection (3) or subsection (16) only if the violation occurs
9 on a bicycle path or road, as defined in s. 334.03. However,
10 they may not issue citations to persons on private property,
11 except any part thereof which is open to the use of the public
12 for purposes of vehicular traffic.

13 Section 83. Section 316.2074, Florida Statutes, is
14 amended to read:

15 316.2074 All-terrain vehicles.--

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

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

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

21 ~~(c) On the national level, annual emergency room~~
22 ~~treatments of injuries related to all-terrain vehicle use~~
23 ~~increased from 26,900 in 1983 to 63,900 in 1984 to 85,900 in~~
24 ~~1985;~~

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

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

31

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

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

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

14 (3)~~(4)~~ No person under 16 years of age shall operate,
15 ride, or be otherwise propelled on an all-terrain vehicle
16 unless the person wears a safety helmet meeting United States
17 Department of Transportation standards and eye protection.

18 (4)~~(5)~~ If a crash ~~an accident~~ results in the death of
19 any person or in the injury of any person which results in
20 treatment of the person by a physician, the operator of each
21 all-terrain vehicle involved in the crash ~~accident~~ shall give
22 notice of the crash ~~accident~~ pursuant to s. 316.066.

23 (5)~~(6)~~ An all-terrain vehicle having four wheels may
24 be used by police officers on public beaches designated as
25 public roadways for the purpose of enforcing the traffic laws
26 of the state. All-terrain vehicles may also be used by the
27 police to travel on public roadways within 5 miles of beach
28 access only when getting to and from the beach.

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

3 Section 84. Subsection (5) is added to section
4 316.208, Florida Statutes, to read:

5 316.208 Motorcycles and mopeds.--

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

9 Section 85. Subsection (6) is added to section
10 316.2085, Florida Statutes, to read:

11 316.2085 Riding on motorcycles or mopeds.--

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

15 Section 86. Subsection (6) is added to section
16 316.209, Florida Statutes, to read:

17 316.209 Operating motorcycles on roadways laned for
18 traffic.--

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

22 Section 87. Subsection (3) is added to section
23 316.2095, Florida Statutes, to read:

24 316.2095 Footrests and handlebars.--

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

28 Section 88. Subsection (6) is added to section
29 316.211, Florida Statutes, to read:

30 316.211 Equipment for motorcycle and moped riders.--

31

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

4 Section 89. Subsection (6) is added to section
5 316.212, Florida Statutes, to read:

6 316.212 Operation of golf carts on certain
7 roadways.--The operation of a golf cart upon the public roads
8 or streets of this state is prohibited except as provided
9 herein:

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

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

17 316.2126 Use of golf carts by certain
18 municipalities.--In addition to the powers granted by ss.
19 316.212 and 316.2125, municipalities older than 400 years old
20 are hereby authorized to utilize golf carts, as defined in s.
21 320.01, upon any state, county, or municipal roads located
22 within the corporate limits of such municipalities, subject to
23 the following conditions:

24 (2) In addition to the safety equipment required in s.
25 316.212~~(5)(6)~~, such golf carts must be equipped with
26 sufficient lighting and turn signal equipment.

27 Section 91. Subsection (6) is added to section
28 316.215, Florida Statutes, to read:

29 316.215 Scope and effect of regulations.--
30
31

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

4 Section 92. Subsection (4) is added to section
5 316.217, Florida Statutes, to read:

6 316.217 When lighted lamps are required.--

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

10 Section 93. Subsection (3) is added to section
11 316.220, Florida Statutes, to read:

12 316.220 Headlamps on motor vehicles.--

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 94. Subsection (3) is added to section
17 316.221, Florida Statutes, to read:

18 316.221 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 95. Subsection (4) is added to section
23 316.222, Florida Statutes, to read:

24 316.222 Stop lamps and turn signals.--

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

28 Section 96. Subsection (8) is added to section
29 316.2225, Florida Statutes, to read:

30 316.2225 Additional equipment required on certain
31 vehicles.--In addition to other equipment required in this

1 chapter, the following vehicles shall be equipped as herein
2 stated under the conditions stated in s. 316.217.

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

6 Section 97. Subsection (4) is added to section
7 316.224, Florida Statutes, to read:

8 316.224 Color of clearance lamps, identification
9 lamps, side marker lamps, backup lamps, reflectors, and
10 deceleration lights.--

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

14 Section 98. Subsection (3) is added to section
15 316.225, Florida Statutes, to read:

16 316.225 Mounting of reflectors, clearance lamps and
17 side marker lamps.--

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

21 Section 99. Subsection (4) is added to section
22 316.226, Florida Statutes, to read:

23 316.226 Visibility requirements for reflectors,
24 clearance lamps, identification lamps and marker lamps.--

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

28 Section 100. Section 316.228, Florida Statutes, is
29 amended to read:

30 316.228 Lamps or flags on projecting load.--Whenever
31 the load upon any vehicle extends to the rear 4 feet or more

1 beyond the bed or body of such vehicle, there shall be
2 displayed at the extreme rear end of the load, at the times
3 specified in s. 316.217, two red lamps visible from a distance
4 of at least 500 feet to the rear, two red reflectors visible
5 at night from all distances within 600 feet to 100 feet to the
6 rear when directly in front of lawful lower beams of headlamps
7 and located so as to indicate maximum width, and on each side
8 one red lamp visible from a distance of at least 500 feet to
9 the side and located so as to indicate maximum overhang.
10 There shall be displayed at all other times on any vehicle
11 having a load which extends beyond its sides or more than 4
12 feet beyond its rear, red flags, not less than 12 inches
13 square, marking the extremities of such load, at each point
14 where a lamp would otherwise be required by this section. 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 101. Subsection (5) is added to section
19 316.229, Florida Statutes, to read:

20 316.229 Lamps on parked vehicles.--

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

24 Section 102. Subsection (8) is added to section
25 316.2295, Florida Statutes, to read:

26 316.2295 Lamps, reflectors and emblems on farm
27 tractors, farm equipment and implements of husbandry.--

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

3 316.231 Lamps on other vehicles and equipment.--Every
4 vehicle, including animal-drawn vehicles and vehicles referred
5 to in s. 316.215(3), not specifically required by the
6 provisions of this section to be equipped with lamps or other
7 lighting devices shall at all times specified in s. 316.217 be
8 equipped with at least one lamp displaying a white light
9 visible from a distance of not less than 1,000 feet to the
10 front of said vehicle, and shall also be equipped with two
11 lamps displaying red light visible from a distance of not less
12 than 1,000 feet to the rear of the vehicle, or, as an
13 alternative, one lamp displaying a red light visible from a
14 distance of not less than 1,000 feet to the rear and two red
15 reflectors visible from all distances of 600 to 100 feet to
16 the rear when illuminated by the lawful lower beams of
17 headlamps. A violation of this section is a noncriminal
18 traffic infraction, punishable as a nonmoving violation as
19 provided in chapter 318.

20 Section 104. Subsection (5) is added to section
21 316.233, Florida Statutes, to read:

22 316.233 Spot lamps and auxiliary lamps.--
23 (5) VIOLATIONS.--A violation of this section is a
24 noncriminal traffic infraction, punishable as a nonmoving
25 violation as provided in chapter 318.

26 Section 105. Subsection (3) is added to section
27 316.234, Florida Statutes, to read:

28 316.234 Signal lamps and signal devices.--
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 106. Subsection (6) is added to section
2 316.235, Florida Statutes, to read:

3 316.235 Additional lighting equipment.--

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 107. Subsection (3) is added to section
8 316.237, Florida Statutes, to read:

9 316.237 Multiple-beam road-lighting equipment.--

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

13 Section 108. Section 316.238, Florida Statutes, is
14 amended to read:

15 316.238 Use of multiple-beam road-lighting
16 equipment.--

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

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

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

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

9 Section 109. Section 316.2385, Florida Statutes, is
10 amended to read:

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

19 Section 110. Section 316.239, Florida Statutes, is
20 amended to read:

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

29 ~~(a)(1)~~ The headlamps shall be so aimed that when the
30 vehicle is not loaded none of the high intensity portion of
31 the light shall, at a distance of 25 feet ahead, project

1 higher than a level of five inches below the level of the
2 center of the lamp from which it comes, and in no case higher
3 than 42 inches above the level on which the vehicle stands at
4 a distance of 75 feet ahead.

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

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

10 Section 111. Section 316.2395, Florida Statutes, is
11 amended to read:

12 316.2395 Motor vehicles; minimum headlamp
13 requirement.--Any motor vehicle may be operated at nighttime
14 under the conditions specified in ss. 316.237 and 316.239,
15 when equipped with two lighted lamps upon the front thereof
16 capable of revealing persons and objects 100 feet ahead in
17 lieu of lamps required in ss. 316.237 and 316.239. However,
18 at no time when lighted lamps are required shall such motor
19 vehicle be operated in excess of 20 miles per hour. A
20 violation of this section is a noncriminal traffic infraction,
21 punishable as a nonmoving violation as provided in chapter
22 318.

23 Section 112. Subsection (3) is added to section
24 316.2396, Florida Statutes, to read:

25 316.2396 Number of driving lamps required or
26 permitted.--

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 113. Subsection (10) is added to section
31 316.2397, Florida Statutes, to read:

1 316.2397 Certain lights prohibited; exceptions.--

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

5 Section 114. Section 316.2399, Florida Statutes, is
6 amended to read:

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

21 Section 115. Subsection (3) is added to section
22 316.240, Florida Statutes, to read:

23 316.240 Standards for lights on highway maintenance
24 and service equipment.--

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

28 Section 116. Subsection (4) is added to section
29 316.241, Florida Statutes, to read:

30 316.241 Selling or using lamps or equipment.--

31

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

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

6 316.251 Maximum bumper heights.--

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

10 Section 118. Subsection (3) is added to section
11 316.252, Florida Statutes, to read:

12 316.252 Splash and spray suppressant devices.--

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

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

28 Section 120. Subsection (11) is added to section
29 316.261, Florida Statutes, to read:

30 316.261 Brake equipment required.--Every motor
31 vehicle, trailer, semitrailer, and pole trailer, and any

1 combination of such vehicles, operating upon a highway within
2 this state shall be equipped with brakes in compliance with
3 the requirements of this chapter.

