The Committee on Transportation (Gibson) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 367 - 666

and insert:

Section 3. Subsection (1) of section 316.081, Florida Statutes, is amended to read:

316.081 Driving on right side of roadway; exceptions.—

(1) Upon all roadways of sufficient width, a vehicle shall be driven upon the right half of the roadway, except as follows:

(a) When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;

(b) When an obstruction exists making it necessary to drive
to the left of the center of the highway; provided any person so doing shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;

(c) When the presence of a garbage, trash, refuse, or recycling collection vehicle makes it necessary to drive to the left of the center of the roadway; provided any person doing so shall yield the right-of-way to pedestrian workers working with the collection vehicle and to all vehicles traveling in the proper direction upon the unobstructed portion of the roadway within such distance as to constitute an immediate hazard;

(d) Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon; or

(e) Upon a roadway designated and signposted for one-way traffic.

Section 4. Section 316.0835, Florida Statutes, is created to read:

316.0835 Duty to yield to sanitation workers.—

(1) The driver of a vehicle shall yield the right-of-way to a pedestrian worker engaged in the collection of garbage, trash, refuse, or recycling along a roadway whenever the driver is reasonably and lawfully notified of the presence of such worker by the presence of a collection vehicle or by a warning sign or device.

(2) The driver of a vehicle on public roadways shall yield the right-of-way to an authorized garbage, trash, refuse, or recycling collection vehicle that is stopped along a roadway or traveling in the same direction and that is engaged in the
active collection of garbage, trash, refuse, or recycling along
a roadway or that has signaled and is reentering the traffic
flow.

(3) When an authorized garbage, trash, refuse, or recycling
collection vehicle using visual signals is performing a
collection on the roadside, the driver of every other vehicle,
as soon as it is safe:

(a) Shall vacate the lane closest to the collection vehicle
when driving on a highway with two or more lanes traveling in
the direction of the collection vehicle, except when otherwise
directed by a law enforcement officer. If such movement cannot
be safely accomplished, the driver shall reduce speed as
provided in paragraph (b).

(b) Shall slow to a speed that is 20 miles per hour less
than the posted speed limit when the posted speed limit is 25
miles per hour or greater or travel at 5 miles per hour when the
posted speed limit is 20 miles per hour or less, when driving on
a two-lane road, except when otherwise directed by a law
enforcement officer.

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

(5) This section does not relieve the driver of a garbage,
trash, refuse, or recycling collection vehicle from the duty to
drive with due regard for the safety of all persons using the
roadway.

Section 5. Section 316.1303, Florida Statutes, is amended
to read:

316.1303 Traffic regulations to assist mobility-impaired
persons.—

(1) Whenever a pedestrian who is mobility impaired is in the process of crossing a public street or highway with the assistance of and the pedestrian is mobility impaired (using a guide dog or service animal designated as such with a visible means of identification, a walker, a crutch, an orthopedic cane, or a wheelchair), the driver of every vehicle approaching the intersection, as defined in s. 316.003(17), shall bring his or her vehicle to a full stop before arriving at the such intersection and, before proceeding, shall take such precautions as may be necessary to avoid injuring the such pedestrian.

(2) A person who is mobility impaired and who is using a motorized wheelchair on a sidewalk may temporarily leave the sidewalk and use the roadway to avoid a potential conflict, if no alternative route exists. A law enforcement officer may issue only a verbal warning to such person.

(3) A person who is convicted of a violation of subsection (1) this section shall be punished as provided in s. 318.18(3).

Section 6. Paragraph (d) of subsection (3) and subsections (5) and (8) of section 316.2065, Florida Statutes, are amended to read:

316.2065 Bicycle regulations.—

(d) A bicycle rider or passenger who is under 16 years of age must wear a bicycle helmet that is properly fitted and is fastened securely upon the passenger’s head by a strap, and that meets the federal safety standard for bicycle helmets, final rule, 16 C.F.R. part 1203. A helmet purchased before October 1, 2012, which meets the standards of the American National
Standards Institute (ANSI Z 90.4 Bicycle Helmet Standards), the standards of the Snell Memorial Foundation (1984 Standard for Protective Headgear for Use in Bicycling), or any other nationally recognized standards for bicycle helmets adopted by the department may continue to be worn by a bicycle rider or passenger until January 1, 2016. As used in this subsection, the term “passenger” includes a child who is riding in a trailer or semitrailer attached to a bicycle.

