

By the Committee on Judiciary; and Senator Garcia

308-2127-03

1 A bill to be entitled
2 An act relating to civil penalties for
3 noncriminal traffic infractions; amending s.
4 316.075, F.S.; providing for a mandatory
5 hearing under s. 318.19, F.S., in specified
6 circumstances; amending s. 318.14, F.S.;
7 imposing penalties for certain noncriminal
8 traffic infractions requiring a mandatory
9 hearing; amending s. 318.18, F.S.; providing a
10 civil penalty for a violation of s.
11 316.075(1)(c)1., F.S.; providing for
12 distribution of proceeds from the penalty;
13 amending s. 318.19, F.S.; providing for a
14 mandatory hearing for certain noncriminal
15 traffic infractions; amending s. 322.0261,
16 F.S.; providing that operators who commit two
17 violations of s. 316.075(1)(c)1., F.S., must
18 take a driver improvement course or lose their
19 driving privileges; providing an effective
20 date.

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22 Be It Enacted by the Legislature of the State of Florida:
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24 Section 1. Subsection (4) of section 316.075, Florida
25 Statutes, is amended to read:

26 316.075 Traffic control signal devices.--
27 (4)(a) A violation of this section is a noncriminal
28 traffic infraction, punishable pursuant to chapter 318 as
29 either a pedestrian violation or, if the infraction resulted
30 from the operation of a vehicle, as a moving violation.

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1 (b) A person who commits a violation of subparagraph
2 (1)(c)1. which results in a crash is subject to a mandatory
3 hearing under s. 318.19.

4 Section 2. Subsection (5) of section 318.14, Florida
5 Statutes, is amended to read:

6 318.14 Noncriminal traffic infractions; exception;
7 procedures.--

8 (5) Any person electing to appear before the designated
9 official or who is required so to appear shall be deemed to
10 have waived his or her right to the civil penalty provisions
11 of s. 318.18. The official, after a hearing, shall make a
12 determination as to whether an infraction has been committed.
13 If the commission of an infraction has been proven, the
14 official may impose a civil penalty not to exceed \$500, except
15 that in cases involving unlawful speed in a school zone, or
16 involving unlawful speed in a construction zone, ~~or involving~~
17 a death, the civil penalty may not exceed \$1,000; or require
18 attendance at a driver improvement school, or both. If the
19 person is required to appear before the designated official
20 pursuant to s. 318.19(1), and is found to have committed the
21 infraction, the designated official shall impose a civil
22 penalty of \$1,000 in addition to any other penalties; and the
23 person's driver's license shall be suspended for 6 months. If
24 the person is required to appear before the designated
25 official pursuant to s. 318.19(2), and is found to have
26 committed the infraction, the designated official shall impose
27 a civil penalty of \$500 in addition to any other penalties;
28 and the person's driver's license shall be suspended for 3
29 months. If the person is required to appear before the
30 designated official pursuant to s. 318.19(3), and is found to
31 have committed the infraction, the designated official shall

1 impose a civil penalty of \$200 in addition to any other
2 penalties; and the person's driver's license shall be
3 suspended for 30 days.If the official determines that no
4 infraction has been committed, no costs or penalties shall be
5 imposed and any costs or penalties that have been paid shall
6 be returned.

7 Section 3. Subsection (13) is added to section 318.18,
8 Florida Statutes, to read:

9 318.18 Amount of civil penalties.--The penalties
10 required for a noncriminal disposition pursuant to s. 318.14
11 are as follows:

12 (13) One hundred twenty-five dollars for a violation
13 of s. 316.075(1)(c)1., of which \$60 shall be distributed as
14 provided in s. 318.21 and \$65 shall be used to fund traffic
15 education programs in public and nonpublic schools.

16 Section 4. Section 318.19, Florida Statutes, is
17 amended to read:

18 318.19 Infractions requiring a mandatory hearing.--Any
19 person cited for the infractions listed in this section shall
20 not have the provisions of s. 318.14(2), (4), and (9)
21 available to him or her but must appear before the designated
22 official at the time and location of the scheduled hearing:

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

25 (2) Any infraction which results in a crash that
26 causes "serious bodily injury" of another as defined in s.
27 316.1933(1);

28 (3) Any infraction that results in a crash that causes
29 any bodily injury other than the kind defined in s.
30 316.1933(1);

31 (4)~~(3)~~ Any infraction of s. 316.172(1)(b); ~~or~~

1 ~~(5)(4)~~ Any infraction of s. 316.520(1) or (2); ~~or~~
2 (6) Any infraction of s. 316.075(1)(c)1. which results
3 in a crash.

