



1 A bill to be entitled
2 An act relating to highway safety; amending s. 316.075,
3 F.S.; requiring hearing for specified violations of
4 traffic control signal devices resulting in a crash;
5 amending s. 318.14, F.S.; providing penalties for certain
6 traffic infractions requiring a mandatory hearing;
7 amending s. 318.18, F.S.; providing penalty for specified
8 violation; providing for distribution of moneys collected;
9 amending s. 318.19, F.S.; requiring hearing for specified
10 violations resulting in a crash; amending s. 318.21, F.S.;
11 providing additional criteria for distributions of certain
12 civil penalties by county courts; amending s. 322.0261,
13 F.S.; requiring driver improvement course for a second
14 violation of specified provisions within a specified time
15 period; providing penalty for failure to complete said
16 course within a specified time period; amending s. 322.27,
17 F.S.; assigning point value for conviction of specified
18 violation of traffic control device; providing an
19 effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:

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23 Section 1. Subsection (4) of section 316.075, Florida
24 Statutes, is amended to read:

25 316.075 Traffic control signal devices.--

26 (1) Except for automatic warning signal lights installed
27 or to be installed at railroad crossings, whenever traffic,
28 including municipal traffic, is controlled by traffic control



29 signals exhibiting different colored lights, or colored lighted
30 arrows, successively one at a time or in combination, only the
31 colors green, red, and yellow shall be used, except for special
32 pedestrian signals carrying a word legend, and the lights shall
33 indicate and apply to drivers of vehicles and pedestrians as
34 follows:

35 (a) *Green indication.--*

36 1. Vehicular traffic facing a circular green signal may
37 proceed cautiously straight through or turn right or left unless
38 a sign at such place prohibits either such turn. But vehicular
39 traffic, including vehicles turning right or left, shall yield
40 the right-of-way to other vehicles and to pedestrians lawfully
41 within the intersection or an adjacent crosswalk at the time
42 such signal is exhibited.

43 2. Vehicular traffic facing a green arrow signal, shown
44 alone or in combination with another indication, as directed by
45 the manual, may cautiously enter the intersection only to make
46 the movement indicated by such arrow, or such other movement as
47 is permitted by other indications shown at the same time, except
48 the driver of any vehicle may U-turn, so as to proceed in the
49 opposite direction unless such movement is prohibited by posted
50 traffic control signs. Such vehicular traffic shall yield the
51 right-of-way to pedestrians lawfully within an adjacent
52 crosswalk and to other traffic lawfully using the intersection.

53 3. Unless otherwise directed by a pedestrian control
54 signal as provided in s. 316.0755, pedestrians facing any green
55 signal, except when the sole green signal is a turn arrow, may



56 proceed across the roadway within any marked or unmarked
57 crosswalk.

58 (b) *Steady yellow indication.--*

59 1. Vehicular traffic facing a steady yellow signal is
60 thereby warned that the related green movement is being
61 terminated or that a red indication will be exhibited
62 immediately thereafter when vehicular traffic shall not enter
63 the intersection.

64 2. Pedestrians facing a steady yellow signal, unless
65 otherwise directed by a pedestrian control signal as provided in
66 s. 316.0755, are thereby advised that there is insufficient time
67 to cross the roadway before a red indication is shown and no
68 pedestrian shall start to cross the roadway.

69 (c) *Steady red indication.--*

70 1. Vehicular traffic facing a steady red signal shall stop
71 before entering the crosswalk on the near side of the
72 intersection or, if none, then before entering the intersection
73 and shall remain standing until a green indication is shown;
74 however:

75 a. The driver of a vehicle which is stopped at a clearly
76 marked stop line, but if none, before entering the crosswalk on
77 the near side of the intersection, or, if none then at the point
78 nearest the intersecting roadway where the driver has a view of
79 approaching traffic on the intersecting roadway before entering
80 the intersection in obedience to a steady red signal may make a
81 right turn, but shall yield the right-of-way to pedestrians and
82 other traffic proceeding as directed by the signal at the
83 intersection, except that municipal and county authorities may



84 prohibit any such right turn against a steady red signal at any
85 intersection, which prohibition shall be effective when a sign
86 giving notice thereof is erected in a location visible to
87 traffic approaching the intersection.

88 b. The driver of a vehicle on a one-way street that
89 intersects another one-way street on which traffic moves to the
90 left shall stop in obedience to a steady red signal, but may
91 then make a left turn into the one-way street, but shall yield
92 the right-of-way to pedestrians and other traffic proceeding as
93 directed by the signal at the intersection, except that
94 municipal and county authorities may prohibit any such left turn
95 as described, which prohibition shall be effective when a sign
96 giving notice thereof is attached to the traffic control signal
97 device at the intersection.

98 2. Unless otherwise directed by a pedestrian control
99 signal as provided in s. 316.0755, pedestrians facing a steady
100 red signal shall not enter the roadway.

101 (4)(a) A violation of this section is a noncriminal
102 traffic infraction, punishable pursuant to chapter 318 as either
103 a pedestrian violation or, if the infraction resulted from the
104 operation of a vehicle, as a moving violation.

105 (b) A person committing a violation of subparagraph
106 (1)(c)1. resulting in a crash is subject to a mandatory hearing
107 under the provisions of s. 318.19.

