An act relating to state uniform traffic control; creating the "Move Over Act"; amending s. 316.126, F.S.; providing requirements with respect to authorized emergency vehicles making use of visual signals when parked; providing for the disposition of fines; amending s. 316.2397, F.S.; authorizing the use of emergency lights and sirens on certain vehicles; authorizing wreckers to use amber rotating or flashing lights under certain circumstances; amending s. 318.18, F.S.; providing a penalty for a violation of s. 316.126(1)(b), F.S.; amending s. 318.21, F.S.; providing a civil penalty for violation of s. 316.126(1)(b), F.S.; providing an effective date.

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

Section 1. Short title.--This act may be cited as the "Move Over Act."

Section 2. Subsections (1) and (6) of section 316.126, Florida Statutes, are amended to read:

316.126 Operation of vehicles and actions of pedestrians on approach of authorized emergency vehicle.--

(1) (a) Upon the immediate approach of an authorized emergency vehicle, while en route to meet an existing emergency, the driver of every other vehicle shall, when such emergency vehicle is giving audible signals by siren, exhaust whistle, or other adequate device, or visible signals by the
use of displayed blue or red lights, yield the right-of-way to
the emergency vehicle and shall immediately proceed to a
position parallel to, and as close as reasonable to the
closest edge of the curb of the roadway, clear of any
intersection and shall stop and remain in position until the
authorized emergency vehicle has passed, unless otherwise
directed by any law enforcement officer.

(b) When an authorized emergency vehicle making use of
any visual signals is parked, the driver of every other
vehicle, as soon as it is safe:

1. Shall vacate the lane closest to the emergency
   vehicle when driving on an interstate highway or other highway
   with two or more lanes traveling in the direction of the
   emergency vehicle, except when otherwise directed by a law
   enforcement officer.

2. 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.

(c) The Department of Highway Safety and Motor
Vehicles shall provide an educational awareness campaign
informing the motoring public about the Move Over Act. The
department shall provide information about the Move Over Act
in all newly printed driver's license educational materials
after July 1, 2002.

This section shall not relieve the driver of an authorized
emergency vehicle from the duty to drive with due regard for
the safety of all persons using the highway.
(6) A violation of this section is a noncriminal
traffic infraction, punishable pursuant to chapter 318 as
either a moving violation for infractions of subsection (1) or
subsection (3), or as a pedestrian violation for infractions
of subsection (2).

Section 3. Subsection (3) of section 316.2397, Florida
Statutes, is amended to read:

316.2397 Certain lights prohibited; exceptions.--
(3) Vehicles of the fire department and fire patrol,
including vehicles of volunteer firefighters as permitted
under s. 316.2398, vehicles of medical staff physicians or
technicians of medical facilities licensed by the state as
authorized under s. 316.2398, ambulances as authorized under
this chapter, and buses and taxicabs as authorized under s.
316.2399 are permitted to show or display red lights. Vehicles
of the fire department, fire patrol, police vehicles, and such
ambulances and emergency vehicles of municipal and county
departments, public service corporations operated by private
corporations, the Department of Environmental Protection, the
Department of Transportation, and the Department of
Agriculture and Consumer Services as are designated or
authorized by their respective department or the chief of
police of an incorporated city or any sheriff of any county
are hereby authorized to operate emergency lights and sirens
in an emergency. Wreckers, mosquito control fog and spray
vehicles, and emergency vehicles of governmental departments
or public service corporations may show or display amber
lights when in actual operation or when a hazard exists
provided they are not used going to and from the scene of
operation or hazard without specific authorization of a law
enforcement officer or law enforcement agency. Wreckers may
use amber rotating or flashing lights while performing recoveries and loading on the roadside day or night, and while towing a vehicle on wheel lifts, slings, or under reach only if the operator of the wrecker deems such lights necessary. A flatbed, car carrier, or rollback may not use amber rotating or flashing lights when hauling a vehicle on the bed unless it creates a hazard to other motorists because of protruding objects. Further, escort vehicles will be permitted to show or display amber lights when in the actual process of escorting overdimensioned equipment, material, or buildings as authorized by law. Vehicles of private watch, guard, or patrol agencies licensed pursuant to chapter 493 may show or display amber lights while patrolling condominium, cooperative, and private residential and business communities by which employed and which traverse public streets or highways.

Section 4. Subsection (2) of section 318.18, Florida Statutes, is amended to read:

318.18 Amount of civil penalties.—The penalties required for a noncriminal disposition pursuant to s. 318.14 are as follows:

(2) Thirty dollars for all nonmoving traffic violations and:

(a) For all violations of s. 322.19.

(b) For all violations of ss. 320.0605, 320.07(1), 322.065, and 322.15(1). Any person who is cited for a violation of s. 320.07(1) shall be charged a delinquent fee pursuant to s. 320.07(4).

1. If a person who is cited for a violation of s. 320.0605 or s. 320.07 can show proof of having a valid registration at the time of arrest, the clerk of the court may dismiss the case and may assess a $5 dismissal fee. A person

CODING: Words stricken are deletions; words underlined are additions.
who finds it impossible or impractical to obtain a valid registration certificate must submit an affidavit detailing the reasons for the impossibility or impracticality. The reasons may include, but are not limited to, the fact that the vehicle was sold, stolen, or destroyed; that the state in which the vehicle is registered does not issue a certificate of registration; or that the vehicle is owned by another person.

2. If a person who is cited for a violation of s. 322.03, s. 322.065, or s. 322.15 can show a driver's license issued to him or her and valid at the time of arrest, the clerk of the court may dismiss the case and may assess a $5 dismissal fee.

3. If a person who is cited for a violation of s. 316.646 can show proof of security as required by s. 627.733, issued to the person and valid at the time of arrest, the clerk of the court may dismiss the case and may assess a $5 dismissal fee. A person who finds it impossible or impractical to obtain proof of security must submit an affidavit detailing the reasons for the impracticality. The reasons may include, but are not limited to, the fact that the vehicle has since been sold, stolen, or destroyed; that the owner or registrant of the vehicle is not required by s. 627.733 to maintain personal injury protection insurance; or that the vehicle is owned by another person.

(c) For all violations of ss. 316.2935 and 316.610. However, for a violation of s. 316.2935 or s. 316.610, if the person committing the violation corrects the defect and obtains proof of such timely repair by an affidavit of compliance executed by the law enforcement agency within 30 days from the date upon which the traffic citation was issued,
and pays $4 to the law enforcement agency, thereby completing
the affidavit of compliance, then upon presentation of said
affidavit by the defendant to the clerk within the 30-day time
period set forth under s. 318.14(4), the fine must be reduced
to $5, which the clerk of the court shall retain.

(d) For all violations of s. 316.126(1)(b), unless
otherwise specified.

Section 5. Subsection (13) is added to section 318.21,
Florida Statutes, to read:

318.21 Disposition of civil penalties by county
courts.--All civil penalties received by a county court
pursuant to the provisions of this chapter shall be
distributed and paid monthly as follows:

(13) As of July 1, 2002, the proceeds from the fine as
defined in s. 316.126(1)(b) shall be paid to the Crimes
Compensation Trust Fund administered by the Office of the
Attorney General.

Section 6. This act shall take effect July 1, 2002.