

Bill No. SB 454

Barcode 753114

CHAMBER ACTION

Senate

House

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11 The Committee on Transportation (Sebesta) recommended the
12 following amendment:

14 **Senate Amendment (with title amendment)**

15 Delete everything after the enacting clause

17 and insert:

18 Section 1. Subsection (2) of section 316.006, Florida
19 Statutes, is amended to read:

20 316.006 Jurisdiction.--Jurisdiction to control traffic
21 is vested as follows:

22 (2) MUNICIPALITIES.--

23 (a) Chartered municipalities shall have original
24 jurisdiction over all streets and highways located within
25 their boundaries, except state roads, and may place and
26 maintain such traffic control devices which conform to the
27 manual and specifications of the Department of Transportation
28 upon all streets and highways under their original
29 jurisdiction as they shall deem necessary to indicate and to
30 carry out the provisions of this chapter or to regulate, warn,
31 or guide traffic.

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1 (b) A municipality may exercise jurisdiction over any
 2 private road or roads, or over any limited access road or
 3 roads owned or controlled by a special district, located
 4 within its boundaries if the municipality and party or parties
 5 owning or controlling such road or roads provide, by written
 6 agreement approved by the governing body of the municipality,
 7 for municipal traffic control jurisdiction over the road or
 8 roads encompassed by such agreement. Pursuant thereto:

9 1. Provision for reimbursement for actual costs of
 10 traffic control and enforcement and for liability insurance
 11 and indemnification by the party or parties, and such other
 12 terms as are mutually agreeable, may be included in such an
 13 agreement.

14 2. The exercise of jurisdiction provided for herein
 15 shall be in addition to jurisdictional authority presently
 16 exercised by municipalities under law, and nothing in this
 17 paragraph shall be construed to limit or remove any such
 18 jurisdictional authority. Such jurisdiction includes
 19 regulation of access to such road or roads by security devices
 20 or personnel.

21 3. Any such agreement may provide for the installation
 22 of multiparty stop signs by the parties controlling the roads
 23 covered by the agreement if a determination is made by such
 24 parties that the signage will enhance traffic safety.
 25 Multiparty stop signs must conform to the manual and
 26 specifications of the Department of Transportation; however,
 27 minimum traffic volumes may not be required for the
 28 installation of such signage. Enforcement for the signs shall
 29 be as provided in s. 316.123.

30 (c) Notwithstanding any other provisions of law to the
 31 contrary, a municipality may, by interlocal agreement with a

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1 county, agree to transfer traffic regulatory authority over
2 areas within the municipality to the county.

3
4 This subsection shall not limit those counties which have the
5 charter powers to provide and regulate arterial, toll, and
6 other roads, bridges, tunnels, and related facilities from the
7 proper exercise of those powers by the placement and
8 maintenance of traffic control devices which conform to the
9 manual and specifications of the Department of Transportation
10 on streets and highways located within municipal boundaries.

11 Section 2. Section 316.083, Florida Statutes, is
12 amended to read:

13 316.083 Overtaking and passing a vehicle.--The
14 following rules shall govern the overtaking and passing of
15 vehicles proceeding in the same direction, subject to those
16 limitations, exceptions, and special rules hereinafter stated:

17 (1) The driver of a vehicle overtaking another vehicle
18 proceeding in the same direction shall give an appropriate
19 signal as provided for in s. 316.156, shall pass to the left
20 thereof at a safe distance, and shall not again drive to the
21 right side of the roadway until safely clear of the overtaken
22 vehicle.

23 (2) Except when overtaking and passing on the right is
24 permitted, the driver of an overtaken vehicle shall give way
25 to the right in favor of the overtaking vehicle, on audible
26 signal or upon the visible blinking of the headlamps of the
27 overtaking vehicle if such overtaking is being attempted at
28 nighttime, and shall not increase the speed of his or her
29 vehicle until completely passed by the overtaking vehicle.

30 (3) A violation of this section is a noncriminal
31 traffic infraction, punishable as a moving violation as

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1 provided in chapter 318.

2 Section 3. Section 316.155, Florida Statutes, is
3 amended to read:

4 316.155 When signal required.--

5 (1) No person may turn a vehicle from a direct course
6 upon a highway unless and until such movement can be made with
7 reasonable safety, and then only after giving an appropriate
8 signal in the manner hereinafter provided, in the event any
9 other vehicle may be affected by the movement.

10 (2) A signal of intention to turn right or left must
11 be given continuously during not less than the last 100 feet
12 traveled by the vehicle before turning, except that such a
13 signal by hand or arm need not be given continuously by a
14 bicyclist if the hand is needed in the control or operation of
15 the bicycle.