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

110 318.14 Noncriminal traffic infractions; exception;
111 procedures.--



112 (5) Any person electing to appear before the designated
113 official or who is required so to appear shall be deemed to have
114 waived his or her right to the civil penalty provisions of s.
115 318.18. The official, after a hearing, shall make a
116 determination as to whether an infraction has been committed. If
117 the commission of an infraction has been proven, the official
118 may impose a civil penalty not to exceed \$500, except that in
119 cases involving unlawful speed in a school zone or, involving
120 unlawful speed in a construction zone, ~~or involving a death~~, the
121 civil penalty may not exceed \$1,000; or require attendance at a
122 driver improvement school, or both. If the person is required to
123 appear before the designated official pursuant to s. 318.19(1)
124 and is found to have committed the infraction, the designated
125 official shall impose a civil penalty of \$1,000 in addition to
126 any other penalties and the person's driver license shall be
127 suspended for 6 months. If the person is required to appear
128 before the designated official pursuant to s. 318.19(2) and is
129 found to have committed the infraction, the designated official
130 shall impose a civil penalty of \$500 in addition to any other
131 penalties and the person's driver license shall be suspended for
132 3 months. If the person is required to appear before the
133 designated official pursuant to s. 318.19(3) and is found to
134 have committed the infraction, the designated official shall
135 impose a civil penalty of \$200 in addition to any other
136 penalties and the person's driver license shall be suspended for
137 30 days. If the official determines that no infraction has been
138 committed, no costs or penalties shall be imposed and any costs
139 or penalties that have been paid shall be returned. Moneys



received from the mandatory civil penalties imposed pursuant to this section shall be remitted to the Department of Revenue for deposit into the General Revenue Fund.

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

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

(13) One hundred twenty-five dollars for a violation of s. 316.075(1)(c)1., of which \$60 shall be distributed as provided in s. 318.21 and \$65 shall be remitted to the Department of Revenue for deposit into the General Revenue Fund.

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

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

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

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

(3) Any infraction which results in a crash that causes any bodily injury not specified in s. 316.1933(1);

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

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



167 (6) Any infraction of s. 316.075(1)(c)1. resulting in a
168 crash.

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

171 318.21 Disposition of civil penalties by county
172 courts.--All civil penalties received by a county court pursuant
173 to the provisions of this chapter shall be distributed and paid
174 monthly as follows:

175 (13) For fiscal year 2004-2005 and thereafter, from the
176 funds remitted to the General Revenue Fund pursuant to ss.
177 318.14(5) and 318.18(3), and ss. 318.1225 and 322.287 if
178 created:

179 (a) An amount as provided in the general appropriations
180 act shall be transferred to the Biomedical Research Trust Fund
181 in the Department of Health established under s. 20.435.

182 (b) Twenty-five million dollars shall be transferred to
183 the Johnnie Bryars Byrd, Sr., Trust Fund for Alzheimer's
184 Research, contingent upon the creation of the trust fund by July
185 1, 2004.

186 Section 6. Section 322.0261, Florida Statutes, is amended
187 to read:

188 322.0261 Mandatory driver improvement course; certain
189 instances ~~crashes~~.--

190 (1) The department shall screen crash reports received
191 under s. 316.066 or s. 324.051 to identify crashes involving the
192 following:

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



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

198 (2) With respect to an operator convicted of, or who
199 pleaded nolo contendere to, a traffic offense giving rise to a
200 crash identified pursuant to subsection (1), the department
201 shall require that the operator, in addition to other applicable
202 penalties, attend a departmentally approved driver improvement
203 course in order to maintain driving privileges. If the operator
204 fails to complete the course within 90 days of receiving notice
205 from the department, the operator's driver's license shall be
206 canceled by the department until the course is successfully
207 completed.

208 (3) The department shall identify operators convicted of a
209 second violation of s. 316.075(1)(c)1. within 12 months after
210 the first violation and shall require that operator, in addition
211 to other applicable penalties, to attend a departmentally
212 approved driver improvement course in order to maintain driving
213 privileges. If the operator fails to complete the course within
214 90 days after receiving notice from the department, the
215 operator's driver license shall be canceled by the department
216 until the course is successfully completed.

217 (4)~~(3)~~ In determining whether to approve a driver
218 improvement course for the purposes of this section, the
219 department shall consider course content designed to promote
220 safety, driver awareness, crash avoidance techniques, and other
221 factors or criteria to improve driver performance from a safety
222 viewpoint.



223 Section 7. Paragraph (d) of subsection (3) of section
224 322.27, Florida Statutes, is amended to read:

225 322.27 Authority of department to suspend or revoke
226 license.--

227 (3) There is established a point system for evaluation of
228 convictions of violations of motor vehicle laws or ordinances,
229 and violations of applicable provisions of s. 403.413(6)(b) when
230 such violations involve the use of motor vehicles, for the
231 determination of the continuing qualification of any person to
232 operate a motor vehicle. The department is authorized to suspend
233 the license of any person upon showing of its records or other
234 good and sufficient evidence that the licensee has been
235 convicted of violation of motor vehicle laws or ordinances, or
236 applicable provisions of s. 403.413(6)(b), amounting to 12 or
237 more points as determined by the point system. The suspension
238 shall be for a period of not more than 1 year.

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

- 242 1. Reckless driving, willful and wanton--4 points.
- 243 2. Leaving the scene of a crash resulting in property
244 damage of more than \$50--6 points.
- 245 3. Unlawful speed resulting in a crash--6 points.
- 246 4. Passing a stopped school bus--4 points.
- 247 5. Unlawful speed:
 - 248 a. Not in excess of 15 miles per hour of lawful or posted
249 speed--3 points.



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

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

254 ~~7.6.~~ All other moving violations (including parking on a
255 highway outside the limits of a municipality)--3 points.
256 However, no points shall be imposed for a violation of s.
257 316.0741 or s. 316.2065(12).

258 ~~8.7.~~ Any moving violation covered above, excluding
259 unlawful speed, resulting in a crash--4 points.

260 ~~9.8.~~ Any conviction under s. 403.413(5)(b)--3 points.

261 Section 8. This act shall take effect upon becoming a law.