

Bill No. SB 2658

Barcode 451980

CHAMBER ACTION

Senate

House

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

Senate Amendment (with title amendment)

On page 3, between lines 4 and 5,

insert:

Section 2. Subsection (5) of section 316.515, Florida Statutes, is amended to read:

316.515 Maximum width, height, length.--

(5) IMPLEMENTS OF HUSBANDRY, AGRICULTURAL TRAILERS, FORESTRY EQUIPMENT; SAFETY REQUIREMENTS.--

(a) Notwithstanding any other provisions of law, straight trucks, agricultural tractors, and cotton module movers, not exceeding 50 feet in length, or any combination of up to and including three implements of husbandry including the towing power unit, and any single agricultural trailer with a load thereon or any agricultural implements attached to a towing power unit not exceeding 130 inches in width, or a self-propelled agricultural implement or an agricultural tractor not exceeding 130 inches in width, is authorized for

Bill No. SB 2658

Barcode 451980

1 the purpose of transporting peanuts, grains, soybeans, cotton,
 2 hay, straw, or other perishable farm products from their point
 3 of production to the first point of change of custody or of
 4 long-term storage, and for the purpose of returning to such
 5 point of production, or for the purpose of moving such
 6 tractors, movers, and implements from one point of
 7 agricultural production to another, by a person engaged in the
 8 production of any such product or custom hauler, if such
 9 vehicle or combination of vehicles otherwise complies with
 10 this section. Such vehicles shall be operated in accordance
 11 with all safety requirements prescribed by law and Department
 12 of Transportation rules. The Department of Transportation may
 13 issue overlength permits for cotton module movers greater than
 14 50 feet but not more than 55 feet in overall length.

15 (b) Notwithstanding any other provisions of law,
 16 equipment not exceeding 136 inches in width and not capable of
 17 speeds exceeding 20 miles per hour that is used exclusively
 18 for the purpose of harvesting forestry products is authorized
 19 for the purpose of transporting the equipment from one point
 20 of harvest to another point of harvest, not to exceed 10
 21 miles, by a person engaged in the harvesting of forestry
 22 products. Such vehicles shall be operated in accordance with
 23 all safety requirements prescribed by s. 316.2295(5) and (6).

24 Section 3. Section 316.646, Florida Statutes, is
 25 amended to read:

26 316.646 Security required; proof of security and
 27 display thereof; dismissal of cases.--

28 (1) Any person required by s. 627.733 to maintain
 29 personal injury protection security on a motor vehicle shall
 30 have in his or her immediate possession at all times while
 31 operating such motor vehicle proper proof of maintenance of

Bill No. SB 2658

Barcode 451980

1 the security required by s. 627.733. Such proof shall be
2 ~~either~~ a uniform proof-of-insurance card in a form prescribed
3 by the department, a valid insurance policy, an insurance
4 policy binder, a certificate of insurance, or such other proof
5 as may be prescribed by the department.

6 (2) If, upon a comparison of the vehicle registration
7 certificate or other evidence of registration or ownership
8 with the operator's driver's license or other evidence of
9 personal identity, it appears to a law enforcement officer or
10 other person authorized to issue traffic citations that the
11 operator is also the owner or registrant of the vehicle, upon
12 demand of the law enforcement officer or other person
13 authorized to issue traffic citations the operator shall
14 display proper proof of maintenance of security as specified
15 by subsection (1).

16 (3) Any person who violates this section commits a
17 misdemeanor of the first degree, punishable as provided in s.
18 775.082 or s. 775.083 ~~is guilty of a nonmoving traffic~~
19 ~~infraction subject to the penalty provided in chapter 318 and~~
20 shall be required to furnish proof of security as provided in
21 this section. If any person charged with a violation of this
22 section fails to furnish proof, at or before the scheduled
23 court appearance date, that security was in effect at the time
24 of the violation, the court may immediately suspend the
25 registration and driver's license of such person. Such
26 license and registration may only be reinstated as provided in
27 s. 627.733.

28 (4) Any person presenting proof of insurance as
29 required in subsection (1) who knows that the insurance as
30 represented by such proof of insurance is not currently in
31 force is guilty of a misdemeanor of the first degree,

Bill No. SB 2658

Barcode 451980

1 punishable as provided in s. 775.082 or s. 775.083.

2 Section 4. Paragraph (b) of subsection (3) of section
3 316.650, Florida Statutes, is amended to read:

4 316.650 Traffic citations.--

5 (3)

6 (b) If a traffic citation is issued pursuant to s.
7 316.1001, a traffic enforcement officer may deposit the
8 original and one copy of such traffic citation or, in the case
9 of a traffic enforcement agency that has an automated citation
10 system, may provide an electronic facsimile with a court
11 having jurisdiction over the alleged offense or with its
12 traffic violations bureau within 45 days after the date of
13 issuance of the citation to the violator. If the person cited
14 for the violation of s. 316.1001 makes the election provided
15 by s. 318.14(12) and pays the fine imposed by the toll
16 authority plus the amount of the unpaid toll that is shown on
17 the traffic citation directly to the governmental entity that
18 issued the citation in accordance with s. 318.14(12), the
19 traffic citation will not be submitted to the court, the
20 disposition will be reported to the department by the
21 governmental entity that issued the citation, and no points
22 will be assessed against the person's driver's license.

