

Bill No. CS for SB 366

Amendment No.      Barcode 094292

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Crist moved the following amendment:

**Senate Amendment (with title amendment)**  
Delete everything after the enacting clause

and insert:

Section 1. Short title.--This act may be cited as the  
"Move Over Act."

Section 2. Subsections (1) and (6) of section 316.126,  
Florida Statutes, are amended to read:

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

(1)(a) Upon the immediate approach of an authorized  
emergency vehicle, while en route to meet an existing  
emergency, the driver of every other vehicle shall, when such  
emergency vehicle is giving audible signals by siren, exhaust  
whistle, or other adequate device, or visible signals by the  
use of displayed blue or red lights, yield the right-of-way to  
the emergency vehicle and shall immediately proceed to a  
position parallel to, and as close as reasonable to the  
closest edge of the curb of the roadway, clear of any

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1 intersection and shall stop and remain in position until the  
2 authorized emergency vehicle has passed, unless otherwise  
3 directed by any law enforcement officer.

4 (b) When an authorized emergency vehicle making use of  
5 any visual signals is parked, the driver of every other  
6 vehicle, as soon as it is safe:

7 1. Shall vacate the lane closest to the emergency  
8 vehicle when driving on an interstate highway or other highway  
9 with two or more lanes traveling in the direction of the  
10 emergency vehicle, except when otherwise directed by a law  
11 enforcement officer.

12 2. Shall slow to a speed that is 20 miles per hour  
13 less than the posted speed limit when the posted speed limit  
14 is 25 miles per hour or greater; or travel at 5 miles per hour  
15 when the posted speed limit is 20 miles per hour or less, when  
16 driving on a two-lane road, except when otherwise directed by  
17 a law enforcement officer.

18 (c) The Department of Highway Safety and Motor  
19 Vehicles shall provide an educational awareness campaign  
20 informing the motoring public about the Move Over Act. The  
21 department shall provide information about the Move Over Act  
22 in all newly printed driver's license educational materials  
23 after July 1, 2002.

24  
25 This section shall not relieve the driver of an authorized  
26 emergency vehicle from the duty to drive with due regard for  
27 the safety of all persons using the highway.

28 (6) A violation of this section is a noncriminal  
29 traffic infraction, punishable pursuant to chapter 318 as  
30 either a moving violation for infractions of subsection (1) or  
31 subsection (3), or as a pedestrian violation for infractions

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1 of subsection (2).

2 Section 3. Subsections (2), (3), and (10) of section  
3 316.2397, Florida Statutes, are amended to read:

4 316.2397 Certain lights prohibited; exceptions.--

5 (2) It is expressly prohibited for any vehicle or  
6 equipment, except police vehicles, to show or display blue  
7 lights. However, vehicles owned, operated, or leased by the  
8 Department of Corrections may show or display blue lights when  
9 responding to emergencies. A person who violates this  
10 subsection is guilty of a misdemeanor of the first degree,  
11 punishable as provided in s. 843.081.

12 (3) Vehicles of the fire department and fire patrol,  
13 including vehicles of volunteer firefighters as permitted  
14 under s. 316.2398, vehicles of medical staff physicians or  
15 technicians of medical facilities licensed by the state as  
16 authorized under s. 316.2398, ambulances as authorized under  
17 this chapter, and buses and taxicabs as authorized under s.  
18 316.2399 are permitted to show or display red lights. Vehicles  
19 of the fire department, fire patrol, police vehicles, and such  
20 ambulances and emergency vehicles of municipal and county  
21 departments, public service corporations operated by private  
22 corporations, the Department of Environmental Protection, the  
23 Department of Transportation, and the Department of  
24 Agriculture and Consumer Services as are designated or  
25 authorized by their respective department or the chief of  
26 police of an incorporated city or any sheriff of any county  
27 are hereby authorized to operate emergency lights and sirens  
28 in an emergency.Wreckers, mosquito control fog and spray  
29 vehicles, and emergency vehicles of governmental departments  
30 or public service corporations may show or display amber  
31 lights when in actual operation or when a hazard exists