(5)(a) Any person operating a bicycle upon a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall ride in the lane marked for bicycle use or, if no lane is marked for bicycle use, as close as practicable to the right-hand curb or edge of the roadway except under any of the following situations:

1. When overtaking and passing another bicycle or vehicle proceeding in the same direction.

2. When preparing for a left turn at an intersection or into a private road or driveway.

3. When reasonably necessary to avoid any condition or potential conflict, including, but not limited to, a fixed or moving object, parked or moving vehicle, bicycle, pedestrian, animal, surface hazard, turn lane, or substandard-width lane, which makes it unsafe to continue along the right-hand curb or edge or within a bicycle lane. For the purposes of this subsection, a “substandard-width lane” is a lane that is too narrow for a bicycle and another vehicle to travel safely side by side within the lane.

(b) Any person operating a bicycle upon a one-way highway with two or more marked traffic lanes may ride as near the left-
hand curb or edge of such roadway as practicable.

(8) Every bicycle in use between sunset and sunrise shall be equipped with a lamp on the front exhibiting a white light visible from a distance of at least 500 feet to the front and a lamp and reflector on the rear each exhibiting a red light visible from a distance of 600 feet to the rear. A bicycle or its rider may be equipped with lights or reflectors in addition to those required by this section. A law enforcement officer may issue a bicycle safety brochure and a verbal warning to a bicycle rider who violates this subsection or may issue a citation and assess a fine for a pedestrian violation, as provided in s. 318.18. The court shall dismiss the charge against a bicycle rider for a first violation of this subsection upon proof of purchase and installation of the proper lighting equipment.

Section 7. Subsection (3) of section 316.2085, Florida Statutes, is amended to read:

316.2085 Riding on motorcycles or mopeds.—

(3) The license tag of a motorcycle or moped must be permanently affixed to the vehicle and remain clearly visible from the rear at all times may not be adjusted or capable of being flipped up. Any deliberate act to conceal or obscure a device for or method of concealing or obscuring the legibility of the license tag of a motorcycle or moped is prohibited shall be installed or used. The license tag of a motorcycle or moped may be affixed horizontally to the ground so that the numbers and letters read from left to right. Alternatively, a Florida license tag for a motorcycle or moped for which the numbers and letters read from top to bottom may be affixed perpendicularly
to the ground, provided that the registered owner of the
motorcycle or moped maintains a prepaid toll account in good
standing and a transponder associated with the prepaid toll
account is affixed to the motorcycle or moped. A license tag for
a motorcycle or moped issued by another jurisdiction for which
the numbers and letters read from top to bottom may be affixed
perpendicularly to the ground.

Section 8. Section 316.2129, Florida Statutes, is created
to read:

316.2129 Operation of swamp buggies on public roads,
streets, or highways prohibited; exceptions.—
(1) The operation of a swamp buggy on a public road,
street, or highway is prohibited unless a local governmental
entity has designated the public road, street, or highway for
use by swamp buggies based on factors, including, but not
limited to, the speed, volume, and character of the motor
vehicle traffic currently using the public road, street, or
highway. Upon determining that swamp buggies may be safely
operated on a public road, street, or highway, the local
governmental entity shall post appropriate signs or otherwise
inform the public that the operation of swamp buggies is
allowed.

(2) The operation of a swamp buggy on land managed, owned,
or leased by a state or federal agency is prohibited unless the
state or federal agency authorizes the operation of swamp
buggies on such land, including any public road, street, or
highway running through or located within the state or federal
land. Upon determining that swamp buggies may be safely operated
on a public road, street, or highway running through or located
within such land, the state or federal agency shall post appropriate signs or otherwise inform the public that the operation of swamp buggies is allowed.