4 Section 5. Section 322.0261, Florida Statutes, is
5 amended to read:

6 322.0261 Mandatory driver improvement course; certain
7 instances ~~crashes~~.--

8 (1) The department shall screen crash reports received
9 under s. 316.066 or s. 324.051 to identify crashes involving
10 the following:

11 (a) A crash involving death or a bodily injury
12 requiring transport to a medical facility; or

13 (b) A second crash by the same operator within the
14 previous 2-year period involving property damage in an
15 apparent amount of at least \$500.

16 (2) With respect to an operator convicted of, or who
17 pleaded nolo contendere to, a traffic offense giving rise to a
18 crash identified pursuant to subsection (1), the department
19 shall require that the operator, in addition to other
20 applicable penalties, attend a departmentally approved driver
21 improvement course in order to maintain driving privileges. If
22 the operator fails to complete the course within 90 days of
23 receiving notice from the department, the operator's driver's
24 license shall be canceled by the department until the course
25 is successfully completed.

26 (3) The department shall identify operators who have
27 been convicted of a second violation of s. 316.075(1)(c)1.
28 within 12 months after the first such violation and shall
29 require that operator, in addition to other applicable
30 penalties, to attend a departmentally approved driver
31 improvement course in order to maintain driving privileges. If

1 the operator fails to complete the course within 90 days after
2 receiving notice from the department, the operator's driver's
3 license shall be canceled by the department until the course
4 is successfully completed.

5 (4)~~(3)~~ In determining whether to approve a driver
6 improvement course for the purposes of this section, the
7 department shall consider course content designed to promote
8 safety, driver awareness, crash avoidance techniques, and
9 other factors or criteria to improve driver performance from a
10 safety viewpoint.

11 Section 6. Paragraph (d) of subsection (3) of section
12 322.27, Florida Statutes, is amended to read:

13 322.27 Authority of department to suspend or revoke
14 license.--

15 (3) There is established a point system for evaluation
16 of convictions of violations of motor vehicle laws or
17 ordinances, and violations of applicable provisions of s.
18 403.413(6)(b) when such violations involve the use of motor
19 vehicles, for the determination of the continuing
20 qualification of any person to operate a motor vehicle. The
21 department is authorized to suspend the license of any person
22 upon showing of its records or other good and sufficient
23 evidence that the licensee has been convicted of violation of
24 motor vehicle laws or ordinances, or applicable provisions of
25 s. 403.413(6)(b), amounting to 12 or more points as determined
26 by the point system. The suspension shall be for a period of
27 not more than 1 year.

28 (d) The point system shall have as its basic element a
29 graduated scale of points assigning relative values to
30 convictions of the following violations:

- 31 1. Reckless driving, willful and wanton--4 points.

1 2. Leaving the scene of a crash resulting in property
2 damage of more than \$50--6 points.

3 3. Unlawful speed resulting in a crash--6 points.

4 4. Passing a stopped school bus--4 points.

5 5. Unlawful speed:

6 a. Not in excess of 15 miles per hour of lawful or
7 posted speed--3 points.

8 b. In excess of 15 miles per hour of lawful or posted
9 speed--4 points.

10 6. A violation of a traffic control device as provided
11 in s. 316.075(1)(c)1.--4 points.

12 ~~7.6.~~ All other moving violations (including parking on
13 a highway outside the limits of a municipality)--3 points.
14 However, no points shall be imposed for a violation of s.
15 316.0741 or s. 316.2065(12).

16 ~~8.7.~~ Any moving violation covered above, excluding
17 unlawful speed, resulting in a crash--4 points.

18 ~~9.8.~~ Any conviction under s. 403.413(5)(b)--3 points.

19 Section 7. This act shall take effect upon becoming a
20 law.

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22 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
23 COMMITTEE SUBSTITUTE FOR
24 Senate Bill 2434

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26 This Committee Substitute provides for a mandatory hearing
27 before a designated official when a person is cited for
28 running a red light which results in a crash. This Committee
29 Substitute provides for an assessment of 4 points against a
30 person's driver license when convicted of running a red light
31 and for the mandatory attendance in a driver education program
when convicted of same twice in a 12 month period. This
Committee Substitute also provides enhanced penalties for a
person convicted of violating certain traffic regulations
which result in a crash or which result in a crash that causes
the death of or injury to another.

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