

711-135AXB-02

Bill No. CS/HB 1213

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
1		.	
2		.	
3		.	
4		.	

ORIGINAL STAMP BELOW

Representative(s) Ryan offered the following:

Amendment (with title amendment)

On page 13, line 30, through page 14, line 27,
remove: all of said lines

and insert:

Section 8. Section 316.520, Florida Statutes, is
amended to read:

316.520 Loads on vehicles.--

(1) A vehicle may not be driven or moved on any
highway unless the vehicle is so constructed or loaded as to
prevent any of its load from dropping, shifting, leaking,
blowing, or otherwise escaping therefrom, except that sand may
be dropped only for the purpose of securing traction or water
or other substance may be sprinkled on a roadway in cleaning
or maintaining the roadway.

(2) It is the duty of every owner and driver,
individually and severally, of any vehicle hauling, upon any
public road or highway open to the public, dirt, sand, lime
rock, gravel, silica, or other similar aggregate or trash,

1 garbage, any inanimate object or objects, or any similar
2 material that could fall or blow from such vehicle, to prevent
3 such materials from falling, blowing, or in any way escaping
4 from such vehicle. Covering and securing the load with a
5 close-fitting tarpaulin or other appropriate cover is
6 required.

7 (3)(a) Except as provided in paragraph (b), a
8 violation of this section is a noncriminal traffic infraction,
9 punishable as a moving ~~nonmoving~~ violation as provided in
10 chapter 318.

11 (b) Any person who violates the provisions of this
12 section which offense results in personal injury to an
13 individual and which offense occurs as a result of failing to
14 comply with subsections (1) and (2) commits a criminal traffic
15 offense and a misdemeanor of the second degree, punishable as
16 provided in s. 775.082 or s. 775.083.

17 (4) The provisions of subsection (2) requiring
18 covering and securing the load with a close-fitting tarpaulin
19 or other appropriate cover does not apply to vehicles carrying
20 agricultural products locally from a harvest site or to or
21 from a farm on roads where the posted speed limit is 65 miles
22 per hour or less and the distance driven on public roads is
23 less than 20 miles.

24 Section 9. Paragraph (a) of subsection (1), paragraph
25 (b) of subsection (2), and paragraphs (b) and (c) of
26 subsection (3) of section 316.640, Florida Statutes, are
27 amended to read:

28 316.640 Enforcement.--The enforcement of the traffic
29 laws of this state is vested as follows:

30 (1) STATE.--

31 (a)1.a. The Division of Florida Highway Patrol of the

711-135AXB-02

Bill No. CS/HB 1213

Amendment No. ____ (for drafter's use only)

1 Department of Highway Safety and Motor Vehicles, the Division
2 of Law Enforcement of the Fish and Wildlife Conservation
3 Commission, the Division of Law Enforcement of the Department
4 of Environmental Protection, and law enforcement officers of
5 the Department of Transportation each have authority to
6 enforce all of the traffic laws of this state on all the
7 streets and highways thereof and elsewhere throughout the
8 state wherever the public has a right to travel by motor
9 vehicle. The Division of the Florida Highway Patrol may employ
10 as a traffic accident investigation officer any individual who
11 successfully completes at least 200 hours of instruction in
12 traffic accident investigation and court presentation through
13 the Selective Traffic Enforcement Program as approved by the
14 Criminal Justice Standards and Training Commission and funded
15 through the National Highway Traffic Safety Administration or
16 a similar program approved by the commission, but who does not
17 necessarily meet the uniform minimum standards established by
18 the commission for law enforcement officers or auxiliary law
19 enforcement officers under chapter 943. Any such traffic
20 accident investigation officer who makes an investigation at
21 the scene of a traffic accident may issue traffic citations,
22 based upon personal investigation, when he or she has
23 reasonable and probable grounds to believe that a person who
24 was involved in the accident committed an offense under this
25 chapter, chapter 319, chapter 320, or chapter 322 in
26 connection with the accident. This paragraph does not permit
27 the carrying of firearms or other weapons, nor do such
28 officers have arrest authority ~~other than for the issuance of~~
29 ~~a traffic citation as authorized in this paragraph.~~

30 b. University police officers shall have authority to
31 enforce all of the traffic laws of this state when such

711-135AXB-02

Bill No. CS/HB 1213

Amendment No. ____ (for drafter's use only)

1 violations occur on or about any property or facilities that
2 are under the guidance, supervision, regulation, or control of
3 a state university, a direct-support organization of such
4 state university, or any other organization controlled by the
5 state university or a direct-support organization of the state
6 university system, except that traffic laws may be enforced
7 off-campus when hot pursuit originates on or adjacent to any
8 such property or facilities on-campus.

9 c. Community college police officers shall have the
10 authority to enforce all the traffic laws of this state only
11 when such violations occur on any property or facilities that
12 are under the guidance, supervision, regulation, or control of
13 the community college system.