Section 9. Subsection (7) of section 316.2397, Florida Statutes, is amended to read:

316.2397 Certain lights prohibited; exceptions.—
(7) Flashing lights are prohibited on vehicles except:
(a) As a means of indicating a right or left turn, to change lanes, or to indicate that the vehicle is lawfully stopped or disabled upon the highway;
(b) When a motorist intermittently flashes his or her vehicle’s headlamps at an oncoming vehicle notwithstanding the motorist’s intent for doing so; and except that
(c) For the lamps authorized in subsections (1), (2), (3), (4), and (9) and s. 316.235(5), which are permitted to flash.

Section 10. Subsection (1) of section 316.3026, Florida Statutes, is amended to read:

316.3026 Unlawful operation of motor carriers.—
(1) The Office of Commercial Vehicle Enforcement Motor Carrier Compliance may issue out-of-service orders to motor carriers, as defined in s. 320.01(33), who, after proper notice, have failed to pay any penalty or fine assessed by the department, or its agent, against any owner or motor carrier for violations of state law, refused to submit to a compliance review and provide records pursuant to s. 316.302(5) or s. 316.70, or violated safety regulations pursuant to s. 316.302 or insurance requirements in s. 627.7415. Such out-of-service orders have the effect of prohibiting the operations of any motor vehicles owned, leased, or otherwise operated by the motor
carrier upon the roadways of this state, until the violations have been corrected or penalties have been paid. Out-of-service orders must be approved by the director of the Division of the Florida Highway Patrol or his or her designee. An administrative hearing pursuant to s. 120.569 shall be afforded to motor carriers subject to such orders.

Section 11. Subsection (1) of section 316.6135, Florida Statutes, is amended to read:

316.6135 Leaving children unattended or unsupervised in motor vehicles; penalty; authority of law enforcement officer.—

(1) A parent, legal guardian, or other person responsible for a child younger than 6 years of age may not leave the such child unattended or unsupervised in a motor vehicle:

(a) For a period in excess of 15 minutes; or

(b) For any period of time if the motor of the vehicle is running, or the health of the child is in danger, or the child appears to be in distress.

Section 12. Subsection (9) of section 316.614, Florida Statutes, is amended to read:

316.614 Safety belt usage.—

(9) By January 1, 2006, Each law enforcement agency in this state shall adopt departmental policies to prohibit the practice of racial profiling. When a law enforcement officer issues a citation for a violation of this section, the law enforcement officer must record the race and ethnicity of the violator. All law enforcement agencies must maintain such information and forward the information to the department in a form and manner determined by the department. The department shall collect this information by jurisdiction and annually report the data to the
Governor, the President of the Senate, and the Speaker of the
House of Representatives. The report must show separate
statewide totals for the state’s county sheriffs and municipal
law enforcement agencies, state law enforcement agencies, and
state university law enforcement agencies.

Section 13. Subsections (9) and (10) of section 318.14,
Florida Statutes, are amended to read:

318.14 Noncriminal traffic infractions; exception;
procedures.—

(9) Any person who does not hold a commercial driver
license and who is cited while driving a noncommercial
motor vehicle for an infraction under this section other than a
violation of s. 316.183(2), s. 316.187, or s. 316.189 when the
driver exceeds the posted limit by 30 miles per hour or more, s.
320.0605, s. 320.07(3)(a) or (b), s. 322.065, s. 322.15(1), s.
322.61, or s. 322.62 may, in lieu of a court appearance, elect
to attend in the location of his or her choice within this state
a basic driver improvement course approved by the Department of
Highway Safety and Motor Vehicles. In such a case, adjudication
must be withheld and points, as provided by s. 322.27, may not
be assessed. However, a person may not make an election under
this subsection if the person has made an election under this
subsection in the preceding 12 months. A person may **not** make **no**
more than five elections within his or her lifetime under this
subsection. The requirement for community service under s.
318.18(8) is not waived by a plea of nolo contendere or by the
withholding of adjudication of guilt by a court. If a person
makes an election to attend a basic driver improvement course
under this subsection, 18 percent of the civil penalty imposed
under s. 318.18(3) shall be deposited in the State Courts Revenue Trust Fund; however, that portion is not revenue for purposes of s. 28.36 and may not be used in establishing the budget of the clerk of the court under that section or s. 28.35.

