

By the Committee on Transportation and Representative K.  
Smith

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 language; 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, and 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, and  
22          316.2065, F.S.; deleting obsolete language;  
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 and  
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 and 316.6135, F.S.;  
3 correcting reference to the Department of  
4 Children and Family Services; revising various  
5 provisions in chapter 316, F.S., to correct  
6 cross references, delete obsolete language, and  
7 to provide uniform references to penalties for  
8 moving and nonmoving noncriminal traffic  
9 offenses punishable under chapter 318, F.S.;  
10 amending s. 318.12, F.S.; revising references;  
11 amending ss. 318.13 and 318.14, F.S.;  
12 correcting cross references; amending ss.  
13 318.18 and 318.21, F.S.; revising language with  
14 respect to civil penalties; repealing s.  
15 318.39, F.S., relating to the Highway Safety  
16 Operating Trust Fund; amending s. 319.28, F.S.;  
17 revising language with respect to repossession;  
18 amending s. 319.33, F.S.; correcting cross  
19 references; amending ss. 320.02 and 320.03,  
20 F.S.; deleting obsolete language; amending s.  
21 320.031, F.S.; revising language with respect  
22 to the mailing of registration certificates,  
23 license plates, and validation stickers;  
24 amending s. 320.055, F.S.; correcting cross  
25 references; amending ss. 320.06 and 320.061,  
26 F.S.; deleting obsolete language; amending ss.  
27 320.0605 and 320.07, F.S.; providing uniform  
28 reference to noncriminal traffic infractions;  
29 repealing s. 320.073, F.S., relating to refund  
30 of impact fees; amending s. 320.0802, F.S.;  
31 providing reference to the Department of

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

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

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

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

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

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

15           316.008 Powers of local authorities.--

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

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

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

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

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

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

16           Section 3. Subsection (1) of section 316.027, Florida  
17 Statutes, is amended to read:

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

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

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

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

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

9 316.061 Crashes ~~Accidents~~ involving damage to vehicle  
10 or property.--

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

28 (2) Every stop must be made without obstructing  
29 traffic more than is necessary, and, if a damaged vehicle is  
30 obstructing traffic, the driver of such vehicle must make  
31 every reasonable effort to move the vehicle or have it moved

1 so as not to block the regular flow of traffic. Any person  
2 failing to comply with this subsection shall be cited for a  
3 nonmoving violation, punishable as provided in chapter 318.

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

6 316.062 Duty to give information and render aid.--

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

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



1 ~~accident~~ to the nearest office of a duly authorized police  
2 authority and submit thereto the information specified in  
3 subsection (1).

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

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

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

14 316.063 Duty upon damaging unattended vehicle or other  
15 property.--

16 (1) The driver of any vehicle which collides with, or  
17 is involved in a crash ~~an accident~~ with, any vehicle or other  
18 property which is unattended, resulting in any damage to such  
19 other vehicle or property, shall immediately stop and shall  
20 then and there either locate and notify the operator or owner  
21 of the vehicle or other property of the driver's name and  
22 address and the registration number of the vehicle he or she  
23 is driving, or shall attach securely in a conspicuous place in  
24 or on the vehicle or other property a written notice giving  
25 the driver's name and address and the registration number of  
26 the vehicle he or she is driving, and shall without  
27 unnecessary delay notify the nearest office of a duly  
28 authorized police authority. Every such stop shall be made  
29 without obstructing traffic more than is necessary. If a  
30 damaged vehicle is obstructing traffic, the driver shall make  
31 every reasonable effort to move the vehicle or have it moved

1 so as not to obstruct the regular flow of traffic. Any person  
2 who fails to comply with this subsection commits a misdemeanor  
3 of the second degree, punishable as provided in s. 775.082 or  
4 s. 775.083.

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

13 Section 7. Section 316.064, Florida Statutes, is  
14 amended to read:

15 316.064 When driver unable to report.--

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

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

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

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

4           Section 8. Section 316.065, Florida Statutes, is  
5 amended to read:

6           316.065 Crashes ~~Accidents~~; reports; penalties.--

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

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

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

1 the vehicle and the name and address of the owner or person in  
2 possession of the vehicle.

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

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

12 316.066 Written reports of crashes ~~accidents~~.--

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

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

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

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

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

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

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

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

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

1 by a certified traffic records center shall be charged and  
2 collected as follows:

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

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

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

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

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

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

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

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

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

15 Section 10. Section 316.067, Florida Statutes, is  
16 amended to read:

17 316.067 False reports.--Any person who gives  
18 information in oral, electronic, or written reports as  
19 required in this chapter, knowing or having reason to believe  
20 that such information is false, commits a misdemeanor of the  
21 second degree, punishable as provided in s. 775.082 or s.  
22 775.083 shall be punished by a fine of not more than \$500 or  
23 by imprisonment for not more than 60 days or by both such fine  
24 and imprisonment.

25 Section 11. Section 316.068, Florida Statutes, is  
26 amended to read:

27 316.068 Crash Accident report forms.--

28 (1) The department shall prepare and, upon request,  
29 supply to police departments, sheriffs, and other appropriate  
30 agencies or individuals forms for crash accident reports as  
31 required in this chapter, suitable with respect to the persons



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

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

17 Section 12. Section 316.069, Florida Statutes, is  
18 amended to read:

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

26 Section 13. Section 316.070, Florida Statutes, is  
27 amended to read:

28 316.070 Exchange of information at scene of crash  
29 ~~accident~~.--The law enforcement officer at the scene of a crash  
30 ~~an accident~~ required to be reported in accordance with the  
31 provisions of s. 316.066 shall instruct the driver of each

1 vehicle involved in the crash ~~accident~~ to report the following  
2 to all other parties suffering injury or property damage as an  
3 apparent result of the crash ~~accident~~:

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

6 (2) The license number of the vehicle.

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

8 Section 14. Subsections (2) and (3) of section  
9 316.072, Florida Statutes, are amended to read:

10 316.072 Obedience to and effect of traffic laws.--

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

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

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

6 Section 15. Subsection (6) is added to section  
7 316.074, Florida Statutes, to read:

8 316.074 Obedience to and required traffic control  
9 devices.--

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

13 Section 16. Subsection (3) of section 316.0745,  
14 Florida Statutes, is amended to read:

15 316.0745 Uniform signals and devices.--

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

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

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

29 (3) All official traffic control signals or official  
30 traffic control devices purchased and installed in this state  
31 by any public body or official shall conform with the manual

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

10 Section 17. Section 316.0747, Florida Statutes, is  
11 amended to read:

12 316.0747 Sale or purchase of traffic control devices  
13 by nongovernmental entities; prohibitions.--

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

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

25 (2)(3) Nongovernmental entities to which the general  
26 public is invited to travel shall install and maintain uniform  
27 traffic control devices at appropriate locations pursuant to  
28 the standards set forth by the Manual on Uniform Traffic  
29 Control Devices as adopted by the Department of Transportation  
30 pursuant to s. 316.0745. Such traffic control devices shall  
31 be installed no later than January 1, 1992. Businesses the

1 parking lots of which do not provide intersecting lanes of  
2 traffic and businesses having fewer than 25 parking spaces are  
3 exempt from the provisions of this subsection. The Department  
4 of Transportation shall adopt rules to implement this section.

5 (3)~~(4)~~ A person who violates this section commits a  
6 misdemeanor of the second degree, punishable as provided in s.  
7 775.082 or s. 775.083.

8 Section 18. Section 316.075, Florida Statutes, is  
9 amended to read:

10 316.075 Traffic control signal devices.--

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

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

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

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

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

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

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

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

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

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

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

30 a.1. The driver of a vehicle which is stopped at a  
31 clearly marked stop line, but if none, before entering the

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

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

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

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

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

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

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

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

14 Section 19. Section 316.076, Florida Statutes, is  
15 amended to read:

16 316.076 Flashing signals.--

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

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

30 (b)~~(2)~~ Flashing yellow (caution signal).--When a  
31 yellow lens is illuminated with rapid intermittent flashes,



1 drivers of vehicles may proceed through the intersection or  
2 past such signal only with caution.