16 (3) No person may stop or suddenly decrease the speed
17 of a vehicle without first giving an appropriate signal in the
18 manner provided herein to the driver of any vehicle
19 immediately to the rear, when there is opportunity to give
20 such signal.

21 (4) The signals provided for in s. 316.156 shall be
22 used to indicate an intention to turn, to overtake, or to pass
23 a vehicle and may not, except as provided in s. 316.2397, be
24 flashed on one side only on a parked or disabled vehicle or
25 flashed as a courtesy or "do pass" signal to operators of
26 other vehicles approaching from the rear.

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

30 Section 4. Section 316.2095, Florida Statutes, is
31 amended to read:

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1 316.2095 Footrests, handholds, and handlebars.--

2 (1) Any motorcycle carrying a passenger, other than in
3 a sidecar or enclosed cab, shall be equipped with footrests
4 and handholds for such passenger.

5 (2) No person shall operate any motorcycle with
6 handlebars or with handgrips that are higher than the top of
7 the shoulders of the person operating the motorcycle while
8 properly seated upon the motorcycle ~~more than 15 inches in~~
9 ~~height above that portion of the seat occupied by the~~
10 operator.

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 5. Subsection (11) is added to section
15 316.302, Florida Statutes, to read:

16 316.302 Commercial motor vehicles; safety regulations;
17 transporters and shippers of hazardous materials;
18 enforcement.--

19 (11) In addition to any other penalty provided in this
20 section, a person who operates a commercial motor vehicle that
21 bears an identification number required by this section which
22 is false, fraudulent, or displayed without the consent of the
23 person to whom it is assigned commits a misdemeanor of the
24 first degree, punishable as provided in s. 775.082 or s.
25 775.083.

26 Section 6. Section 316.3045, Florida Statutes, is
27 amended to read:

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

30 (1) It is unlawful for any person operating or
31 occupying a motor vehicle on a street or highway to operate or

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1 amplify the sound produced by a radio, tape player, or other
2 mechanical soundmaking device or instrument from within the
3 motor vehicle so that the sound is:

4 (a) Plainly audible at a distance of 25 ~~100~~ feet or
5 more from the motor vehicle; or

6 (b) Louder than necessary for the convenient hearing
7 by persons inside the vehicle in areas adjoining churches,
8 schools, or hospitals.

9 (2) The provisions of this section shall not apply to
10 any law enforcement motor vehicle equipped with any
11 communication device necessary in the performance of law
12 enforcement duties or to any emergency vehicle equipped with
13 any communication device necessary in the performance of any
14 emergency procedures.

15 (3) The provisions of this section do not apply to
16 motor vehicles used for business or political purposes, which
17 in the normal course of conducting such business use
18 soundmaking devices. The provisions of this subsection shall
19 not be deemed to prevent local authorities, with respect to
20 streets and highways under their jurisdiction and within the
21 reasonable exercise of the police power, from regulating the
22 time and manner in which such business may be operated.

23 (4) The provisions of this section do not apply to the
24 noise made by a horn or other warning device required or
25 permitted by s. 316.271. The Department of Highway Safety and
26 Motor Vehicles shall promulgate rules defining "plainly
27 audible" and establish standards regarding how sound should be
28 measured by law enforcement personnel who enforce the
29 provisions of this section.

30 (5) A violation of this section is a noncriminal
31 traffic infraction, punishable as a nonmoving violation as

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1 provided in chapter 318.

2 Section 7. Section 318.1215, Florida Statutes, is
3 amended to read:

4 318.1215 Dori Slosberg Driver Education Safety
5 Act.--Effective October 1, 2002, notwithstanding the
6 provisions of s. 318.121, a board of county commissioners may
7 require, by ordinance, that the clerk of the court collect an
8 additional \$3 with each civil traffic penalty, which shall be
9 used to fund driver ~~traffic~~ education programs in public and
10 nonpublic schools. The ordinance shall provide for the board
11 of county commissioners to administer the funds, which shall
12 be used for enhancement, and not replacement, of driver
13 education program funds. The funds shall be used for direct
14 educational expenses and shall not be used for administration.
15 Each driver education program receiving funds pursuant to
16 this section shall require that a minimum of 30 percent of a
17 student's time in the program be behind-the-wheel training.

18 This section may be cited as the "Dori Slosberg Driver
19 Education Safety Act."

20 Section 8. Subsections (30) and (56) of section
21 320.08058, Florida Statutes, are amended to read:

22 320.08058 Specialty license plates.--

23 (30) CHOOSE LIFE LICENSE PLATES.--

24 (a) The department shall develop a Choose Life license
25 plate as provided in this section. The word "Florida" must
26 appear at the bottom of the plate, and the words "Choose Life"
27 must appear at the top of the plate.

