

By the Committee on Law Enforcement & Public Safety and
Representative Lacasa

1 A bill to be entitled
2 An act relating to state uniform traffic
3 control; amending s. 316.075, F.S.; revising
4 language with respect to traffic control signal
5 devices; amending s. 316.192, F.S.; providing
6 that intentionally driving a vehicle through an
7 intersection facing a steady red signal under
8 certain circumstances constitutes reckless
9 driving; reenacting ss. 316.072(4)(b),
10 318.17(4), 322.61(1)(b), 397.405(10), and
11 401.113(1), F.S., relating to public officers
12 and employees obeying traffic laws, offenses
13 excepted from the provisions of ch. 318, F.S.,
14 disqualification from operating a commercial
15 motor vehicle, exemptions from licensure, and
16 the Emergency Medical Services Trust Fund, to
17 incorporate said amendment in cross references;
18 amending s. 318.18, F.S.; increasing the fine
19 for driving a vehicle through an intersection
20 facing a steady red signal; providing for
21 suspension of license for second or subsequent
22 offense; reenacting ss. 318.14(2) and (5) and
23 318.15(1), F.S., relating to noncriminal
24 traffic infractions and failure to comply with
25 civil penalty or to appear, to incorporate said
26 amendment in cross references; providing an
27 effective date.

28
29 Be It Enacted by the Legislature of the State of Florida:
30
31

1 Section 1. Paragraph (a) of subsection (2) of section
2 316.075, Florida Statutes, 1996 Supplement, is amended to
3 read:

4 316.075 Traffic control signal devices.--Except for
5 automatic warning signal lights installed or to be installed
6 at railroad crossings, whenever traffic, including municipal
7 traffic, is controlled by traffic control signals exhibiting
8 different colored lights, or colored lighted arrows,
9 successively one at a time or in combination, only the colors
10 green, red and yellow shall be used, except for special
11 pedestrian signals carrying a word legend, and the lights
12 shall indicate and apply to drivers of vehicles and
13 pedestrians as follows:

14 (2) STEADY YELLOW INDICATION.--

15 (a) Vehicular traffic facing a steady yellow signal is
16 thereby warned that the related green movement is being
17 terminated, ~~or~~ that a red indication will be exhibited
18 immediately thereafter when vehicular traffic shall not enter
19 the intersection, that there may be insufficient time to cross
20 the intersection safely, and that other vehicles may enter the
21 intersection as permitted by their traffic control signal
22 device.

23 Section 2. Subsection (1) of section 316.192, Florida
24 Statutes, is amended to read:

25 316.192 Reckless driving.--

26 (1)(a) Any person who drives any vehicle in willful or
27 wanton disregard for the safety of persons or property commits
28 ~~is guilty of~~ reckless driving.

29 (b) Any person who intentionally drives a vehicle
30 through an intersection facing a steady red signal, in
31 violation of s. 316.075(3)(a), and such intentional act

1 results in bodily harm to any person or damage to any vehicle
2 or other property, commits reckless driving.

3 (2) Any person convicted of reckless driving shall be
4 punished:

5 (a) Upon a first conviction, by imprisonment for a
6 period of not more than 90 days or by fine of not less than
7 \$25 nor more than \$500, or by both such fine and imprisonment.

8 (b) On a second or subsequent conviction, by
9 imprisonment for not more than 6 months or by a fine of not
10 less than \$50 nor more than \$1,000, or by both such fine and
11 imprisonment. In addition, if the person's reckless driving
12 causes or results in the death of another, the person may
13 serve 120 community hours as provided in s. 316.027(4).

14 (3) Notwithstanding any other provision of this
15 section, \$5 shall be added to a fine imposed pursuant to this
16 section, which \$5 shall be deposited in the Emergency Medical
17 Services Trust Fund.

18 (4) In addition to any other penalty provided under
19 this section, if the court has reasonable cause to believe
20 that the use of alcohol, chemical substances set forth in s.
21 877.111, or substances controlled under chapter 893
22 contributed to a violation of this section, the court shall
23 direct the person so convicted to complete the substance abuse
24 course provided in s. 316.193(5) within a reasonable period of
25 time specified by the court. The agency conducting such
26 course may refer the person to an authorized agency for
27 substance abuse evaluation and treatment. The directive of
28 the court requiring completion of such course shall be
29 enforced as provided in s. 322.245. If a person referred to a
30 substance abuse education course or treatment under this
31 subsection fails to report for or complete such treatment or

1 education, the agency conducting the DUI program shall notify
2 the court and the department of the failure. Upon receipt of
3 such notice, the department shall cancel the person's driving
4 privilege. The department shall reinstate the driving
5 privilege when the person completes the substance abuse
6 education course or reenters treatment required under this
7 subsection.

8 Section 3. For the purpose of incorporating the
9 amendment to section 316.192, Florida Statutes, in references
10 thereto, the sections or subdivisions of Florida Statutes set
11 forth below are reenacted to read:

12 316.072 Obedience to and effect of traffic laws.--

13 (4) PUBLIC OFFICERS AND EMPLOYEES TO OBEY CHAPTER;
14 EXCEPTIONS.--

15 (b) Unless specifically made applicable, the
16 provisions of this chapter, except those contained in ss.
17 316.192, 316.1925, and 316.193, shall not apply to persons,
18 teams, or motor vehicles and other equipment while actually
19 engaged in work upon the surface of a highway, but shall apply
20 to such persons and vehicles when traveling to or from such
21 work.