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

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

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

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

22 316.077 Display of unauthorized signs, signals or  
23 markings.--

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

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

29 316.0775 Interference with official traffic control  
30 devices or railroad signs or signals.--No person shall,  
31 without lawful authority, attempt to or in fact alter, deface,

1 injure, knock down or remove any official traffic control  
2 device or any railroad sign or signal or any inscription,  
3 shield or insignia thereon, or any other part thereof. A  
4 violation of this section is a noncriminal traffic infraction,  
5 punishable as a nonmoving violation as provided in chapter  
6 318.

7 Section 23. Section 316.078, Florida Statutes, is  
8 amended to read:

9 316.078 Detour signs to be respected.--

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

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

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

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

27 Section 24. Subsection (3) is added to section  
28 316.079, Florida Statutes, to read:

29 316.079 Duty to yield to highway construction  
30 workers.--

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

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

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

11           Section 26. Subsection (3) is added to section  
12 316.082, Florida Statutes, to read:

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

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

18           Section 27. Section 316.0825, Florida Statutes, is  
19 amended to read:

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

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

29           316.083 Overtaking and passing a vehicle.--The  
30 following rules shall govern the overtaking and passing of  
31

1 vehicles proceeding in the same direction, subject to those  
2 limitations, exceptions, and special rules hereinafter stated:

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

6 Section 29. Subsection (3) is added to section  
7 316.084, Florida Statutes, to read:

8 316.084 When overtaking on the right is permitted.--

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

12 Section 30. Subsection (3) is added to section  
13 316.085, Florida Statutes, to read:

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

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

19 Section 31. Subsection (3) is added to section  
20 316.087, Florida Statutes, to read:

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

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 32. Subsection (4) is added to section  
27 316.0875, Florida Statutes, to read:

28 316.0875 No-passing zones.--

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

1           Section 33. Subsection (4) is added to section  
2 316.088, Florida Statutes, to read:

3           316.088 One-way roadways and rotary traffic islands.--

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

7           Section 34. Subsection (5) is added to section  
8 316.089, Florida Statutes, to read:

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

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

16           Section 35. Subsection (4) is added to section  
17 316.0895, Florida Statutes, to read:

18           316.0895 Following too closely.--

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

22           Section 36. Subsection (3) is added to section  
23 316.090, Florida Statutes, to read:

24           316.090 Driving on divided highways.--

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

28           Section 37. Subsection (5) is added to section  
29 316.091, Florida Statutes, to read:

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

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 said 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 said 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. Subsection (2) of section 316.405,  
8 Florida Statutes, is amended, and subsection (3) is added to  
9 said section, to read:

10          316.405 Motorcycle headlights to be turned on.--

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

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

19          Section 144. Subsection (3) is added to section  
20 316.410, Florida Statutes, to read:

21          316.410 Taillamps.--

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

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

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

1           Section 146. Section 316.420, Florida Statutes, is  
2 amended to read:

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

8           Section 147. Subsection (3) is added to section  
9 316.425, Florida Statutes, to read:

10          316.425 Lamps on parked motorcycles.--

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

14          Section 148. Subsection (3) is added to section  
15 316.430, Florida Statutes, to read:

16          316.430 Multiple-beam road-lighting equipment.--

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

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

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

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

1 motor-driven cycle is operated at a speed of 25 or more miles  
2 per hour; and at a distance of not less than 300 feet when the  
3 motor-driven cycle is operated at a speed of 35 or more miles  
4 per hour.

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

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

12 Section 150. Section 316.440, Florida Statutes, is  
13 amended to read:

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

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

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

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

28 Section 151. Subsection (3) is added to section  
29 316.445, Florida Statutes, to read:

30 316.445 Performance ability of motorcycle brakes.--

31

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

4           Section 152. Subsection (4) is added to section  
5 316.450, Florida Statutes, to read:

6           316.450 Brakes on motor-driven cycles.--

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

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

12          316.455 Other equipment.--Every motorcycle and every  
13 motor-driven cycle when operated upon a highway shall comply  
14 with the requirements and limitations of:

15           (1) Section 316.271(1) and (2) on the requirement for  
16 horns and warning devices.

17           (2) Section 316.271(3) on the requirement for the use  
18 of horns.

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

21           (4) Section 316.271(5) on the requirement for theft  
22 alarms.

23           (5) Section 316.271(6) on the requirement for  
24 emergency vehicles.

25           (6) Section 316.272 on the requirement for mufflers  
26 and prevention of noise.

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

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



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

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

10          Section 155. Section 316.510, Florida Statutes, is  
11 amended to read:

12          316.510 Projecting loads on passenger vehicles.--No  
13 passenger type vehicle shall be operated on any highway with  
14 any load carried thereon extending beyond the fenders on the  
15 left side of the vehicle or extending more than 6 inches  
16 beyond the line of the fenders on the right side thereof. A  
17 violation of this section is a noncriminal traffic infraction,  
18 punishable as a nonmoving violation as provided in chapter  
19 318.

20          Section 156. Subsection (3) is added to section  
21 316.520, Florida Statutes, to read:

22          316.520 Loads on vehicles.--  
23          (3) A violation of this section is a noncriminal  
24 traffic infraction, punishable as a nonmoving violation as  
25 provided in chapter 318.

26          Section 157. Subsection (3) is added to section  
27 316.525, Florida Statutes, to read:

28          316.525 Requirements for vehicles hauling loads.--  
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 158. Subsection (4) is added to section  
2 316.530, Florida Statutes, to read:

3           316.530 Towing requirements.--

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

7           Section 159. Section 316.600, Florida Statutes, is  
8 amended to read:

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

15           Section 160. Section 316.605, Florida Statutes, is  
16 amended to read:

17           316.605 Licensing of vehicles.--

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

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

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

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

29 316.613 Child restraint requirements.--

30 (5) Any person who violates the provisions of this  
31 section commits a moving violation, punishable as provided in

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

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

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

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

25 Section 163. Subsection (6) is added to section  
26 316.615, Florida Statutes, to read:

27 316.615 School buses; physical requirements of  
28 drivers.--

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

1           Section 164. Subsection (7) is added to section  
2 316.620, Florida Statutes, to read:

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

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

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

17           316.640 Enforcement.--The enforcement of the traffic  
18 laws of this state is vested as follows:

19           (2) COUNTIES.--

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

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

10 (3) MUNICIPALITIES.--

11 (b) The police department of a chartered municipality  
12 may employ as a traffic crash ~~accident~~ investigation officer  
13 any individual who successfully completes at least 200 hours  
14 of instruction in traffic crash ~~accident~~ investigation and  
15 court presentation through the Selective Traffic Enforcement  
16 Program (STEP) as approved by the Criminal Justice Standards  
17 and Training Commission and funded through the National  
18 Highway Traffic Safety Administration (NHTSA) or a similar  
19 program approved by the commission, but who does not otherwise  
20 meet the uniform minimum standards established by the  
21 commission for law enforcement officers or auxiliary law  
22 enforcement officers under chapter 943. Any such traffic crash  
23 ~~accident~~ investigation officer who makes an investigation at  
24 the scene of a traffic crash ~~accident~~ is authorized to issue  
25 traffic citations when, based upon personal investigation, he  
26 or she has reasonable and probable grounds to believe that a  
27 person involved has committed an offense under the provisions  
28 of this chapter in connection with the crash ~~accident~~.  
29 Nothing in this paragraph shall be construed to permit the  
30 carrying of firearms or other weapons, nor shall such officers  
31

1 have arrest authority other than for the issuance of a traffic  
2 citation as authorized above.

3 (5)

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

13 Section 166. Section 316.645, Florida Statutes, is  
14 amended to read:

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

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

25 316.70 Nonpublic sector buses; safety rules.--

26 (1) The Department of Transportation shall establish  
27 and revise standards to assure the safe operation of nonpublic  
28 sector buses, as defined in s. 316.003(78), which standards  
29 shall be those contained in 49 C.F.R. parts 382, 385, and  
30 390-397 and which shall be directed towards assuring that:  
31

1 (b) Nonpublic sector buses are carrying the insurance  
2 required by law and carrying liability insurance on the  
3 checked baggage of passengers not to exceed the standard  
4 adopted by the United States Department of Transportation  
5 ~~Interstate Commerce Commission~~.