14 d. Police officers employed by an airport authority
15 shall have the authority to enforce all of the traffic laws of
16 this state only when such violations occur on any property or
17 facilities that are owned or operated by an airport authority.

18 (I) An airport authority may employ as a parking
19 enforcement specialist any individual who successfully
20 completes a training program established and approved by the
21 Criminal Justice Standards and Training Commission for parking
22 enforcement specialists but who does not otherwise meet the
23 uniform minimum standards established by the commission for
24 law enforcement officers or auxiliary or part-time officers
25 under s. 943.12. Nothing in this sub-sub-paragraph shall be
26 construed to permit the carrying of firearms or other weapons,
27 nor shall such parking enforcement specialist have arrest
28 authority.

29 (II) A parking enforcement specialist employed by an
30 airport authority is authorized to enforce all state, county,
31 and municipal laws and ordinances governing parking only when

711-135AXB-02

Bill No. CS/HB 1213

Amendment No. ____ (for drafter's use only)

1 such violations are on property or facilities owned or
2 operated by the airport authority employing the specialist, by
3 appropriate state, county, or municipal traffic citation.

4 e. The Office of Agricultural Law Enforcement of the
5 Department of Agriculture and Consumer Services shall have the
6 authority to enforce traffic laws of this state only as
7 authorized by the provisions of chapter 570. However, nothing
8 in this section shall expand the authority of the Office of
9 Agricultural Law Enforcement at its agricultural inspection
10 stations to issue any traffic tickets except those traffic
11 tickets for vehicles illegally passing the inspection station.

12 f. School safety officers shall have the authority to
13 enforce all of the traffic laws of this state when such
14 violations occur on or about any property or facilities which
15 are under the guidance, supervision, regulation, or control of
16 the district school board.

17 2. An agency of the state as described in subparagraph
18 1. is prohibited from establishing a traffic citation quota. A
19 violation of this subparagraph is not subject to the penalties
20 provided in chapter 318.

21 3. Any disciplinary action taken or performance
22 evaluation conducted by an agency of the state as described in
23 subparagraph 1. of a law enforcement officer's traffic
24 enforcement activity must be in accordance with written
25 work-performance standards. Such standards must be approved by
26 the agency and any collective bargaining unit representing
27 such law enforcement officer. A violation of this subparagraph
28 is not subject to the penalties provided in chapter 318.

29 (2) COUNTIES.--

30 (b) The sheriff's office of each county may employ as
31 a traffic crash investigation officer any individual who

711-135AXB-02

Bill No. CS/HB 1213

Amendment No. ____ (for drafter's use only)

1 successfully completes at least 200 hours of instruction in
2 traffic crash investigation and court presentation through the
3 Selective Traffic Enforcement Program (STEP) as approved by
4 the Criminal Justice Standards and Training Commission and
5 funded through the National Highway Traffic Safety
6 Administration (NHTSA) or a similar program approved by the
7 commission, but who does not necessarily otherwise meet the
8 uniform minimum standards established by the commission for
9 law enforcement officers or auxiliary law enforcement officers
10 under chapter 943. Any such traffic crash investigation
11 officer who makes an investigation at the scene of a traffic
12 crash may issue traffic citations when, based upon personal
13 investigation, he or she has reasonable and probable grounds
14 to believe that a person who was involved in the crash has
15 committed an offense under this chapter, chapter 319, chapter
16 320, or chapter 322 in connection with the crash. This
17 paragraph does not permit the carrying of firearms or other
18 weapons, nor do such officers have arrest authority ~~other than~~
19 ~~for the issuance of a traffic citation as authorized in this~~
20 ~~paragraph.~~

21 (3) MUNICIPALITIES.--

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

711-135AXB-02

Bill No. CS/HB 1213

Amendment No. ____ (for drafter's use only)

1 for law enforcement officers or auxiliary law enforcement
2 officers under chapter 943. Any such traffic crash
3 investigation officer who makes an investigation at the scene
4 of a traffic crash is authorized to issue traffic citations
5 when, based upon personal investigation, he or she has
6 reasonable and probable grounds to believe that a person
7 involved in the crash has committed an offense under the
8 provisions of this chapter, chapter 319, chapter 320, or
9 chapter 322 in connection with the crash. ~~Nothing in This~~
10 ~~paragraph does not shall be construed to permit the carrying~~
11 ~~of firearms or other weapons, nor do shall such officers have~~
12 ~~arrest authority other than for the issuance of a traffic~~
13 ~~citation as authorized above.~~

14 (c)1. A chartered municipality or its authorized
15 agency or instrumentality may employ as a parking enforcement
16 specialist any individual who successfully completes a
17 training program established and approved by the Criminal
18 Justice Standards and Training Commission for parking
19 enforcement specialists, but who does not otherwise meet the
20 uniform minimum standards established by the commission for
21 law enforcement officers or auxiliary or part-time officers
22 under s. 943.12.

