

By Senator Argenziano

3-1555-04

See HB

1 A bill to be entitled

2 An act relating to motor vehicle crashes;

3 amending s. 316.075, F.S.; requiring a hearing

4 for specified violations resulting in a crash;

5 amending s. 318.18, F.S.; specifying a penalty

6 for said violation; providing for distribution

7 of moneys collected; amending s. 318.21, F.S.;

8 conforming distribution provisions; amending s.

9 318.19, F.S.; requiring a hearing for specified

10 violation resulting in a crash; amending s.

11 322.0261, F.S.; requiring a described driver

12 improvement course for a second violation of

13 specified provisions within a specified time

14 period; amending s. 322.27, F.S.; assigning

15 point value for conviction of said violation;

16 creating s. 395.4036, F.S.; providing for

17 distribution of funds to trauma centers;

18 providing for use of funds; providing for

19 alternate distribution of certain remaining

20 funds; requiring attestation of use of funds;

21 providing for audit of funds; requiring the

22 Department of Health, working with the Agency

23 for Health Care Administration, to maximize

24 resources for trauma services wherever

25 possible; providing an effective date.

26

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

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29 Section 1. Section 316.075, Florida Statutes, is

30 amended to read:

31 316.075 Traffic control signal devices.--

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

10 (a) Green indication.--

11 1. Vehicular traffic facing a circular green signal
12 may proceed cautiously straight through or turn right or left
13 unless a sign at such place prohibits either such turn. But
14 vehicular traffic, including vehicles turning right or left,
15 shall yield the right-of-way to other vehicles and to
16 pedestrians lawfully within the intersection or an adjacent
17 crosswalk at the time such signal is exhibited.

18 2. Vehicular traffic facing a green arrow signal,
19 shown alone or in combination with another indication, as
20 directed by the manual, may cautiously enter the intersection
21 only to make the movement indicated by such arrow, or such
22 other movement as is permitted by other indications shown at
23 the same time, except the driver of any vehicle may U-turn, so
24 as to proceed in the opposite direction unless such movement
25 is prohibited by posted traffic control signs. Such vehicular
26 traffic shall yield the right-of-way to pedestrians lawfully
27 within an adjacent crosswalk and to other traffic lawfully
28 using the intersection.

29 3. Unless otherwise directed by a pedestrian control
30 signal as provided in s. 316.0755, pedestrians facing any
31 green signal, except when the sole green signal is a turn

1 arrow, may proceed across the roadway within any marked or
2 unmarked crosswalk.

3 (b) Steady yellow indication.--

4 1. Vehicular traffic facing a steady yellow signal is
5 thereby warned that the related green movement is being
6 terminated or that a red indication will be exhibited
7 immediately thereafter when vehicular traffic shall not enter
8 the intersection.

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

14 (c) Steady red indication.--

15 1. Vehicular traffic facing a steady red signal shall
16 stop before entering the crosswalk on the near side of the
17 intersection or, if none, then before entering the
18 intersection and shall remain standing until a green
19 indication is shown; however:

20 a. The driver of a vehicle which is stopped at a
21 clearly marked stop line, but if none, before entering the
22 crosswalk on the near side of the intersection, or, if none
23 then at the point nearest the intersecting roadway where the
24 driver has a view of approaching traffic on the intersecting
25 roadway before entering the intersection in obedience to a
26 steady red signal may make a right turn, but shall yield the
27 right-of-way to pedestrians and other traffic proceeding as
28 directed by the signal at the intersection, except that
29 municipal and county authorities may prohibit any such right
30 turn against a steady red signal at any intersection, which
31 prohibition shall be effective when a sign giving notice

1 | thereof is erected in a location visible to traffic
2 | approaching the intersection.

3 | b. The driver of a vehicle on a one-way street that
4 | intersects another one-way street on which traffic moves to
5 | the left shall stop in obedience to a steady red signal, but
6 | may then make a left turn into the one-way street, but shall
7 | yield the right-of-way to pedestrians and other traffic
8 | proceeding as directed by the signal at the intersection,
9 | except that municipal and county authorities may prohibit any
10 | such left turn as described, which prohibition shall be
11 | effective when a sign giving notice thereof is attached to the
12 | traffic control signal device at the intersection.

13 | 2. Unless otherwise directed by a pedestrian control
14 | signal as provided in s. 316.0755, pedestrians facing a steady
15 | red signal shall not enter the roadway.

16 | (2) In the event an official traffic control signal is
17 | erected and maintained at a place other than an intersection,
18 | the provisions of this section shall be applicable except as
19 | to those provisions which by their nature can have no
20 | application. Any stop required shall be made at a sign or
21 | marking on the pavement indicating where the stop shall be
22 | made, but in the absence of any such sign or marking the stop
23 | shall be made at the signal.

24 | (3)(a) No traffic control signal device shall be used
25 | which does not exhibit a yellow or "caution" light between the
26 | green or "go" signal and the red or "stop" signal.

27 | (b) No traffic control signal device shall display
28 | other than the color red at the top of the vertical signal,
29 | nor shall it display other than the color red at the extreme
30 | left of the horizontal signal.

31 |

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

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

8 Section 2. Subsection (13) is added to section 318.18,
9 Florida Statutes, to read:

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

13 (13) One hundred twenty-five dollars for a violation
14 of s. 316.075(1)(c)1., of which \$65 shall be remitted to the
15 Department of Revenue for deposit into the Trauma Services
16 Trust Fund created under s. 395.4035 to be used by the
17 Department of Health as required under s. 395.4036 and the
18 remaining \$60 shall be remitted to the Department of Revenue
19 to be distributed as provided in s. 318.21.