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

7 Section 121. Subsection (3) is added to section
8 316.262, Florida Statutes, to read:

9 316.262 Performance ability of motor vehicle brakes.--

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

13 Section 122. Section 316.263, Florida Statutes, is
14 amended to read:

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

21 Section 123. Section 316.267, Florida Statutes, is
22 amended to read:

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

29 (1) Developing a braking force that is not less than
30 43.5 percent of its gross weight.

31

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

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

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

11 Section 124. Subsection (8) is added to section
12 316.271, Florida Statutes, to read:

13 316.271 Horns and warning devices.--

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

17 Section 125. Subsection (3) is added to section
18 316.272, Florida Statutes, to read:

19 316.272 Exhaust systems, prevention of noise.--

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 126. Subsection (7) is added to section
24 316.293, Florida Statutes, to read:

25 316.293 Motor vehicle noise.--

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

29 Section 127. Subsections (1), (2), and (6) of section
30 316.2935, Florida Statutes, are amended to read:

31

1 316.2935 Air pollution control equipment; tampering
2 prohibited; penalty.--

3 (1)(a) ~~On and after July 1, 1990,~~It is unlawful for
4 any person or motor vehicle dealer as defined in s. 320.27 to
5 offer or display for retail sale or lease, sell, lease, or
6 transfer title to, a motor vehicle in Florida that has been
7 tampered with in violation of this section, as determined
8 pursuant to subsection (7). Tampering is defined as the
9 dismantling, removal, or rendering ineffective of any air
10 pollution control device or system which has been installed on
11 a motor vehicle by the vehicle manufacturer except to replace
12 such device or system with a device or system equivalent in
13 design and function to the part that was originally installed
14 on the motor vehicle. All motor vehicles sold, reassigned, or
15 traded to a licensed motor vehicle dealer are exempt from this
16 paragraph.

17 (b) ~~On and after January 1, 1991,~~At the time of sale,
18 lease, or transfer of title of a motor vehicle, the seller,
19 lessor, or transferor shall certify in writing to the
20 purchaser, lessee, or transferee that the air pollution
21 control equipment of the motor vehicle has not been tampered
22 with by the seller, lessor, or transferor or their agents,
23 employees, or other representatives. A licensed motor vehicle
24 dealer shall also visually observe those air pollution control
25 devices listed by department rule pursuant to subsection (7),
26 and certify that they are in place, and appear properly
27 connected and undamaged. Such certification shall not be
28 deemed or construed as a warranty that the pollution control
29 devices of the subject vehicle are in functional condition,
30 nor does the execution or delivery of this certification
31

1 create by itself grounds for a cause of action between the
2 parties to this transaction.

3 (c) ~~On and after July 1, 1990,~~All motor vehicles
4 sold, reassigned, or traded by a licensed motor vehicle dealer
5 to a licensed motor vehicle dealer, all new motor vehicles
6 subject to certification under s. 207, Clean Air Act, 42
7 U.S.C. s. 7541, and all lease agreements for 30 days or less
8 are exempt from this subsection. Also exempt from this
9 subsection are sales of motor vehicles for salvage purposes
10 only.

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

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

29 Section 128. Section 316.294, Florida Statutes, is
30 amended to read:

31

1 316.294 Mirrors.--Every vehicle, operated singly or
2 when towing any other vehicle, shall be equipped with a mirror
3 so located as to reflect to the driver a view of the highway
4 for a distance of at least 200 feet to the rear of the motor
5 vehicle. A violation of this section is a noncriminal traffic
6 infraction, punishable as a nonmoving violation as provided in
7 chapter 318.

8 Section 129. Subsection (6) is added to section
9 316.2952, Florida Statutes, to read:

10 316.2952 Windshields; requirements; restrictions.--

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

14 Section 130. Section 316.2953, Florida Statutes, is
15 amended to read:

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

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

3 Section 131. Subsection (3) is added to section
4 316.2954, Florida Statutes, to read:

5 316.2954 Windows behind the driver; restrictions on
6 sunscreening material.--

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 132. Subsections (1) and (3) of section
11 316.2956, Florida Statutes, are amended to read:

12 316.2956 Violation of provisions relating to
13 windshields, windows, and sunscreening material; penalties.--

14 (1) Any person who operates a motor vehicle on which,
15 after June 20, 1984, material was installed in violation of
16 ss. 316.2951-316.2954 commits is guilty of a noncriminal
17 traffic infraction, punishable as a nonmoving violation as
18 provided in chapter 318 ~~subject to the penalty provided in s.~~
19 ~~318.18(2).~~

20 (3) Any person who sells or installs sunscreening
21 material in violation of any provision of ss.
22 316.2951-316.2955 ~~after June 20, 1984,~~ is guilty of a
23 misdemeanor of the second degree, punishable as provided in s.
24 775.082 or s. 775.083.

25 Section 133. Section 316.299, Florida Statutes, is
26 amended to read:

27 316.299 Rough surfaced wheels prohibited.--No person
28 shall drive, propel, operate, or cause to be driven, propelled
29 or operated over any paved or graded public road of this state
30 any tractor engine, tractor or other vehicle or contrivance
31 having wheels provided with sharpened or roughened surfaces,

1 other than roughened pneumatic rubber tires having studs
2 designed to improve traction without materially injuring the
3 surface of the highway, unless the rims or tires of the wheels
4 of such tractor engines, tractors, or other vehicles or
5 contrivances are provided with suitable filler blocks between
6 the cleats so as to form a smooth surface. This requirement
7 shall not apply to tractor engines, tractors, or other
8 vehicles or contrivances if the rims or tires of their wheels
9 are constructed in such manner as to prevent injury to such
10 roads. This restriction shall not apply to tractor engines,
11 tractors, and other vehicles or implements used by any county
12 or the Department of Transportation in the construction or
13 maintenance of roads or to farm implements weighing less than
14 1,000 pounds when provided with wheel surfaces of more than
15 1/2 inch in width. A violation of this section is a
16 noncriminal traffic infraction, punishable as a nonmoving
17 violation as provided in chapter 318.

18 Section 134. Subsection (4) is added to section
19 316.300, Florida Statutes, to read:

20 316.300 Certain vehicles to carry flares or other
21 devices.--

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 135. Subsection (10) is added to section
26 316.301, Florida Statutes, to read:

27 316.301 Display of warning lights and devices when
28 vehicle is stopped or disabled.--

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 136. Paragraph (c) of subsection (1) of
2 section 316.302, Florida Statutes, 1998 Supplement, is
3 reenacted, and paragraph (f) of subsection (2) of that section
4 is amended, to read:

5 316.302 Commercial motor vehicles; safety regulations;
6 transporters and shippers of hazardous materials;
7 enforcement.--

8 (1)

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

14 (2)

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

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

24 316.3025 Penalties.--

25 (3)

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

- 27 1. A violation of the placarding requirements of 49
28 C.F.R. parts 171-179;
29 2. A violation of the shipping paper requirements of
30 49 C.F.R. parts 171-179;
31 3. A violation of 49 C.F.R. s. 392.10;

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

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

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

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

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

7 316.3027 Identification required on commercial motor
8 vehicles.--

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

13 Section 139. Subsection (4) is added to section
14 316.303, Florida Statutes, to read:

15 316.303 Television receivers.--

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 140. Subsection (4) is added to section
20 316.304, Florida Statutes, to read:

21 316.304 Wearing of headsets.--

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 141. Subsection (5) is added to section
26 316.3045, Florida Statutes, to read:

27 316.3045 Operation of radios or other mechanical
28 soundmaking devices or instruments in vehicles; exemptions.--

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

1 Section 142. Subsection (3) is added to section
2 316.400, Florida Statutes, to read:

3 316.400 Headlamps.--

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 143. Section 316.405, Florida Statutes, is
8 amended to read:

9 316.405 Motorcycle headlights to be turned on.--

10 (1) Any person who operates a motorcycle or
11 motor-driven cycle on the public streets or highways shall,
12 while so engaged, have the headlight or headlights of such
13 motorcycle or motor-driven cycle turned on. Failure to comply
14 with this section during the hours from sunrise to sunset,
15 unless compliance is otherwise required by law, shall not be
16 admissible as evidence of negligence in a civil action. During
17 the hours of operation between sunrise and sunset, the
18 headlights may modulate either the upper beam or the lower
19 beam from its maximum intensity to a lower intensity, in
20 accordance with Federal Motor Vehicle Safety Standard 571.108.

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

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 144. Subsection (3) is added to section
30 316.410, Florida Statutes, to read:

31 316.410 Taillamps.--

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

6 316.415 Reflectors.--Every motorcycle and motor-driven
7 cycle shall carry on the rear, either as part of the taillamp
8 or separately, at least one red reflector. A violation of this
9 section is a noncriminal traffic infraction, punishable as a
10 nonmoving violation as provided in chapter 318.

11 Section 146. Section 316.420, Florida Statutes, is
12 amended to read:

13 316.420 Stop lamps.--Every motorcycle and motor-driven
14 cycle shall be equipped with at least one stop lamp meeting
15 the requirements of s. 316.234(1). A violation of this section
16 is a noncriminal traffic infraction, punishable as a nonmoving
17 violation as provided in chapter 318.