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1 provided they are not used going to and from the scene of  
 2 operation or hazard without specific authorization of a law  
 3 enforcement officer or law enforcement agency. Wreckers may  
 4 use amber rotating or flashing lights while performing  
 5 recoveries and loading on the roadside day or night, and while  
 6 towing a vehicle on wheel lifts, slings, or under reach only  
 7 if the operator of the wrecker deems such lights necessary. A  
 8 flatbed, car carrier, or rollback may not use amber rotating  
 9 or flashing lights when hauling a vehicle on the bed unless it  
 10 creates a hazard to other motorists because of protruding  
 11 objects. Further, escort vehicles will be permitted to show or  
 12 display amber lights when in the actual process of escorting  
 13 overdimensioned equipment, material, or buildings as  
 14 authorized by law. Vehicles of private watch, guard, or patrol  
 15 agencies licensed pursuant to chapter 493 may show or display  
 16 amber lights while patrolling condominium, cooperative, and  
 17 private residential and business communities by which employed  
 18 and which traverse public streets or highways.

19 (10) Except as provided in subsection (2), a violation  
 20 of this section is a noncriminal traffic infraction,  
 21 punishable as a nonmoving violation as provided in chapter  
 22 318.

23 Section 4. Section 316.2398, Florida Statutes, is  
 24 amended to read:

25 316.2398 Display or use of red lights; motor vehicles  
 26 of volunteer firefighters or medical staff.--

27 (1) A privately owned vehicle belonging to an active  
 28 firefighter member of a regularly organized volunteer  
 29 firefighting company or association, while en route to the  
 30 fire station for the purpose of proceeding to the scene of a  
 31 fire or other emergency or while en route to the scene of a

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1 fire or other emergency in the line of duty as an active  
2 firefighter member of a regularly organized firefighting  
3 company or association, or a privately owned vehicle belonging  
4 to a medical staff physician or technician of a medical  
5 facility licensed by the state, while responding to an  
6 emergency in the line of duty, may display or use a red light  
7 visible from the front and from the rear of such vehicle,  
8 subject to the following restrictions and conditions:

9 (a) A light may not have a light source greater than  
10 100,000 ~~50~~ candlepower.

11 (b) Only one red light of the revolving type may be  
12 displayed, and such light must be permanently or magnetically  
13 mounted to the dashboard or roof of the vehicle.

14 (c) The red light must consist of a lamp with a red  
15 lens, but may not consist of an uncolored lens with a red  
16 bulb.

17 (d) The red light may not be a part of the regular  
18 headlamps, taillights, or turn signal lights displayed on such  
19 vehicle.

20 (e) No inscription of any kind may appear across the  
21 face of the lens of the red light.

22 (f) The lens of the red light may not be less than 3  
23 inches or more than 8 inches in diameter.

24 (g) In order for an active volunteer firefighter to  
25 display such a red light on his or her vehicle, the volunteer  
26 firefighter must first secure a written permit from the chief  
27 executive officers of the firefighting organization to use the  
28 red light, and this permit must be carried by the volunteer  
29 firefighter at all times while the red light is displayed.

30 (2) It is unlawful for any person who is not an active  
31 firefighter member of a regularly organized volunteer

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1 firefighting company or association or a physician or  
2 technician of the medical staff of a medical facility licensed  
3 by the state to display on any motor vehicle owned by him or  
4 her, at any time, a red light as described in subsection (1).

5 (3) It is unlawful for an active volunteer firefighter  
6 to operate a red light as authorized in subsection (1), except  
7 while en route to the fire station for the purpose of  
8 proceeding to the scene of a fire or other emergency, or while  
9 en route to the scene of a fire or other emergency, in the  
10 line of duty.

11 (4) It is unlawful for a physician or technician of  
12 the medical staff of a medical facility to operate a red light  
13 as authorized in subsection (1), except when responding to an  
14 emergency in the line of duty.

15 (5)(a) A violation of this section by a person  
16 authorized under subsection (1) to display a red light is a  
17 nonmoving violation, punishable as provided in chapter 318.  
18 In addition, any volunteer firefighter shall be dismissed from  
19 membership in the firefighting organization by the chief  
20 executive officers thereof and may not serve as a firefighter  
21 in this state for a period of 1 year after the date of such  
22 violation.

23 (b) A person, other than a person authorized under  
24 subsection (1), who displays a red light in violation of this  
25 section is guilty of a misdemeanor of the second degree,  
26 punishable as provided in s. 775.082 or s. 775.083.