23 Section 5. Subsection (12) of section 318.14, Florida
24 Statutes, is amended to read:

25 318.14 Noncriminal traffic infractions; exception;
26 procedures.--

27 (12) Any person cited for a violation of s. 316.1001
28 may, in lieu of making an election as set forth in subsection
29 (4) or s. 318.18(7), elect to pay a his or her fine of \$25, or
30 such other amount as imposed by the toll authority, plus the
31 amount of the unpaid toll that is shown on the traffic

Bill No. SB 2658

Barcode 451980

1 citation directly to the governmental entity that issued the
2 citation, ~~within~~ within 30 days after the date of issuance of the
3 citation. Any person cited for a violation of s. 316.1001 who
4 does not elect to pay the fine imposed by the toll authority
5 plus the amount of the unpaid toll that is shown on the
6 traffic citation directly to the governmental entity that
7 issued the citation as described in this subsection ~~section~~
8 shall have an additional 45 days after the date of the
9 issuance of the citation in which to request a court hearing
10 or to pay the civil penalty and delinquent fee, if applicable,
11 as provided in s. 318.18(7), either by mail or in person, in
12 accordance with subsection (4).

13 Section 6. Subsection (7) of section 318.18, Florida
14 Statutes, is amended to read:

15 318.18 Amount of civil penalties.--The penalties
16 required for a noncriminal disposition pursuant to s. 318.14
17 are as follows:

18 (7) Mandatory \$150 plus the amount of the unpaid toll
19 shown on the traffic citation for each citation issued ~~one~~
20 ~~hundred dollars~~ for a violation of s. 316.1001. The clerk of
21 the court shall forward \$50 of the \$150 fine received plus the
22 amount of the unpaid toll that is shown on the citation to the
23 governmental entity that issued the citation. If adjudication
24 is withheld or there is a plea arrangement prior to a hearing,
25 there shall be a minimum mandatory cost assessed per citation
26 of \$100 plus the amount of the unpaid toll for each citation
27 issued. The clerk of the court shall forward \$50 of the \$100
28 plus the amount of the unpaid toll as shown on the citation to
29 the governmental entity that issued the citation. The court
30 shall have specific authority to consolidate issued citations
31 for the same defendant for the purpose of sentencing and

Bill No. SB 2658

Barcode 451980

1 aggregate jurisdiction. In addition, the department shall
 2 suspend for 60 days the driver's license of a person who is
 3 convicted of 10 violations of s. 316.1001 within a 36-month
 4 period. However, a person may elect to pay \$30 to the clerk of
 5 the court, in which case adjudication is withheld, and no
 6 points are assessed under s. 322.27. Upon receipt of the fine,
 7 the clerk of the court must retain \$5 for administrative
 8 purposes and must forward the \$25 to the governmental entity
 9 that issued the citation. Any funds received by a governmental
 10 entity for this violation may be used for any lawful purpose
 11 related to the operation or maintenance of a toll facility.

12
13 (Redesignate subsequent sections.)

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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 1, line 13, after the semicolon

19
20 insert:

21 amending s. 316.515, F.S., authorizing certain
 22 uses of forestry equipment; providing width and
 23 speed limitations; requiring such vehicles to
 24 be operated in accordance with specified safety
 25 requirements; amending s. 316.646, F.S.;

26 providing that failure to provide proof of
 27 maintenance of personal injury protection with
 28 respect to a motor vehicle is a first-degree
 29 misdemeanor rather than a nonmoving traffic
 30 infraction; amending s. 316.650, F.S.; revising
 31 procedures for disposition of citations issued

Bill No. SB 2658

Barcode 451980

1 for failure to pay toll; providing that the
2 citation will not be submitted to the court and
3 no points will be assessed on the driver's
4 license if the person cited elects to make
5 payment directly to the governmental entity
6 that issued the citation; providing for
7 reporting of the citation by the governmental
8 entity to the Department of Highway Safety and
9 Motor Vehicles; amending s. 318.14, F.S.;
10 providing for the amount required to be paid
11 under certain procedures for disposition of a
12 citation issued for failure to pay toll;
13 providing for the person cited to request a
14 court hearing; amending s. 318.18, F.S.;
15 revising penalties for failure to pay a
16 prescribed toll; providing for disposition of
17 amounts received by the clerk of court;
18 revising procedures for withholding of
19 adjudication; providing for suspension of a
20 driver's license under certain circumstances;

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