

By Senator Clemens

31-00104-17

201766\_\_

1                   A bill to be entitled  
2           An act relating to highway safety; amending s.  
3           316.003, F.S.; providing definitions; conforming a  
4           cross-reference; amending s. 316.027, F.S.; deleting  
5           the definition of the term "vulnerable road user";  
6           conforming provisions to changes made by the act;  
7           amending s. 316.083, F.S.; revising provisions  
8           relating to the overtaking and passing of a vehicle;  
9           directing a law enforcement officer issuing a citation  
10          for specified violations to note certain information  
11          on the citation; amending s. 316.084, F.S.; exempting  
12          bicycles from provisions for passing a vehicle on the  
13          right under certain circumstances; amending s.  
14          316.0875, F.S.; revising exceptions to provisions for  
15          designated no-passing zones; amending s. 316.151,  
16          F.S.; revising provisions for turning at  
17          intersections; directing a law enforcement officer  
18          issuing a citation for specified violations to note  
19          certain information on the citation; amending s.  
20          316.1925, F.S.; revising provisions relating to  
21          careless driving; directing a law enforcement officer  
22          issuing a citation for specified violations to note  
23          certain information on the citation; amending s.  
24          316.2065, F.S.; revising provisions for operation of a  
25          bicycle; requiring motor vehicle operators to allow a  
26          group of bicycles to travel through an intersection  
27          under certain circumstances; creating s. 318.142,  
28          F.S.; providing penalties for specified infractions  
29          contributing to bodily injury of a vulnerable user of  
30          a public roadway or a vulnerable user; amending s.  
31          318.19, F.S.; requiring a hearing for specified  
32          offenses; directing a law enforcement officer issuing

31-00104-17

201766\_\_

33 a citation for specified violations to note certain  
34 information on the citation; amending ss. 212.05,  
35 316.545, 316.613, 320.08, 322.0261, 655.960, and  
36 860.065, F.S.; conforming cross-references; conforming  
37 provisions to changes made by the act; making  
38 technical changes; reenacting s. 316.1923(5), F.S.,  
39 relating to aggressive careless driving, to  
40 incorporate the amendments made to ss. 316.083 and  
41 316.084, F.S., in references thereto; reenacting s.  
42 316.072(4)(b), F.S., relating to obedience to and  
43 effect of traffic laws, to incorporate the amendment  
44 made to s. 316.1925, F.S., in a reference thereto;  
45 reenacting s. 318.18(1)(b), F.S., relating to amount  
46 of penalties, to incorporate the amendment made to s.  
47 316.2065, F.S., in a reference thereto; reenacting s.  
48 318.14(2), F.S., relating to noncriminal traffic  
49 infractions, to incorporate the amendment made to s.  
50 318.19, F.S., in a reference thereto; providing an  
51 effective date.

52  
53 WHEREAS, the Legislature recognizes that everyone must  
54 share the road, and

55 WHEREAS, there are laws in place, such as ss. 316.2065 and  
56 316.2068, Florida Statutes, that require certain vulnerable road  
57 users to follow safe practices when operating on the roadways of  
58 the state, and

59 WHEREAS, there are laws in place that similarly require  
60 persons who operate a vehicle on the highways of the state to  
61 operate the vehicle in a safe manner, and

31-00104-17

201766\_\_

62 WHEREAS, it is the intent of the Legislature to amend the  
 63 Florida Uniform Traffic Control laws to protect vulnerable road  
 64 users while balancing their rights against the rights of those  
 65 who choose to travel by motor vehicle, NOW, THEREFORE,  
 66

67 Be It Enacted by the Legislature of the State of Florida:  
 68

69 Section 1. Present subsections (4) through (96) of section  
 70 316.003, Florida Statutes, are redesignated as subsections (5)  
 71 through (97), respectively, present subsection (97) is  
 72 redesignated as subsection (99), new subsections (4) and (98)  
 73 are added to that section, and present subsection (55) is  
 74 amended, to read:

75 316.003 Definitions.—The following words and phrases, when  
 76 used in this chapter, shall have the meanings respectively  
 77 ascribed to them in this section, except where the context  
 78 otherwise requires:

79 (4) BICYCLE LANE.—A portion of a roadway or highway that  
 80 has been designated by pavement markings and signs for the  
 81 preferential or exclusive use by bicycles.

82 (56)~~(55)~~ PRIVATE ROAD OR DRIVEWAY.—Except as otherwise  
 83 provided in paragraph (78) (b) ~~(77) (b)~~, any privately owned way  
 84 or place used for vehicular travel by the owner and those having  
 85 express or implied permission from the owner, but not by other  
 86 persons.

87 (98) VULNERABLE USER OF A PUBLIC ROADWAY OR VULNERABLE  
 88 USER.—

89 (a) A pedestrian, including a person actually engaged in  
 90 work upon a highway, work upon utility facilities along a

31-00104-17

201766\_\_

91 highway, or the provision of emergency services within the  
92 right-of-way;

93 (b) A person operating, or who is a passenger on, a  
94 bicycle, scooter, or moped lawfully on the roadway;

95 (c) A person riding an animal; or

96 (d) A person lawfully operating on a public roadway,  
97 crosswalk, or shoulder of the roadway:

98 1. A farm tractor or similar vehicle designed primarily for  
99 farm use;

100 2. A horse-drawn carriage;

101 3. An electric personal assistive mobility device; or

102 4. A wheelchair.

103 Section 2. Subsection (1) and paragraphs (e) and (f) of  
104 subsection (2) of section 316.027, Florida Statutes, are amended  
105 to read:

106 316.027 Crash involving death or personal injuries.—

107 (1) As used in this section, the term—

108 ~~(a)~~ "serious bodily injury" means an injury to a person,  
109 including the driver, which consists of a physical condition  
110 that creates a substantial risk of death, serious personal  
111 disfigurement, or protracted loss or impairment of the function  
112 of a bodily member or organ.

