

CHAMBER ACTION

1 The Committee on Transportation recommends the following:

2  
3 **Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to highway safety; amending s. 316.075,  
7 F.S.; requiring hearing for specified violations of  
8 traffic control signal devices resulting in a crash;  
9 amending s. 318.14, F.S.; providing penalties for certain  
10 traffic infractions requiring a mandatory hearing;  
11 providing for distribution of moneys collected; requiring  
12 audit of certain funds; amending s. 318.18, F.S.;  
13 providing penalty for specified violation of traffic  
14 control signal devices; providing for distribution of  
15 moneys collected; amending s. 318.19, F.S.; requiring  
16 hearing for certain violations resulting in a crash;  
17 amending s. 318.21, F.S.; providing for distribution of  
18 specified civil penalties by county courts; amending s.  
19 322.0261, F.S.; requiring driver improvement course for a  
20 second violation of specified provisions within a  
21 specified time period; providing penalty for failure to  
22 complete said course within a specified time period;  
23 amending s. 322.27, F.S.; assigning point value for

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24 conviction of specified violation of traffic control  
 25 signal device; creating s. 395.4036, F.S.; providing for  
 26 distribution of funds to trauma centers; providing for  
 27 distribution of funds for nursing student loan forgiveness  
 28 and scholarship programs; providing for audits and  
 29 attestations; providing an effective date.

30

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

32

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

35 316.075 Traffic control signal devices.--

36 (1) Except for automatic warning signal lights installed  
 37 or to be installed at railroad crossings, whenever traffic,  
 38 including municipal traffic, is controlled by traffic control  
 39 signals exhibiting different colored lights, or colored lighted  
 40 arrows, successively one at a time or in combination, only the  
 41 colors green, red, and yellow shall be used, except for special  
 42 pedestrian signals carrying a word legend, and the lights shall  
 43 indicate and apply to drivers of vehicles and pedestrians as  
 44 follows:

45 (a) Green indication.--

46 1. Vehicular traffic facing a circular green signal may  
 47 proceed cautiously straight through or turn right or left unless  
 48 a sign at such place prohibits either such turn. But vehicular  
 49 traffic, including vehicles turning right or left, shall yield  
 50 the right-of-way to other vehicles and to pedestrians lawfully

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51 within the intersection or an adjacent crosswalk at the time  
52 such signal is exhibited.

53 2. Vehicular traffic facing a green arrow signal, shown  
54 alone or in combination with another indication, as directed by  
55 the manual, may cautiously enter the intersection only to make  
56 the movement indicated by such arrow, or such other movement as  
57 is permitted by other indications shown at the same time, except  
58 the driver of any vehicle may U-turn, so as to proceed in the  
59 opposite direction unless such movement is prohibited by posted  
60 traffic control signs. Such vehicular traffic shall yield the  
61 right-of-way to pedestrians lawfully within an adjacent  
62 crosswalk and to other traffic lawfully using the intersection.

63 3. Unless otherwise directed by a pedestrian control  
64 signal as provided in s. 316.0755, pedestrians facing any green  
65 signal, except when the sole green signal is a turn arrow, may  
66 proceed across the roadway within any marked or unmarked  
67 crosswalk.

68 (b) Steady yellow indication.--

69 1. Vehicular traffic facing a steady yellow signal is  
70 thereby warned that the related green movement is being  
71 terminated or that a red indication will be exhibited  
72 immediately thereafter when vehicular traffic shall not enter  
73 the intersection.

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

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79 | (c) Steady red indication.--

80 | 1. Vehicular traffic facing a steady red signal shall stop  
81 | before entering the crosswalk on the near side of the  
82 | intersection or, if none, then before entering the intersection  
83 | and shall remain standing until a green indication is shown;  
84 | however:

85 | a. The driver of a vehicle which is stopped at a clearly  
86 | marked stop line, but if none, before entering the crosswalk on  
87 | the near side of the intersection, or, if none then at the point  
88 | nearest the intersecting roadway where the driver has a view of  
89 | approaching traffic on the intersecting roadway before entering  
90 | the intersection in obedience to a steady red signal may make a  
91 | right turn, but shall yield the right-of-way to pedestrians and  
92 | other traffic proceeding as directed by the signal at the  
93 | intersection, except that municipal and county authorities may  
94 | prohibit any such right turn against a steady red signal at any  
95 | intersection, which prohibition shall be effective when a sign  
96 | giving notice thereof is erected in a location visible to  
97 | traffic approaching the intersection.

98 | b. The driver of a vehicle on a one-way street that  
99 | intersects another one-way street on which traffic moves to the  
100 | left shall stop in obedience to a steady red signal, but may  
101 | then make a left turn into the one-way street, but shall yield  
102 | the right-of-way to pedestrians and other traffic proceeding as  
103 | directed by the signal at the intersection, except that  
104 | municipal and county authorities may prohibit any such left turn  
105 | as described, which prohibition shall be effective when a sign

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106 giving notice thereof is attached to the traffic control signal  
107 device at the intersection.