18 Section 147. Subsection (3) is added to section
19 316.425, Florida Statutes, to read:

20 316.425 Lamps on parked motorcycles.--

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 148. Subsection (3) is added to section
25 316.430, Florida Statutes, to read:

26 316.430 Multiple-beam road-lighting equipment.--

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 149. Section 316.435, Florida Statutes, is
31 amended to read:

1 316.435 Lighting equipment for motor-driven
2 cycles.--The headlamp or headlamps upon every motor-driven
3 cycle may be of the single-beam or multiple-beam type, but in
4 either event shall comply with the requirements and
5 limitations as follows:

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

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

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

22 Section 150. Section 316.440, Florida Statutes, is
23 amended to read:

24 316.440 Brake equipment required.--Every motor-driven
25 cycle must comply with the provisions of s. 316.261, except
26 that:

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

29 (2) The wheel of a sidecar attached to a motorcycle or
30 to a motor-driven cycle, and the front wheel of a motor-driven
31 cycle, need not be equipped with brakes, provided that such

1 motorcycle or motor-driven cycle is capable of complying with
2 the performance requirements of this chapter.

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 151. Subsection (3) is added to section
8 316.445, Florida Statutes, to read:

9 316.445 Performance ability of motorcycle brakes.--

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

13 Section 152. Subsection (4) is added to section
14 316.450, Florida Statutes, to read:

15 316.450 Brakes on motor-driven cycles.--

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

21 316.455 Other equipment.--Every motorcycle and every
22 motor-driven cycle when operated upon a highway shall comply
23 with the requirements and limitations of:

24 (1) Section 316.271(1) and (2) on the requirement for
25 horns and warning devices.

26 (2) Section 316.271(3) on the requirement for the use
27 of horns.

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

30 (4) Section 316.271(5) on the requirement for theft
31 alarms.

1 (5) Section 316.271(6) on the requirement for
2 emergency vehicles.

3 (6) Section 316.272 on the requirement for mufflers
4 and prevention of noise.

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

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

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

19 Section 155. Section 316.510, Florida Statutes, is
20 amended to read:

21 316.510 Projecting loads on passenger vehicles.--No
22 passenger type vehicle shall be operated on any highway with
23 any load carried thereon extending beyond the fenders on the
24 left side of the vehicle or extending more than 6 inches
25 beyond the line of the fenders on the right side thereof. A
26 violation of this section is a noncriminal traffic infraction,
27 punishable as a nonmoving violation as provided in chapter
28 318.

29 Section 156. Subsection (3) is added to section
30 316.520, Florida Statutes, to read:

31 316.520 Loads on vehicles.--

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

6 316.525 Requirements for vehicles hauling loads.--

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

10 Section 158. Subsection (4) is added to section
11 316.530, Florida Statutes, to read:

12 316.530 Towing requirements.--

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

16 Section 159. Section 316.600, Florida Statutes, is
17 amended to read:

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

24 Section 160. Section 316.605, Florida Statutes, is
25 amended to read:

26 316.605 Licensing of vehicles.--

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

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

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

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

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

7 316.613 Child restraint requirements.--

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

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

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

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

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

3 Section 163. Subsection (6) is added to section
4 316.615, Florida Statutes, to read:

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

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

10 Section 164. Subsection (7) is added to section
11 316.620, Florida Statutes, to read:

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

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

22 Section 165. Paragraph (b) of subsection (2),
23 paragraph (b) of subsection (3), and paragraph (b) of
24 subsection (5) of section 316.640, Florida Statutes, are
25 amended to read:

26 316.640 Enforcement.--The enforcement of the traffic
27 laws of this state is vested as follows:

28 (2) COUNTIES.--

29 (b) The sheriff's office of each county may employ as
30 a traffic crash ~~accident~~ investigation officer any individual
31 who successfully completes at least 200 hours of instruction

1 in traffic crash ~~accident~~ investigation and court presentation
2 through the Selective Traffic Enforcement Program (STEP) as
3 approved by the Criminal Justice Standards and Training
4 Commission and funded through the National Highway Traffic
5 Safety Administration (NHTSA) or a similar program approved by
6 the commission, but who does not necessarily otherwise meet
7 the uniform minimum standards established by the commission
8 for law enforcement officers or auxiliary law enforcement
9 officers under chapter 943. Any such traffic crash ~~accident~~
10 investigation officer who makes an investigation at the scene
11 of a traffic crash ~~accident~~ may issue traffic citations when,
12 based upon personal investigation, he or she has reasonable
13 and probable grounds to believe that a person who was involved
14 has committed an offense under this chapter in connection with
15 the crash ~~accident~~. This paragraph does not permit the
16 carrying of firearms or other weapons, nor do such officers
17 have arrest authority other than for the issuance of a traffic
18 citation as authorized in this paragraph.

19 (3) MUNICIPALITIES.--

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

1 ~~accident~~ investigation officer who makes an investigation at
2 the scene of a traffic crash ~~accident~~ is authorized to issue
3 traffic citations when, based upon personal investigation, he
4 or she has reasonable and probable grounds to believe that a
5 person involved has committed an offense under the provisions
6 of this chapter in connection with the crash ~~accident~~.
7 Nothing in this paragraph shall be construed to permit the
8 carrying of firearms or other weapons, nor shall such officers
9 have arrest authority other than for the issuance of a traffic
10 citation as authorized above.

11 (5)

12 (b) The traffic enforcement officer shall be employed
13 in relationship to a selective traffic enforcement program at
14 a fixed location or as part of a crash ~~an accident~~
15 investigation team at the scene of a vehicle crash ~~accident~~ or
16 in other types of traffic infraction enforcement under the
17 direction of a fully qualified law enforcement officer;
18 however, it is not necessary that the traffic infraction
19 enforcement officer's duties be performed under the immediate
20 supervision of a fully qualified law enforcement officer.

21 Section 166. Section 316.645, Florida Statutes, is
22 amended to read:

23 316.645 Arrest authority of officer at scene of a
24 traffic crash ~~accident~~.--A police officer who makes an
25 investigation at the scene of a traffic crash ~~accident~~ may
26 arrest any driver of a vehicle involved in the crash ~~accident~~
27 when, based upon personal investigation, the officer has
28 reasonable and probable grounds to believe that the person has
29 committed any offense under the provisions of this chapter or
30 chapter 322 in connection with the crash ~~accident~~.

31

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

3 316.70 Nonpublic sector buses; safety rules.--

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

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

14 Section 168. Section 318.12, Florida Statutes, is
15 amended to read:

16 318.12 Purpose.--It is the legislative intent in the
17 adoption of this chapter to decriminalize certain violations
18 of chapter 316, the Florida Uniform Traffic Control Law;
19 chapter 320, Motor Vehicle Licenses; chapter 322, Drivers'
20 Licenses; ~~chapter 339, Florida Transportation Code, Sixth~~
21 ~~Part~~ chapter 240, Postsecondary Education 239, Universities;
22 Scholarships, etc.; and chapter 338, Florida Intrastate
23 Highway System and Toll Facilities 340, Turnpike Projects,
24 thereby facilitating the implementation of a more uniform and
25 expeditious system for the disposition of traffic infractions.

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

28 318.13 Definitions.--The following words and phrases,
29 when used in this chapter, shall have the meanings
30 respectively ascribed to them in this section, except where
31 the context otherwise requires:

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

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

11 318.14 Noncriminal traffic infractions; exception;
12 procedures.--

13 (1) Except as provided in ss. 318.17 and
14 320.07(3)(c)(~~b~~), any person cited for a violation of s.
15 240.265, chapter 316, s. 320.0605(~~1~~), s. 320.07(3)(a), s.
16 322.065, s. 322.15(1), s. 322.16(2) or (3), s. 322.1615 ~~s.~~
17 ~~322.161(4)~~, or s. 322.19 is charged with a noncriminal
18 infraction and must be cited for such an infraction and cited
19 to appear before an official. If another person dies as a
20 result of the noncriminal infraction, the person cited may be
21 required to perform 120 community service hours under s.
22 316.027(4), in addition to any other penalties.

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

1 cited for a violation of s. 320.0605~~(1)~~ or s. 322.15(1), or
2 subject to a penalty under s. 320.07(3)(a) or s. 322.065, and
3 who makes an election under this subsection shall submit proof
4 of compliance with the applicable section to the clerk of the
5 court. For the purposes of this subsection, proof of
6 compliance consists of a valid driver's license or a valid
7 registration certificate.

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

25 (10)(a) Any person cited for an offense listed under
26 this subsection may, in lieu of payment of fine or court
27 appearance, elect to enter a plea of nolo contendere and
28 provide proof of compliance to the clerk of the court or
29 authorized operator of a traffic violations bureau. In such
30 case, adjudication shall be withheld; however, no election
31 shall be made under this subsection if such person has made an

1 election under this subsection in the 12 months preceding
2 election hereunder. No person may make more than three
3 elections under this subsection. This subsection applies to
4 the following offenses:

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

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

14 3. Operating a motor vehicle in violation of s.
15 316.646.

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

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

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

14 318.1451 Driver improvement schools.--

15 (2) In determining whether to approve the courses
16 referenced in this section, the department shall consider
17 course content designed to promote safety, driver awareness,
18 crash ~~accident~~ avoidance techniques, and other factors or
19 criteria to improve driver performance from a safety
20 viewpoint.

21 Section 172. Section 318.17, Florida Statutes, is
22 amended to read:

23 318.17 Offenses excepted.--No provision of this
24 chapter is available to a person who is charged with any of
25 the following offenses:

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

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

30 (3) 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, or driving with an unlawful blood-alcohol level;

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

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

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

10 (7) Obstructing an officer, in violation of s.
11 316.545(1); or

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

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

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

19 (1) Fifteen dollars for:

20 (a) All infractions of pedestrian regulations;⁷

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

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

26 Section 174. Section 318.19, Florida Statutes, is
27 amended to read:

28 318.19 Infractions requiring a mandatory hearing.--Any
29 person cited for the infractions listed in this section shall
30 not have the provisions of s. 318.14(2), (4), and (9)

31

1 available to him or her but must appear before the designated
 2 official at the time and location of the scheduled hearing:

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

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

8 (3) Any infraction of s. 316.172(1)(b).