113 ~~(b) "Vulnerable road user" means:~~

114 ~~1. A pedestrian, including a person actually engaged in~~  
115 ~~work upon a highway, or in work upon utility facilities along a~~  
116 ~~highway, or engaged in the provision of emergency services~~  
117 ~~within the right-of-way;~~

118 ~~2. A person operating a bicycle, motorcycle, scooter, or~~  
119 ~~moped lawfully on the roadway;~~

31-00104-17

201766\_\_

120 ~~3. A person riding an animal; or~~

121 ~~4. A person lawfully operating on a public right-of-way,~~  
 122 ~~crosswalk, or shoulder of the roadway;~~

123 ~~a. A farm tractor or similar vehicle designed primarily for~~  
 124 ~~farm use;~~

125 ~~b. A skateboard, roller skates, or in-line skates;~~

126 ~~c. A horse-drawn carriage;~~

127 ~~d. An electric personal assistive mobility device; or~~

128 ~~e. A wheelchair.~~

129 (2)

130 (e) A driver who violates paragraph (a), paragraph (b), or  
 131 paragraph (c) shall have his or her driver license revoked for  
 132 at least 3 years as provided in s. 322.28(4).

133 1. A person convicted of violating paragraph (a), paragraph  
 134 (b), or paragraph (c) shall, before his or her driving privilege  
 135 may be reinstated, present to the department proof of completion  
 136 of a victim's impact panel session in a judicial circuit if such  
 137 a panel exists, or if such a panel does not exist, a department-  
 138 approved driver improvement course relating to the rights of  
 139 vulnerable ~~road~~ users relative to vehicles on the roadway as  
 140 provided in s. 322.0261(2).

141 2. The department may reinstate an offender's driving  
 142 privilege after he or she satisfies the 3-year revocation period  
 143 as provided in s. 322.28(4) and successfully completes either a  
 144 victim's impact panel session or a department-approved driver  
 145 improvement course relating to the rights of vulnerable ~~road~~  
 146 users relative to vehicles on the roadway as provided in s.  
 147 322.0261(2).

148 3. For purposes of this paragraph, an offender's driving

31-00104-17

201766\_\_

149 privilege may be reinstated only after the department verifies  
150 that the offender participated in and successfully completed a  
151 victim's impact panel session or a department-approved driver  
152 improvement course.

153 (f) For purposes of sentencing under chapter 921 and  
154 determining incentive gain-time eligibility under chapter 944,  
155 an offense listed in this subsection is ranked one level above  
156 the ranking specified in s. 921.0022 or s. 921.0023 for the  
157 offense committed if the victim of the offense was a vulnerable  
158 ~~road~~ user.

159 Section 3. Section 316.083, Florida Statutes, is amended to  
160 read:

161 316.083 Overtaking and passing a vehicle.—The following  
162 provisions ~~rules~~ shall govern the overtaking and passing of a  
163 vehicle ~~vehicles~~ proceeding in the same direction, ~~subject to~~  
164 ~~those limitations, exceptions, and special rules hereinafter~~  
165 ~~stated:~~

166 (1) The driver of a vehicle overtaking another vehicle  
167 proceeding in the same direction shall give an appropriate  
168 signal as provided for in s. 316.156, shall pass to the left  
169 thereof at a safe distance, and shall not again drive to the  
170 right side of the roadway until safely clear of the overtaken  
171 vehicle.

172 (2) The driver of a motor vehicle overtaking a person  
173 operating a bicycle or other vulnerable user of a public roadway  
174 ~~nonmotorized vehicle~~ must pass the person operating the bicycle  
175 or other vulnerable user ~~nonmotorized vehicle~~ at a safe distance  
176 of not less than 3 feet between any part of or attachment to the  
177 motor vehicle, anything extending from the motor vehicle, or any

31-00104-17

201766\_\_

178 trailer or other thing being towed by the motor vehicle and the  
179 bicycle, the person operating the bicycle, or other vulnerable  
180 user nonmotorized vehicle.

181 (3)-(2) Except when overtaking and passing on the right is  
182 permitted, the driver of an overtaken vehicle shall give way to  
183 the right in favor of the overtaking vehicle, on audible signal  
184 or upon the visible blinking of the headlamps of the overtaking  
185 vehicle if such overtaking is being attempted at nighttime, and  
186 shall not increase the speed of his or her vehicle until  
187 completely passed by the overtaking vehicle.

188 (4)-(3) A violation of this section is a noncriminal traffic  
189 infraction, punishable as a moving violation as provided in  
190 chapter 318. If a violation of this section contributes to the  
191 bodily injury of a vulnerable user of a public roadway, the law  
192 enforcement officer issuing the citation for the violation shall  
193 note such information on the citation.

194 Section 4. Section 316.084, Florida Statutes, is amended to  
195 read:

196 316.084 When overtaking on the right is permitted.—

197 (1) The driver of a vehicle may overtake and pass on the  
198 right of another vehicle only under the following conditions:

199 (a) When the vehicle overtaken is making or about to make a  
200 left turn;

201 (b) Upon a street or highway with unobstructed pavement not  
202 occupied by parked vehicles of sufficient width for two or more  
203 lines of moving traffic in each direction;

204 (c) Upon a one-way street, or upon any roadway on which  
205 traffic is restricted to one direction of movement, where the  
206 roadway is free from obstructions and of sufficient width for

31-00104-17

201766\_\_

207 two or more lines of moving vehicles.

208 (2) The driver of a vehicle may overtake and pass another  
209 vehicle on the right only under conditions permitting such  
210 movement in safety. In no event shall such movement be made by  
211 driving off the pavement or main-traveled portion of the  
212 roadway.

213 (3) This section does not prohibit a bicycle that is in a  
214 bicycle lane or on the shoulder of a roadway or highway from  
215 passing another vehicle on the right.

216 (4)~~(3)~~ A violation of this section is a noncriminal traffic  
217 infraction, punishable as a moving violation as provided in  
218 chapter 318.

219 Section 5. Section 316.0875, Florida Statutes, is amended  
220 to read:

221 316.0875 No-passing zones.—

222 (1) The Department of Transportation and local authorities  
223 may ~~are authorized to~~ determine those portions of any highway  
224 under their respective jurisdictions ~~jurisdiction~~ where  
225 overtaking and passing or driving to the left of the roadway  
226 would be especially hazardous and may, by appropriate signs or  
227 markings on the roadway, indicate the beginning and end of such  
228 zones. ~~and~~ When such signs or markings are in place and clearly  
229 visible to an ordinarily observant person, each ~~every~~ driver of  
230 a vehicle shall obey the directions thereof.

