

1 U.S. Armed Forces Reserve to be issued U.S.
2 Reserve license plates; amending s. 322.08,
3 F.S.; allowing funds collected from a voluntary
4 contribution associated with driver's license
5 renewals to be used for hearing screening for
6 all age groups; amending s. 322.2615, F.S.;
7 providing that the disposition of a related
8 criminal proceeding may not affect a suspension
9 of a driver's license for refusal to submit to
10 blood, breath, or urine testing; directing the
11 Department of Highway Safety and Motor Vehicles
12 to invalidate a suspension for driving with an
13 unlawful blood-alcohol level or breath-alcohol
14 level if the suspended person is found not
15 guilty at trial of the underlying violation of
16 law; amending s. 322.27, F.S.; correcting a
17 cross-reference relating to points assigned for
18 littering violations; providing an effective
19 date.
20

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

22
23 Section 1. Subsection (2) of section 316.006, Florida
24 Statutes, is amended to read:

25 316.006 Jurisdiction.--Jurisdiction to control traffic
26 is vested as follows:

27 (2) MUNICIPALITIES.--

28 (a) Chartered municipalities shall have original
29 jurisdiction over all streets and highways located within
30 their boundaries, except state roads, and may place and
31 maintain such traffic control devices which conform to the

1 manual and specifications of the Department of Transportation
2 upon all streets and highways under their original
3 jurisdiction as they shall deem necessary to indicate and to
4 carry out the provisions of this chapter or to regulate, warn,
5 or guide traffic.

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

14 1. Provision for reimbursement for actual costs of
15 traffic control and enforcement and for liability insurance
16 and indemnification by the party or parties, and such other
17 terms as are mutually agreeable, may be included in such an
18 agreement.

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

26 3. Any such agreement may provide for the installation
27 of multiparty stop signs by the parties controlling the roads
28 covered by the agreement if a determination is made by such
29 parties that the signage will enhance traffic safety.
30 Multiparty stop signs must conform to the manual and
31 specifications of the Department of Transportation; however,

1 minimum traffic volumes may not be required for the
2 installation of such signage. Enforcement for the signs shall
3 be as provided in s. 316.123.

4 (c) Notwithstanding any other provisions of law to the
5 contrary, a municipality may, by interlocal agreement with a
6 county, agree to transfer traffic regulatory authority over
7 areas within the municipality to the county.

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

16 Section 2. Section 316.083, Florida Statutes, is
17 amended to read:

18 316.083 Overtaking and passing a vehicle.--The
19 following rules shall govern the overtaking and passing of
20 vehicles proceeding in the same direction, subject to those
21 limitations, exceptions, and special rules hereinafter stated:

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

28 (2) Except when overtaking and passing on the right is
29 permitted, the driver of an overtaken vehicle shall give way
30 to the right in favor of the overtaking vehicle, on audible
31 signal or upon the visible blinking of the headlamps of the

1 | overtaking vehicle if such overtaking is being attempted at
2 | nighttime, and shall not increase the speed of his or her
3 | vehicle until completely passed by the overtaking vehicle.

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

7 | Section 3. Section 316.155, Florida Statutes, is
8 | amended to read:

9 | 316.155 When signal required.--

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

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

21 | (3) No person may stop or suddenly decrease the speed
22 | of a vehicle without first giving an appropriate signal in the
23 | manner provided herein to the driver of any vehicle
24 | immediately to the rear, when there is opportunity to give
25 | such signal.

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

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

6 316.2095 Footrests, handholds, and handlebars.--

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

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

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

19 Section 5. Subsection (11) is added to section
20 316.302, Florida Statutes, to read:

21 316.302 Commercial motor vehicles; safety regulations;
22 transporters and shippers of hazardous materials;
23 enforcement.--

24 (11) In addition to any other penalty provided in this
25 section, a person who operates a commercial motor vehicle that
26 bears an identification number required by this section which
27 is false, fraudulent, or displayed without the consent of the
28 person to whom it is assigned commits a misdemeanor of the
29 first degree, punishable as provided in s. 775.082 or s.
30 775.083.

1 Section 6. Section 316.3045, Florida Statutes, is
2 amended to read:

3 316.3045 Operation of radios or other mechanical
4 soundmaking devices or instruments in vehicles; exemptions.--

5 (1) It is unlawful for any person operating or
6 occupying a motor vehicle on a street or highway to operate or
7 amplify the sound produced by a radio, tape player, or other
8 mechanical soundmaking device or instrument from within the
9 motor vehicle so that the sound is:

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

12 (b) Louder than necessary for the convenient hearing
13 by persons inside the vehicle in areas adjoining churches,
14 schools, or hospitals.

15 (2) The provisions of this section shall not apply to
16 any law enforcement motor vehicle equipped with any
17 communication device necessary in the performance of law
18 enforcement duties or to any emergency vehicle equipped with
19 any communication device necessary in the performance of any
20 emergency procedures.