6 Section 168. Section 318.12, Florida Statutes, is  
7 amended to read:

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

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

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

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



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

3           318.14 Noncriminal traffic infractions; exception;  
4 procedures.--

5           (1) Except as provided in ss. 318.17 and  
6 320.07(3)(c)(b), any person cited for a violation of s.  
7 240.265, chapter 316, s. 320.0605(1), s. 320.07(3)(a), s.  
8 322.065, s. 322.15(1), s. 322.16(2) or (3), s. 322.1615 ~~s.~~  
9 ~~322.161(4)~~, or s. 322.19 is charged with a noncriminal  
10 infraction and must be cited for such an infraction and cited  
11 to appear before an official. If another person dies as a  
12 result of the noncriminal infraction, the person cited may be  
13 required to perform 120 community service hours under s.  
14 316.027(4), in addition to any other penalties.

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

31

1           (9) Any person who is cited for an infraction under  
2 this section other than a violation of s. 320.0605~~(1)~~, s.  
3 320.07(3)(a), s. 322.065, s. 322.15(1), s. 322.61, or s.  
4 322.62 may, in lieu of a court appearance, elect to attend in  
5 the location of his or her choice within this state a basic  
6 driver improvement course approved by the Department of  
7 Highway Safety and Motor Vehicles. In such a case,  
8 adjudication must be withheld; points, as provided by s.  
9 322.27, may not be assessed; and the civil penalty that is  
10 imposed by s. 318.18(3) must be reduced by 18 percent;  
11 however, a person may not make an election under this  
12 subsection if the person has made an election under this  
13 subsection in the preceding 12 months. A person may make no  
14 more than five elections under this subsection. The  
15 requirement for community service under s. 318.18~~(7)~~(8) is not  
16 waived by a plea of nolo contendere or by the withholding of  
17 adjudication of guilt by a court.

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

29           1. Operating a motor vehicle without a valid driver's  
30 license in violation of the provisions of s. 322.03, s.  
31 322.065, or s. 322.15(1), or operating a motor vehicle with a

1 license which has been suspended for failure to appear,  
2 failure to pay civil penalty, or failure to attend a driver  
3 improvement course pursuant to s. 322.291.

4           2. Operating a motor vehicle without a valid  
5 registration in violation of s. 320.0605, or s. 320.07, or s.  
6 320.131.

7           3. Operating a motor vehicle in violation of s.  
8 316.646.

9           (b) Any person cited for an offense listed in this  
10 subsection shall present proof of compliance prior to the  
11 scheduled court appearance date. For the purposes of this  
12 subsection, proof of compliance shall consist of a valid,  
13 renewed, or reinstated driver's license or registration  
14 certificate and proper proof of maintenance of security as  
15 required by s. 316.646. Notwithstanding waiver of fine, any  
16 person establishing proof of compliance shall be assessed  
17 court costs of \$22, except that a person charged with  
18 violation of s. 316.646(1)-(3) may be assessed court costs of  
19 \$7. One dollar of such costs shall be distributed to the  
20 Department of Children and Family ~~Health and Rehabilitative~~  
21 ~~Services~~ for deposit into the Child Welfare Training Trust  
22 Fund. One dollar of such costs shall be distributed to the  
23 Department of Juvenile Justice for deposit into the Juvenile  
24 Justice Training Trust Fund. Twelve dollars of such costs  
25 shall be distributed to the municipality and \$8 shall be  
26 retained by the county, if the offense was committed within  
27 the municipality. If the offense was committed in an  
28 unincorporated area of a county or if the citation was for a  
29 violation of s. 316.646(1)-(3), the county shall retain the  
30 entire amount, except for the moneys to be deposited into the  
31 Child Welfare Training Trust Fund and the Juvenile Justice

1 Training Trust Fund. This subsection shall not be construed  
2 to authorize the operation of a vehicle without a valid  
3 driver's license, without a valid vehicle tag and  
4 registration, or without the maintenance of required security.

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

7 318.1451 Driver improvement schools.--

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

14 Section 172. Subsections (2) and (5) of section  
15 318.17, Florida Statutes, are amended to read:

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

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

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

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

25 318.18 Amount of civil penalties.--The penalties  
26 required for a noncriminal disposition pursuant to s. 318.14  
27 are as follows:

28 (1) Fifteen dollars for:

29 (a) All infractions of pedestrian regulations.7

30 (b) All infractions of s. 316.2065, unless otherwise  
31 specified.and

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

4           Section 174. Subsections (1) and (2) of section  
5 318.19, Florida Statutes, are amended to read:

6           318.19 Infractions requiring a mandatory hearing.--Any  
7 person cited for the infractions listed in this section shall  
8 not have the provisions of s. 318.14(2), (4), and (9)  
9 available to him or her but must appear before the designated  
10 official at the time and location of the scheduled hearing:

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

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

16           Section 175. Subsections (4) and (7) of section  
17 318.21, Florida Statutes, 1998 Supplement, are amended to  
18 read:

19           318.21 Disposition of civil penalties by county  
20 courts.--All civil penalties received by a county court  
21 pursuant to the provisions of this chapter shall be  
22 distributed and paid monthly as follows:

23           (4) Of the additional fine assessed under s.  
24 318.18(3)~~(d)~~(e) for a violation of s. 316.1301, 40 percent  
25 must be deposited into the Grants and Donations Trust Fund of  
26 the Division of Blind Services of the Department of Labor and  
27 Employment Security, and 60 percent must be distributed  
28 pursuant to subsections (1) and (2) ~~of this section.~~

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

1		
2	For speed exceeding the limit by:	Fine:
3	<u>1-5 m.p.h.</u> .....	\$ .00
4	<del>6</del> <u>7-9 m.p.h.</u> .....	\$ .25
5	10-14 m.p.h.....	\$ 3.00
6	15-19 m.p.h.....	\$ 4.00
7	20-29 m.p.h.....	\$ 5.00
8	30 m.p.h. and above.....	\$10.00

9  
10 The remaining amount must be distributed pursuant to  
11 subsections (1) and (2).

12 Section 176. Paragraph (b) of subsection (1) of  
13 section 318.32, Florida Statutes, is amended to read:

14 318.32 Jurisdiction; limitations.--

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

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

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

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

28 319.28 Transfer of ownership by operation of law.--

29 (2)

30 (b) In case of repossession of a motor vehicle or  
31 mobile home pursuant to the terms of a security agreement or

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

1 assign the certificate of title to the subsequent owner. Any  
2 person found guilty of violating any requirements of this  
3 paragraph shall be guilty of a felony of the third degree,  
4 punishable as provided in s. 775.082, s. 775.083, or s.  
5 775.084.

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

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

10 (1) It is unlawful:

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

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

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

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



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. The catchline to section 320.08062,  
20 Florida Statutes, 1998 Supplement, is amended to read:

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

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

26           320.0848 Persons who have disabilities; issuance of  
27 disabled parking permits; temporary permits; permits for  
28 certain providers of transportation services to persons who  
29 have disabilities.--

30           (2) DISABLED PARKING PERMIT; PERSONS WITH LONG-TERM  
31 MOBILITY PROBLEMS.--

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

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

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

10

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

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

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

1           b. One dollar for each additional or additional  
2 renewal 4-year permit.

3  
4 The tax collector of the county in which the fee was collected  
5 shall retain all funds received pursuant to this subparagraph.

6           3. If an applicant presents to the department a  
7 statement from the Federal Government or the State of Florida  
8 indicating the applicant is a recipient of supplemental  
9 security income, the fee for the disabled parking permit shall  
10 be \$9 for the initial 4-year permit or renewal permit, of  
11 which the State Transportation Trust Fund shall receive \$6.75  
12 and the tax collector of the county in which the fee was  
13 collected shall receive \$2.25.