231 (2) Where signs or markings are in place to define a no-  
232 passing zone as set forth in subsection (1), a ~~no~~ driver may  
233 not, shall at any time, drive on the left side of the roadway  
234 that has ~~with~~ such no-passing zone or on the left side of any  
235 pavement striping designed to mark such no-passing zone

31-00104-17

201766\_\_

236 throughout its length.

237 (3) This section does not apply to a person who safely and  
238 briefly drives to the left of the center of the roadway or  
239 pavement striping only to the extent necessary to:

240 (a) Avoid ~~When an obstruction; exists making it necessary~~  
241 ~~to drive to the left of the center of the highway, nor~~

242 (b) Turn ~~To the driver of a vehicle turning left into or~~  
243 ~~from an alley, private road, or driveway; or~~

244 (c) Comply with the requirements regarding a safe distance  
245 to pass a vulnerable user, as required by s. 316.083(2).

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

249 Section 6. Section 316.151, Florida Statutes, is amended to  
250 read:

251 316.151 Required position and method of turning at  
252 intersections.—

253 (1) (a) Right turn.—The driver of a vehicle intending to  
254 turn right at an intersection onto a highway, public or private  
255 roadway, or driveway shall do so as follows:

256 1. ~~(a) Right turn.~~—Both the approach for a right turn and a  
257 right turn shall be made as close as practicable to the right-  
258 hand curb or edge of the roadway.

259 2. When overtaking and passing a bicycle or other  
260 vulnerable user proceeding in the same direction, the driver of  
261 a motor vehicle shall give an appropriate signal as provided for  
262 in s. 316.155 and shall make the right turn only if it can be  
263 made at a safe distance from the bicycle or other vulnerable  
264 user.

31-00104-17

201766\_\_

265       3. When crossing a sidewalk, bicycle lane, or bicycle path  
266 to turn right, the driver of a motor vehicle shall yield the  
267 right-of-way to a bicycle or pedestrian.

268       (b) *Left turn.*—The driver of a vehicle intending to turn  
269 left at an ~~any~~ intersection onto a highway, public or private  
270 roadway, or driveway shall do so as follows:

271       1. The driver shall approach the intersection in the  
272 extreme left-hand lane lawfully available to traffic moving in  
273 the direction of travel of such vehicle. Thereafter, and, after  
274 ~~entering the intersection,~~ the left turn shall be made so as to  
275 leave the intersection in a lane lawfully available to traffic  
276 moving in such direction upon the roadway being entered.

277       2. A person riding a bicycle and intending to turn left in  
278 accordance with this section is entitled to the full use of the  
279 lane from which the turn may legally be made. Whenever  
280 practicable the left turn shall be made in that portion of the  
281 intersection to the left of the center of the intersection.

282       ~~(c) *Left turn by bicycle.*—In addition to the method of~~  
283 ~~making a left turn described in paragraph (b), a person riding a~~  
284 ~~bicycle and intending to turn left may do so as follows has the~~  
285 ~~option of following the course described hereafter:~~

286       a. The rider shall approach the turn as close as  
287 practicable to the right curb or edge of the roadway;

288       b. After proceeding across the intersecting roadway, the  
289 turn shall be made as close as practicable to the curb or edge  
290 of the roadway on the far side of the intersection; and,

291       c. Before proceeding, the bicyclist shall comply with any  
292 official traffic control device or police officer regulating  
293 traffic on the highway along which the bicyclist intends to

31-00104-17

201766\_\_

294 proceed.

295 (2) The state, county, and local authorities in their  
296 respective jurisdictions may cause official traffic control  
297 devices to be placed within or adjacent to intersections and  
298 thereby require and direct that a different course from that  
299 specified in this section be traveled by vehicles turning at an  
300 intersection. When such devices are so placed, the ~~no~~ driver of  
301 a vehicle may not turn a vehicle at an intersection other than  
302 as directed and required by such devices.

303 (3) A violation of this section is a noncriminal traffic  
304 infraction, punishable as a moving violation as provided in  
305 chapter 318. If a violation of this section contributes to the  
306 bodily injury of a vulnerable user of a public roadway, the law  
307 enforcement officer issuing the citation for the violation shall  
308 note such information on the citation.

309 Section 7. Section 316.1925, Florida Statutes, is amended  
310 to read:

311 316.1925 Careless driving.—

312 (1) A ~~Any~~ person operating a vehicle upon the streets or  
313 highways within the state shall drive the same in a careful and  
314 prudent manner, having regard for the width, grade, curves,  
315 corners, traffic, and all other attendant circumstances, so as  
316 not to endanger the life, limb, or property of any person. A  
317 person who fails ~~Failure~~ to drive in such a manner commits ~~shall~~  
318 ~~constitute~~ careless driving and ~~a violation of this section.~~

319 ~~(2) Any person who violates this section shall be cited for~~  
320 ~~a moving violation, punishable as provided in chapter 318.~~

321 (2) If a violation under subsection (1) contributes to the  
322 bodily injury of a vulnerable user of a public roadway, the law

31-00104-17

201766\_\_

323 enforcement officer issuing the citation for the violation shall  
324 note such information on the citation.

325 Section 8. Subsections (1), (5), and (6) of section  
326 316.2065, Florida Statutes, are amended to read:

327 316.2065 Bicycle regulations.—

328 (1) A bicycle is a vehicle under Florida law and shall be  
329 operated in the same manner as any other vehicle and every  
330 person operating a bicycle ~~propelling a vehicle by human power~~  
331 has all of the rights and all of the duties applicable to the  
332 driver of any other vehicle under this chapter, except as to  
333 special regulations in this chapter, and except as to provisions  
334 of this chapter which by their nature can have no application.