27 Section 5. Subsection (2) of section 318.18, Florida  
28 Statutes, is amended to read:

29 318.18 Amount of civil penalties.--The penalties  
30 required for a noncriminal disposition pursuant to s. 318.14  
31 are as follows:

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1 (2) Thirty dollars for all nonmoving traffic  
2 violations and:

3 (a) For all violations of s. 322.19.

4 (b) For all violations of ss. 320.0605, 320.07(1),  
5 322.065, and 322.15(1). Any person who is cited for a  
6 violation of s. 320.07(1) shall be charged a delinquent fee  
7 pursuant to s. 320.07(4).

8 1. If a person who is cited for a violation of s.  
9 320.0605 or s. 320.07 can show proof of having a valid  
10 registration at the time of arrest, the clerk of the court may  
11 dismiss the case and may assess a \$5 dismissal fee. A person  
12 who finds it impossible or impractical to obtain a valid  
13 registration certificate must submit an affidavit detailing  
14 the reasons for the impossibility or impracticality. The  
15 reasons may include, but are not limited to, the fact that the  
16 vehicle was sold, stolen, or destroyed; that the state in  
17 which the vehicle is registered does not issue a certificate  
18 of registration; or that the vehicle is owned by another  
19 person.

20 2. If a person who is cited for a violation of s.  
21 322.03, s. 322.065, or s. 322.15 can show a driver's license  
22 issued to him or her and valid at the time of arrest, the  
23 clerk of the court may dismiss the case and may assess a \$5  
24 dismissal fee.

25 3. If a person who is cited for a violation of s.  
26 316.646 can show proof of security as required by s. 627.733,  
27 issued to the person and valid at the time of arrest, the  
28 clerk of the court may dismiss the case and may assess a \$5  
29 dismissal fee. A person who finds it impossible or impractical  
30 to obtain proof of security must submit an affidavit detailing  
31 the reasons for the impracticality. The reasons may include,

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1 but are not limited to, the fact that the vehicle has since  
2 been sold, stolen, or destroyed; that the owner or registrant  
3 of the vehicle is not required by s. 627.733 to maintain  
4 personal injury protection insurance; or that the vehicle is  
5 owned by another person.

6 (c) For all violations of ss. 316.2935 and 316.610.  
7 However, for a violation of s. 316.2935 or s. 316.610, if the  
8 person committing the violation corrects the defect and  
9 obtains proof of such timely repair by an affidavit of  
10 compliance executed by the law enforcement agency within 30  
11 days from the date upon which the traffic citation was issued,  
12 and pays \$4 to the law enforcement agency, thereby completing  
13 the affidavit of compliance, then upon presentation of said  
14 affidavit by the defendant to the clerk within the 30-day time  
15 period set forth under s. 318.14(4), the fine must be reduced  
16 to \$5, which the clerk of the court shall retain.

17 (d) For all violations of s. 316.126(1)(b), unless  
18 otherwise specified.

19 Section 6. Subsection (13) is added to section 318.21,  
20 Florida Statutes, to read:

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

25 (13) As of July 1, 2002, the proceeds from the fine as  
26 defined in s. 316.126(1)(b) shall be paid to the Crimes  
27 Compensation Trust Fund administered by the Office of the  
28 Attorney General. The Office of the Attorney General shall  
29 annually allocate in an equal distribution funds collected  
30 pursuant to s. 316.126(1)(b) to the surviving minor children  
31 of any victim killed as a result of a violation of s.



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1 316.126(1)(b).

2 Section 7. This act shall take effect July 1, 2002.

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

6 And the title is amended as follows:

7 Delete everything before the enacting clause

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9 and insert:

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A bill to be entitled

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An act relating to state uniform traffic

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control; creating the "Move Over Act"; amending

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s. 316.126, F.S.; providing requirements with

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respect to authorized emergency vehicles making

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use of visual signals when parked; providing

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for the disposition of fines; amending s.

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316.2397, F.S.; authorizing the use of

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emergency lights and sirens on certain

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vehicles; authorizing wreckers to use amber

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rotating or flashing lights under certain

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circumstances; revising penalties for showing

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or displaying certain lights; amending 316.2398

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F.S.; revising penalties for showing or

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displaying certain lights; amending s. 318.18,

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F.S.; providing a penalty for a violation of s.

26

316.126(1)(b), F.S.; amending s. 318.21.F.S.;

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providing a civil penalty for violation of s.

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316.126(1)(b), F.S.; providing for the

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distribution of such fines; providing an

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effective date.

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