14           Section 193. Section 320.087, Florida Statutes, is  
15 amended to read:

16           320.087 Intercity buses operated in interstate  
17 commerce; tax.--All intercity motor buses owned or operated by  
18 residents or nonresidents of this state in interstate commerce  
19 or combined interstate and intrastate commerce as a result of  
20 which operation such motor buses operate both within and  
21 without this state under the authority of the United States  
22 Department of Transportation ~~Interstate Commerce Commission~~,  
23 are subject to motor vehicle license taxes on a basis  
24 commensurate with the use of Florida roads. The department  
25 shall require the registration in this state of that  
26 percentage of intercity motor buses operating in interstate  
27 commerce or combined interstate-intrastate commerce, into or  
28 through this state, which the actual mileage operated in this  
29 state bears to the total mileage all such intercity motor  
30 buses are operated both within and without this state. Such  
31 percentage figure, so determined, is the "Florida mileage

1 factor." In determining the state license tax to be paid on  
2 the buses actually operated in this state under the foregoing  
3 method, the department shall first compute the amount that the  
4 state license tax would be if all of such buses were in fact  
5 subject to such tax, and then apply to that amount the Florida  
6 mileage factor.

7 Section 194. Section 320.1325, Florida Statutes, is  
8 amended to read:

9 320.1325 Registration required for the temporarily  
10 employed.--Motor vehicles owned or leased by persons who are  
11 temporarily employed within the state but are not residents  
12 are required to be registered. The department shall provide a  
13 temporary registration plate and a registration certificate  
14 valid for 90 days to an applicant who is temporarily employed  
15 in the state. The temporary registration plate may be renewed  
16 one time for an additional 90-day period. At the end of the  
17 180-day period of temporary registration, the applicant shall  
18 apply for a permanent registration if there is a further need  
19 to remain in this state. A temporary license registration  
20 plate may not be issued for any commercial motor vehicle as  
21 defined in s. 320.01. The fee for the 90-day temporary  
22 registration plate shall be \$40 plus the applicable service  
23 charge required by s. 320.04. Subsequent permanent  
24 registration and titling of a vehicle registered hereunder  
25 shall subject the applicant to the fees required by s. ss.  
26 ~~319.231~~ and 320.072, in addition to all other taxes and fees  
27 required.

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

30 320.20 Disposition of license tax moneys.--The revenue  
31 derived from the registration of motor vehicles, including any

1 delinquent fees and excluding those revenues collected and  
2 distributed under the provisions of s. 320.081, must be  
3 distributed monthly, as collected, as follows:

4 (5)

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

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

20 320.8255 Mobile home inspection.--

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

26 Section 197. Section 320.8256, Florida Statutes, is  
27 repealed.

28 Section 198. Subsections (2) and (4) of section  
29 321.051, Florida Statutes, 1998 Supplement, are amended to  
30 read:

31

1           321.051 Florida Highway Patrol wrecker operator  
2 system; penalties for operation outside of system.--  
3           (2) The Division of Florida Highway Patrol of the  
4 Department of Highway Safety and Motor Vehicles is authorized  
5 to establish within areas designated by the patrol a wrecker  
6 operator system using qualified, reputable wrecker operators  
7 for removal and storage of wrecked or disabled vehicles from a  
8 crash ~~an accident~~ scene or for removal and storage of  
9 abandoned vehicles, in the event the owner or operator is  
10 incapacitated or unavailable or leaves the procurement of  
11 wrecker service to the officer at the scene. All reputable  
12 wrecker operators shall be eligible for use in the system  
13 provided their equipment and drivers meet recognized safety  
14 qualifications and mechanical standards set by rules of the  
15 Division of Florida Highway Patrol for the size of vehicle it  
16 is designed to handle. The division is authorized to limit the  
17 number of wrecker operators participating in the wrecker  
18 operator system, which authority shall not affect wrecker  
19 operators currently participating in the system established by  
20 this section. The division is authorized to establish maximum  
21 rates for the towing and storage of vehicles removed at the  
22 division's request, where such rates have not been set by a  
23 county or municipality pursuant to s. 125.0103 or s. 166.043.  
24 Such rates shall not be considered rules for the purpose of  
25 chapter 120; however, the department shall establish by rule a  
26 procedure for setting such rates. Any provision in chapter  
27 120 to the contrary notwithstanding, a final order of the  
28 department denying, suspending, or revoking a wrecker  
29 operator's participation in the system shall be reviewable in  
30 the manner and within the time provided by the Florida Rules  
31 of Appellate Procedure only by a writ of certiorari issued by

1 the circuit court in the county wherein such wrecker operator  
2 resides.

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

8 Section 199. Paragraph (a) of subsection (2) of  
9 section 321.23, Florida Statutes, is amended to read:

10 321.23 Public records; fees for copies; destruction of  
11 obsolete records; photographing records; effect as evidence.--

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

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

15 Section 200. Sections 321.06, 321.07, 321.09, 321.12,  
16 321.15, 321.17, 321.18, 321.19, 321.191, 321.20, 321.201,  
17 321.202, 321.203, 321.21, 321.22, 321.2205, 321.221, 321.222,  
18 and 321.223, Florida Statutes, are repealed.

19 Section 201. Section 322.0261, Florida Statutes, is  
20 amended to read:

21 322.0261 Mandatory driver improvement course; certain  
22 crashes ~~accidents~~.--

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

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

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

31

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

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

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

19           322.055 Revocation or suspension of, or delay of  
20 eligibility for, driver's license for persons 18 years of age  
21 or older convicted of certain drug offenses.--

22           (2) If a person 18 years of age or older is convicted  
23 for the possession or sale of, trafficking in, or conspiracy  
24 to possess, sell, or traffic in a controlled substance and  
25 such person is eligible by reason of age for a driver's  
26 license or privilege, the court shall direct the department to  
27 withhold issuance of such person's driver's license or driving  
28 privilege for a period of 2 years after the date the person  
29 was convicted or until the person is evaluated for and, if  
30 deemed necessary by the evaluating agency, completes a drug  
31 treatment and rehabilitation program approved or regulated by



1 the Department of Health ~~and Rehabilitative Services~~. However,  
2 the court may, in its sound discretion, direct the department  
3 to issue a license for driving privileges restricted to  
4 business or employment purposes only, as defined by s.  
5 322.271, if the person is otherwise qualified for such a  
6 license. A driver whose license or driving privilege has been  
7 suspended or revoked under this section or s. 322.056 may,  
8 upon the expiration of 6 months, petition the department for  
9 restoration of the driving privilege on a restricted or  
10 unrestricted basis depending on the length of suspension or  
11 revocation. In no case shall a restricted license be available  
12 until 6 months of the suspension or revocation period has  
13 expired.

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

16 322.08 Application for license.--

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

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

24 322.12 Examination of applicants.--

25 (2) The department shall examine every applicant for a  
26 driver's license, including an applicant who is licensed in  
27 another state or country, except as otherwise provided in this  
28 chapter. A person who holds a learner's driver's license as  
29 provided for in s. 322.1615 ~~s. 322.161~~ is not required to pay  
30 a fee for successfully completing the examination showing his  
31 or her ability to operate a motor vehicle as provided for

1 herein and need not pay the fee for a replacement license as  
2 provided in s. 322.17(2). Any person who applies for  
3 reinstatement following the suspension or revocation of his or  
4 her driver's license shall pay a service fee of \$25 following  
5 a suspension, and \$50 following a revocation, which is in  
6 addition to the fee for a license. Any person who applies for  
7 reinstatement of a commercial driver's license following the  
8 disqualification of his or her privilege to operate a  
9 commercial motor vehicle shall pay a service fee of \$50, which  
10 is in addition to the fee for a license. The department shall  
11 collect all of these fees at the time of reinstatement. The  
12 department shall issue proper receipts for such fees and shall  
13 promptly transmit all funds received by it as follows:

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

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

22  
23 If the revocation or suspension of the driver's license was  
24 for a violation of s. 316.193, or for refusal to submit to a  
25 lawful breath, blood, or urine test, an additional fee of \$105  
26 must be charged. However, only one such \$105 fee is to be  
27 collected from one person convicted of such violations arising  
28 out of the same incident. The department shall collect the  
29 \$105 fee and deposit it into the Highway Safety Operating  
30 Trust Fund at the time of reinstatement of the person's  
31

1 driver's license, but the fee must not be collected if the  
2 suspension or revocation was overturned.