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

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

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

346 3. When reasonably necessary to avoid any condition or  
347 potential conflict, including, but not limited to, a fixed or  
348 moving object, parked or moving vehicle, bicycle, pedestrian,  
349 animal, surface hazard, turn lane, or substandard-width lane,  
350 which makes it unsafe to continue along the right-hand curb or  
351 edge or within a bicycle lane. For the purposes of this

31-00104-17

201766\_\_

352 subsection, a "substandard-width lane" is a lane that is too  
353 narrow for a bicycle and another vehicle to travel safely side  
354 by side within the lane.

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

358 (6) (a) Persons riding bicycles upon a roadway or in a  
359 bicycle lane may not ride more than two abreast except on  
360 bicycle paths or parts of roadways set aside for the exclusive  
361 use of bicycles. Persons riding two abreast may not impede  
362 traffic when traveling at less than the normal speed of traffic  
363 at the time and place and under the conditions then existing and  
364 shall ride within a single lane.

365 (b) When stopping at a stop sign, persons riding bicycles  
366 in groups of four or more, after coming to a full stop and  
367 obeying all traffic laws, may proceed through the stop sign in a  
368 group and motor vehicle operators shall allow the entire group  
369 to travel through the intersection before moving forward.

370 Section 9. Section 318.142, Florida Statutes, is created to  
371 read:

372 318.142 Infractions contributing to bodily injury of a  
373 vulnerable user of a public roadway.—In addition to any other  
374 penalty imposed for a violation under s. 316.192, if the  
375 violation contributes to the bodily injury of a vulnerable user  
376 of a public roadway as defined in s. 316.003, the law  
377 enforcement officer issuing the citation for the infraction  
378 shall note such information on the citation and the designated  
379 official may impose a fine of not more than \$2,500.

380 Section 10. Section 318.19, Florida Statutes, is amended to

31-00104-17

201766\_\_

381 read:

382 318.19 Infractions requiring a mandatory hearing.—Any  
383 person cited for the infractions listed in this section shall  
384 not have the provisions of s. 318.14(2), (4), and (9) available  
385 to him or her but must appear before the designated official at  
386 the time and location of the scheduled hearing:

387 (1) Any infraction which results in a crash that causes the  
388 death of another;

389 (2) Any infraction which results in a crash that causes  
390 “serious bodily injury” of another as defined in s. 316.1933(1);

391 (3) Any infraction of s. 316.172(1)(b);

392 (4) Any infraction of s. 316.520(1) or (2); ~~or~~

393 (5) Any infraction of s. 316.183(2), s. 316.187, or s.

394 316.189 of exceeding the speed limit by 30 m.p.h. or more; or

395 (6) Any infraction of s. 316.083, s. 316.151, or s.

396 316.1925 which contributes to the bodily injury of a vulnerable  
397 user of a public roadway as defined in s. 316.003. If an  
398 infraction listed in this subsection contributes to the bodily  
399 injury of a vulnerable user of a public roadway, the law  
400 enforcement officer issuing the citation for the infraction  
401 shall note such information on the citation.

402 Section 11. Paragraph (c) of subsection (1) of section  
403 212.05, Florida Statutes, is amended to read:

404 212.05 Sales, storage, use tax.—It is hereby declared to be  
405 the legislative intent that every person is exercising a taxable  
406 privilege who engages in the business of selling tangible  
407 personal property at retail in this state, including the  
408 business of making mail order sales, or who rents or furnishes  
409 any of the things or services taxable under this chapter, or who

31-00104-17

201766\_\_

410 stores for use or consumption in this state any item or article  
411 of tangible personal property as defined herein and who leases  
412 or rents such property within the state.

413 (1) For the exercise of such privilege, a tax is levied on  
414 each taxable transaction or incident, which tax is due and  
415 payable as follows:

416 (c) At the rate of 6 percent of the gross proceeds derived  
417 from the lease or rental of tangible personal property, as  
418 defined herein; however, the following special provisions apply  
419 to the lease or rental of motor vehicles:

420 1. When a motor vehicle is leased or rented for a period of  
421 less than 12 months:

422 a. If the motor vehicle is rented in Florida, the entire  
423 amount of such rental is taxable, even if the vehicle is dropped  
424 off in another state.

425 b. If the motor vehicle is rented in another state and  
426 dropped off in Florida, the rental is exempt from Florida tax.

427 2. Except as provided in subparagraph 3., for the lease or  
428 rental of a motor vehicle for a period of not less than 12  
429 months, sales tax is due on the lease or rental payments if the  
430 vehicle is registered in this state; provided, however, that no  
431 tax shall be due if the taxpayer documents use of the motor  
432 vehicle outside this state and tax is being paid on the lease or  
433 rental payments in another state.

434 3. The tax imposed by this chapter does not apply to the  
435 lease or rental of a commercial motor vehicle as defined in s.  
436 316.003(13)(a) ~~316.003(12)(a)~~ to one lessee or rentee for a  
437 period of not less than 12 months when tax was paid on the  
438 purchase price of such vehicle by the lessor. To the extent tax

31-00104-17

201766\_\_

439 was paid with respect to the purchase of such vehicle in another  
440 state, territory of the United States, or the District of  
441 Columbia, the Florida tax payable shall be reduced in accordance  
442 with the provisions of s. 212.06(7). This subparagraph shall  
443 only be available when the lease or rental of such property is  
444 an established business or part of an established business or  
445 the same is incidental or germane to such business.

446 Section 12. Paragraph (b) of subsection (2) and paragraph  
447 (a) of subsection (4) of section 316.545, Florida Statutes, are  
448 amended to read:

449 316.545 Weight and load unlawful; special fuel and motor  
450 fuel tax enforcement; inspection; penalty; review.—

451 (2)

452 (b) The officer or inspector shall inspect the license  
453 plate or registration certificate of the commercial motor  
454 vehicle to determine whether its gross weight is in compliance  
455 with the declared gross vehicle weight. If its gross weight  
456 exceeds the declared weight, the penalty shall be 5 cents per  
457 pound on the difference between such weights. In those cases  
458 when the commercial motor vehicle is being operated over the  
459 highways of the state with an expired registration or with no  
460 registration from this or any other jurisdiction or is not  
461 registered under the applicable provisions of chapter 320, the  
462 penalty herein shall apply on the basis of 5 cents per pound on  
463 that scaled weight which exceeds 35,000 pounds on laden truck  
464 tractor-semitrailer combinations or tandem trailer truck  
465 combinations, 10,000 pounds on laden straight trucks or straight  
466 truck-trailer combinations, or 10,000 pounds on any unladen  
467 commercial motor vehicle. A driver of a commercial motor vehicle

