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LEGISLATIVE ACTION

Senate

House

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Floor: WD/2R

04/27/2010 04:03 PM

Senator Lynn moved the following:

Senate Amendment (with title amendment)

Delete lines 595 - 596

and insert:

320.07(3)(a) or (b), s. 322.065, s. 322.15(1), s. 322.16(2), ~~or~~
(3), or (4), s. 322.1615 ~~s. 322.161(5)~~, s. 322.19, or s.
1006.66(3) is

Between lines 1998 and 1999

insert:

Section 41. Present subsections (4), (5), and (6) of
section 322.16, Florida Statutes, are renumbered as subsections
(5), (6), and (7), respectively, and amended, and a new



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14 subsection (4) is added to that section, to read:

15 322.16 License restrictions.—

16 (4) (a) During the first 6 months after the date of his or
17 her licensure, a person who has not attained 18 years of age may
18 not operate a motor vehicle while a passenger is in the vehicle
19 who has not attained 18 years of age unless accompanied by a
20 driver who holds a valid license to operate the type of vehicle
21 being operated and who is at least 21 years of age. Thereafter,
22 until attaining 18 years of age, such person may not operate a
23 motor vehicle while more than three passengers are in the
24 vehicle who have not attained 18 years of age. This subsection
25 does not apply to passengers who are siblings or children of the
26 driver, whether related by whole or half blood, by affinity, or
27 by adoption.

28 (b) State and local law enforcement agencies shall enforce
29 this subsection only as a secondary action when the driver of a
30 motor vehicle has been detained for a suspected violation of
31 another section of this chapter, chapter 316, or chapter 320.

32 (c) This subsection applies to any person younger than 18
33 years of age who is issued a driver's license on or after
34 October 1, 2010.

35 (d) This subsection does not apply to a minor whose
36 disability of nonage has been removed pursuant to s. 743.01.

37 (5)-(4) The department may, upon receiving satisfactory
38 evidence of any violation of the restriction upon such a
39 license, except a violation of paragraph (1) (d), subsection (2),
40 ~~or~~ subsection (3), or subsection (4), suspend or revoke the
41 license, but the licensee is entitled to a hearing as upon a
42 suspension or revocation under this chapter.



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43 ~~(6)~~⁽⁵⁾ It is a misdemeanor of the second degree, punishable
44 as provided in s. 775.082 or s. 775.083, for any person to
45 operate a motor vehicle in any manner in violation of the
46 restrictions imposed in a license issued to him or her except
47 for a violation of paragraph (1)(d), subsection (2), ~~or~~
48 subsection (3), or subsection (4).

49 ~~(7)~~⁽⁶⁾ Any person who operates a motor vehicle in violation
50 of the restrictions imposed in subsection (2), ~~or~~ subsection
51 (3), or subsection (4) commits a noncriminal traffic infraction,
52 punishable as will be charged with a moving violation as
53 provided in and fined in accordance with chapter 318.

54
55 ===== T I T L E A M E N D M E N T =====

56 And the title is amended as follows:

57 Delete line 192

58 and insert:

59 school; amending s. 322.16, F.S.; restricting the
60 number of passengers under the age of 18 permitted in
61 a vehicle operated by a person under the age of 18
62 unless accompanied by a driver at least 21 years of
63 age; providing exceptions; providing for secondary
64 enforcement; providing penalties; providing for
65 applicability; providing effective dates.