9 Section 175. Subsections (4) and (7) of section
 10 318.21, Florida Statutes, 1998 Supplement, are amended to
 11 read:

12 318.21 Disposition of civil penalties by county
 13 courts.--All civil penalties received by a county court
 14 pursuant to the provisions of this chapter shall be
 15 distributed and paid monthly as follows:

16 (4) Of the additional fine assessed under s.
 17 318.18(3)(~~d~~)(e) for a violation of s. 316.1301, 40 percent
 18 must be deposited into the Grants and Donations Trust Fund of
 19 the Division of Blind Services of the Department of Labor and
 20 Employment Security, and 60 percent must be distributed
 21 pursuant to subsections (1) and (2) ~~of this section~~.

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

25

For speed exceeding the limit by:	Fine:
26 1-5 m.p.h.....	\$.00
27 <u>6</u> 1 -9 m.p.h.....	\$.25
28 10-14 m.p.h.....	\$ 3.00
29 15-19 m.p.h.....	\$ 4.00
30 20-29 m.p.h.....	\$ 5.00

1 30 m.p.h. and above.....\$10.00

2

3 The remaining amount must be distributed pursuant to
4 subsections (1) and (2).

5 Section 176. Subsection (1) of section 318.32, Florida
6 Statutes, is amended to read:

7 318.32 Jurisdiction; limitations.--

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

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

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

20 (c) Hear a criminal traffic offense case or a case
21 involving a civil traffic infraction issued in conjunction
22 with a criminal traffic offense.

23 Section 177. Section 318.39, Florida Statutes, is
24 repealed.

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

27 319.28 Transfer of ownership by operation of law.--

28 (2)

29 (b) In case of repossession of a motor vehicle or
30 mobile home pursuant to the terms of a security agreement or
31 similar instrument, an affidavit by the party to whom

1 possession has passed stating that the vehicle or mobile home
2 was repossessed upon default in the terms of the security
3 agreement or other instrument shall be considered satisfactory
4 proof of ownership and right of possession. At least 5 days
5 prior to selling the repossessed vehicle, any subsequent
6 lienholder named in the last issued certificate of title shall
7 be sent notice of the repossession by certified mail, on a
8 form prescribed by the department. If such notice is given
9 and no written protest to the department is presented by a
10 subsequent lienholder within 15 days from the date on which
11 the notice was mailed, the certificate of title or the
12 certificate of repossession shall be issued showing no liens.
13 If the former owner or any subsequent lienholder files a
14 written protest under oath within such 15-day period, the
15 department shall not issue the certificate of title or
16 certificate of repossession for 10 days thereafter. If within
17 the 10-day period no injunction or other order of a court of
18 competent jurisdiction has been served on the department
19 commanding it not to deliver the certificate of title or
20 certificate of repossession, the department shall deliver the
21 certificate of title or repossession to the applicant or as
22 may otherwise be directed in the application showing no other
23 liens than those shown in the application. Any lienholder who
24 has repossessed a vehicle in compliance with the provisions of
25 this section may apply to the tax collector's office or to the
26 department for a certificate of repossession or to the
27 department for a certificate of title pursuant to s. 319.323.
28 Proof of the required notice to subsequent lienholders shall
29 be submitted together with regular title fees. A lienholder
30 to whom a certificate of repossession has been issued may
31 assign the certificate of title to the subsequent owner. Any

1 person found guilty of violating any requirements of this
2 paragraph shall be guilty of a felony of the third degree,
3 punishable as provided in s. 775.082, s. 775.083, or s.
4 775.084.

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

7 319.33 Offenses involving vehicle identification
8 numbers, applications, certificates, papers; penalty.--

9 (1) It is unlawful:

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

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

19 320.02 Registration required; application for
20 registration; forms.--

21 (12) The department is authorized to withhold
22 registration or reregistration of any motor vehicle if the
23 owner, or one of the coowners of the vehicle, has a driver's
24 license which is under suspension for the failure to remit
25 payment of any fines levied in this state pursuant to chapter
26 318 or chapter 322. ~~The department shall design and implement
27 a program to accomplish this action by June 1, 1992. However,
28 nothing in this subsection shall be construed to prohibit the
29 department from withholding registration or renewal for a
30 similar situation during the interim.~~

31

1 Section 181. Subsections (7) and (8) of section
2 320.03, Florida Statutes, 1998 Supplement, are amended to
3 read:

4 320.03 Registration; duties of tax collectors;
5 International Registration Plan.--

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

9 ~~Implementation of the plan shall occur by July 1, 1986, for~~
10 ~~the 1986-1987 registration period.~~ The department may adopt
11 rules to implement and enforce the provisions of the plan.

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

1 to the transfer of a registration of a motor vehicle sold by a
2 motor vehicle dealer licensed under this chapter, except for
3 the transfer of registrations which is inclusive of the annual
4 renewals. This section does not affect the issuance of the
5 title to a motor vehicle, notwithstanding s. 319.23(7)(b).

6 Section 182. Section 320.031, Florida Statutes, is
7 amended to read:

8 320.031 Mailing of registration certificates, license
9 plates, and validation stickers.--

10 (1) The department and the tax collectors of the
11 several counties of the state may at the request of the
12 applicant use United States mail service to deliver
13 registration certificates and renewals thereof, license
14 plates, mobile home stickers, and validation stickers to
15 applicants.

16 (2) A mail service charge may be collected for each
17 registration certificate, license plate, mobile home sticker,
18 and validation sticker mailed by the department or any tax
19 collector. Each registration certificate, license plate,
20 mobile home sticker, and validation sticker shall be mailed by
21 first-class mail unless otherwise requested by the applicant.
22 The amount of the mail service charge shall be the actual
23 postage required, rounded to the nearest 5 cents, plus a
24 25-cent handling charge. The mail service charge is in
25 addition to the service charge provided by s. 320.04.

26 ~~(3) The department is authorized to reproduce such~~
27 ~~documents, records, and reports as required to meet the~~
28 ~~requirements of the law and the needs of the public, either by~~
29 ~~photographing, microphotographing, or reproducing on film the~~
30 ~~document, record, or report, or by using an electronic~~
31 ~~digitizing process capable of reproducing a true and correct~~

1 ~~image of the original source document. The photographs,~~
2 ~~microphotographs, or electronic digitized copy of any records~~
3 ~~made in compliance with the provisions of this section shall~~
4 ~~have the same force and effect as the originals thereof and~~
5 ~~shall be treated as originals for the purpose of their~~
6 ~~admissibility into evidence. Duly certified or authenticated~~
7 ~~reproductions of such photographs, microphotographs, or~~
8 ~~electronically digitized records shall be admitted into~~
9 ~~evidence equally with the original photographs,~~
10 ~~microphotographs, or electronically digitized records.~~

11 Section 183. Subsections (1) and (5) of section
12 320.055, Florida Statutes, are amended to read:

13 320.055 Registration periods; renewal periods.--The
14 following registration periods and renewal periods are
15 established:

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

28 (5) For a vehicle subject to registration under s.
29 320.08(4), (5)(a)1., (e), ~~or~~ (6)(b), or (14), the registration
30 period shall be a period of 12 months beginning in a month
31 designated by the department and ending on the last day of the

1 12th month. For a vehicle subject to this registration
2 period, the renewal period is the last month of the
3 registration period. The registration period may be shortened
4 or extended at the discretion of the department, on receipt of
5 the appropriate prorated fees, in order to evenly distribute
6 such registrations on a monthly basis.

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

10 320.06 Registration certificates, license plates, and
11 validation stickers generally.--

12 (1)

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

1 with each license plate a serially numbered validation sticker
2 showing the year of expiration, which sticker shall be placed
3 on the upper right corner of the license plate. Such license
4 plate and validation stickers shall be issued based on the
5 applicant's appropriate renewal period. The registration
6 period shall be a period of 12 months, and all expirations
7 shall occur based on the applicant's appropriate registration
8 period. A vehicle with an apportioned registration shall be
9 issued an annual license plate and a cab card that denote the
10 declared gross vehicle weight for each apportioned
11 jurisdiction in which the vehicle is authorized to operate.

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

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

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

25 320.0601 Rental car companies; identification of
26 vehicles as for-hire.--

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

1 Section 186. Section 320.0605, Florida Statutes, is
2 amended to read:

3 320.0605 Certificate of registration; possession
4 required; exception.--The registration certificate or an
5 official copy thereof, a true copy of a rental or lease
6 agreement issued for a motor vehicle or issued for a
7 replacement vehicle in the same registration period, or a cab
8 card issued for a vehicle registered under the International
9 Registration Plan shall, at all times while the vehicle is
10 being used or operated on the roads of this state, be in the
11 possession of the operator thereof or be carried in the
12 vehicle for which issued and shall be exhibited upon demand of
13 any authorized law enforcement officer or any agent of the
14 department. The provisions of this section do not apply during
15 the first 30 days after purchase of a replacement vehicle. 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 187. Paragraph (a) of subsection (3) of
20 section 320.07, Florida Statutes, is amended to read:

21 320.07 Expiration of registration; annual renewal
22 required; penalties.--

23 (3) The operation of any motor vehicle without having
24 attached thereto a registration license plate and validation
25 stickers, or the use of any mobile home without having
26 attached thereto a mobile home sticker, for the current
27 registration period shall subject the owner thereof, if he or
28 she is present, or, if the owner is not present, the operator
29 thereof to the following penalty provisions:

30 (a) Any person whose motor vehicle or mobile home
31 registration has been expired for a period of 6 months or less

1 commits a noncriminal traffic infraction, punishable as a
2 nonmoving violation as provided in chapter 318 shall be
3 ~~subject to the penalty provided in s. 318.14.~~

4 Section 188. Section 320.073, Florida Statutes, is
5 repealed.

6 Section 189. Section 320.0802, Florida Statutes, is
7 amended to read:

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

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

24 320.08058 Specialty license plates.--

25 (1) MANATEE LICENSE PLATES.--

26 (b)1. The manatee license plate annual use fee must be
27 deposited into the Save the Manatee Trust Fund, created within
28 the Department of Environmental Protection. The funds
29 deposited in the Save the Manatee Trust Fund may be used only
30 for manatee-related environmental education; manatee research;
31

1 facilities, as provided in s. 370.12(4)(b)(5)(b); and manatee
2 protection and recovery.