28 (b) The annual use fees shall be distributed annually
29 to each county in the ratio that the annual use fees collected
30 by each county bears to the total fees collected for the
31 plates within the state. Each county shall distribute the

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1 funds to nongovernmental, not-for-profit agencies within the
 2 county, which agencies' services are limited to counseling and
 3 meeting the physical needs of pregnant women who are committed
 4 to placing their children for adoption. Funds may not be
 5 distributed to any agency that is involved or associated with
 6 abortion activities, including counseling for or referrals to
 7 abortion clinics, providing medical abortion-related
 8 procedures, or proabortion advertising, and funds may not be
 9 distributed to any agency that charges women for services
 10 received.

11 1. Agencies that receive the funds must use at least
 12 70 percent of the funds to provide for the material needs of
 13 pregnant women who are committed to placing their children for
 14 adoption, including clothing, housing, medical care, food,
 15 utilities, and transportation. Such funds may also be expended
 16 on infants awaiting placement with adoptive parents.

17 2. The remaining funds may be used for adoption,
 18 counseling, training, or advertising, but may not be used for
 19 administrative expenses, legal expenses, or capital
 20 expenditures.

21 3. Each agency that receives such funds must submit an
 22 annual attestation ~~audit, prepared by a certified public~~
 23 ~~accountant,~~ to the county. ~~The county may conduct a~~
 24 ~~consolidated audit in lieu of the annual audit.~~ Any unused
 25 funds that exceed 10 percent of the funds received by an
 26 agency during its fiscal year must be returned to the county,
 27 which shall distribute them to other qualified agencies.

28 (56) ANIMAL FRIEND LICENSE PLATES.--

29 (a) Notwithstanding the provisions of s. 320.08053,
 30 the department shall develop an Animal Friend license plate as
 31 provided in this section. Animal Friend license plates must

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1 bear the colors and design approved by the department. The
2 word "Florida" must appear at the top of the plate, and the
3 words "Animal Friend" must appear at the bottom of the plate.

4 (b) The department shall retain all annual use fee
5 revenues from the sale of such plates until all startup costs
6 for developing and issuing the plates are recovered, not to
7 exceed \$60,000.

8 (c) After the department has recovered all startup
9 costs for developing and issuing the plates, the annual use
10 fees shall be distributed to the Florida Animal Friend, Inc.,
11 ~~for Humane Society of the United States for animal welfare~~
12 ~~programs and~~ spay and neuter programs in the state.

13 (d) No more than 10 percent of the fees collected may
14 be used for administrative costs directly associated with
15 marketing and promotion of the Animal Friend license plate and
16 distribution of funds as described in paragraph (c).

17 (e) Funds received from the purchase of the Animal
18 Friend license plate shall not be used for litigation.

19 Section 9. Paragraph (a) of subsection (1) of section
20 320.089, Florida Statutes, is amended to read:

21 320.089 Members of National Guard and active United
22 States Armed Forces reservists; former prisoners of war;
23 survivors of Pearl Harbor; Purple Heart medal recipients;
24 special license plates; fee.--

25 (1)(a) Each owner or lessee of an automobile or truck
26 for private use or recreational vehicle as specified in s.
27 320.08(9)(c) or (d), which is not used for hire or commercial
28 use, who is a resident of the state and an active or retired
29 member of the Florida National Guard, a survivor of the attack
30 on Pearl Harbor, a recipient of the Purple Heart medal, or an
31 active or retired member of any branch of the United States

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1 Armed Forces Reserve shall, upon application to the
 2 department, accompanied by proof of active membership or
 3 retired status in the Florida National Guard, proof of
 4 membership in the Pearl Harbor Survivors Association or proof
 5 of active military duty in Pearl Harbor on December 7, 1941,
 6 proof of being a Purple Heart medal recipient, or proof of
 7 active or retired membership in any branch of the Armed Forces
 8 Reserve, and upon payment of the license tax for the vehicle
 9 as provided in s. 320.08, be issued a license plate as
 10 provided by s. 320.06, upon which, in lieu of the serial
 11 numbers prescribed by s. 320.06, shall be stamped the words
 12 "National Guard," "Pearl Harbor Survivor," "Combat-wounded
 13 veteran," or "U.S. Reserve," as appropriate, followed by the
 14 serial number of the license plate. Additionally, the Purple
 15 Heart plate may have the words "Purple Heart" stamped on the
 16 plate and the likeness of the Purple Heart medal appearing on
 17 the plate.