3 Section 205. Paragraph (a) of subsection (3) of  
4 section 322.121, Florida Statutes, is amended to read:

5 322.121 Periodic reexamination of all drivers.--

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

11 (a) Failure to exhibit a vehicle registration  
12 certificate, rental agreement, or cab card pursuant to s.  
13 320.0605~~(1)~~;

14  
15 the department shall cause such licensee's license to be  
16 prominently marked with the notation "Safe Driver."

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

19 322.141 Color of licenses.--

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

26 Section 207. Subsection (4) is added to section  
27 322.15, Florida Statutes, to read:

28 322.15 License to be carried and exhibited on demand;  
29 fingerprint to be imprinted upon a citation.--

30  
31

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

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

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

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

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

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

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

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

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

25           322.221 Department may require reexamination.--

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

31

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

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

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

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

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

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

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

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

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

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

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

31 or

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

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

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

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

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

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

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

1 death or personal injury of another or property damage in  
2 excess of \$500; or  
3 (3) There is established a point system for evaluation  
4 of convictions of violations of motor vehicle laws or  
5 ordinances, and violations of applicable provisions of s.  
6 403.413(6)(b)~~(5)(b)~~ when such violations involve the use of  
7 motor vehicles, for the determination of the continuing  
8 qualification of any person to operate a motor vehicle. The  
9 department is authorized to suspend the license of any person  
10 upon showing of its records or other good and sufficient  
11 evidence that the licensee has been convicted of violation of  
12 motor vehicle laws or ordinances, or applicable provisions of  
13 s. 403.413(6)(b)~~(5)(b)~~, amounting to 12 or more points as  
14 determined by the point system. The suspension shall be for a  
15 period of not more than 1 year.  
16 (a) When a licensee accumulates 12 points within a  
17 12-month period, the period of suspension shall be for not  
18 more than 30 days.  
19 (b) When a licensee accumulates 18 points, including  
20 points upon which suspension action is taken under paragraph  
21 (a), within an 18-month period, the suspension shall be for a  
22 period of not more than 3 months.  
23 (c) When a licensee accumulates 24 points, including  
24 points upon which suspension action is taken under paragraphs  
25 (a) and (b), within a 36-month period, the suspension shall be  
26 for a period of not more than 1 year.  
27 (d) The point system shall have as its basic element a  
28 graduated scale of points assigning relative values to  
29 convictions of the following violations:  
30 1. Reckless driving, willful and wanton--4 points.  
31



- 1           2. Leaving the scene of a crash ~~an accident~~ resulting  
2 in property damage of more than \$50--6 points.
- 3           3. Unlawful speed resulting in a crash ~~an accident~~--6  
4 points.
- 5           4. Passing a stopped school bus--4 points.
- 6           5. Unlawful speed:
- 7           a. Not in excess of 15 miles per hour of lawful or  
8 posted speed--3 points.
- 9           b. In excess of 15 miles per hour of lawful or posted  
10 speed--4 points.
- 11          6. All other moving violations (including parking on a  
12 highway outside the limits of a municipality)--3 points.  
13 However, no points shall be imposed for a violation of s.  
14 316.0741 or s. 316.2065(12).
- 15          7. Any moving violation covered above, excluding  
16 unlawful speed, resulting in a crash ~~an accident~~--4 points.
- 17          8. Any conviction under s. 403.413(5)(b)--3 points.
- 18          (e) A conviction in another state of a violation  
19 therein which, if committed in this state, would be a  
20 violation of the traffic laws of this state, or a conviction  
21 of an offense under any federal law substantially conforming  
22 to the traffic laws of this state, except a violation of s.  
23 322.26, may be recorded against a driver on the basis of the  
24 same number of points received had the conviction been made in  
25 a court of this state.
- 26          (f) In computing the total number of points, when the  
27 licensee reaches the danger zone, the department is authorized  
28 to send the licensee a warning letter advising that any  
29 further convictions may result in suspension of his or her  
30 driving privilege.
- 31

1 (g) The department shall administer and enforce the  
2 provisions of this law and may make rules and regulations  
3 necessary for its administration.

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

9 (i) This subsection shall not apply to persons  
10 operating a nonmotorized vehicle for which a driver's license  
11 is not required.

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

14 322.291 Driver improvement schools; required in  
15 certain suspension and revocation cases.--Except as provided  
16 in s. 322.03(2), any person:

17 (1) Whose driving privilege has been revoked:

18 (a) Upon conviction for:

19 1. Driving, or being in actual physical control of,  
20 any vehicle while under the influence of alcoholic beverages,  
21 any chemical substance set forth in s. 877.111, or any  
22 substance controlled under chapter 893, in violation of s.  
23 316.193;

24 2. Driving with an unlawful blood- or breath-alcohol  
25 level;

26 3. Manslaughter resulting from the operation of a  
27 motor vehicle;

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

31 5. Reckless driving; or

1  
2 shall, before the driving privilege may be reinstated, present  
3 to the department proof of enrollment in a department-approved  
4 advanced driver improvement course or substance abuse  
5 education course. If the person fails to complete such course  
6 within 90 days after reinstatement, the driver's license shall  
7 be canceled by the department until such course is  
8 successfully completed.

9           Section 215. Section 322.292, Florida Statutes, is  
10 amended to read:

11           322.292 DUI programs supervision; powers and duties of  
12 the department.--

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

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

1           (a) Establish rules ~~minimum standards~~ for statutorily  
2 required education, evaluation, and supervision of DUI  
3 offenders. Such rules ~~minimum standards~~ previously adopted by  
4 the Traffic Court Review Committee of the Supreme Court of  
5 Florida shall remain in effect unless modified by the  
6 department.

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

10           1. Rules ~~Standards~~ governing the types of expenditures  
11 that may be made by DUI programs from funds paid by persons  
12 attending such programs.

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

22           3. Rules ~~Standards~~ of reciprocity in relation to  
23 DUI programs in other states or countries that have programs  
24 similar to the DUI programs licensed by the department.

25           4. Such other rules ~~standards~~ as the department deems  
26 appropriate and necessary for the effective oversight of the  
27 DUI programs.

28           (c) Implement procedures for the granting and revoking  
29 of licenses for DUI programs.

30           (d) Establish a fee structure for the various programs  
31 offered by the DUI programs, based only on the reasonable and

1 necessary costs for operating the programs throughout the  
2 state. The department shall approve, modify, or reduce fees as  
3 necessary. ~~The DUI programs fees that are in effect on January~~  
4 ~~1, 1994, shall remain in effect until the department adopts a~~  
5 ~~fee schedule for the DUI programs system. After the adoption~~  
6 ~~of the schedule, the programs shall adjust their fees to~~  
7 ~~conform with the established amounts.~~

8 (e) Establish policies and procedures for monitoring  
9 DUI programs compliance with all rules ~~minimum standards~~  
10 established by the department.

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

22 (g) Investigate complaints about the DUI programs and  
23 resolve problems in the provision of services to DUI  
24 offenders, as needed.

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

31

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

3           ~~(5)~~ ~~The department shall report to the Supreme Court~~  
4 ~~by December 1, 1994, and by December 31 of each succeeding~~  
5 ~~year through 1996, on the general status of the statewide~~  
6 ~~program. This report must include programmatic and statistical~~  
7 ~~information regarding the number of licensed programs,~~  
8 ~~enrollment and referral figures, program monitoring and~~  
9 ~~evaluation activities, and findings, and the general steps~~  
10 ~~taken by the department to implement the provisions of this~~  
11 ~~section.~~

12           Section 216. Section 322.293, Florida Statutes, is  
13 amended to read:

14           322.293 DUI Programs Coordination Trust Fund;  
15 assessment; disposition.--

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

1           ~~(2)~~ The DUI Programs Coordination Trust Fund shall be  
2 administered by the department, and the costs of  
3 administration shall be borne by the fund. All funds received  
4 by the DUI Programs Coordination Trust Fund shall be used  
5 solely for the purposes set forth in this section and s.  
6 322.292. However, if the Legislature passes legislation  
7 consolidating existing trust funds assigned to the department,  
8 all funds remaining in and deposited to the DUI Programs  
9 Coordination Trust Fund shall be transferred to the  
10 consolidated trust funds, subject to their being earmarked for  
11 use solely for the purposes set forth in this section and s.  
12 322.292.

