

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Rules

BILL: CS/SB 44

INTRODUCER: Transportation Committee and Senator Rodriguez

SUBJECT: Motor Vehicles

DATE: April 7, 2025

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Shutes</u>	<u>Vickers</u>	<u>TR</u>	Fav/CS
2. <u>Parker</u>	<u>Stokes</u>	<u>CJ</u>	Favorable
3. <u>Shutes</u>	<u>Yeatman</u>	<u>RC</u>	Pre-meeting

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 44 increases the penalty for the offense of operating an unauthorized vehicle with a red or blue light visible from the front of the vehicle and stopping or attempting to stop (commonly referred to as “pulling over”) another vehicle from a first degree misdemeanor to a third degree felony.

The bill increases the penalty for knowingly using a license plate obscuring device or applying a substance, device, covering, etc., that affects the legibility, angular visibility, or detectability of a license plate or interferes with the ability to record any feature on a license plate from a noncriminal traffic infraction to a second degree misdemeanor.

The bill creates s. 320.262, F.S., which defines the term “license plate obscuring device” and provides penalties for the purchase, possession, manufacture, and sale of a license plate obscuring device. The bill provides a person who, during the commission of any other crime, knowingly uses a license plate obscuring device, alters the license plate, or attaches an unassigned license plate to the vehicle commits a third degree felony. In addition, such person is subject to enhanced penalties for the underlying offense.

The bill has an indeterminate fiscal impact. See Section V. Fiscal Impact Statement.

The bill takes effect October 1, 2025.

II. Present Situation:

Authorized Emergency Vehicles

Florida law defines the following as “authorized emergency vehicles”:

- Vehicles of the fire department or fire patrol;
- Police vehicles;
- Organ transport vehicles;
- Ambulances; and
- Emergency vehicles operated by:
 - Municipal and county departments;
 - Volunteer ambulance services;
 - Public service corporations operated by private corporations;
 - The Fish and Wildlife Conservation Commission;
 - The Department of Environmental Protection;
 - The Department of Transportation;
 - The Department of Agriculture and Consumer Services; and
 - The Department of Corrections.¹

Section 316.2397, F.S., allows authorized emergency vehicles to display a red, red and white, or blue light visible from directly in front of the vehicle.

Section 843.081, F.S., provides legislative intent indicating that Florida citizens are vulnerable to becoming the victims of criminal acts through the illegal use of blue lights by the criminal elements, and that the Legislature intends to reduce this vulnerability to injury and loss of life and property by prohibiting the use of certain blue lights by any person other than an authorized law enforcement officer.

Certain Lights Prohibited

A person may not drive or move or cause to be moved any vehicle or equipment upon any highway within this state with any lamp or device thereon showing or displaying a red, red and white, or blue light visible from directly in front thereof except for certain vehicles as provided in s. 316.2397, F.S.² A violation of this provision is a noncriminal traffic infraction, punishable as a nonmoving violation.³ The statutory base fine is \$30, but with additional fees and court costs, the total fine may be up to \$108.⁴

A person operating a vehicle in violation of the prohibition on the use of red and blue lights, who stops or attempts to stop another vehicle commits a first degree misdemeanor, punishable as provided in ss. 775.082, or s. 775.083, F.S.⁵

¹ Section 316.003(1), F.S.

² Section 316.2397(1), F.S.

³ Section 316.2397(10)(b), F.S.

⁴ Florida Association of Clerks of Court, *2023 Distribution Schedule*, p. 39.

https://cdn.ymaws.com/www.flclerks.com/resource/resmgr/publicationsanddocuments/2023_Distribution_Schedule_e.pdf (last visited March 27, 2025).

⁵ A first degree misdemeanor is punishable by a definite term of imprisonment not exceeding 1 year and a \$1,000 fine.

In 2023, according to the Department of Highway Safety and Motor Vehicles (DHSMV) uniform traffic citation database, there were 3,449 violations related to prohibited use of lights on vehicles.⁶

Altering Motor Vehicle Registration Certificates and License Plates

Section 320.061, F.S., prohibits altering the original appearance of any motor vehicle registration certificate, license plate, temporary license plate, mobile home sticker or validation sticker used for and assigned to a motor vehicle or a mobile home, whether by mutilation, alteration, defacement, or change of color or in any other manner. Similarly, a person may not apply or attach a substance, reflective matter, illuminated device, spray, coating, or other material onto or around any license plate which interferes with the legibility, angular visibility, or detectability of any feature or detail on the license plate. A violation of this provision is a noncriminal traffic infraction punishable as a moving violation as provided in ch. 318, F.S.⁷ The statutory base fine is \$60, but with additional fees and court costs, the total fine may be up to \$158.⁸