31-00104-17

201766\_\_

468 entering the state at a designated port-of-entry location, as  
469 defined in s. 316.003 ~~316.003(54)~~, or operating on designated  
470 routes to a port-of-entry location, who obtains a temporary  
471 registration permit shall be assessed a penalty limited to the  
472 difference between its gross weight and the declared gross  
473 vehicle weight at 5 cents per pound. If the license plate or  
474 registration has not been expired for more than 90 days, the  
475 penalty imposed under this paragraph may not exceed \$1,000. In  
476 the case of special mobile equipment, which qualifies for the  
477 license tax provided for in s. 320.08(5)(b), being operated on  
478 the highways of the state with an expired registration or  
479 otherwise not properly registered under the applicable  
480 provisions of chapter 320, a penalty of \$75 shall apply in  
481 addition to any other penalty which may apply in accordance with  
482 this chapter. A vehicle found in violation of this section may  
483 be detained until the owner or operator produces evidence that  
484 the vehicle has been properly registered. Any costs incurred by  
485 the retention of the vehicle shall be the sole responsibility of  
486 the owner. A person who has been assessed a penalty pursuant to  
487 this paragraph for failure to have a valid vehicle registration  
488 certificate pursuant to the provisions of chapter 320 is not  
489 subject to the delinquent fee authorized in s. 320.07 if such  
490 person obtains a valid registration certificate within 10  
491 working days after such penalty was assessed.

492 (4) (a) A commercial motor vehicle may not be operated over  
493 the highways of this state unless it has been properly  
494 registered under s. 207.004. Whenever any law enforcement  
495 officer identified in s. 207.023(1), upon inspecting the vehicle  
496 or combination of vehicles, determines that the vehicle is in

31-00104-17

201766\_\_

497 violation of s. 207.004, a penalty in the amount of \$50 shall be  
498 assessed, and the vehicle may be detained until payment is  
499 collected by the law enforcement officer.

500 Section 13. Paragraph (a) of subsection (2) of section  
501 316.613, Florida Statutes, is amended to read:

502 316.613 Child restraint requirements.—

503 (2) As used in this section, the term "motor vehicle" means  
504 a motor vehicle as defined in s. 316.003 that is operated on the  
505 roadways, streets, and highways of the state. The term does not  
506 include:

507 (a) A school bus as defined in s. 316.003 ~~316.003(68)~~.

508 Section 14. Section 320.08, Florida Statutes, is amended to  
509 read:

510 320.08 License taxes.—Except as otherwise provided herein,  
511 there are hereby levied and imposed annual license taxes for the  
512 operation of motor vehicles, mopeds, motorized bicycles as  
513 defined in s. 316.003(3) ~~316.003(2)~~, tri-vehicles as defined in  
514 s. 316.003, and mobile homes as defined in s. 320.01, which  
515 shall be paid to and collected by the department or its agent  
516 upon the registration or renewal of registration of the  
517 following:

518 (1) MOTORCYCLES AND MOPEDS.—

519 (a) Any motorcycle: \$10 flat.

520 (b) Any moped: \$5 flat.

521 (c) Upon registration of a motorcycle, motor-driven cycle,  
522 or moped, in addition to the license taxes specified in this  
523 subsection, a nonrefundable motorcycle safety education fee in  
524 the amount of \$2.50 shall be paid. The proceeds of such  
525 additional fee shall be deposited in the Highway Safety

31-00104-17

201766\_\_

526 Operating Trust Fund to fund a motorcycle driver improvement  
527 program implemented pursuant to s. 322.025, the Florida  
528 Motorcycle Safety Education Program established in s. 322.0255,  
529 or the general operations of the department.

530 (d) An ancient or antique motorcycle: \$7.50 flat, of which  
531 \$2.50 shall be deposited into the General Revenue Fund.

532 (2) AUTOMOBILES OR TRI-VEHICLES FOR PRIVATE USE.—

533 (a) An ancient or antique automobile, as defined in s.  
534 320.086, or a street rod, as defined in s. 320.0863: \$7.50 flat.

535 (b) Net weight of less than 2,500 pounds: \$14.50 flat.

536 (c) Net weight of 2,500 pounds or more, but less than 3,500  
537 pounds: \$22.50 flat.

538 (d) Net weight of 3,500 pounds or more: \$32.50 flat.

539 (3) TRUCKS.—

540 (a) Net weight of less than 2,000 pounds: \$14.50 flat.

541 (b) Net weight of 2,000 pounds or more, but not more than  
542 3,000 pounds: \$22.50 flat.

543 (c) Net weight more than 3,000 pounds, but not more than  
544 5,000 pounds: \$32.50 flat.

545 (d) A truck defined as a "goat," or other vehicle if used  
546 in the field by a farmer or in the woods for the purpose of  
547 harvesting a crop, including naval stores, during such  
548 harvesting operations, and which is not principally operated  
549 upon the roads of the state: \$7.50 flat. The term "goat" means a  
550 motor vehicle designed, constructed, and used principally for  
551 the transportation of citrus fruit within citrus groves or for  
552 the transportation of crops on farms, and which can also be used  
553 for hauling associated equipment or supplies, including required  
554 sanitary equipment, and the towing of farm trailers.

31-00104-17

201766\_\_

555 (e) An ancient or antique truck, as defined in s. 320.086:  
556 \$7.50 flat.

557 (4) HEAVY TRUCKS, TRUCK TRACTORS, FEES ACCORDING TO GROSS  
558 VEHICLE WEIGHT.—

559 (a) Gross vehicle weight of 5,001 pounds or more, but less  
560 than 6,000 pounds: \$60.75 flat, of which \$15.75 shall be  
561 deposited into the General Revenue Fund.

562 (b) Gross vehicle weight of 6,000 pounds or more, but less  
563 than 8,000 pounds: \$87.75 flat, of which \$22.75 shall be  
564 deposited into the General Revenue Fund.