13           (2)~~(3)~~ Each DUI program shall assess \$12 against each  
14 person enrolling in a DUI program at the time of enrollment,  
15 including persons who transfer to or from a program in another  
16 state. In addition, second and third offenders and those  
17 offenders under permanent driver's-license revocation who are  
18 evaluated for eligibility for license restrictions under s.  
19 322.271(2)(b) and (4) shall be assessed \$12 upon enrollment in  
20 the program and upon each subsequent anniversary date while  
21 they are in the program, for the duration of the license  
22 period.

23           (3)~~(4)~~ All assessments collected under this section  
24 shall be forwarded to the DUI Programs Coordination Trust Fund  
25 within 30 days after the last day of the month in which the  
26 assessment was received.

27           Section 217. Section 322.44, Florida Statutes, is  
28 amended to read:

29           322.44 Driver License Compact.--The Driver License  
30 Compact is hereby enacted into law and entered into with all  
31

1 other jurisdictions legally joining therein in the form  
2 substantially as follows:

3  
4 ARTICLE I

5  
6 FINDINGS AND DECLARATION OF POLICY.--

7 (1) The party states find that:

8 (a) The safety of their streets and highways is  
9 materially affected by the degree of compliance with state  
10 laws and local ordinances relating to the operation of motor  
11 vehicles;

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

15 (c) The continuance in force of a license to drive is  
16 predicated upon compliance with laws and ordinances relating  
17 to the operation of motor vehicles, in whichever jurisdiction  
18 the vehicle is operated.

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

20 (a) Promote compliance with the laws, ordinances, and  
21 administrative rules and regulations relating to the operation  
22 of motor vehicles by their operators in each of the  
23 jurisdictions where such operators drive motor vehicles;

24 (b) Make the reciprocal recognition of licenses to  
25 drive and eligibility therefor more just and equitable by  
26 considering the overall compliance with motor vehicle laws,  
27 ordinances, and administrative rules and regulations as a  
28 condition precedent to the continuance or issuance of any  
29 license by reason of which the licensee is authorized or  
30 permitted to operate a motor vehicle in any of the party  
31 states.



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ARTICLE II

DEFINITIONS.--As used in this compact:

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

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

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

ARTICLE III

REPORTS OF CONVICTION.--The licensing authority of a party state shall report each conviction of a person from another party state occurring within its jurisdiction to the licensing authority of the home state of the licensee. Such report shall clearly identify the person convicted; describe the violation specifying the section of the statute, code, or ordinance violated; identify the court in which action was taken; indicate whether a plea of guilty or not guilty was entered or the conviction was a result of the forfeiture of

1 bail, bond, or other security; and shall include any special  
2 findings made in connection therewith.

3  
4 ARTICLE IV

5  
6 EFFECT OF CONVICTION.--

7 (1) The licensing authority in the home state, for the  
8 purposes of suspension, revocation, or limitation of the  
9 license to operate a motor vehicle, shall give the same effect  
10 to the conduct reported, pursuant to article III, as it would  
11 if such conduct had occurred in the home state, in the case of  
12 convictions for:

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

16 (b) Driving a motor vehicle while under the influence  
17 of alcoholic beverages or a narcotic drug, or under the  
18 influence of any other drug to a degree which renders the  
19 driver incapable of safely driving a motor vehicle, as  
20 provided by s. 316.193;

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

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

26 (2) As to other convictions, reported pursuant to  
27 article III, the licensing authority in the home state shall  
28 give such effect to the conduct as is provided by the laws of  
29 the home state.

30  
31 ARTICLE V

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

(1) The applicant has held such a license, but the same has been suspended by reason, in whole or in part, of a violation and if such suspension period has not terminated.

(2) The applicant has held such a license, but the same has been revoked by reason, in whole or in part, of a violation and if such revocation has not terminated, except that after the expiration of 1 year from the date the license was revoked, such person may make application for a new license if permitted by law. The licensing authority may refuse to issue a license to any such applicant if, after investigation, the licensing authority determines that it will not be safe to grant to such person the privilege of driving a motor vehicle on the public highways.

(3) The applicant is the holder of a license to drive issued by another party state and currently in force unless the applicant surrenders such license.

ARTICLE VI

APPLICABILITY OF OTHER LAWS.--Except as expressly required by provisions of this compact, nothing contained herein shall be construed to affect the right of any party state to apply any of its other laws relating to licenses to drive to any person or circumstance, nor to invalidate or

1 prevent any driver license agreement or other cooperative  
2 arrangement between a party state and a nonparty state.

3  
4 ARTICLE VII

5  
6 COMPACT ADMINISTRATOR AND INTERCHANGE OF INFORMATION.--

7 (1) The head of the licensing authority of each party  
8 state shall be the administrator of this compact for his or  
9 her state. The administrators, acting jointly, shall have the  
10 power to formulate all necessary and proper procedures for the  
11 exchange of information under this compact.

12 (2) The administrator of each party state shall  
13 furnish to the administrator of each other party state any  
14 information or documents reasonably necessary to facilitate  
15 the administration of this compact.

16  
17 ARTICLE VIII

18  
19 ENTRY INTO FORCE AND WITHDRAWAL.--

20 (1) This compact shall enter into force and become  
21 effective as to any state when it has enacted the same into  
22 law.

23 (2) Any party state may withdraw from this compact by  
24 enacting a statute repealing the same, but no such withdrawal  
25 shall take effect until 6 months after the executive head of  
26 the withdrawing state has given notice of the withdrawal to  
27 the executive heads of all other party states. No withdrawal  
28 shall affect the validity or applicability by the licensing  
29 authorities of states remaining party to the compact of any  
30 report of conviction occurring prior to the withdrawal.

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ARTICLE IX

CONSTRUCTION AND SEVERABILITY.--This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable; and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state party thereto, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

Section 218. Paragraph (b) of subsection (1) of section 322.57, Florida Statutes, is amended to read:

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

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

(b) Drives a passenger vehicle must successfully complete a test of his or her knowledge concerning the safe operation of such vehicles and a test of his or her driving skill in such a vehicle. ~~However, if such a person satisfies the requirements of s. 322.55(1)-(3), he or she is exempt from the test of his or her driving skills.~~

Section 219. Paragraph (a) of subsection (1) and paragraph (c) of subsection (3) of section 322.61, Florida Statutes, are amended to read:

1           322.61 Disqualification from operating a commercial  
2 motor vehicle.--

3           (1) A person who, within a 3-year period, is convicted  
4 of two of the following serious traffic violations or any  
5 combination thereof, arising in separate incidents committed  
6 in a commercial motor vehicle shall, in addition to any other  
7 applicable penalties, be disqualified from operating a  
8 commercial motor vehicle for a period of 60 days:

9           (a) A violation of any state or local law relating to  
10 motor vehicle traffic control, other than a parking violation,  
11 a weight violation, or a vehicle equipment violation, arising  
12 in connection with a crash ~~an accident~~ resulting in death or  
13 personal injury to any person;

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           (c) Leaving the scene of a crash ~~an accident~~ involving  
20 a commercial motor vehicle driven by such person;

21           Section 220. Paragraph (c) of subsection (2) of  
22 section 322.63, Florida Statutes, is amended to read:

23           322.63 Alcohol or drug testing; commercial motor  
24 vehicle operators.--

25           (2) The chemical and physical tests authorized by this  
26 section shall only be required if a law enforcement officer  
27 has reasonable cause to believe that a person driving a  
28 commercial motor vehicle has any alcohol, chemical substance,  
29 or controlled substance in his or her body.

30           (c) The blood test shall be administered at the  
31 request of a law enforcement officer who has reasonable cause

1 to believe that a person was driving a commercial motor  
2 vehicle with any alcohol, chemical substance, or controlled  
3 substance in his or her body. The blood test shall be  
4 performed in a reasonable manner by qualified medical  
5 personnel. Any person who appears for treatment at a medical  
6 facility as a result of his or her involvement as a commercial  
7 motor vehicle driver in a crash ~~an accident~~ and who is  
8 incapable, by reason of a mental or physical condition, of  
9 refusing a blood test shall be deemed to have consented to  
10 such test.

