

By the Committee on Transportation; and Senator Crist

306-1341-02

1 A bill to be entitled
2 An act relating to state uniform traffic
3 control; creating the "Move Over Act"; amending
4 s. 316.126, F.S.; providing requirements with
5 respect to authorized emergency vehicles making
6 use of visual signals when parked; providing a
7 penalty; providing for the disposition of
8 fines; amending s. 316.2397, F.S.; authorizing
9 wreckers to use amber rotating or flashing
10 lights under certain circumstances; providing
11 an effective date.

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

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

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

19 316.126 Operation of vehicles and actions of
20 pedestrians on approach of authorized emergency vehicle.--

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

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1 authorized emergency vehicle has passed, unless otherwise
2 directed by any law enforcement officer.

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

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

11 2. Shall slow to speed that is 20 miles per hour less
12 than the posted speed limit when driving on a two-lane road,
13 except when otherwise directed by a police officer.

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

19 (b) A violation of subsection (1) is a noncriminal
20 traffic infraction, punishable by a fine of not less than \$25
21 nor more than \$50.

22 1. Until July 1, 2004, the proceeds from the fine
23 shall be allocated to the Department of Highway Safety and
24 Motor Vehicles to provide for an educational awareness
25 campaign to inform the motoring public concerning the new law.
26 The department shall provide that information concerning the
27 new law be placed in all newly printed driver's license
28 educational materials.

29 2. After July 1, 2004, the proceeds from the fine
30 shall be allocated in an equal distribution annually to the
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1 minor children of any law enforcement officer killed as a
2 result of a violation of subsection (1).

3 Section 3. Subsection (3) of section 316.2397, Florida
4 Statutes, is amended to read:

5 316.2397 Certain lights prohibited; exceptions.--

6 (3) Vehicles of the fire department and fire patrol,
7 including vehicles of volunteer firefighters as permitted
8 under s. 316.2398, vehicles of medical staff physicians or
9 technicians of medical facilities licensed by the state as
10 authorized under s. 316.2398, ambulances as authorized under
11 this chapter, and buses and taxicabs as authorized under s.
12 316.2399 are permitted to show or display red lights.
13 Wreckers, mosquito control fog and spray vehicles, and
14 emergency vehicles of governmental departments or public
15 service corporations may show or display amber lights when in
16 actual operation or when a hazard exists provided they are not
17 used going to and from the scene of operation or hazard
18 without specific authorization of a law enforcement officer or
19 law enforcement agency. Wreckers may use amber rotating or
20 flashing lights while performing recoveries and loading on
21 roadside day or night, and while towing a vehicle on wheel
22 lifts, slings, or underreach only if the operator of the
23 wrecker deems such lights necessary. A flatbed, car carrier,
24 or rollback may not use amber rotating or flashing lights when
25 hauling a vehicle on the bed unless it creates a hazard to
26 other motorists because of protruding objects. Further, escort
27 vehicles will be permitted to show or display amber lights
28 when in the actual process of escorting oversized
29 equipment, material, or buildings as authorized by law.
30 Vehicles of private watch, guard, or patrol agencies licensed
31 pursuant to chapter 493 may show or display amber lights while

1 patrolling condominium, cooperative, and private residential
2 and business communities by which employed and which traverse
3 public streets or highways.

4 Section 4. This act shall take effect July 1, 2002.

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6 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
7 COMMITTEE SUBSTITUTE FOR
8 SB 366

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9 This CS revises the penalty provision to state that a
10 violation is punishable as a noncriminal traffic infraction
11 (\$25 to \$50). For a 2-year period, proceeds from the civil
12 fine are to be used for an educational awareness campaign.
13 After July 2, 2004, proceeds are to be distributed to the
14 minor children of law enforcement officers killed as a result
15 of a violation of this provision.

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