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

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

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

11 1. The first \$5 million collected annually must be
12 forwarded to the private nonprofit corporation Florida
13 ~~Developmental Disabilities Planning Council~~ as described in s.
14 393.002 ~~393.001~~ and must be used solely for Special Olympics
15 purposes as approved by the private nonprofit corporation
16 ~~council~~.

17 2. Any additional fees must be deposited into the
18 General Revenue Fund.

19 Section 191. Section 320.08062, Florida Statutes, 1998
20 Supplement, is amended to read:

21 320.08062 Audits required; annual use fees of
22 specialty ~~special~~ license plates.--

23 (1)(a) All organizations that receive annual use fee
24 proceeds from the department are responsible for ensuring that
25 proceeds are used in accordance with ss. 320.08056 and
26 320.08058.

27 (b) All organizational recipients of any specialty
28 license plate annual use fee authorized in this chapter, not
29 otherwise subject to annual audit by the Office of the Auditor
30 General, shall submit an annual audit of the expenditures of
31 annual use fees and interest earned from these fees, to

1 determine if expenditures are being made in accordance with
2 the specifications outlined by law. The audit shall be
3 prepared by a certified public accountant licensed under
4 chapter 473 at that organizational recipient's expense. The
5 notes to the financial statements should state whether
6 expenditures were made in accordance with ss. 320.08056 and
7 320.08058.

8 (c) In lieu of an annual audit, any organization
9 receiving less than \$25,000 in annual use fee proceeds
10 directly from the department, or from another state agency,
11 may annually report, under penalties of perjury, that such
12 proceeds were used in compliance with ss. 320.08056 and
13 320.08058. The attestation shall be made annually in a form
14 and format determined by the department.

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

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

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

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

7 320.0848 Persons who have disabilities; issuance of
8 disabled parking permits; temporary permits; permits for
9 certain providers of transportation services to persons who
10 have disabilities.--

11 (2) DISABLED PARKING PERMIT; PERSONS WITH LONG-TERM
12 MOBILITY PROBLEMS.--

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

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

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

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

30 2. If an applicant who is a disabled veteran, is a
31 resident of this state, has been honorably discharged, and

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

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

13 b. One dollar for each additional or additional
14 renewal 4-year permit.

15

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

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

26 Section 193. Section 320.087, Florida Statutes, is
27 amended to read:

28 320.087 Intercity buses operated in interstate
29 commerce; tax.--All intercity motor buses owned or operated by
30 residents or nonresidents of this state in interstate commerce
31 or combined interstate and intrastate commerce as a result of

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

19 Section 194. Section 320.1325, Florida Statutes, is
20 amended to read:

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

1 plate may not be issued for any commercial motor vehicle as
2 defined in s. 320.01. The fee for the 90-day temporary
3 registration plate shall be \$40 plus the applicable service
4 charge required by s. 320.04. Subsequent permanent
5 registration and titling of a vehicle registered hereunder
6 shall subject the applicant to the fees required by s. ss-
7 ~~319.231~~ and 320.072, in addition to all other taxes and fees
8 required.

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

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

16 (5)

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

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

1 320.8255 Mobile home inspection.--

2 (4) The department shall determine fees for special
3 inspections and for the label seal authorized under s. 320.827
4 which are sufficient to cover the cost of inspection and
5 administration under this section. Fees collected shall be
6 deposited into the General Revenue Fund.

7 Section 197. Section 320.8256, Florida Statutes, is
8 repealed.

9 Section 198. Subsections (2) and (4) of section
10 321.051, Florida Statutes, 1998 Supplement, are amended to
11 read:

12 321.051 Florida Highway Patrol wrecker operator
13 system; penalties for operation outside of system.--

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

1 rates for the towing and storage of vehicles removed at the
 2 division's request, where such rates have not been set by a
 3 county or municipality pursuant to s. 125.0103 or s. 166.043.
 4 Such rates shall not be considered rules for the purpose of
 5 chapter 120; however, the department shall establish by rule a
 6 procedure for setting such rates. Any provision in chapter
 7 120 to the contrary notwithstanding, a final order of the
 8 department denying, suspending, or revoking a wrecker
 9 operator's participation in the system shall be reviewable in
 10 the manner and within the time provided by the Florida Rules
 11 of Appellate Procedure only by a writ of certiorari issued by
 12 the circuit court in the county wherein such wrecker operator
 13 resides.

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

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

21 321.23 Public records; fees for copies; destruction of
 22 obsolete records; photographing records; effect as evidence.--

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

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

28			
29	Enlargement	Color	Black
30	Proof		& White

31

1	1. 5" x 7"	\$1.00	\$0.75
2	2. 8" x 10"	\$1.50	\$1.00
3	3. 11" x 14"	Not Available	\$1.75
4	4. 16" x 20"	Not Available	\$2.75
5	5. 20" x 24"	Not Available	\$3.75

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

11 Section 200. Sections 321.06, 321.07, 321.09, 321.12,
12 321.15, 321.17, 321.18, 321.19, 321.191, 321.20, 321.201,
13 321.202, 321.203, 321.21, 321.22, 321.2205, 321.221, 321.222,
14 and 321.223, Florida Statutes, are repealed.

15 Section 201. Section 322.0261, Florida Statutes, is
16 amended to read:

17 322.0261 Mandatory driver improvement course; certain
18 crashes ~~accidents~~.--

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

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

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

27 (2) With respect to an operator convicted of, or who
28 pleaded nolo contendere to, a traffic offense giving rise to a
29 crash ~~an accident~~ identified pursuant to subsection (1), the
30 department shall require that the operator, in addition to
31 other applicable penalties, attend a departmentally approved

1 driver improvement course in order to maintain driving
2 privileges. If the operator fails to complete the course
3 within 90 days of receiving notice from the department, the
4 operator's driver's license shall be canceled by the
5 department until the course is successfully completed.

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

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

14 322.055 Revocation or suspension of, or delay of
15 eligibility for, driver's license for persons 18 years of age
16 or older convicted of certain drug offenses.--

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

1 for such a license. A driver whose license or driving
2 privilege has been suspended or revoked under this section or
3 s. 322.056 may, upon the expiration of 6 months, petition the
4 department for restoration of the driving privilege on a
5 restricted or unrestricted basis depending on the length of
6 suspension or revocation. In no case shall a restricted
7 license be available until 6 months of the suspension or
8 revocation period has expired.

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

11 322.08 Application for license.--

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

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

19 322.12 Examination of applicants.--

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

1 addition to the fee for a license. Any person who applies for
2 reinstatement of a commercial driver's license following the
3 disqualification of his or her privilege to operate a
4 commercial motor vehicle shall pay a service fee of \$50, which
5 is in addition to the fee for a license. The department shall
6 collect all of these fees at the time of reinstatement. The
7 department shall issue proper receipts for such fees and shall
8 promptly transmit all funds received by it as follows:

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

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

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

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

30 322.121 Periodic reexamination of all drivers.--

31

1 (3) For each licensee whose driving record does not
2 show any revocations, disqualifications, or suspensions for
3 the preceding 7 years or any convictions for the preceding 3
4 years except for convictions of the following nonmoving
5 violations:

6 (a) Failure to exhibit a vehicle registration
7 certificate, rental agreement, or cab card pursuant to s.
8 320.0605 ~~s. 320.0605(1)~~;

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

12 (c) Operating a motor vehicle with an expired license
13 that has been expired for 4 months or less pursuant to s.
14 322.065;

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

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

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

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

24 322.141 Color of licenses.--

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

31

1 Section 207. Subsection (4) is added to section
2 322.15, Florida Statutes, to read:

3 322.15 License to be carried and exhibited on demand;
4 fingerprint to be imprinted upon a citation.--

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

8 Section 208. Subsections (2), (3), and (7) of section
9 322.20, Florida Statutes, are amended to read:

10 322.20 Records of the department; fees; destruction of
11 records.--

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

16 (3) The department shall maintain convenient records
17 or make suitable notations, in order that the individual
18 driver history record of each licensee is readily available
19 for the consideration of the department upon application for
20 renewal of a license and at other suitable times. The release
21 by the department of the driver history record, with respect
22 to crashes ~~accidents~~ involving a licensee, shall not include
23 any notation or record of the occurrence of a motor vehicle
24 crash ~~accident~~ unless the licensee received a traffic citation
25 as a direct result of the crash ~~accident~~, and to this extent
26 such notation or record is exempt from the provisions of s.
27 119.07(1).

28 (7) The requirement for the department to keep records
29 shall terminate upon the death of an individual licensed by
30 the department upon notification by the Department of Health
31 ~~and Rehabilitative Services~~ of such death. The department

1 shall make such notification as is proper of the deletions
2 from their records to the court clerks of the state.

3 Section 209. Section 322.201, Florida Statutes, is
4 amended to read:

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

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

29 322.221 Department may require reexamination.--

30 (2)(a) The department may require an examination or
31 reexamination to determine the competence and driving ability

1 of any driver causing or contributing to the cause of any
2 crash ~~accident~~ resulting in death, personal injury, or
3 property damage.

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

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

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

13 Section 212. Section 322.264, Florida Statutes, is
14 reenacted and amended to read:

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

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

23 (a) Voluntary or involuntary manslaughter resulting
24 from the operation of a motor vehicle;

25 (b) Any violation of s. 316.193, former s. 316.1931,
26 or former s. 860.01;

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

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

31

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

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

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

10

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

23 Section 213. Subsections (1) and (3) of section
24 322.27, Florida Statutes, are amended to read:

25 322.27 Authority of department to suspend or revoke
26 license.--

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

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

1 determined by the point system. The suspension shall be for a
2 period of not more than 1 year.