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

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

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

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

120 318.14 Noncriminal traffic infractions; exception;  
121 procedures.--

122 (5) Any person electing to appear before the designated  
123 official or who is required so to appear shall be deemed to have  
124 waived his or her right to the civil penalty provisions of s.  
125 318.18. The official, after a hearing, shall make a  
126 determination as to whether an infraction has been committed. If  
127 the commission of an infraction has been proven, the official  
128 may impose a civil penalty not to exceed \$500, except that in  
129 cases involving unlawful speed in a school zone or, involving  
130 unlawful speed in a construction zone, ~~or involving a death~~, the  
131 civil penalty may not exceed \$1,000; or require attendance at a  
132 driver improvement school, or both. If the person is required to  
133 appear before the designated official pursuant to s. 318.19(1)

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134 and is found to have committed the infraction, the designated  
135 official shall impose a civil penalty of \$1,000 in addition to  
136 any other penalties and the person's driver license shall be  
137 suspended for 6 months. If the person is required to appear  
138 before the designated official pursuant to s. 318.19(2) and is  
139 found to have committed the infraction, the designated official  
140 shall impose a civil penalty of \$500 in addition to any other  
141 penalties and the person's driver license shall be suspended for  
142 3 months. If the person is required to appear before the  
143 designated official pursuant to s. 318.19(3) and is found to  
144 have committed the infraction, the designated official shall  
145 impose a civil penalty of \$200 in addition to any other  
146 penalties and the person's driver license shall be suspended for  
147 30 days. If the official determines that no infraction has been  
148 committed, no costs or penalties shall be imposed and any costs  
149 or penalties that have been paid shall be returned. Moneys  
150 received from the mandatory civil penalties imposed pursuant to  
151 this subsection upon persons required to appear before a  
152 designated official pursuant to s. 318.19(1), (2), or (3) shall  
153 be remitted to the Department of Revenue and distributed in the  
154 following manner:

155 (a) One million dollars annually shall be transferred to  
156 ABATE of Florida, Inc., a 501(c)(4) corporation, for the purpose  
157 of fostering motorcycle safety awareness, education, and  
158 research programs relating to accident prevention. Such funds  
159 shall be subject to annual audit by the department and the  
160 Auditor General.

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161       (b) The remaining funds shall be deposited into the Trauma  
 162 Services Trust Fund created under s. 395.4035 to be used by the  
 163 Department of Health as required under s. 395.4036.

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

166       318.18 Amount of civil penalties.--The penalties required  
 167 for a noncriminal disposition pursuant to s. 318.14 are as  
 168 follows:

169       (13) One hundred twenty-five dollars for a violation of s.  
 170 316.075(1)(c)1., of which \$60 shall be distributed as provided  
 171 in s. 318.21 and the remaining \$65 shall be remitted to the  
 172 Department of Revenue for deposit into the Trauma Services Trust  
 173 Fund created under s. 395.4035 to be used by the Department of  
 174 Health as required under s. 395.4036.

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

177       318.19 Infractions requiring a mandatory hearing.--Any  
 178 person cited for the infractions listed in this section shall  
 179 not have the provisions of s. 318.14(2), (4), and (9) available  
 180 to him or her but must appear before the designated official at  
 181 the time and location of the scheduled hearing:

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

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

186       (3) Any infraction which results in a crash that causes  
 187 any bodily injury other than "serious bodily injury" defined in  
 188 s. 316.1933(1);

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189        ~~(4)(3)~~ Any infraction of s. 316.172(1)(b); ~~or~~  
 190        ~~(5)(4)~~ Any infraction of s. 316.520(1) or (2); or  
 191        (6) Any infraction of s. 316.075(1)(c)1. resulting in a  
 192 crash.

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

195        318.21 Disposition of civil penalties by county  
 196 courts.--All civil penalties received by a county court pursuant  
 197 to the provisions of this chapter shall be distributed and paid  
 198 monthly as follows:

199        (13)(a) Notwithstanding subsections (1) and (2), the  
 200 proceeds from the mandatory civil penalties imposed pursuant to  
 201 s. 318.14(5) shall be distributed as provided in that section.

202        (b) Notwithstanding subsections (1) and (2), the proceeds  
 203 from the fine under s. 318.18(13) shall be distributed as  
 204 provided in that section.

205        Section 6. Section 322.0261, Florida Statutes, is amended  
 206 to read:

207        322.0261 ~~Mandatory~~ Driver improvement course; requirement  
 208 to maintain driving privileges; failure to complete; department  
 209 approval of course ~~certain crashes~~.--

210        (1) The department shall screen crash reports received  
 211 under s. 316.066 or s. 324.051 to identify crashes involving the  
 212 following:

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



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

218 (2) With respect to an operator convicted of, or who  
219 pleaded nolo contendere to, a traffic offense giving rise to a  
220 crash identified pursuant to subsection (1), the department  
221 shall require that the operator, in addition to other applicable  
222 penalties, attend a department-approved ~~departmentally approved~~  
223 driver improvement course in order to maintain driving  
224 privileges. If the operator fails to complete the course within  
225 90 days of receiving notice from the department, the operator's  
226 driver's license shall be canceled by the department until the  
227 course is successfully completed.

