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LEGISLATIVE ACTION

Senate

House

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Floor: WD/2R

04/27/2010 05:43 PM

Senator Lynn moved the following:

Senate Amendment (with title amendment)

Delete line 203

and insert:

Section 6. Effective October 1, 2010, 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) During the first 6 months after the date of obtaining a driver's license, a licensee who has not attained 18 years of age may not operate a motor vehicle if a passenger in the



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

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

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

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

31 (5)-(4) The department may, upon receiving satisfactory
32 evidence of any violation of the restriction upon such a
33 license, except a violation of paragraph (1)(d), subsection (2),
34 ~~or~~ subsection (3), or subsection (4), suspend or revoke the
35 license, but the licensee is entitled to a hearing as upon a
36 suspension or revocation under this chapter.

37 (6)-(5) It is a misdemeanor of the second degree, punishable
38 as provided in s. 775.082 or s. 775.083, for any person to
39 operate a motor vehicle in any manner in violation of the
40 restrictions imposed in a license issued to him or her except
41 for a violation of paragraph (1)(d), subsection (2), ~~or~~
42 subsection (3), or subsection (4).



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43 (7)~~(6)~~ Any person who operates a motor vehicle in violation
44 of the restrictions imposed in subsection (2), ~~or~~ subsection
45 (3), or subsection (4) commits a noncriminal traffic infraction,
46 punishable as will be charged with a moving violation as
47 provided in and fined in accordance with chapter 318.

48 Section 7. Effective October 1, 2010, subsection (1) of
49 section 318.14, Florida Statutes, is amended to read:

50 318.14 Noncriminal traffic infractions; exception;
51 procedures.—

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

61 Section 8. Except as otherwise expressly provided in this
62 act, this act shall take effect July 1, 2010.

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

65 And the title is amended as follows:

66 Delete lines 29 - 30

67 and insert:

68 traffic violations bureau; amending s. 322.16, F.S.;

69 restricting the number of passengers under the age of

70 18 permitted in a vehicle operated by a person under a

71 certain age unless accompanied by a driver at least 21



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72 years of age; providing exceptions; providing for
73 secondary enforcement; providing penalties; providing
74 for applicability; amending s. 318.14, F.S.; providing
75 citation procedures for a violation of such
76 restrictions; providing effective dates.