11 Section 221. Section 324.011, Florida Statutes, is  
12 amended to read:

13 324.011 Purpose of chapter.--It is the intent of this  
14 chapter to recognize the existing privilege to own or operate  
15 a motor vehicle on the public streets and highways of this  
16 state when such vehicles are used with due consideration for  
17 others and their property, and to promote safety and provide  
18 financial security requirements for such owners or operators  
19 whose responsibility it is to recompense others for injury to  
20 person or property caused by the operation of a motor vehicle.  
21 Therefore, it is required herein that the operator of a motor  
22 vehicle involved in a crash ~~an accident~~ or convicted of  
23 certain traffic offenses meeting the operative provisions of  
24 s. 324.051(2) shall respond for such damages and show proof of  
25 financial ability to respond for damages in future accidents  
26 as a requisite to his or her future exercise of such  
27 privileges.

28 Section 222. Subsection (7) of section 324.021,  
29 Florida Statutes, is amended to read:

30 324.021 Definitions; minimum insurance required.--The  
31 following words and phrases when used in this chapter shall,

1 for the purpose of this chapter, have the meanings  
2 respectively ascribed to them in this section, except in those  
3 instances where the context clearly indicates a different  
4 meaning:

5 (7) PROOF OF FINANCIAL RESPONSIBILITY.--That proof of  
6 ability to respond in damages for liability on account of  
7 crashes ~~accidents~~ arising out of the use of a motor vehicle:

8 (a) In the amount of \$10,000 because of bodily injury  
9 to, or death of, one person in any one crash ~~accident~~;

10 (b) Subject to such limits for one person, in the  
11 amount of \$20,000 because of bodily injury to, or death of,  
12 two or more persons in any one crash ~~accident~~;

13 (c) In the amount of \$10,000 because of injury to, or  
14 destruction of, property of others in any one crash ~~accident~~;  
15 and

16 (d) With respect to commercial motor vehicles and  
17 nonpublic sector buses, in the amounts specified in ss.  
18 627.7415 and 627.742, respectively.

19 Section 223. Section 324.022, Florida Statutes, is  
20 amended to read:

21 324.022 Financial responsibility for property  
22 damage.--Every owner or operator of a motor vehicle, which  
23 motor vehicle is subject to the requirements of ss.  
24 627.730-627.7405 and required to be registered in this state,  
25 shall, by one of the methods established in s. 324.031 or by  
26 having a policy that complies with s. 627.7275, establish and  
27 maintain the ability to respond in damages for liability on  
28 account of accidents arising out of the use of the motor  
29 vehicle in the amount of \$10,000 because of damage to, or  
30 destruction of, property of others in any one crash ~~accident~~.  
31 The requirements of this section may also be met by having a



1 policy which provides coverage in the amount of at least  
2 \$30,000 for combined property damage liability and bodily  
3 injury liability for any one crash ~~accident~~ arising out of the  
4 use of the motor vehicle. No insurer shall have any duty to  
5 defend uncovered claims irrespective of their joinder with  
6 covered claims.

7 Section 224. Section 324.051, Florida Statutes, is  
8 amended to read:

9 324.051 Reports of crashes ~~accidents~~; suspensions of  
10 licenses and registrations.--

11 (1)(a) Every law enforcement officer who, in the  
12 regular course of duty either at the time of and at the scene  
13 of the crash ~~accident~~ or thereafter by interviewing  
14 participants or witnesses, investigates a motor vehicle crash  
15 ~~accident~~ which he or she is required to report pursuant to s.  
16 316.066(3)(a) shall forward a written report of the crash  
17 ~~accident~~ to the department within 10 days of completing the  
18 investigation. However, when the investigation of a crash ~~an~~  
19 ~~accident~~ will take more than 10 days to complete, a  
20 preliminary copy of the crash ~~accident~~ report shall be  
21 forwarded to the department within 10 days of the occurrence  
22 of the crash ~~accident~~, to be followed by a final report within  
23 10 days after completion of the investigation. The report  
24 shall be on a form and contain information consistent with the  
25 requirements of s. 316.068.

26 (b) The department is hereby further authorized to  
27 require reports of crashes ~~accidents~~ from individual owners or  
28 operators whenever it deems it necessary for the proper  
29 administration of this chapter, and these reports shall be  
30 made without prejudice except as specified in this subsection.  
31 No such report shall be used as evidence in any trial arising

1 out of a crash ~~an accident~~. However, subject to the  
2 applicable rules of evidence, a law enforcement officer at a  
3 criminal trial may testify as to any statement made to the  
4 officer by the person involved in the accident if that  
5 person's privilege against self-incrimination is not violated.

6 (2)(a) Thirty days after receipt of notice of any  
7 accident described in paragraph (1)(a) involving a motor  
8 vehicle within this state, the department shall suspend, after  
9 due notice and opportunity to be heard, the license of each  
10 operator and all registrations of the owner of the vehicles  
11 operated by such operator whether or not involved in such  
12 crash ~~accident~~ and, in the case of a nonresident owner or  
13 operator, shall suspend such nonresident's operating privilege  
14 in this state, unless such operator or owner shall, prior to  
15 the expiration of such 30 days, be found by the department to  
16 be exempt from the operation of this chapter, based upon  
17 evidence satisfactory to the department that:

18 1. The motor vehicle was legally parked at the time of  
19 such crash ~~accident~~.

20 2. The motor vehicle was owned by the United States  
21 Government, this state, or any political subdivision of this  
22 state or any municipality therein.

23 3. Such operator or owner has secured a duly  
24 acknowledged written agreement providing for release from  
25 liability by all parties injured as the result of said crash  
26 ~~accident~~ and has complied with one of the provisions of s.  
27 324.031.

28 4. Such operator or owner has deposited with the  
29 department security to conform with s. 324.061 when applicable  
30 and has complied with one of the provisions of s. 324.031.

31

1           5. One year has elapsed since such owner or operator  
2 was suspended pursuant to subsection (3), the owner or  
3 operator has complied with one of the provisions of s.  
4 324.031, and no bill of complaint of which the department has  
5 notice has been filed in a court of competent jurisdiction.

6           (b) This subsection shall not apply:

7           1. To such operator or owner if such operator or owner  
8 had in effect at the time of such crash ~~accident~~ or traffic  
9 conviction an automobile liability policy with respect to all  
10 of the registered motor vehicles owned by such operator or  
11 owner.

12           2. To such operator, if not the owner of such motor  
13 vehicle, if there was in effect at the time of such crash  
14 ~~accident~~ or traffic conviction an automobile liability policy  
15 or bond with respect to his or her operation of motor vehicles  
16 not owned by him or her.

17           3. To such operator or owner if the liability of such  
18 operator or owner for damages resulting from such crash  
19 ~~accident~~ is, in the judgment of the department, covered by any  
20 other form of liability insurance or bond.

21           4. To any person who has obtained from the department  
22 a certificate of self-insurance, in accordance with s.  
23 324.171, or to any person operating a motor vehicle for such  
24 self-insurer.

25  
26 No such policy or bond shall be effective under this  
27 subsection unless it contains limits of not less than those  
28 specified in s. 324.021(7).

29           (3) Any driver's license or registration certificate  
30 or certificates and registration plates which are suspended as  
31 provided for in this section shall remain suspended for a

1 period of 3 years unless reinstated as otherwise provided in  
2 this chapter.

3 Section 225. Subsection (1) and paragraphs (a) and (d)  
4 of subsection (2) of section 324.061, Florida Statutes, are  
5 amended to read:

6 324.061 Security deposited with Department of Highway  
7 Safety and Motor Vehicles; release.--

8 (1) Security deposited pursuant to the provisions of  
9 s. 324.051(2)(a)4. with respect to claims for injuries to  
10 persons or properties resulting from a crash ~~an accident~~  
11 occurring prior to such deposit shall be in the form and  
12 amount determined by the department which, in its judgment,  
13 will be sufficient to compensate for all injuries arising out  
14 of such crash ~~accident~~, but in no case shall the amount exceed  
15 the limits as specified in s. 324.021(7).