228 (3) The department shall identify any operator convicted  
229 of, or who pleaded nolo contendere to, a second violation of s.  
230 316.075(1)(c)1., which violation occurred within 12 months after  
231 the first violation, and shall require that operator, in  
232 addition to other applicable penalties, to attend a department-  
233 approved driver improvement course in order to maintain driving  
234 privileges. If the operator fails to complete the course within  
235 90 days after receiving notice from the department, the  
236 operator's driver license shall be canceled by the department  
237 until the course is successfully completed.

238 ~~(4)(3)~~ In determining whether to approve a driver  
239 improvement course for the purposes of this section, the  
240 department shall consider course content designed to promote  
241 safety, driver awareness, crash avoidance techniques, and other

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242 factors or criteria to improve driver performance from a safety  
243 viewpoint.

244 Section 7. Paragraph (d) of subsection (3) of section  
245 322.27, Florida Statutes, is amended to read:

246 322.27 Authority of department to suspend or revoke  
247 license.--

248 (3) There is established a point system for evaluation of  
249 convictions of violations of motor vehicle laws or ordinances,  
250 and violations of applicable provisions of s. 403.413(6)(b) when  
251 such violations involve the use of motor vehicles, for the  
252 determination of the continuing qualification of any person to  
253 operate a motor vehicle. The department is authorized to suspend  
254 the license of any person upon showing of its records or other  
255 good and sufficient evidence that the licensee has been  
256 convicted of violation of motor vehicle laws or ordinances, or  
257 applicable provisions of s. 403.413(6)(b), amounting to 12 or  
258 more points as determined by the point system. The suspension  
259 shall be for a period of not more than 1 year.

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

- 263 1. Reckless driving, willful and wanton--4 points.
- 264 2. Leaving the scene of a crash resulting in property  
265 damage of more than \$50--6 points.
- 266 3. Unlawful speed resulting in a crash--6 points.
- 267 4. Passing a stopped school bus--4 points.
- 268 5. Unlawful speed:

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

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

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

275 ~~7.6-~~ All other moving violations (including parking on a  
276 highway outside the limits of a municipality)--3 points.  
277 However, no points shall be imposed for a violation of s.  
278 316.0741 or s. 316.2065(12).

279 ~~8.7-~~ Any moving violation covered above, excluding  
280 unlawful speed, resulting in a crash--4 points.

281 ~~9.8-~~ Any conviction under s. 403.413(5)(b)--3 points.

282 Section 8. Section 395.4036, Florida Statutes, is created  
283 to read:

284 395.4036 Trauma preparedness payments.--

285 (1) Recognizing the Legislature's stated intent to provide  
286 financial support to the current verified trauma centers and to  
287 provide incentives for the establishment of additional trauma  
288 centers as part of a system of state-sponsored trauma centers,  
289 the department shall utilize funds collected under ss.  
290 318.18(13) and 318.14(5) and deposited into the Trauma Services  
291 Trust Fund to ensure the availability and accessibility of  
292 trauma services throughout the state as provided in this  
293 subsection.

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

296        (b) Equal payments shall be made to all current verified  
 297 trauma centers for the purpose of providing financial support  
 298 for each center to meet minimum standards of trauma  
 299 preparedness.

300        (c) Funds not disbursed as trauma preparedness payments or  
 301 startup costs shall be allocated to trauma centers to pay for  
 302 uncompensated trauma care. Distribution of available funds shall  
 303 be proportionate to utilization of trauma center services by  
 304 unfunded patients, as indicated in the most recent year for  
 305 which data is available.

306        (d) Any funds remaining after distribution under  
 307 paragraphs (a)-(c) shall be deposited into the Nursing Student  
 308 Loan Forgiveness Trust Fund to be used equally for the  
 309 department's Nursing Student Loan Forgiveness Program under s.  
 310 1009.66 and the nursing scholarship program under s. 1009.67.

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

315        (a) Any trauma center not subject to audit pursuant to s.  
 316 215.97 shall annually attest, under penalties of perjury, that  
 317 such proceeds were used in compliance with law. The attestation  
 318 shall be made annually in a form and format determined by the  
 319 department.

320        (b) Any trauma center subject to audit pursuant to s.  
 321 215.97 shall submit an audit report in accordance with rules  
 322 adopted by the Auditor General. The annual attestation shall be

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323 | submitted to the department for review within 9 months after the  
324 | end of the organization's fiscal year.

325 | (3) The department, working with the Agency for Health  
326 | Care Administration, shall maximize resources for trauma  
327 | services wherever possible.

328 | Section 9. This act shall take effect upon becoming a law.