3 (a) When a licensee accumulates 12 points within a
4 12-month period, the period of suspension shall be for not
5 more than 30 days.

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

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

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

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

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

20 3. Unlawful speed resulting in a crash ~~an accident~~--6
21 points.

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

23 5. Unlawful speed:

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

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

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

30 However, no points shall be imposed for a violation of s.
31 316.0741 or s. 316.2065(12).

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

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

4 (e) A conviction in another state of a violation
5 therein which, if committed in this state, would be a
6 violation of the traffic laws of this state, or a conviction
7 of an offense under any federal law substantially conforming
8 to the traffic laws of this state, except a violation of s.
9 322.26, may be recorded against a driver on the basis of the
10 same number of points received had the conviction been made in
11 a court of this state.

12 (f) In computing the total number of points, when the
13 licensee reaches the danger zone, the department is authorized
14 to send the licensee a warning letter advising that any
15 further convictions may result in suspension of his or her
16 driving privilege.

17 (g) The department shall administer and enforce the
18 provisions of this law and may make rules and regulations
19 necessary for its administration.

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

25 (i) This subsection shall not apply to persons
26 operating a nonmotorized vehicle for which a driver's license
27 is not required.

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

30
31

1 322.291 Driver improvement schools; required in
2 certain suspension and revocation cases.--Except as provided
3 in s. 322.03(2), any person:

4 (1) Whose driving privilege has been revoked:

5 (a) Upon conviction for:

6 1. Driving, or being in actual physical control of,
7 any vehicle while under the influence of alcoholic beverages,
8 any chemical substance set forth in s. 877.111, or any
9 substance controlled under chapter 893, in violation of s.
10 316.193;

11 2. Driving with an unlawful blood- or breath-alcohol
12 level;

13 3. Manslaughter resulting from the operation of a
14 motor vehicle;

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

18 5. Reckless driving; or

19
20 shall, before the driving privilege may be reinstated, present
21 to the department proof of enrollment in a department-approved
22 advanced driver improvement course or substance abuse
23 education course. If the person fails to complete such course
24 within 90 days after reinstatement, the driver's license shall
25 be canceled by the department until such course is
26 successfully completed.

27 Section 215. Section 322.292, Florida Statutes, is
28 amended to read:

29 322.292 DUI programs supervision; powers and duties of
30 the department.--

31

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

15 (2) The department shall adopt rules to implement its
16 supervisory authority over DUI programs in accordance with the
17 procedures of chapter 120, including the establishment of
18 uniform standards of operation for DUI programs and the method
19 for setting and approving fees, as follows:

20 (a) Establish rules ~~minimum standards~~ for statutorily
21 required education, evaluation, and supervision of DUI
22 offenders. Such rules ~~minimum standards~~ previously adopted by
23 the Traffic Court Review Committee of the Supreme Court of
24 Florida shall remain in effect unless modified by the
25 department.

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

29 1. Rules ~~Standards~~ governing the types of expenditures
30 that may be made by DUI programs from funds paid by persons
31 attending such programs.

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

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

13 4. Such other rules ~~standards~~ as the department deems
14 appropriate and necessary for the effective oversight of the
15 DUI programs.

16 (c) Implement procedures for the granting and revoking
17 of licenses for DUI programs.

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

27 (e) Establish policies and procedures for monitoring
28 DUI programs compliance with all rules ~~minimum standards~~
29 established by the department.

30 (f) The department shall oversee an ongoing evaluation
31 to assess the effectiveness of the DUI programs. This

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

10 (g) Investigate complaints about the DUI programs and
11 resolve problems in the provision of services to DUI
12 offenders, as needed.

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

19 (4) DUI programs shall be either governmental programs
20 or not-for-profit corporations.

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

30 Section 216. Section 322.293, Florida Statutes, is
31 amended to read:

1 322.293 DUI Programs Coordination Trust Fund;
2 assessment; disposition.--

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

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

31

1 ~~(2)~~(3) Each DUI program shall assess \$12 against each
2 person enrolling in a DUI program at the time of enrollment,
3 including persons who transfer to or from a program in another
4 state. In addition, second and third offenders and those
5 offenders under permanent driver's-license revocation who are
6 evaluated for eligibility for license restrictions under s.
7 322.271(2)(b) and (4) shall be assessed \$12 upon enrollment in
8 the program and upon each subsequent anniversary date while
9 they are in the program, for the duration of the license
10 period.

11 ~~(3)~~(4) All assessments collected under this section
12 shall be forwarded to the DUI Programs Coordination Trust Fund
13 within 30 days after the last day of the month in which the
14 assessment was received.

15 Section 217. Section 322.44, Florida Statutes, is
16 amended to read:

17 322.44 Driver License Compact.--The Driver License
18 Compact is hereby enacted into law and entered into with all
19 other jurisdictions legally joining therein in the form
20 substantially as follows:

21

22

ARTICLE I

23

24 FINDINGS AND DECLARATION OF POLICY.--

25 (1) The party states find that:

26 (a) The safety of their streets and highways is
27 materially affected by the degree of compliance with state
28 laws and local ordinances relating to the operation of motor
29 vehicles;

30

31

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

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

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

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

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

21
22 ARTICLE II
23

24 DEFINITIONS.--As used in this compact:

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

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

31

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

9

10

ARTICLE III

11

12

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

23

24

ARTICLE IV

25

26

EFFECT OF CONVICTION.--

27

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

31

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

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

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

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

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

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

20

21

ARTICLE V

22

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

29 (1) The applicant has held such a license, but the
30 same has been suspended by reason, in whole or in part, of a
31 violation and if such suspension period has not terminated.

1 (2) The applicant has held such a license, but the
2 same has been revoked by reason, in whole or in part, of a
3 violation and if such revocation has not terminated, except
4 that after the expiration of 1 year from the date the license
5 was revoked, such person may make application for a new
6 license if permitted by law. The licensing authority may
7 refuse to issue a license to any such applicant if, after
8 investigation, the licensing authority determines that it will
9 not be safe to grant to such person the privilege of driving a
10 motor vehicle on the public highways.

11 (3) The applicant is the holder of a license to drive
12 issued by another party state and currently in force unless
13 the applicant surrenders such license.

14 15 ARTICLE VI

16
17 APPLICABILITY OF OTHER LAWS.--Except as expressly
18 required by provisions of this compact, nothing contained
19 herein shall be construed to affect the right of any party
20 state to apply any of its other laws relating to licenses to
21 drive to any person or circumstance, nor to invalidate or
22 prevent any driver license agreement or other cooperative
23 arrangement between a party state and a nonparty state.

24 25 ARTICLE VII

26 27 COMPACT ADMINISTRATOR AND INTERCHANGE OF INFORMATION.--

28 (1) The head of the licensing authority of each party
29 state shall be the administrator of this compact for his or
30 her state. The administrators, acting jointly, shall have the
31

1 power to formulate all necessary and proper procedures for the
2 exchange of information under this compact.

3 (2) The administrator of each party state shall
4 furnish to the administrator of each other party state any
5 information or documents reasonably necessary to facilitate
6 the administration of this compact.

7
8 ARTICLE VIII

9
10 ENTRY INTO FORCE AND WITHDRAWAL.--

11 (1) This compact shall enter into force and become
12 effective as to any state when it has enacted the same into
13 law.

14 (2) Any party state may withdraw from this compact by
15 enacting a statute repealing the same, but no such withdrawal
16 shall take effect until 6 months after the executive head of
17 the withdrawing state has given notice of the withdrawal to
18 the executive heads of all other party states. No withdrawal
19 shall affect the validity or applicability by the licensing
20 authorities of states remaining party to the compact of any
21 report of conviction occurring prior to the withdrawal.

22
23 ARTICLE IX

24
25 CONSTRUCTION AND SEVERABILITY.--This compact shall be
26 liberally construed so as to effectuate the purposes thereof.
27 The provisions of this compact shall be severable; and if any
28 phrase, clause, sentence, or provision of this compact is
29 declared to be contrary to the constitution of any party state
30 or of the United States or the applicability thereof to any
31 government, agency, person, or circumstance is held invalid,

1 the validity of the remainder of this compact and the
2 applicability thereof to any government, agency, person, or
3 circumstance shall not be affected thereby. If this compact
4 shall be held contrary to the constitution of any state party
5 thereto, the compact shall remain in full force and effect as
6 to the remaining states and in full force and effect as to the
7 state affected as to all severable matters.

8 Section 218. Paragraph (b) of subsection (1) of
9 section 322.57, Florida Statutes, is amended to read:

10 322.57 Tests of knowledge concerning specified
11 vehicles; endorsement; nonresidents; violations.--

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

14 (b) Drives a passenger vehicle must successfully
15 complete a test of his or her knowledge concerning the safe
16 operation of such vehicles and a test of his or her driving
17 skill in such a vehicle. ~~However, if such a person satisfies~~
18 ~~the requirements of s. 322.55(1)-(3), he or she is exempt from~~
19 ~~the test of his or her driving skills.~~

20 Section 219. Subsections (1) and (3) of section
21 322.61, Florida Statutes, are amended to read:

22 322.61 Disqualification from operating a commercial
23 motor vehicle.--

24 (1) A person who, within a 3-year period, is convicted
25 of two of the following serious traffic violations or any
26 combination thereof, arising in separate incidents committed
27 in a commercial motor vehicle shall, in addition to any other
28 applicable penalties, be disqualified from operating a
29 commercial motor vehicle for a period of 60 days:

30 (a) A violation of any state or local law relating to
31 motor vehicle traffic control, other than a parking violation,

1 a weight violation, or a vehicle equipment violation, arising
2 in connection with a crash ~~an accident~~ resulting in death or
3 personal injury to any person;

4 (b) Reckless driving, as defined in s. 316.192;

5 (c) Careless driving, as defined in s. 316.1925;

6 (d) Fleeing or attempting to elude a law enforcement
7 officer, as defined in s. 316.1935;

8 (e) Unlawful speed of 15 miles per hour or more above
9 the posted speed limit;

10 (f) Driving a commercial motor vehicle, owned by such
11 person, which is not properly insured;

12 (g) Improper lane change, as defined in s. 316.085; or

13 (h) Following too closely, as defined in s. 316.0895.