In 2023, according to the DHSMV uniform traffic citation database, there were 2,927 violations related to obscuring a license plate.⁹

Attaching Unassigned License Plates

Section 320.261, F.S., provides that any person who knowingly attaches to any motor vehicle or mobile home any registration license plate, or who knowingly attaches any validation sticker or mobile home sticker to a registration license plate, which plate or sticker was not issued and assigned or lawfully transferred to such vehicle, is guilty of a misdemeanor of the second degree, punishable as provided in ss. 775.082 or 775.083, F.S.¹⁰

III. Effect of Proposed Changes:

The bill amends s. 316.2397, F.S., to increase the penalty associated with an unauthorized person stopping or attempting to stop (commonly referred to as “pulling over”) another vehicle using red or blue lights. The bill increases the penalty from a first degree misdemeanor to a third degree felony.

The bill also amends s. 320.061, F.S., to provide that any person who knowingly uses a license plate obscuring device or applies or attaches a substance, reflective matter, illuminated device, spray, coating, covering, or other material onto or around the license plate, which would interfere with the legibility, angular visibility, or detectability of any details of the plate, commits a second degree misdemeanor. The penalty for altering the appearance of a license plate would remain a noncriminal infraction, punishable as a moving violation.

⁶ DHSMV, *Annual Uniform Traffic Citation Report Database*, <https://services.flhsmv.gov/SpecialtyPlates/UniformTrafficCitationReport> (last visited March 27, 2025)

⁷ Section 320.061, F.S.

⁸ Florida Association of Clerks of Court, *2023 Distribution Schedule*, p. 42. https://cdn.ymaws.com/www.flclerks.com/resource/resmgr/publicationsanddocuments/2023_Distribution_Schedule_e.pdf (last visited March 27, 2025).

⁹ *Id.* at 2.

¹⁰ A second degree misdemeanor is punishable by a definite term of imprisonment not exceeding 60 days and a \$500 fine.

The bill creates s. 320.262, F.S., prohibiting license plate obscuring devices, and providing for enhanced penalties for certain license plate-related offenses.

The bill defines the term “license plate obscuring device” as a manual, electronic, or mechanical device designed or adapted to be installed on a motor vehicle which:

- Switches between two or more license plates for the purpose of allowing a motor vehicle operator to change the license plate displayed on the motor vehicle;
- Hides a license plate from view by flipping the license plate so that the license plate number is not visible;
- Covers, obscures, or otherwise interferes with the legibility, angular visibility, or detachability of any feature or detail on the license plate; or
- Interferes with the ability to record any feature or detail on the license plate.

Any person who purchases or possesses a license plate obscuring device, commits a second degree misdemeanor. Any person who manufactures, sells, offers to sell, or otherwise distributes a license plate obscuring device, commits a first degree misdemeanor.

The bill also provides that any person who, during the commission of any other crime, knowingly uses a license plate obscuring device, alters the license plate, or attaches an unassigned license plate to the vehicle commits a third degree felony. Additionally, such person is subject to enhanced penalties for the other crime as follows:

- A misdemeanor of the second degree shall be punished as if it were a misdemeanor of the first degree.
- A misdemeanor of the first degree shall be punished as if it were a felony of the third degree.
- A felony of the third degree shall be punished as if it were a felony of the second degree.
- A felony of the second degree shall be punished as if it were a felony of the first degree.
- A felony of the first degree shall be punished as if it were a life felony.

This bill takes effect October 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill may have a positive indeterminate fiscal impact. Both local and state governments will realize an indeterminate increase in revenue associated with the increased penalties provided for in the bill.

The bill may have an indeterminate fiscal impact on the Department of Corrections due to the increase in penalties which may result in an increase in beds.

The Department of Highway and Motor Vehicles indicated that the bill will require electronic ticket systems to be updated and law enforcement officers will need to be educated regarding the provisions of the bill.¹¹

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 316.2397 and 320.061 of the Florida Statutes. This bill creates section 320.262 of the Florida Statutes.

¹¹ Department of Highway Safety and Motor Vehicles, Agency Analysis of 2025 Senate Bill 44, p. 3, December 4, 2024. (On file with the Senate Committee on Transportation)

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Transportation on March 4, 2025:

- Provides that any person who knowingly uses a license plate obscuring device or otherwise interferes with the legibility, angular visibility, or detectability of any feature on the license plate commits a second degree misdemeanor.
- Defines the term “license plate obscuring device” and provides penalties for the purchase/possession and manufacture/sale of a license plate obscuring device.
- Provides a person who, during the commission of any other crime, knowingly uses a license plate obscuring device, alters the license plate, or attaches an unassigned license plate to the vehicle commits a third degree felony. Additionally, such person is subject to certain enhanced penalties for the other crime.

- B. **Amendments:**

None.