



521406

LEGISLATIVE ACTION

Senate

House

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Floor: WD/2R

04/26/2010 04:06 PM

Senator Lynn moved the following:

Senate Amendment (with title amendment)

Between lines 295 and 296
insert:

Section 13. 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 subsection (4) is added to that section, to read:

322.16 License restrictions.—

(4) (a) During the first 6 months after the date of his or her licensure, a person who has not attained 18 years of age may not operate a motor vehicle while a passenger is in the vehicle



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14 who has not attained 18 years of age unless accompanied by a
15 driver who holds a valid license to operate the type of vehicle
16 being operated and who is at least 21 years of age. Thereafter,
17 until attaining 18 years of age, such person may not operate a
18 motor vehicle while more than three passengers are in the
19 vehicle who have not attained 18 years of age. This subsection
20 does not apply to passengers who are siblings or children of the
21 driver, whether related by whole or half blood, by affinity, or
22 by adoption.

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

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

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

32 (5)-(4) The department may, upon receiving satisfactory
33 evidence of any violation of the restriction upon such a
34 license, except a violation of paragraph (1)(d), subsection (2),
35 ~~or~~ subsection (3), or subsection (4), suspend or revoke the
36 license, but the licensee is entitled to a hearing as upon a
37 suspension or revocation under this chapter.

38 (6)-(5) It is a misdemeanor of the second degree, punishable
39 as provided in s. 775.082 or s. 775.083, for any person to
40 operate a motor vehicle in any manner in violation of the
41 restrictions imposed in a license issued to him or her except
42 for a violation of paragraph (1)(d), subsection (2), ~~or~~



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43 subsection (3), or subsection (4).

44 ~~(7)-(6)~~ Any person who operates a motor vehicle in violation
45 of the restrictions imposed in subsection (2), ~~or~~ subsection
46 (3), or subsection (4) commits a noncriminal traffic infraction,
47 punishable as will be charged with a moving violation as
48 provided in and fined in accordance with chapter 318.

49 Section 14. Subsection (1) of section 318.14, Florida
50 Statutes, is amended to read:

51 318.14 Noncriminal traffic infractions; exception;
52 procedures.—

53 (1) Except as provided in ss. 318.17 and 320.07(3)(c), any
54 person cited for a violation of chapter 316, s. 320.0605, s.
55 320.07(3)(a) or (b), s. 322.065, s. 322.15(1), s. 322.16(2), ~~or~~
56 (3), or (4), s. 322.161(5), s. 322.19, or s. 1006.66(3) is
57 charged with a noncriminal infraction and must be cited for such
58 an infraction and cited to appear before an official. If another
59 person dies as a result of the noncriminal infraction, the
60 person cited may be required to perform 120 community service
61 hours under s. 316.027(4), in addition to any other penalties.

62
63 ===== T I T L E A M E N D M E N T =====

64 And the title is amended as follows:

65
66 Delete line 45

67 and insert:

68
69 project; amending s. 322.16, F.S.; restricting the
70 number of passengers under the age of 18 permitted in
71 a vehicle operated by a person under the age of 18



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72 unless accompanied by a driver at least 21 years of
73 age; providing exceptions; providing for secondary
74 enforcement; providing penalties; providing for
75 applicability; amending s. 318.14, F.S.; providing
76 citation procedures for a violation of such
77 restrictions; providing an effective date.