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

29 (4) The provisions of this section do not apply to the
30 noise made by a horn or other warning device required or
31 permitted by s. 316.271. The Department of Highway Safety and

1 Motor Vehicles shall promulgate rules defining "plainly
2 audible" and establish standards regarding how sound should be
3 measured by law enforcement personnel who enforce the
4 provisions of this section.

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

8 Section 7. Section 318.1215, Florida Statutes, is
9 amended to read:

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

24 This section may be cited as the "Dori Slosberg Driver
25 Education Safety Act."

26 Section 8. Subsections (30) and (56) of section
27 320.08058, Florida Statutes, are amended to read:

28 320.08058 Specialty license plates.--

29 (30) CHOOSE LIFE LICENSE PLATES.--

30 (a) The department shall develop a Choose Life license
31 plate as provided in this section. The word "Florida" must

1 appear at the bottom of the plate, and the words "Choose Life"
2 must appear at the top of the plate.

3 (b) The annual use fees shall be distributed annually
4 to each county in the ratio that the annual use fees collected
5 by each county bears to the total fees collected for the
6 plates within the state. Each county shall distribute the
7 funds to nongovernmental, not-for-profit agencies within the
8 county, which agencies' services are limited to counseling and
9 meeting the physical needs of pregnant women who are committed
10 to placing their children for adoption. Funds may not be
11 distributed to any agency that is involved or associated with
12 abortion activities, including counseling for or referrals to
13 abortion clinics, providing medical abortion-related
14 procedures, or proabortion advertising, and funds may not be
15 distributed to any agency that charges women for services
16 received.

17 1. Agencies that receive the funds must use at least
18 70 percent of the funds to provide for the material needs of
19 pregnant women who are committed to placing their children for
20 adoption, including clothing, housing, medical care, food,
21 utilities, and transportation. Such funds may also be expended
22 on infants awaiting placement with adoptive parents.

23 2. The remaining funds may be used for adoption,
24 counseling, training, or advertising, but may not be used for
25 administrative expenses, legal expenses, or capital
26 expenditures.

27 3. Each agency that receives such funds must submit an
28 annual attestation ~~audit, prepared by a certified public~~
29 ~~accountant,~~ to the county. ~~The county may conduct a~~
30 ~~consolidated audit in lieu of the annual audit.~~ Any unused
31 funds that exceed 10 percent of the funds received by an

1 agency during its fiscal year must be returned to the county,
2 which shall distribute them to other qualified agencies.

3 (56) ANIMAL FRIEND LICENSE PLATES.--

4 (a) Notwithstanding the provisions of s. 320.08053,
5 the department shall develop an Animal Friend license plate as
6 provided in this section. Animal Friend license plates must
7 bear the colors and design approved by the department. The
8 word "Florida" must appear at the top of the plate, and the
9 words "Animal Friend" must appear at the bottom of the plate.

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

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

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

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

25 Section 9. Paragraph (a) of subsection (1) of section
26 320.089, Florida Statutes, is amended to read:

27 320.089 Members of National Guard and active United
28 States Armed Forces reservists; former prisoners of war;
29 survivors of Pearl Harbor; Purple Heart medal recipients;
30 special license plates; fee.--
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1 (1)(a) Each owner or lessee of an automobile or truck
2 for private use or recreational vehicle as specified in s.
3 320.08(9)(c) or (d), which is not used for hire or commercial
4 use, who is a resident of the state and an active or retired
5 member of the Florida National Guard, a survivor of the attack
6 on Pearl Harbor, a recipient of the Purple Heart medal, or an
7 active or retired member of any branch of the United States
8 Armed Forces Reserve shall, upon application to the
9 department, accompanied by proof of active membership or
10 retired status in the Florida National Guard, proof of
11 membership in the Pearl Harbor Survivors Association or proof
12 of active military duty in Pearl Harbor on December 7, 1941,
13 proof of being a Purple Heart medal recipient, or proof of
14 active or retired membership in any branch of the Armed Forces
15 Reserve, and upon payment of the license tax for the vehicle
16 as provided in s. 320.08, be issued a license plate as
17 provided by s. 320.06, upon which, in lieu of the serial
18 numbers prescribed by s. 320.06, shall be stamped the words
19 "National Guard," "Pearl Harbor Survivor," "Combat-wounded
20 veteran," or "U.S. Reserve," as appropriate, followed by the
21 serial number of the license plate. Additionally, the Purple
22 Heart plate may have the words "Purple Heart" stamped on the
23 plate and the likeness of the Purple Heart medal appearing on
24 the plate.

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

27 322.08 Application for license.--

28 (6) The application form for a driver's license or
29 duplicate thereof shall include language permitting the
30 following:
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1 (a) A voluntary contribution of \$5 per applicant,
2 which contribution shall be transferred into the Election
3 Campaign Financing Trust Fund.