22 318.17 Offenses excepted.--No provision of this
23 chapter is available to a person who is charged with any of
24 the following offenses:

25 (4) Reckless driving, in violation of s. 316.192;

26 322.61 Disqualification from operating a commercial
27 motor vehicle.--

28 (1) A person who, within a 3-year period, is convicted
29 of two of the following serious traffic violations or any
30 combination thereof, arising in separate incidents committed
31 in a commercial motor vehicle shall, in addition to any other

1 applicable penalties, be disqualified from operating a
2 commercial motor vehicle for a period of 60 days:
3 (b) Reckless driving, as defined in s. 316.192;
4 397.405 Exemptions from licensure.--The following are
5 exempt from the licensing provisions of this chapter:
6 (10) DUI education and screening services required to
7 be attended pursuant to ss. 316.192, 316.193, 322.095,
8 322.271, and 322.291 are exempt from licensure under this
9 chapter. Treatment programs must continue to be licensed
10 under this chapter.
11
12 The exemptions from licensure in this section do not apply to
13 any facility or entity which receives an appropriation, grant,
14 or contract from the state to operate as a service provider as
15 defined in this chapter or to any substance abuse program
16 regulated pursuant to s. 397.406. No provision of this
17 chapter shall be construed to limit the practice of a
18 physician licensed under chapter 458 or chapter 459, a
19 psychologist licensed under chapter 490, or a psychotherapist
20 licensed under chapter 491, providing outpatient or inpatient
21 substance abuse treatment to a voluntary patient, so long as
22 the physician, psychologist, or psychotherapist does not
23 represent to the public that he or she is a licensed service
24 provider under this act. Failure to comply with any
25 requirement necessary to maintain an exempt status under this
26 section is a misdemeanor of the first degree, punishable as
27 provided in s. 775.082 or s. 775.083.
28 401.113 Department; powers and duties.--
29 (1) Funds deposited into the Emergency Medical
30 Services Trust Fund as provided by ss. 316.061, 316.192,
31

1 316.193, and 318.21 must be used solely to improve and expand
2 prehospital emergency medical services in the state.

3 Section 4. Subsection (12) is added to section 318.18,
4 Florida Statutes, 1996 Supplement, to read:

5 318.18 Amount of civil penalties.--The penalties
6 required for a noncriminal disposition pursuant to s. 318.14
7 are as follows:

8 (12) One hundred dollars for a violation of s.
9 316.075(3)(a), driving a vehicle through an intersection
10 facing a steady red signal. If, at a hearing, the alleged
11 offender is found to have committed this offense, the court
12 shall impose a minimum civil penalty of \$100. In addition to
13 this penalty, for a second or subsequent offense within a
14 period of 5 years, the department shall suspend the driver
15 license of the person for not less than 90 days and not more
16 than 6 months.

17 Section 5. For the purposes of incorporating the
18 amendment to section 318.18, Florida Statutes, 1996
19 Supplement, in references thereto, the sections or
20 subdivisions of Florida Statutes set forth below are reenacted
21 to read:

22 318.14 Noncriminal traffic infractions; exception;
23 procedures.--

24 (2) Except as provided in s. 316.1001(2), any person
25 cited for an infraction under this section must sign and
26 accept a citation indicating a promise to appear. The officer
27 may indicate on the traffic citation the time and location of
28 the scheduled hearing and must indicate the applicable civil
29 penalty established in s. 318.18.

30 (5) Any person electing to appear before the
31 designated official or who is required so to appear shall be

1 deemed to have waived his or her right to the civil penalty
2 provisions of s. 318.18. The official, after a hearing, shall
3 make a determination as to whether an infraction has been
4 committed. If the commission of an infraction has been proven,
5 the official may impose a civil penalty not to exceed \$500,
6 except that in cases involving unlawful speed in a school
7 zone, involving unlawful speed in a construction zone, or
8 involving a death, the civil penalty may not exceed \$1,000; or
9 require attendance at a driver improvement school, or both. If
10 the official determines that no infraction has been committed,
11 no costs or penalties shall be imposed and any costs or
12 penalties that have been paid shall be returned.

13 318.15 Failure to comply with civil penalty or to
14 appear; penalty.--

15 (1) If a person fails to comply with the civil
16 penalties provided in s. 318.18 within the time period
17 specified in s. 318.14(4), fails to attend driver improvement
18 school, or fails to appear at a scheduled hearing, the clerk
19 of the court shall notify the Division of Driver Licenses of
20 the Department of Highway Safety and Motor Vehicles of such
21 failure within 5 days after such failure. Upon receipt of
22 such notice, the department shall immediately issue an order
23 suspending the driver's license and privilege to drive of such
24 person effective 20 days after the date the order of
25 suspension is mailed in accordance with s. 322.251(1), (2),
26 and (6). Any such suspension of the driving privilege which
27 has not been reinstated, including a similar suspension
28 imposed outside Florida, shall remain on the records of the
29 department for a period of 7 years from the date imposed and
30 shall be removed from the records after the expiration of 7
31 years from the date it is imposed.

1 (2) After suspension of the driver's license and
2 privilege to drive of a person under subsection (1), the
3 license and privilege may not be reinstated until the person
4 complies with all obligations and penalties imposed on him or
5 her under s. 318.18 and presents to a driver license office a
6 certificate of compliance issued by the court, together with
7 the \$25 nonrefundable service fee imposed under s. 322.29, or
8 pays the aforementioned \$25 service fee to the clerk of the
9 court clearing such suspension. Such person shall also be in
10 compliance with requirements of chapter 322 prior to
11 reinstatement.

12 Section 6. This act shall take effect October 1, 1997.

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31