565 (c) Gross vehicle weight of 8,000 pounds or more, but less  
566 than 10,000 pounds: \$103 flat, of which \$27 shall be deposited  
567 into the General Revenue Fund.

568 (d) Gross vehicle weight of 10,000 pounds or more, but less  
569 than 15,000 pounds: \$118 flat, of which \$31 shall be deposited  
570 into the General Revenue Fund.

571 (e) Gross vehicle weight of 15,000 pounds or more, but less  
572 than 20,000 pounds: \$177 flat, of which \$46 shall be deposited  
573 into the General Revenue Fund.

574 (f) Gross vehicle weight of 20,000 pounds or more, but less  
575 than 26,001 pounds: \$251 flat, of which \$65 shall be deposited  
576 into the General Revenue Fund.

577 (g) Gross vehicle weight of 26,001 pounds or more, but less  
578 than 35,000: \$324 flat, of which \$84 shall be deposited into the  
579 General Revenue Fund.

580 (h) Gross vehicle weight of 35,000 pounds or more, but less  
581 than 44,000 pounds: \$405 flat, of which \$105 shall be deposited  
582 into the General Revenue Fund.

583 (i) Gross vehicle weight of 44,000 pounds or more, but less

31-00104-17

201766\_\_

584 than 55,000 pounds: \$773 flat, of which \$201 shall be deposited  
585 into the General Revenue Fund.

586 (j) Gross vehicle weight of 55,000 pounds or more, but less  
587 than 62,000 pounds: \$916 flat, of which \$238 shall be deposited  
588 into the General Revenue Fund.

589 (k) Gross vehicle weight of 62,000 pounds or more, but less  
590 than 72,000 pounds: \$1,080 flat, of which \$280 shall be  
591 deposited into the General Revenue Fund.

592 (l) Gross vehicle weight of 72,000 pounds or more: \$1,322  
593 flat, of which \$343 shall be deposited into the General Revenue  
594 Fund.

595 (m) Notwithstanding the declared gross vehicle weight, a  
596 truck tractor used within a 150-mile radius of its home address  
597 is eligible for a license plate for a fee of \$324 flat if:

598 1. The truck tractor is used exclusively for hauling  
599 forestry products; or

600 2. The truck tractor is used primarily for the hauling of  
601 forestry products, and is also used for the hauling of  
602 associated forestry harvesting equipment used by the owner of  
603 the truck tractor.

604  
605 Of the fee imposed by this paragraph, \$84 shall be deposited  
606 into the General Revenue Fund.

607 (n) A truck tractor or heavy truck, not operated as a for-  
608 hire vehicle, which is engaged exclusively in transporting raw,  
609 unprocessed, and nonmanufactured agricultural or horticultural  
610 products within a 150-mile radius of its home address, is  
611 eligible for a restricted license plate for a fee of:

612 1. If such vehicle's declared gross vehicle weight is less

31-00104-17

201766\_\_

613 than 44,000 pounds, \$87.75 flat, of which \$22.75 shall be  
614 deposited into the General Revenue Fund.

615 2. If such vehicle's declared gross vehicle weight is  
616 44,000 pounds or more and such vehicle only transports from the  
617 point of production to the point of primary manufacture; to the  
618 point of assembling the same; or to a shipping point of a rail,  
619 water, or motor transportation company, \$324 flat, of which \$84  
620 shall be deposited into the General Revenue Fund.

621  
622 Such not-for-hire truck tractors and heavy trucks used  
623 exclusively in transporting raw, unprocessed, and  
624 nonmanufactured agricultural or horticultural products may be  
625 incidentally used to haul farm implements and fertilizers  
626 delivered direct to the growers. The department may require any  
627 documentation deemed necessary to determine eligibility prior to  
628 issuance of this license plate. For the purpose of this  
629 paragraph, "not-for-hire" means the owner of the motor vehicle  
630 must also be the owner of the raw, unprocessed, and  
631 nonmanufactured agricultural or horticultural product, or the  
632 user of the farm implements and fertilizer being delivered.

633 (5) SEMITRAILERS, FEES ACCORDING TO GROSS VEHICLE WEIGHT;  
634 SCHOOL BUSES; SPECIAL PURPOSE VEHICLES.—

635 (a)1. A semitrailer drawn by a GVW truck tractor by means  
636 of a fifth-wheel arrangement: \$13.50 flat per registration year  
637 or any part thereof, of which \$3.50 shall be deposited into the  
638 General Revenue Fund.

639 2. A semitrailer drawn by a GVW truck tractor by means of a  
640 fifth-wheel arrangement: \$68 flat per permanent registration, of  
641 which \$18 shall be deposited into the General Revenue Fund.

31-00104-17

201766\_\_

642 (b) A motor vehicle equipped with machinery and designed  
643 for the exclusive purpose of well drilling, excavation,  
644 construction, spraying, or similar activity, and which is not  
645 designed or used to transport loads other than the machinery  
646 described above over public roads: \$44 flat, of which \$11.50  
647 shall be deposited into the General Revenue Fund.

648 (c) A school bus used exclusively to transport pupils to  
649 and from school or school or church activities or functions  
650 within their own county: \$41 flat, of which \$11 shall be  
651 deposited into the General Revenue Fund.

652 (d) A wrecker, as defined in s. 320.01, which is used to  
653 tow a vessel as defined in s. 327.02, a disabled, abandoned,  
654 stolen-recovered, or impounded motor vehicle as defined in s.  
655 320.01, or a replacement motor vehicle as defined in s. 320.01:  
656 \$41 flat, of which \$11 shall be deposited into the General  
657 Revenue Fund.

658 (e) A wrecker that is used to tow any nondisabled motor  
659 vehicle, a vessel, or any other cargo unless used as defined in  
660 paragraph (d), as follows:

661 1. Gross vehicle weight of 10,000 pounds or more, but less  
662 than 15,000 pounds: \$118 flat, of which \$31 shall be deposited  
663 into the General Revenue Fund.

664 2. Gross vehicle weight of 15,000 pounds or more, but less  
665 than 20,000 pounds: \$177 flat, of which \$46 shall be deposited  
666 into the General Revenue Fund.