4 (b) A voluntary contribution of \$1 per applicant,
5 which contribution shall be deposited into the Florida Organ
6 and Tissue Donor Education and Procurement Trust Fund for
7 organ and tissue donor education and for maintaining the organ
8 and tissue donor registry.

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

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

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

19
20 A statement providing an explanation of the purpose of the
21 trust funds shall also be included. For the purpose of
22 applying the service charge provided in s. 215.20,
23 contributions received under paragraphs (c), (d), and (e) and
24 under s. 322.18(9)(a) are not income of a revenue nature.

25 Section 11. Subsection (14) of section 322.2615,
26 Florida Statutes, is amended, and subsection (16) is added to
27 that section, to read:

28 322.2615 Suspension of license; right to review.--

29 (14)(a) The decision of the department under this
30 section ~~may shall~~ not be considered in any trial for a
31 violation of s. 316.193, ~~and a nor shall any~~ written statement

1 submitted by a person in his or her request for departmental
2 review under this section may not be admitted ~~admissible~~ into
3 evidence against him or her in any such trial.

4 (b) The disposition of any related criminal
5 proceedings does shall not affect a suspension for refusal to
6 submit to a blood, breath, or urine test, authorized by s.
7 316.1932 or s. 316.1933, imposed under ~~pursuant to~~ this
8 section.

9 (16) The department shall invalidate a suspension for
10 driving with an unlawful blood-alcohol level or breath-alcohol
11 level imposed under this section if the suspended person is
12 found not guilty at trial of an underlying violation of s.
13 316.193.

14 Section 12. Subsection (3) of section 322.27, Florida
15 Statutes, is amended to read:

16 322.27 Authority of department to suspend or revoke
17 license.--

18 (3) There is established a point system for evaluation
19 of convictions of violations of motor vehicle laws or
20 ordinances, and violations of applicable provisions of s.
21 403.413(6)(b) when such violations involve the use of motor
22 vehicles, for the determination of the continuing
23 qualification of any person to operate a motor vehicle. The
24 department is authorized to suspend the license of any person
25 upon showing of its records or other good and sufficient
26 evidence that the licensee has been convicted of violation of
27 motor vehicle laws or ordinances, or applicable provisions of
28 s. 403.413(6)(b), amounting to 12 or more points as determined
29 by the point system. The suspension shall be for a period of
30 not more than 1 year.

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1 (a) When a licensee accumulates 12 points within a
2 12-month period, the period of suspension shall be for not
3 more than 30 days.

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

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

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

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

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

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

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

20 5. Unlawful speed:

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

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

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

27 However, no points shall be imposed for a violation of s.

28 316.0741 or s. 316.2065(12).

29 7. Any moving violation covered above, excluding
30 unlawful speed, resulting in a crash--4 points.

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

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

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

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

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

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

27 Section 13. This act shall take effect July 1, 2005.

1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 454

- 4 1. Allows municipalities, by interlocal agreement with a
5 county, to transfer traffic regulatory authority over
6 areas within the municipality to the county.
- 7 2. Requires a driver of a vehicle to give an appropriate
8 signal when overtaking or passing another vehicle
9 proceeding in the same direction.
- 10 3. Requires any motorcycle carrying a passenger, other than
11 in a sidecar or enclosed cab, to be equipped with
12 handholds for such passenger. In addition, the CS
13 specifies a person may not operate a motorcycle with
14 handlebars or handgrips higher than the top of the
15 shoulders of the person operating the motorcycle while
16 properly seated on the motorcycle.
- 17 4. Provides a person operating a commercial motor vehicle
18 bearing an identification number which is false,
19 fraudulent, or displayed without the consent of the
20 person to whom it was assigned commits a first degree
21 misdemeanor.
- 22 5. Revises the distance to no more than 25 feet that a radio
23 may be plainly audible from a motor vehicle.
- 24 6. Clarifies funds from the Dori Slosberg Driver Education
25 Safety Act be used for driver education programs in
26 schools and requires a minimum of 30 percent of a
27 student's time be behind-the-wheel training for certain
28 driver education programs.
- 29 7. Revises requirements for agencies receiving funds from
30 the Choose Life specialty license plate and revises
31 distribution and use of the annual use fee revenues from
the Animal Friend specialty license plate.
8. Allows retired members from any branch of the United States Armed Forces Reserve to be issued an U.S. Reserve special license plate.
9. Allows funds collected from a voluntary contribution associated with driver's licenses and renewals, which is distributed to the Hearing Research Institute, Inc., to be used for hearing screening in Florida for all age groups.
10. Directs the Department of Highway Safety and Motor Vehicles to invalidate a driver's license suspension for driving with an unlawful blood-alcohol or breath-alcohol level imposed under s. 322.2615, F.S., if the suspended person is found not guilty of driving under the influence at trial. In addition, it clarifies the disposition of a criminal proceeding does not affect a suspension for refusal to submit to a blood, breath or urine test.
11. Corrects an obsolete cross reference relating to points

1 assigned for littering violations.
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