(10)(a) Any person who does not hold a commercial driver's license and who is cited while driving a noncommercial motor vehicle for an offense listed under this subsection may, in lieu of payment of fine or court appearance, elect to enter a plea of nolo contendere and provide proof of compliance to the clerk of the court, designated official, or authorized operator of a traffic violations bureau. In such case, adjudication shall be withheld; however, a person may not make an election under this subsection if the person has made an election under this subsection in the preceding 12 months preceding election hereunder. A person may not make more than three elections under this subsection. This subsection applies to the following offenses:

1. Operating a motor vehicle without a valid driver's license in violation of the provisions of s. 322.03, s. 322.065, or s. 322.15(1), or operating a motor vehicle with a license that has been suspended for failure to appear, failure to pay civil penalty, or failure to attend a driver improvement course pursuant to s. 322.291.

2. Operating a motor vehicle without a valid registration in violation of s. 320.0605, s. 320.07, or s. 320.131.

3. Operating a motor vehicle in violation of s. 316.646.

4. Operating a motor vehicle with a license that has been suspended under s. 61.13016 or s. 322.245 for failure to pay child support or for failure to pay any other financial
obligation as provided in s. 322.245; however, this subparagraph does not apply if the license has been suspended pursuant to s. 322.245(1).

5. Operating a motor vehicle with a license that has been suspended under s. 322.091 for failure to meet school attendance requirements.

(b) Any person cited for an offense listed in this subsection shall present proof of compliance before prior to the scheduled court appearance date. For the purposes of this subsection, proof of compliance shall consist of a valid, renewed, or reinstated driver's license or registration certificate and proper proof of maintenance of security as required by s. 316.646. Notwithstanding waiver of fine, any person establishing proof of compliance shall be assessed court costs of $25, except that a person charged with violation of s. 316.646(1)-(3) may be assessed court costs of $8. One dollar of such costs shall be remitted to the Department of Revenue for deposit into the Child Welfare Training Trust Fund of the Department of Children and Family Services. One dollar of such costs shall be distributed to the Department of Juvenile Justice for deposit into the Juvenile Justice Training Trust Fund. Fourteen dollars of such costs shall be distributed to the municipality and $9 shall be deposited by the clerk of the court into the fine and forfeiture fund established pursuant to s. 142.01, if the offense was committed within the municipality. If the offense was committed in an unincorporated area of a county or if the citation was for a violation of s. 316.646(1)-(3), the entire amount shall be deposited by the clerk of the court into the fine and forfeiture fund established pursuant to s. 142.01,
except for the moneys to be deposited into the Child Welfare Training Trust Fund and the Juvenile Justice Training Trust Fund. This subsection does not be construed to authorize the operation of a vehicle without a valid driver’s license, without a valid vehicle tag and registration, or without the maintenance of required security.

Section 14. Paragraph (c) is added to subsection (1) of section 318.15, Florida Statutes, to read:

318.15 Failure to comply with civil penalty or to appear; penalty.—

(1) A person who is charged with a traffic infraction may request a hearing within 180 days after the date upon which the violation occurred, regardless of any action taken by the court or the department to suspend the person’s driving privilege, and upon request, the clerk must set the case for hearing. The person shall be given a form for requesting that his or her driving privilege be reinstated. If the 180th day after the date upon which the violation occurred is a Saturday, Sunday, or legal holiday, the person who is charged must request a hearing within 177 days after the date upon which the violation occurred; however, the court may grant a request for a hearing made more than 180 days after the date upon which the violation occurred. This paragraph does not affect the assessment of late fees as otherwise provided in this chapter.