667 3. Gross vehicle weight of 20,000 pounds or more, but less  
668 than 26,000 pounds: \$251 flat, of which \$65 shall be deposited  
669 into the General Revenue Fund.

670 4. Gross vehicle weight of 26,000 pounds or more, but less

31-00104-17

201766\_\_

671 than 35,000 pounds: \$324 flat, of which \$84 shall be deposited  
672 into the General Revenue Fund.

673 5. Gross vehicle weight of 35,000 pounds or more, but less  
674 than 44,000 pounds: \$405 flat, of which \$105 shall be deposited  
675 into the General Revenue Fund.

676 6. Gross vehicle weight of 44,000 pounds or more, but less  
677 than 55,000 pounds: \$772 flat, of which \$200 shall be deposited  
678 into the General Revenue Fund.

679 7. Gross vehicle weight of 55,000 pounds or more, but less  
680 than 62,000 pounds: \$915 flat, of which \$237 shall be deposited  
681 into the General Revenue Fund.

682 8. Gross vehicle weight of 62,000 pounds or more, but less  
683 than 72,000 pounds: \$1,080 flat, of which \$280 shall be  
684 deposited into the General Revenue Fund.

685 9. Gross vehicle weight of 72,000 pounds or more: \$1,322  
686 flat, of which \$343 shall be deposited into the General Revenue  
687 Fund.

688 (f) A hearse or ambulance: \$40.50 flat, of which \$10.50  
689 shall be deposited into the General Revenue Fund.

690 (6) MOTOR VEHICLES FOR HIRE.—

691 (a) Under nine passengers: \$17 flat, of which \$4.50 shall  
692 be deposited into the General Revenue Fund; plus \$1.50 per cwt,  
693 of which 50 cents shall be deposited into the General Revenue  
694 Fund.

695 (b) Nine passengers and over: \$17 flat, of which \$4.50  
696 shall be deposited into the General Revenue Fund; plus \$2 per  
697 cwt, of which 50 cents shall be deposited into the General  
698 Revenue Fund.

699 (7) TRAILERS FOR PRIVATE USE.—

31-00104-17

201766\_\_

700 (a) Any trailer weighing 500 pounds or less: \$6.75 flat per  
701 year or any part thereof, of which \$1.75 shall be deposited into  
702 the General Revenue Fund.

703 (b) Net weight over 500 pounds: \$3.50 flat, of which \$1  
704 shall be deposited into the General Revenue Fund; plus \$1 per  
705 cwt, of which 25 cents shall be deposited into the General  
706 Revenue Fund.

707 (8) TRAILERS FOR HIRE.—

708 (a) Net weight under 2,000 pounds: \$3.50 flat, of which \$1  
709 shall be deposited into the General Revenue Fund; plus \$1.50 per  
710 cwt, of which 50 cents shall be deposited into the General  
711 Revenue Fund.

712 (b) Net weight 2,000 pounds or more: \$13.50 flat, of which  
713 \$3.50 shall be deposited into the General Revenue Fund; plus  
714 \$1.50 per cwt, of which 50 cents shall be deposited into the  
715 General Revenue Fund.

716 (9) RECREATIONAL VEHICLE-TYPE UNITS.—

717 (a) A travel trailer or fifth-wheel trailer, as defined by  
718 s. 320.01(1)(b), that does not exceed 35 feet in length: \$27  
719 flat, of which \$7 shall be deposited into the General Revenue  
720 Fund.

721 (b) A camping trailer, as defined by s. 320.01(1)(b)2.:  
722 \$13.50 flat, of which \$3.50 shall be deposited into the General  
723 Revenue Fund.

724 (c) A motor home, as defined by s. 320.01(1)(b)4.:

725 1. Net weight of less than 4,500 pounds: \$27 flat, of which  
726 \$7 shall be deposited into the General Revenue Fund.

727 2. Net weight of 4,500 pounds or more: \$47.25 flat, of  
728 which \$12.25 shall be deposited into the General Revenue Fund.

31-00104-17

201766\_\_

- 729 (d) A truck camper as defined by s. 320.01(1)(b)3.:
- 730 1. Net weight of less than 4,500 pounds: \$27 flat, of which
- 731 \$7 shall be deposited into the General Revenue Fund.
- 732 2. Net weight of 4,500 pounds or more: \$47.25 flat, of
- 733 which \$12.25 shall be deposited into the General Revenue Fund.
- 734 (e) A private motor coach as defined by s. 320.01(1)(b)5.:
- 735 1. Net weight of less than 4,500 pounds: \$27 flat, of which
- 736 \$7 shall be deposited into the General Revenue Fund.
- 737 2. Net weight of 4,500 pounds or more: \$47.25 flat, of
- 738 which \$12.25 shall be deposited into the General Revenue Fund.
- 739 (10) PARK TRAILERS; TRAVEL TRAILERS; FIFTH-WHEEL TRAILERS;
- 740 35 FEET TO 40 FEET.—
- 741 (a) Park trailers.—Any park trailer, as defined in s.
- 742 320.01(1)(b)7.: \$25 flat.
- 743 (b) A travel trailer or fifth-wheel trailer, as defined in
- 744 s. 320.01(1)(b), that exceeds 35 feet: \$25 flat.
- 745 (11) MOBILE HOMES.—
- 746 (a) A mobile home not exceeding 35 feet in length: \$20
- 747 flat.
- 748 (b) A mobile home over 35 feet in length, but not exceeding
- 749 40 feet: \$25 flat.
- 750 (c) A mobile home over 40 feet in length, but not exceeding
- 751 45 feet: \$30 flat.
- 752 (d) A mobile home over 45 feet in length, but not exceeding
- 753 50 feet: \$35 flat.
- 754 (e) A mobile home over 50 feet in length, but not exceeding
- 755 55 feet: \$40 flat.
- 756 (f) A mobile home over 55 feet in length, but not exceeding
- 757 60 feet: \$45 flat.

31-00104-17

201766\_\_

758 (g) A mobile home over 60 feet in length, but not exceeding  
759 65 feet: \$50 flat.

760 (h) A mobile home over 65 feet in length: \$80 flat.