20 Section 3. Subsection (5) is added to section 318.19,
21 Florida Statutes, to read:

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

27 (5) Any infraction of s. 316.075(1)(c)1. resulting in
28 a crash.

29 Section 4. Subsection (13) is added to section 318.21,
30 Florida Statutes, to read:

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1 318.21 Disposition of civil penalties by county
2 courts.--All civil penalties received by a county court
3 pursuant to the provisions of this chapter shall be
4 distributed and paid monthly as follows:

5 (13) For the fines assessed under s. 318.18(13), \$65
6 shall be remitted to the Department of Revenue for deposit
7 into the Trauma Services Trust Fund created under s. 395.4035
8 to be used by the Department of Health as required under s.
9 395.4036, and the remaining \$60 shall be used as otherwise
10 provided for in this section.

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

13 322.0261 Mandatory driver improvement course~~; certain~~
14 ~~crashes~~.--

15 (1) The department shall screen crash reports received
16 under s. 316.066 or s. 324.051 to identify crashes involving
17 the following:

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

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

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

3 (3) The department shall identify each operator
4 convicted of a second violation of s. 316.075(1)(c)1. within
5 12 months after the first violation and shall require the
6 operator, in addition to other applicable penalties, to attend
7 a department-approved driver improvement course in order to
8 maintain driving privileges. If the operator fails to complete
9 the course within 90 days after receiving notice from the
10 department, the operator's driver's license shall be canceled
11 by the department until the course is successfully completed.

12 (4)(3) In determining whether to approve a driver
13 improvement course for the purposes of this section, the
14 department shall consider course content designed to promote
15 safety, driver awareness, crash avoidance techniques, and
16 other factors or criteria to improve driver performance from a
17 safety viewpoint.

18 Section 6. Paragraph (d) of subsection (3) of section
19 322.27, Florida Statutes, is amended to read:

20 322.27 Authority of department to suspend or revoke
21 license.--

22 (3) There is established a point system for evaluation
23 of convictions of violations of motor vehicle laws or
24 ordinances, and violations of applicable provisions of s.
25 403.413(6)(b) when such violations involve the use of motor
26 vehicles, for the determination of the continuing
27 qualification of any person to operate a motor vehicle. The
28 department is authorized to suspend the license of any person
29 upon showing of its records or other good and sufficient
30 evidence that the licensee has been convicted of violation of
31 motor vehicle laws or ordinances, or applicable provisions of

1 s. 403.413(6)(b), amounting to 12 or more points as determined
2 by the point system. The suspension shall be for a period of
3 not more than 1 year.

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

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

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

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

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

12 5. Unlawful speed:

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

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

17 6. Failure to obey a traffic control signal device as
18 provided in s. 316.075(1)(c)1.--4 points.

19 ~~7.6.~~ All other moving violations (including parking on
20 a highway outside the limits of a municipality)--3 points.
21 However, no points shall be imposed for a violation of s.
22 316.0741 or s. 316.2065(12).

23 ~~8.7.~~ Any moving violation covered above, excluding
24 unlawful speed, resulting in a crash--4 points.

25 ~~9.8.~~ Any conviction under s. 403.413(5)(b)--3 points.

26 Section 7. Section 395.4036, Florida Statutes, is
27 created to read:

28 395.4036 Trauma preparedness payments.--

29 (1) Recognizing the Legislature's stated intent to
30 provide financial support to the current verified trauma
31 centers, and to provide incentives for the establishment of

1 additional trauma centers as part of a system of
2 state-sponsored trauma centers, the department shall utilize
3 funds collected under s. 318.18(13) and deposited into the
4 Trauma Services Trust Fund to ensure the availability and
5 accessibility of trauma services throughout the state as
6 provided in this subsection.

7 (a) Each existing trauma center and each new trauma
8 center shall receive a one-time fixed payment to offset
9 startup costs.

10 (b) Equal payments shall be made to all current
11 verified trauma centers for the purpose of providing financial
12 support for each trauma center to meet minimum standards of
13 trauma preparedness.

14 (c) Funds not disbursed as trauma preparedness
15 payments or to offset startup costs shall be allocated to
16 trauma centers to pay for uncompensated trauma care.
17 Distribution of available funds shall be proportionate to
18 utilization of trauma center services by unfunded patients as
19 indicated in the most recent year for which data is available.

20 (d) Any funds remaining after distribution under
21 paragraphs (a)-(c) shall be deposited into the Nursing Student
22 Loan Forgiveness Trust Fund to be used equally for the Nursing
23 Student Loan Forgiveness Program under s. 1009.66 and the
24 nursing scholarship program under s. 1009.67.

25 (2) Each trauma center receiving funds under this
26 section is responsible for ensuring that the funds are used in
27 accordance with law and for maintaining all associated
28 financial records of the use of such funds.

29 (a) Each trauma center receiving funds under this
30 section shall annually attest, under penalties of perjury,
31 that such proceeds were used in compliance with law. The

1 attestation shall be made annually in a form and format
2 determined by the department, which shall include, at a
3 minimum, identification of all revenue received by the trauma
4 center under this section and a categorical list of
5 expenditures of the revenue. The annual attestation shall be
6 submitted to the department for review within 9 months after
7 the end of the trauma center's fiscal year.

8 (b) In addition to the attestation required under
9 paragraph (a), any trauma center subject to audit pursuant to
10 s. 215.97 shall submit an audit report in accordance with
11 rules adopted by the Auditor General.

12 (3) The department, working with the Agency for Health
13 Care Administration, shall maximize resources for trauma
14 services wherever possible.

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

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