Section 15. Paragraph (f) of subsection (3) of section 318.18, Florida Statutes, is amended, and subsection (22) is added to that section, to read:

318.18 Amount of penalties.—The penalties required for a
noncriminal disposition pursuant to s. 318.14 or a criminal offense listed in s. 318.17 are as follows:

(3)

(f) If a violation of s. 316.1301 or s. 316.1303(1) results in an injury to the pedestrian or damage to the property of the pedestrian, an additional fine of up to $250 shall be paid. This amount must be distributed pursuant to s. 318.21.

(22) Fifty dollars for a violation of s. 316.0835.

And the title is amended as follows:

Delete lines 9 - 72

and insert:

term “swamp buggy”; amending s. 316.081, F.S.; providing an exception from the requirement that a vehicle be driven on the right half of the roadway when the vehicle is in the presence of a garbage, trash, refuse, or recycling collection vehicle; creating s. 316.0835, F.S.; requiring that the driver of a vehicle yield the right-of-way to a pedestrian worker engaged in the collection of garbage, trash, refuse, or recycling along a roadway or to an authorized garbage, trash, refuse, or recycling collection vehicle; providing that the failure to yield is a noncriminal traffic infraction; amending s. 316.1303, F.S.; authorizing a person who is mobility impaired to use a motorized wheelchair to temporarily leave the sidewalk and use the roadway under certain
circumstances; authorizing a law enforcement officer
to issue only a verbal warning to such person;
amending s. 316.2065, F.S.; revising safety standard
requirements for bicycle helmets that must be worn by
certain riders and passengers; revising requirements
for a bicycle operator to ride in a bicycle lane or
along the curb or edge of the roadway; providing for
enforcement of requirements for bicycle lighting
equipment; providing penalties for violations;
providing for dismissal of the charge following a
first offense under certain circumstances; amending s.
316.2085, F.S.; requiring that the license tag of a
motorcycle or moped remain clearly visible from the
rear at all times; prohibiting deliberate acts to
conceal or obscure the license tag; providing that
certain license tags may be affixed perpendicularly to
the ground; creating s. 316.2129, F.S.; prohibiting
the operation of swamp buggies on a public road,
highway, or street; providing exceptions; prohibiting
the operation of swamp buggies on land managed, owned,
or leased by a state or federal agency; providing
exceptions; amending s. 316.2397, F.S.; providing an
exception to the prohibition against flashing vehicle
lights for motorists who intermittently flash their
vehicle’s headlamps at an oncoming vehicle, regardless
of their intent in doing so; amending s. 316.3026,
F.S.; revising provisions to rename the Office of
Motor Carrier Compliance within the Division of the
Florida Highway Patrol as the Office of Commercial
Vehicle Enforcement to conform to changes made by the act; amending s. 316.6135, F.S.; revising the criteria under which a child may not be left unattended in a vehicle; amending s. 316.614, F.S.; deleting provisions that require that a law enforcement officer record the race and ethnicity of a person who is given a citation for not wearing his or her safety belt; deleting provisions that require that the Department of Highway Safety and Motor Vehicles collect such information and provide reports; amending s. 318.14, F.S.; authorizing a person who does not hold a commercial driver license and who is cited for a noncriminal traffic infraction while driving a noncommercial motor vehicle to elect to attend a basic driver improvement course in lieu of a court appearance; authorizing a person who does not hold a commercial driver license and who is cited for certain offenses while driving a noncommercial motor vehicle to elect to enter a plea of nolo contendere and to provide proof of compliance in lieu of payment of fine or court appearance; amending s. 318.15, F.S.; providing that a person charged with a traffic infraction may request a hearing within a specified period after the date upon which the violation occurred; requiring that the clerk set the case for hearing; providing exceptions to the time period for requesting a hearing; authorizing the court to grant a request for a hearing made more than 180 days after the date upon which the violation occurred; amending
s. 318.18, F.S.; conforming a cross-reference;
providing a penalty for a violation of the duty to
yield to sanitation workers; amending s. 318.21, F.S.;
conforming a cross-reference; amending s. 319.14,
F.S.; prohibiting the