14 (3) Except as provided in subsection (4), any person
15 who is convicted of one of the following offenses shall, in
16 addition to any other applicable penalties, be disqualified
17 from operating a commercial motor vehicle for a period of 1
18 year:

19 (a) Driving a commercial motor vehicle while he or she
20 is under the influence of alcohol or a controlled substance;

21 (b) Driving a commercial motor vehicle while the
22 alcohol concentration of his or her blood, breath, or urine is
23 .04 percent or higher;

24 (c) Leaving the scene of a crash ~~an accident~~ involving
25 a commercial motor vehicle driven by such person;

26 (d) Using a commercial motor vehicle in the commission
27 of a felony;

28 (e) Driving a commercial motor vehicle while in
29 possession of a controlled substance; or

30

31

1 (f) Refusing to submit to a test to determine his or
2 her alcohol concentration while driving a commercial motor
3 vehicle.

4 Section 220. Paragraph (c) of subsection (2) of
5 section 322.63, Florida Statutes, is amended to read:

6 322.63 Alcohol or drug testing; commercial motor
7 vehicle operators.--

8 (2) The chemical and physical tests authorized by this
9 section shall only be required if a law enforcement officer
10 has reasonable cause to believe that a person driving a
11 commercial motor vehicle has any alcohol, chemical substance,
12 or controlled substance in his or her body.

13 (c) The blood test shall be administered at the
14 request of a law enforcement officer who has reasonable cause
15 to believe that a person was driving a commercial motor
16 vehicle with any alcohol, chemical substance, or controlled
17 substance in his or her body. The blood test shall be
18 performed in a reasonable manner by qualified medical
19 personnel. Any person who appears for treatment at a medical
20 facility as a result of his or her involvement as a commercial
21 motor vehicle driver in a crash ~~an accident~~ and who is
22 incapable, by reason of a mental or physical condition, of
23 refusing a blood test shall be deemed to have consented to
24 such test.

25 Section 221. Section 324.011, Florida Statutes, is
26 amended to read:

27 324.011 Purpose of chapter.--It is the intent of this
28 chapter to recognize the existing privilege to own or operate
29 a motor vehicle on the public streets and highways of this
30 state when such vehicles are used with due consideration for
31 others and their property, and to promote safety and provide

1 financial security requirements for such owners or operators
2 whose responsibility it is to recompense others for injury to
3 person or property caused by the operation of a motor vehicle.
4 Therefore, it is required herein that the operator of a motor
5 vehicle involved in a crash ~~an accident~~ or convicted of
6 certain traffic offenses meeting the operative provisions of
7 s. 324.051(2) shall respond for such damages and show proof of
8 financial ability to respond for damages in future accidents
9 as a requisite to his or her future exercise of such
10 privileges.

11 Section 222. Subsection (7) of section 324.021,
12 Florida Statutes, is amended to read:

13 324.021 Definitions; minimum insurance required.--The
14 following words and phrases when used in this chapter shall,
15 for the purpose of this chapter, have the meanings
16 respectively ascribed to them in this section, except in those
17 instances where the context clearly indicates a different
18 meaning:

19 (7) PROOF OF FINANCIAL RESPONSIBILITY.--That proof of
20 ability to respond in damages for liability on account of
21 crashes ~~accidents~~ arising out of the use of a motor vehicle:

22 (a) In the amount of \$10,000 because of bodily injury
23 to, or death of, one person in any one crash ~~accident~~;

24 (b) Subject to such limits for one person, in the
25 amount of \$20,000 because of bodily injury to, or death of,
26 two or more persons in any one crash ~~accident~~;

27 (c) In the amount of \$10,000 because of injury to, or
28 destruction of, property of others in any one crash ~~accident~~;
29 and

30
31

1 (d) With respect to commercial motor vehicles and
2 nonpublic sector buses, in the amounts specified in ss.
3 627.7415 and 627.742, respectively.

4 Section 223. Section 324.022, Florida Statutes, is
5 amended to read:

6 324.022 Financial responsibility for property
7 damage.--Every owner or operator of a motor vehicle, which
8 motor vehicle is subject to the requirements of ss.
9 627.730-627.7405 and required to be registered in this state,
10 shall, by one of the methods established in s. 324.031 or by
11 having a policy that complies with s. 627.7275, establish and
12 maintain the ability to respond in damages for liability on
13 account of accidents arising out of the use of the motor
14 vehicle in the amount of \$10,000 because of damage to, or
15 destruction of, property of others in any one crash ~~accident~~.
16 The requirements of this section may also be met by having a
17 policy which provides coverage in the amount of at least
18 \$30,000 for combined property damage liability and bodily
19 injury liability for any one crash ~~accident~~ arising out of the
20 use of the motor vehicle. No insurer shall have any duty to
21 defend uncovered claims irrespective of their joinder with
22 covered claims.

23 Section 224. Section 324.051, Florida Statutes, is
24 amended to read:

25 324.051 Reports of crashes ~~accidents~~; suspensions of
26 licenses and registrations.--

27 (1)(a) Every law enforcement officer who, in the
28 regular course of duty either at the time of and at the scene
29 of the crash ~~accident~~ or thereafter by interviewing
30 participants or witnesses, investigates a motor vehicle crash
31 ~~accident~~ which he or she is required to report pursuant to s.

1 316.066(3)(a) shall forward a written report of the crash
2 ~~accident~~ to the department within 10 days of completing the
3 investigation. However, when the investigation of a crash ~~an~~
4 ~~accident~~ will take more than 10 days to complete, a
5 preliminary copy of the crash ~~accident~~ report shall be
6 forwarded to the department within 10 days of the occurrence
7 of the crash ~~accident~~, to be followed by a final report within
8 10 days after completion of the investigation. The report
9 shall be on a form and contain information consistent with the
10 requirements of s. 316.068.

11 (b) The department is hereby further authorized to
12 require reports of crashes ~~accidents~~ from individual owners or
13 operators whenever it deems it necessary for the proper
14 administration of this chapter, and these reports shall be
15 made without prejudice except as specified in this subsection.
16 No such report shall be used as evidence in any trial arising
17 out of a crash ~~an accident~~. However, subject to the
18 applicable rules of evidence, a law enforcement officer at a
19 criminal trial may testify as to any statement made to the
20 officer by the person involved in the accident if that
21 person's privilege against self-incrimination is not violated.

22 (2)(a) Thirty days after receipt of notice of any
23 accident described in paragraph (1)(a) involving a motor
24 vehicle within this state, the department shall suspend, after
25 due notice and opportunity to be heard, the license of each
26 operator and all registrations of the owner of the vehicles
27 operated by such operator whether or not involved in such
28 crash ~~accident~~ and, in the case of a nonresident owner or
29 operator, shall suspend such nonresident's operating privilege
30 in this state, unless such operator or owner shall, prior to
31 the expiration of such 30 days, be found by the department to

1 be exempt from the operation of this chapter, based upon
2 evidence satisfactory to the department that:

3 1. The motor vehicle was legally parked at the time of
4 such crash ~~accident~~.

5 2. The motor vehicle was owned by the United States
6 Government, this state, or any political subdivision of this
7 state or any municipality therein.

8 3. Such operator or owner has secured a duly
9 acknowledged written agreement providing for release from
10 liability by all parties injured as the result of said crash
11 ~~accident~~ and has complied with one of the provisions of s.
12 324.031.

13 4. Such operator or owner has deposited with the
14 department security to conform with s. 324.061 when applicable
15 and has complied with one of the provisions of s. 324.031.

16 5. One year has elapsed since such owner or operator
17 was suspended pursuant to subsection (3), the owner or
18 operator has complied with one of the provisions of s.
19 324.031, and no bill of complaint of which the department has
20 notice has been filed in a court of competent jurisdiction.

21 (b) This subsection shall not apply:

22 1. To such operator or owner if such operator or owner
23 had in effect at the time of such crash ~~accident~~ or traffic
24 conviction an automobile liability policy with respect to all
25 of the registered motor vehicles owned by such operator or
26 owner.

27 2. To such operator, if not the owner of such motor
28 vehicle, if there was in effect at the time of such crash
29 ~~accident~~ or traffic conviction an automobile liability policy
30 or bond with respect to his or her operation of motor vehicles
31 not owned by him or her.

1 3. To such operator or owner if the liability of such
2 operator or owner for damages resulting from such crash
3 ~~accident~~ is, in the judgment of the department, covered by any
4 other form of liability insurance or bond.

5 4. To any person who has obtained from the department
6 a certificate of self-insurance, in accordance with s.
7 324.171, or to any person operating a motor vehicle for such
8 self-insurer.

9
10 No such policy or bond shall be effective under this
11 subsection unless it contains limits of not less than those
12 specified in s. 324.021(7).

13 (3) Any driver's license or registration certificate
14 or certificates and registration plates which are suspended as
15 provided for in this section shall remain suspended for a
16 period of 3 years unless reinstated as otherwise provided in
17 this chapter.

18 Section 225. Subsections (1) and (2) of section
19 324.061, Florida Statutes, are amended to read:

20 324.061 Security deposited with Department of Highway
21 Safety and Motor Vehicles; release.--

22 (1) Security deposited pursuant to the provisions of
23 s. 324.051(2)(a)4. with respect to claims for injuries to
24 persons or properties resulting from a crash ~~an accident~~
25 occurring prior to such deposit shall be in the form and
26 amount determined by the department which, in its judgment,
27 will be sufficient to compensate for all injuries arising out
28 of such crash ~~accident~~, but in no case shall the amount exceed
29 the limits as specified in s. 324.021(7).