16 (2) Such security shall be deposited with the  
17 department and shall not be released except under one of the  
18 following conditions:

19 (a) A duly attested written statement of satisfaction  
20 by all parties shown to be injured in such crash ~~accident~~ has  
21 been received by the department, or

22 (d) Upon receipt of an order from a court ordering  
23 that such deposit be paid to satisfy a recorded judgment, in  
24 whole or in part, resulting from a crash ~~an accident~~. If the  
25 department does not have sufficient funds on deposit to  
26 satisfy such judgment it shall forthwith call upon the  
27 judgment debtor for the balance, subject to the limits  
28 specified in s. 324.021(7). Upon failure of the judgment  
29 debtor to make the necessary deposit or to satisfy the  
30 judgment in full, the department shall revoke the driving  
31 privilege and all registrations of such judgment debtor within

1 10 days subsequent to notification to the judgment debtor by  
2 the department.

3 Section 226. Subsections (1) and (3) of section  
4 324.081, Florida Statutes, are amended to read:

5 324.081 Nonresident owner or operator.--

6 (1) The department may establish reciprocal  
7 agreements with any other states for the purpose of fulfilling  
8 the provisions of this chapter and pursuant to such agreements  
9 may suspend the license and registration of a resident of this  
10 state involved in a crash ~~an accident~~ in another state.

11 (3) Upon receipt of such certification that the  
12 operating privilege of a resident of this state has been  
13 suspended or revoked in any such other reciprocating state  
14 pursuant to a law providing for its suspension or revocation  
15 for failure to deposit security for the payment of judgments  
16 arising out of a motor vehicle crash ~~accident~~, under  
17 circumstances which would require the department to suspend a  
18 nonresident's operating privilege had the crash ~~accident~~  
19 occurred in this state, the department shall suspend the  
20 license of such resident if he or she was the operator, and  
21 all of his or her registrations if he or she was the owner of  
22 a motor vehicle involved in such crash ~~accident~~. Such  
23 suspension shall continue until such resident furnishes  
24 evidence of his or her compliance with the law of such other  
25 state relating to the deposit of such security.

26 Section 227. Subsection (1) of section 324.091,  
27 Florida Statutes, is amended to read:

28 324.091 Notice to department; notice to insurer.--

29 (1) Each owner and operator involved in a crash ~~an~~  
30 ~~accident~~ or conviction case within the purview of this chapter  
31 shall furnish evidence of automobile liability insurance,

1 motor vehicle liability insurance, or surety bond within 30  
2 days from the date of the mailing of notice of crash ~~accident~~  
3 by the department in such form and manner as it may designate.  
4 Upon receipt of evidence that an automobile liability policy,  
5 motor vehicle liability policy, or surety bond was in effect  
6 at the time of the crash ~~accident~~ or conviction case, the  
7 department shall forward by United States mail, postage  
8 prepaid, to the insurer or surety insurer a copy of such  
9 information and shall assume that such policy or bond was in  
10 effect unless the insurer or surety insurer shall notify the  
11 department otherwise within 20 days from the mailing of the  
12 notice to the insurer or surety insurer; provided that if the  
13 department shall later ascertain that an automobile liability  
14 policy, motor vehicle liability policy, or surety bond was not  
15 in effect and did not provide coverage for both the owner and  
16 the operator, it shall at such time take such action as it is  
17 otherwise authorized to do under this chapter. Proof of  
18 mailing to the insurer or surety insurer may be made by the  
19 department by naming the insurer or surety insurer to whom  
20 such mailing was made and specifying the time, place and  
21 manner of mailing.

22 Section 228. Section 324.101, Florida Statutes, is  
23 amended to read:

24 324.101 Compliance before license or registration  
25 allowed.--In case the operator or owner of a motor vehicle  
26 involved in a crash ~~an accident~~ within the state has no  
27 license or registration, he or she shall not be allowed a  
28 license or registration until he or she has complied with the  
29 requirements of this chapter to the same extent that would be  
30 necessary, if at the time of the crash ~~accident~~ he or she had  
31 held a license and registration.

1           Section 229. Subsection (1) of section 324.202,  
2 Florida Statutes, is amended to read:

3           324.202 Seizure of motor vehicle license plates by  
4 recovery agents.--

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

21           Section 230. Sections 325.01, 325.02, 325.03, 325.04,  
22 325.05, 325.06, 325.07, 325.08, 325.09, and 325.10, Florida  
23 Statutes, are repealed.

24           Section 231. Paragraph (c) of subsection (2) of  
25 section 325.209, Florida Statutes, is amended to read:

26           325.209 Waivers.--

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

29           (c) The owner must have spent the required minimum  
30 amount for emissions-related repairs on the vehicle within the  
31 180-day ~~90-day~~ period prescribed in s. 325.203(1), not

1 including the amount spent to repair or replace air pollution  
2 control equipment that has been tampered with.  
3 Emissions-related repairs performed within 30 days prior to  
4 inspection may also be considered under this provision. For  
5 any vehicle the registration period for which is established  
6 under s. 320.055(4) or (5), the required minimum amount for  
7 emissions-related repairs must be spent by the owner within  
8 180 ~~90~~ days before the expiration of the registration period.

9 The required minimum amount that must have been spent on  
10 related repairs is:

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

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

15 Section 232. Subsection (2) of section 325.212,  
16 Florida Statutes, is reenacted to read:

17 325.212 Reinspections; reinspection facilities; rules;  
18 minority business participation.--

19 (2) Any motor vehicle repair shop, as defined in s.  
20 559.903(7), may apply to the department, on a form approved by  
21 the department, to be licensed as a reinspection facility to  
22 reinspect motor vehicles which fail to pass inspections  
23 required by this act.

24 Section 233. Subsection (1) of section 328.17, Florida  
25 Statutes, is reenacted to read:

26 328.17 Nonjudicial sale of vessels.--

27 (1) It is the intent of the Legislature that any  
28 nonjudicial sale of any unclaimed vessel held for unpaid costs  
29 of repairs, improvements, or other work and related storage  
30 charges, or any vessel held for failure to pay removal costs  
31 pursuant to s. 327.53(7), or any undocumented vessel in



1 default of marina storage fees be disposed of pursuant to the  
2 provisions of this section.

3 Section 234. Section 627.7415, Florida Statutes, is  
4 amended to read:

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

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

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

18 (3) Three hundred thousand dollars per occurrence for  
19 a commercial motor vehicle with a gross vehicle weight of  
20 44,000 pounds or more.

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

27

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

31

1           Section 235. Subsection (3) is added to section  
2 627.742, Florida Statutes, to read:

3           627.742 Nonpublic sector buses; additional liability  
4 insurance coverage.--

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

8           Section 236. Subsection (2) of section 784.07, Florida  
9 Statutes, 1998 Supplement, is amended to read:

10          784.07 Assault or battery of law enforcement officers,  
11 firefighters, emergency medical care providers, public transit  
12 employees or agents, or other specified officers;  
13 reclassification of offenses; minimum sentences.--

14          (2) Whenever any person is charged with knowingly  
15 committing an assault or battery upon a law enforcement  
16 officer, a firefighter, an emergency medical care provider, a  
17 traffic accident investigation officer as described in s.  
18 316.640, a traffic infraction enforcement officer as described  
19 in s. 316.640 ~~318.141~~, a parking enforcement specialist as  
20 defined in s. 316.640, or a security officer employed by the  
21 board of trustees of a community college, while the officer,  
22 firefighter, emergency medical care provider, intake officer,  
23 traffic accident investigation officer, traffic infraction  
24 enforcement officer, parking enforcement specialist, public  
25 transit employee or agent, or security officer is engaged in  
26 the lawful performance of his or her duties, the offense for  
27 which the person is charged shall be reclassified as follows:

28           (a) In the case of assault, from a misdemeanor of the  
29 second degree to a misdemeanor of the first degree.

30           (b) In the case of battery, from a misdemeanor of the  
31 first degree to a felony of the third degree.

1 (c) In the case of aggravated assault, from a felony  
2 of the third degree to a felony of the second degree.

3 (d) In the case of aggravated battery, from a felony  
4 of the second degree to a felony of the first degree.

5 Section 237. This act shall take effect July 1, 1999.  
6

7 \*\*\*\*\*

8 HOUSE SUMMARY

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