761 (12) DEALER AND MANUFACTURER LICENSE PLATES.—A franchised  
762 motor vehicle dealer, independent motor vehicle dealer, marine  
763 boat trailer dealer, or mobile home dealer and manufacturer  
764 license plate: \$17 flat, of which \$4.50 shall be deposited into  
765 the General Revenue Fund.

766 (13) EXEMPT OR OFFICIAL LICENSE PLATES.—Any exempt or  
767 official license plate: \$4 flat, of which \$1 shall be deposited  
768 into the General Revenue Fund.

769 (14) LOCALLY OPERATED MOTOR VEHICLES FOR HIRE.—A motor  
770 vehicle for hire operated wholly within a city or within 25  
771 miles thereof: \$17 flat, of which \$4.50 shall be deposited into  
772 the General Revenue Fund; plus \$2 per cwt, of which 50 cents  
773 shall be deposited into the General Revenue Fund.

774 (15) TRANSPORTER.—Any transporter license plate issued to a  
775 transporter pursuant to s. 320.133: \$101.25 flat, of which  
776 \$26.25 shall be deposited into the General Revenue Fund.

777 Section 15. Subsection (2) of section 322.0261, Florida  
778 Statutes, is amended to read:

779 322.0261 Driver improvement course; requirement to maintain  
780 driving privileges; failure to complete; department approval of  
781 course.—

782 (2) With respect to an operator convicted of, or who  
783 pleaded nolo contendere to, a traffic offense giving rise to a  
784 crash identified in paragraph (1) (a) or paragraph (1) (b), the  
785 department shall require that the operator, in addition to other  
786 applicable penalties, attend a department-approved driver

31-00104-17

201766\_\_

787 improvement course in order to maintain his or her driving  
788 privileges. The department shall include in the course  
789 curriculum instruction specifically addressing the rights of  
790 vulnerable ~~road~~ users as defined in s. 316.003 ~~316.027~~ relative  
791 to vehicles on the roadway. If the operator fails to complete  
792 the course within 90 days after receiving notice from the  
793 department, the operator's driver license shall be canceled by  
794 the department until the course is successfully completed.

795 Section 16. Subsection (1) of section 655.960, Florida  
796 Statutes, is amended to read:

797 655.960 Definitions; ss. 655.960-655.965.—As used in this  
798 section and ss. 655.961-655.965, unless the context otherwise  
799 requires:

800 (1) "Access area" means any paved walkway or sidewalk which  
801 is within 50 feet of any automated teller machine. The term does  
802 not include any street or highway open to the use of the public,  
803 as defined in s. 316.003(78)(a) or (b) ~~316.003(77)(a) or (b)~~,  
804 including any adjacent sidewalk, as defined in s. 316.003.

805 Section 17. Subsection (1) of section 860.065, Florida  
806 Statutes, is amended to read:

807 860.065 Commercial transportation; penalty for use in  
808 commission of a felony.—

809 (1) It is unlawful for any person to attempt to obtain,  
810 solicit to obtain, or obtain any means of public or commercial  
811 transportation or conveyance, including vessels, aircraft,  
812 railroad trains, or commercial motor vehicles as defined in s.  
813 316.003, with the intent to use such public or commercial  
814 transportation or conveyance to commit any felony or to  
815 facilitate the commission of any felony.

31-00104-17

201766\_\_

816 Section 18. For the purpose of incorporating the amendment  
817 made by this act to sections 316.083 and 316.084, Florida  
818 Statutes, in references thereto, subsection (5) of section  
819 316.1923, Florida Statutes, is reenacted to read:

820 316.1923 Aggressive careless driving.—“Aggressive careless  
821 driving” means committing two or more of the following acts  
822 simultaneously or in succession:

823 (5) Improperly passing as defined in s. 316.083, s.  
824 316.084, or s. 316.085.

825 Section 19. For the purpose of incorporating the amendment  
826 made by this act to section 316.1925, Florida Statutes, in a  
827 reference thereto, paragraph (b) of subsection (4) of section  
828 316.072, Florida Statutes, is reenacted to read:

829 316.072 Obedience to and effect of traffic laws.—

830 (4) PUBLIC OFFICERS AND EMPLOYEES TO OBEY CHAPTER;  
831 EXCEPTIONS.—

832 (b) Unless specifically made applicable, the provisions of  
833 this chapter, except those contained in ss. 316.192, 316.1925,  
834 and 316.193, shall not apply to persons, teams, or motor  
835 vehicles and other equipment while actually engaged in work upon  
836 the surface of a highway, but shall apply to such persons and  
837 vehicles when traveling to or from such work.

838 Section 20. For the purpose of incorporating the amendment  
839 made by this act to section 316.2065, Florida Statutes, in a  
840 reference thereto, paragraph (b) of subsection (1) of section  
841 318.18, Florida Statutes, is reenacted to read:

842 318.18 Amount of penalties.—The penalties required for a  
843 noncriminal disposition pursuant to s. 318.14 or a criminal  
844 offense listed in s. 318.17 are as follows:

31-00104-17

201766\_\_

845 (1) Fifteen dollars for:

846 (b) All infractions of s. 316.2065, unless otherwise  
847 specified.

848 Section 21. For the purpose of incorporating the amendment  
849 made by this act to section 318.19, Florida Statutes, in a  
850 reference thereto, subsection (2) of section 318.14, Florida  
851 Statutes, is reenacted to read:

852 318.14 Noncriminal traffic infractions; exception;  
853 procedures.—

854 (2) Except as provided in ss. 316.1001(2) and 316.0083, any  
855 person cited for a violation requiring a mandatory hearing  
856 listed in s. 318.19 or any other criminal traffic violation  
857 listed in chapter 316 must sign and accept a citation indicating  
858 a promise to appear. The officer may indicate on the traffic  
859 citation the time and location of the scheduled hearing and must  
860 indicate the applicable civil penalty established in s. 318.18.  
861 For all other infractions under this section, except for  
862 infractions under s. 316.1001, the officer must certify by  
863 electronic, electronic facsimile, or written signature that the  
864 citation was delivered to the person cited. This certification  
865 is prima facie evidence that the person cited was served with  
866 the citation.

867 Section 22. This act shall take effect October 1, 2017.