23 2. A parking enforcement specialist employed by a
24 chartered municipality or its authorized agency or
25 instrumentality is authorized to enforce all state, county,
26 and municipal laws and ordinances governing parking within the
27 boundaries of the municipality employing the specialist, by
28 appropriate state, county, or municipal traffic citation.
29 ~~Nothing in this paragraph shall be construed to permit the~~
30 ~~carrying of firearms or other weapons, nor shall such a~~
31 ~~parking enforcement specialist have arrest authority.~~

1 3. A parking enforcement specialist employed pursuant
2 to this subsection may not carry firearms or other weapons or
3 have arrest authority.

4 Section 10. Subsection (5) of section 318.1451,
5 Florida Statutes, is amended to read:

6 318.1451 Driver improvement schools.--

7 ~~(5)(a) No governmental entity or court shall provide,~~
8 ~~issue, or maintain any information or orders regarding driver~~
9 ~~improvement schools or course providers, with the exception of~~
10 ~~directing inquiries or requests to the local telephone~~
11 ~~directory heading of driving instruction or the traffic school~~
12 ~~reference guide. However, The department is authorized to~~
13 maintain the information and records necessary to administer
14 its duties and responsibilities for driver improvement
15 courses. Where such information is a public record as defined
16 in chapter 119, it shall be made available to the public upon
17 request pursuant to s. 119.07(1).

18 (b) The department or court may ~~shall~~ prepare for any
19 ~~governmental entity to distribute~~ a traffic school reference
20 guide which lists ~~shall list~~ the benefits of attending a
21 driver improvement school and contains the names of the fully
22 approved course providers with a single telephone number for
23 each such provider, as furnished by the provider, ~~but under no~~
24 ~~circumstance may any list of course providers or schools be~~
25 ~~included, and shall refer further inquiries to the telephone~~
26 ~~directory under driving instruction.~~

27 Section 11. Paragraph (f) is added to subsection (3)
28 of section 318.18, Florida Statutes, and subsection (12) is
29 added to said section, to read:

30 318.18 Amount of civil penalties.--The penalties
31 required for a noncriminal disposition pursuant to s. 318.14

711-135AXB-02

Bill No. CS/HB 1213

Amendment No. ____ (for drafter's use only)

1 are as follows:

2 (3)

3 (b) For moving violations involving unlawful speed,
4 the fines are as follows:

6 For speed exceeding the limit by:	Fine:
7 1-5 m.p.h.....	Warning
8 6-9 m.p.h.....	\$ 25
9 10-14 m.p.h.....	\$100
10 15-19 m.p.h.....	\$125
11 20-29 m.p.h.....	\$150
12 30 m.p.h. and above.....	\$250

13

14 (f) A person cited for exceeding the speed limit
15 within a zone posted for any electronic or manual toll
16 collection facility will be assessed a fine double the amount
17 listed in paragraph (b). However, no person cited for
18 exceeding the speed limit in any toll collection zone shall be
19 subject to a doubled fine unless the governmental entity or
20 authority controlling the toll collection zone first installs
21 a traffic control device providing warning that speeding fines
22 are doubled. Any such traffic control device must meet the
23 requirements of the uniform system of traffic control devices.

24 (12) One hundred dollars for a violation of s.
25 316.520(1) or (2). If, at a hearing, the alleged offender is
26 found to have committed this offense, the court shall impose a
27 minimum civil penalty of \$100. For a second or subsequent
28 adjudication within a period of 5 years, the department shall
29 suspend the driver's license of the person for not less than
30 180 days and not more than 1 year.

31 Section 12. Section 318.19, Florida Statutes, is

711-135AXB-02

Bill No. CS/HB 1213

Amendment No. ____ (for drafter's use only)

1 amended to read:

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

7 (1) Any infraction which results in a crash that
8 causes the death of another; ~~or~~

9 (2) Any infraction which results in a crash that
10 causes "serious bodily injury" of another as defined in s.
11 316.1933(1); ~~or~~

12 (3) Any infraction of s. 316.172(1)(b); or

13 (4) Any infraction of s. 316.520(1) or (2).

14
15

16 ===== T I T L E A M E N D M E N T =====

17 And the title is amended as follows:

18 On page 2, lines 2-10,
19 remove: all of said lines

20

21 and insert:

22 agricultural products; providing for criminal
23 penalties for failure to secure loads on
24 vehicles under certain circumstances; amending
25 s. 316.640, F.S.; revising traffic law
26 enforcement authority of university police
27 officers; revising the powers and duties of
28 traffic crash investigation officers; amending
29 s. 318.1451, F.S.; providing traffic school
30 reference guide requirements; amending s.
31 318.18, F.S.; providing for assessment of

711-135AXB-02

Bill No. CS/HB 1213

Amendment No. ____ (for drafter's use only)

1 doubled fines for speeding in toll collection
2 zones; providing a minimum penalty for
3 violations of s. 316.520, F.S.; amending s.
4 318.19, F.S.; providing a mandatory hearing for
5 violations of s. 316.520, F.S.; amending s.
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31