18 Section 10. Subsection (6) of section 322.08, Florida
 19 Statutes, is amended to read:

20 322.08 Application for license.--

21 (6) The application form for a driver's license or
 22 duplicate thereof shall include language permitting the
 23 following:

24 (a) A voluntary contribution of \$5 per applicant,
 25 which contribution shall be transferred into the Election
 26 Campaign Financing Trust Fund.

27 (b) A voluntary contribution of \$1 per applicant,
 28 which contribution shall be deposited into the Florida Organ
 29 and Tissue Donor Education and Procurement Trust Fund for
 30 organ and tissue donor education and for maintaining the organ
 31 and tissue donor registry.

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1 (c) A voluntary contribution of \$1 per applicant,
2 which contribution shall be distributed to the Florida Council
3 of the Blind.

4 (d) A voluntary contribution of \$2 per applicant,
5 which shall be distributed to the Hearing Research Institute,
6 Incorporated, for the purpose of ~~infant~~ hearing screening in
7 Florida.

8 (e) A voluntary contribution of \$1 per applicant,
9 which shall be distributed to the Juvenile Diabetes Foundation
10 International.

11
12 A statement providing an explanation of the purpose of the
13 trust funds shall also be included. For the purpose of
14 applying the service charge provided in s. 215.20,
15 contributions received under paragraphs (c), (d), and (e) and
16 under s. 322.18(9)(a) are not income of a revenue nature.

17 Section 11. Subsection (3) of section 322.27, Florida
18 Statutes, is amended to read:

19 322.27 Authority of department to suspend or revoke
20 license.--

21 (3) There is established a point system for evaluation
22 of convictions of violations of motor vehicle laws or
23 ordinances, and violations of applicable provisions of s.
24 403.413(6)(b) when such violations involve the use of motor
25 vehicles, for the determination of the continuing
26 qualification of any person to operate a motor vehicle. The
27 department is authorized to suspend the license of any person
28 upon showing of its records or other good and sufficient
29 evidence that the licensee has been convicted of violation of
30 motor vehicle laws or ordinances, or applicable provisions of
31 s. 403.413(6)(b), amounting to 12 or more points as determined

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

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

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

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

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

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

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

20 3. Unlawful speed resulting in a crash--6 points.

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

22 5. Unlawful speed:

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

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

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

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

31 7. Any moving violation covered above, excluding

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1 unlawful speed, resulting in a crash--4 points.

2 8. Any conviction under s. 403.413(6)(b) ~~s.~~
3 ~~403.413(5)(b)~~--3 points.

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

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

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

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

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

28 Section 12. This act shall take effect July 1, 2005.

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

2 And the title is amended as follows:

3 Delete everything before the enacting clause

4

5 and insert:

6 A bill to be entitled

7 An act relating to highway safety; amending s.

8 316.006, F.S.; providing for interlocal

9 agreements between municipalities and counties

10 transferring traffic regulatory authority;

11 amending s. 316.083, F.S.; requiring an

12 appropriate signal when overtaking and passing

13 a vehicle; amending s. 316.155, F.S.;

14 specifying that signals are required when

15 overtaking or passing a vehicle; amending s.

16 316.2095, F.S.; revising physical requirements

17 for operating motorcycles under certain

18 circumstances; amending s. 316.302, F.S.;

19 providing a penalty for operating a commercial

20 motor vehicle bearing a false or other illegal

21 identification number; amending s. 316.3045,

22 F.S.; revising criteria related to the

23 operation of radios or other sound-making

24 devices in motor vehicles; amending s.

25 318.1215, F.S.; clarifying that funds from the

26 Dori Slosberg Driver Education Safety Act be

27 used for driver education programs in schools;

28 requiring that funds be used for enhancement of

29 driver education program funds; providing a

30 requirement for behind-the-wheel training;

31 amending s. 320.08058, F.S.; revising

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1 requirements for agencies that receive funds
2 from the Choose Life license plate; revising
3 authorized uses of revenues from the Animal
4 Friend specialty license plate; amending s.
5 320.089, F.S.; allowing retired members of the
6 U.S. Armed Forces Reserve to be issued U.S.
7 Reserve license plates; amending s. 322.08,
8 F.S.; allowing funds collected from a voluntary
9 contribution associated with driver's license
10 renewals to be used for hearing screening for
11 all age groups; amending s. 322.27, F.S.;
12 correcting a cross-reference relating to points
13 assigned for littering violations; providing an
14 effective date.

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