30
31

1 (2) Such security shall be deposited with the
2 department and shall not be released except under one of the
3 following conditions:

4 (a) A duly attested written statement of satisfaction
5 by all parties shown to be injured in such crash ~~accident~~ has
6 been received by the department. ~~or~~

7 (b) In the event the depositor has been finally
8 adjudicated by a court of competent jurisdiction not to be
9 liable; or all judgments of liability against the depositor
10 have been satisfied. ~~or~~

11 (c) One year shall have elapsed after deposit and
12 during such period the department has not been duly notified
13 of any court action brought for damages.

14 (d) Upon receipt of an order from a court ordering
15 that such deposit be paid to satisfy a recorded judgment, in
16 whole or in part, resulting from a crash ~~an accident~~. If the
17 department does not have sufficient funds on deposit to
18 satisfy such judgment it shall forthwith call upon the
19 judgment debtor for the balance, subject to the limits
20 specified in s. 324.021(7). Upon failure of the judgment
21 debtor to make the necessary deposit or to satisfy the
22 judgment in full, the department shall revoke the driving
23 privilege and all registrations of such judgment debtor within
24 10 days subsequent to notification to the judgment debtor by
25 the department.

26 (e) In any case in which securities deposited under
27 this section have remained unclaimed for 5 years or more such
28 deposit shall be transferred by the department to the State
29 School Fund, and all interest and income that may accrue from
30 said deposits after the aforesaid period of time, shall belong
31 to said fund.

1 Section 226. Subsections (1) and (3) of section
2 324.081, Florida Statutes, are amended to read:

3 324.081 Nonresident owner or operator.--

4 (1) The department may establish reciprocal
5 agreements with any other states for the purpose of fulfilling
6 the provisions of this chapter and pursuant to such agreements
7 may suspend the license and registration of a resident of this
8 state involved in a crash ~~an accident~~ in another state.

9 (3) Upon receipt of such certification that the
10 operating privilege of a resident of this state has been
11 suspended or revoked in any such other reciprocating state
12 pursuant to a law providing for its suspension or revocation
13 for failure to deposit security for the payment of judgments
14 arising out of a motor vehicle crash ~~accident~~, under
15 circumstances which would require the department to suspend a
16 nonresident's operating privilege had the crash ~~accident~~
17 occurred in this state, the department shall suspend the
18 license of such resident if he or she was the operator, and
19 all of his or her registrations if he or she was the owner of
20 a motor vehicle involved in such crash ~~accident~~. Such
21 suspension shall continue until such resident furnishes
22 evidence of his or her compliance with the law of such other
23 state relating to the deposit of such security.

24 Section 227. Subsection (1) of section 324.091,
25 Florida Statutes, is amended to read:

26 324.091 Notice to department; notice to insurer.--

27 (1) Each owner and operator involved in a crash ~~an~~
28 ~~accident~~ or conviction case within the purview of this chapter
29 shall furnish evidence of automobile liability insurance,
30 motor vehicle liability insurance, or surety bond within 30
31 days from the date of the mailing of notice of crash ~~accident~~

1 by the department in such form and manner as it may designate.
2 Upon receipt of evidence that an automobile liability policy,
3 motor vehicle liability policy, or surety bond was in effect
4 at the time of the crash ~~accident~~ or conviction case, the
5 department shall forward by United States mail, postage
6 prepaid, to the insurer or surety insurer a copy of such
7 information and shall assume that such policy or bond was in
8 effect unless the insurer or surety insurer shall notify the
9 department otherwise within 20 days from the mailing of the
10 notice to the insurer or surety insurer; provided that if the
11 department shall later ascertain that an automobile liability
12 policy, motor vehicle liability policy, or surety bond was not
13 in effect and did not provide coverage for both the owner and
14 the operator, it shall at such time take such action as it is
15 otherwise authorized to do under this chapter. Proof of
16 mailing to the insurer or surety insurer may be made by the
17 department by naming the insurer or surety insurer to whom
18 such mailing was made and specifying the time, place and
19 manner of mailing.

20 Section 228. Section 324.101, Florida Statutes, is
21 amended to read:

22 324.101 Compliance before license or registration
23 allowed.--In case the operator or owner of a motor vehicle
24 involved in a crash ~~an accident~~ within the state has no
25 license or registration, he or she shall not be allowed a
26 license or registration until he or she has complied with the
27 requirements of this chapter to the same extent that would be
28 necessary, if at the time of the crash ~~accident~~ he or she had
29 held a license and registration.

30 Section 229. Subsection (1) of section 324.202,
31 Florida Statutes, is amended to read:

1 324.202 Seizure of motor vehicle license plates by
2 recovery agents.--

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

19 Section 230. Sections 325.01, 325.02, 325.03, 325.04,
20 325.05, 325.06, 325.07, 325.08, 325.09, and 325.10, Florida
21 Statutes, are repealed.

22 Section 231. Subsection (2) of section 325.209,
23 Florida Statutes, is amended to read:

24 325.209 Waivers.--

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

27 (a) The motor vehicle owner must present evidence
28 satisfactory to the department that a low emissions
29 adjustment, as defined by rule of the Department of
30 Environmental Protection, has been performed;

31

1 (b) The motor vehicle must not have been tampered with
2 by either the current owner or any previous owner;

3 (c) The owner must have spent the required minimum
4 amount for emissions-related repairs on the vehicle within the
5 180-day ~~90-day~~ period prescribed in s. 325.203(1), not
6 including the amount spent to repair or replace air pollution
7 control equipment that has been tampered with.

8 Emissions-related repairs performed within 30 days prior to
9 inspection may also be considered under this provision. For
10 any vehicle the registration period for which is established
11 under s. 320.055(4) or (5), the required minimum amount for
12 emissions-related repairs must be spent by the owner within
13 180 ~~90~~ days before the expiration of the registration period.
14 The required minimum amount that must have been spent on
15 related repairs is:

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

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

20 (d) Repairs and adjustments provided for in paragraphs
21 (a) and (c) must have caused substantial improvement in the
22 emissions performance of the motor vehicle; and

23 (e) The motor vehicle must not be covered under any
24 manufacturer's or federally mandated emissions warranty.

25 Section 232. Subsection (2) of section 325.212,
26 Florida Statutes, is reenacted to read:

27 325.212 Reinspections; reinspection facilities; rules;
28 minority business participation.--

29 (2) Any motor vehicle repair shop, as defined in s.
30 559.903(7), may apply to the department, on a form approved by
31 the department, to be licensed as a reinspection facility to

1 reinspect motor vehicles which fail to pass inspections
2 required by this act.

3 Section 233. Subsection (1) of section 328.17, Florida
4 Statutes, is reenacted to read:

5 328.17 Nonjudicial sale of vessels.--

6 (1) It is the intent of the Legislature that any
7 nonjudicial sale of any unclaimed vessel held for unpaid costs
8 of repairs, improvements, or other work and related storage
9 charges, or any vessel held for failure to pay removal costs
10 pursuant to s. 327.53(7), or any undocumented vessel in
11 default of marina storage fees be disposed of pursuant to the
12 provisions of this section.

13 Section 234. Section 627.7415, Florida Statutes, is
14 amended to read:

15 627.7415 Commercial motor vehicles; additional
16 liability insurance coverage.--Commercial motor vehicles, as
17 defined in s. 207.002(2) or s. 320.01, operated upon the roads
18 and highways of this state shall be insured with the following
19 minimum levels of combined bodily liability insurance and
20 property damage liability insurance in addition to any other
21 insurance requirements:

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

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

28 (3) Three hundred thousand dollars per occurrence for
29 a commercial motor vehicle with a gross vehicle weight of
30 44,000 pounds or more.

31

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

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

11 Section 235. Subsection (3) is added to section
12 627.742, Florida Statutes, to read:

13 627.742 Nonpublic sector buses; additional liability
14 insurance coverage.--

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 236. Subsection (2) of section 784.07, Florida
19 Statutes, 1998 Supplement, is amended to read:

20 784.07 Assault or battery of law enforcement officers,
21 firefighters, emergency medical care providers, public transit
22 employees or agents, or other specified officers;
23 reclassification of offenses; minimum sentences.--

24 (2) Whenever any person is charged with knowingly
25 committing an assault or battery upon a law enforcement
26 officer, a firefighter, an emergency medical care provider, a
27 traffic accident investigation officer as described in s.
28 316.640, a traffic infraction enforcement officer as described
29 in s. 316.640 ~~318.141~~, a parking enforcement specialist as
30 defined in s. 316.640, or a security officer employed by the
31 board of trustees of a community college, while the officer,

1 firefighter, emergency medical care provider, intake officer,
2 traffic accident investigation officer, traffic infraction
3 enforcement officer, parking enforcement specialist, public
4 transit employee or agent, or security officer is engaged in
5 the lawful performance of his or her duties, the offense for
6 which the person is charged shall be reclassified as follows:

7 (a) In the case of assault, from a misdemeanor of the
8 second degree to a misdemeanor of the first degree.

9 (b) In the case of battery, from a misdemeanor of the
10 first degree to a felony of the third degree.

11 (c) In the case of aggravated assault, from a felony
12 of the third degree to a felony of the second degree.

13 (d) In the case of aggravated battery, from a felony
14 of the second degree to a felony of the first degree.

15 Section 237. Subsection (1) of section 335.0415,
16 Florida Statutes, is amended to read:

17 335.0415 Public road jurisdiction and transfer
18 process.--

19 (1) The jurisdiction of public roads and the
20 responsibility for operation and maintenance within the
21 right-of-way of any road within the state, county, and
22 municipal road system shall be that which existed on June 10,
23 1995 ~~exists on July 1, 1995.~~

24 Section 238. This act shall take effect July 1, 1999.

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