

By the Committee on Transportation; and Senator Argenziano

306-2286-04

1 A bill to be entitled
2 An act relating to highway safety; amending s.
3 316.075, F.S.; requiring a hearing for
4 specified violations of traffic control signal
5 devices resulting in a crash; amending s.
6 318.14, F.S.; providing penalties for certain
7 traffic infractions requiring a mandatory
8 hearing; providing for the distribution of
9 penalty proceeds; amending s. 318.18, F.S.;
10 providing a penalty for a specified violation
11 of traffic control signal devices; providing
12 for distribution of moneys collected; amending
13 s. 318.19, F.S.; requiring a hearing for
14 certain violations resulting in a crash;
15 amending s. 318.21, F.S.; providing for
16 distribution of specified civil penalties by
17 county courts; amending s. 322.0261, F.S.;
18 requiring the driver improvement course for a
19 second violation of specified provisions within
20 a specified time period; providing a penalty
21 for failure to complete the course within a
22 specified time period; amending s. 322.27,
23 F.S.; assigning a point value for conviction of
24 a specified violation of traffic control signal
25 devices; creating s. 395.4036, F.S.; providing
26 for the distribution of funds to trauma
27 centers; providing for the distribution of
28 funds for nursing student loan forgiveness and
29 scholarship programs; providing for audits and
30 attestations; providing an effective date.
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1 Be It Enacted by the Legislature of the State of Florida:

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

5 316.075 Traffic control signal devices.--

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

15 (a) Green indication.--

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

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

1 within an adjacent crosswalk and to other traffic lawfully
2 using the intersection.

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

8 (b) Steady yellow indication.--

9 1. Vehicular traffic facing a steady yellow signal is
10 thereby warned that the related green movement is being
11 terminated or that a red indication will be exhibited
12 immediately thereafter when vehicular traffic shall not enter
13 the intersection.

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

19 (c) Steady red indication.--

20 1. Vehicular traffic facing a steady red signal shall
21 stop before entering the crosswalk on the near side of the
22 intersection or, if none, then before entering the
23 intersection and shall remain standing until a green
24 indication is shown; however:

25 a. The driver of a vehicle which is stopped at a
26 clearly marked stop line, but if none, before entering the
27 crosswalk on the near side of the intersection, or, if none
28 then at the point nearest the intersecting roadway where the
29 driver has a view of approaching traffic on the intersecting
30 roadway before entering the intersection in obedience to a
31 steady red signal may make a right turn, but shall yield the

1 right-of-way to pedestrians and other traffic proceeding as
2 directed by the signal at the intersection, except that
3 municipal and county authorities may prohibit any such right
4 turn against a steady red signal at any intersection, which
5 prohibition shall be effective when a sign giving notice
6 thereof is erected in a location visible to traffic
7 approaching the intersection.

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

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

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

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

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

30 318.14 Noncriminal traffic infractions; exception;
31 procedures.--

1 (5) Any person electing to appear before the
2 designated official or who is required so to appear shall be
3 deemed to have waived his or her right to the civil penalty
4 provisions of s. 318.18. The official, after a hearing, shall
5 make a determination as to whether an infraction has been
6 committed. If the commission of an infraction has been proven,
7 the official may impose a civil penalty not to exceed \$500,
8 except that in cases involving unlawful speed in a school zone
9 ~~or~~ involving unlawful speed in a construction zone, ~~or~~
10 ~~involving a death~~, the civil penalty may not exceed \$1,000; or
11 require attendance at a driver improvement school, or both. If
12 the person is required to appear before the designated
13 official pursuant to s. 318.19(1) and is found to have
14 committed the infraction, the designated official shall impose
15 a civil penalty of \$1,000 in addition to any other penalties.
16 If the person is required to appear before the designated
17 official pursuant to s. 318.19(2) and is found to have
18 committed the infraction, the designated official shall impose
19 a civil penalty of \$500 in addition to any other penalties. If
20 the person is required to appear before the designated
21 official pursuant to s. 318.19(3) and is found to have
22 committed the infraction, the designated official shall impose
23 a civil penalty of \$200 in addition to any other penalties. If
24 the official determines that no infraction has been committed,
25 no costs or penalties shall be imposed and any costs or
26 penalties that have been paid shall be returned. Moneys
27 received from the mandatory civil penalties imposed pursuant
28 to this subsection upon persons required to appear before a
29 designated official pursuant to s. 318.19(1), (2), or (3)
30 shall be remitted to the Department of Revenue and distributed
31 in the following manner:

1 (a) One million dollars annually shall be transferred
2 to ABATE of Florida, Inc., a nonprofit corporation under s.
3 501(c)(4) of the Internal Revenue Code, for the purpose of
4 fostering motorcycle safety awareness and educational and
5 research programs relating to accident prevention. Such funds
6 shall be subject to annual audit by the department and the
7 Auditor General.

8 (b) The remaining funds shall be deposited into the
9 Trauma Services Trust Fund created under s. 395.4035 to be
10 used by the Department of Health as required under s.
11 395.4036.

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

14 318.18 Amount of civil penalties.--The penalties
15 required for a noncriminal disposition pursuant to s. 318.14
16 are as follows:

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

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

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

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

1 (2) Any infraction which results in a crash that
2 causes "serious bodily injury" of another as defined in s.
3 316.1933(1);

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

7 ~~(4)(3)~~ Any infraction of s. 316.172(1)(b); ~~or~~

8 ~~(5)(4)~~ Any infraction of s. 316.520(1) or (2); ~~or~~

9 (6) Any infraction of s. 316.075(1)(c)1. resulting in
10 a crash.

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

13 318.21 Disposition of civil penalties by county
14 courts.--All civil penalties received by a county court
15 pursuant to the provisions of this chapter shall be
16 distributed and paid monthly as follows:

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

21 (b) Notwithstanding subsections (1) and (2), the
22 proceeds from the fines imposed under s. 318.18(13) shall be
23 distributed as provided in that section.

24 Section 6. Section 322.0261, Florida Statutes, is
25 amended to read:

26 322.0261 ~~Mandatory~~ Driver improvement course;
27 requirement to maintain driving privileges; failure to
28 complete; department approval of course ~~certain crashes~~.--

29 (1) The department shall screen crash reports received
30 under s. 316.066 or s. 324.051 to identify crashes involving
31 the following:

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

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

6 (2) With respect to an operator convicted of, or who
7 pleaded nolo contendere to, a traffic offense giving rise to a
8 crash identified pursuant to subsection (1), the department
9 shall require that the operator, in addition to other
10 applicable penalties, attend a department-approved
11 ~~departmentally approved~~ driver improvement course in order to
12 maintain driving privileges. If the operator fails to complete
13 the course within 90 days of receiving notice from the
14 department, the operator's driver's license shall be canceled
15 by the department until the course is successfully completed.

16 (3) The department shall identify any operator
17 convicted of, or who pleaded nolo contendere to, a second
18 violation of s. 316.075(1)(c)1., which violation occurred
19 within 12 months after the first violation, and shall require
20 that operator, in addition to other applicable penalties, to
21 attend a department-approved driver improvement course in
22 order to maintain driving privileges. If the operator fails to
23 complete the course within 90 days after receiving notice from
24 the department, the operator's driver's license shall be
25 canceled by the department until the course is successfully
26 completed.

27 ~~(4)(3)~~ In determining whether to approve a driver
28 improvement course for the purposes of this section, the
29 department shall consider course content designed to promote
30 safety, driver awareness, crash avoidance techniques, and
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1 other factors or criteria to improve driver performance from a
2 safety viewpoint.

3 Section 7. Paragraph (d) of subsection (3) of section
4 322.27, Florida Statutes, is amended to read:

5 322.27 Authority of department to suspend or revoke
6 license.--

7 (3) There is established a point system for evaluation
8 of convictions of violations of motor vehicle laws or
9 ordinances, and violations of applicable provisions of s.
10 403.413(6)(b) when such violations involve the use of motor
11 vehicles, for the determination of the continuing
12 qualification of any person to operate a motor vehicle. The
13 department is authorized to suspend the license of any person
14 upon showing of its records or other good and sufficient
15 evidence that the licensee has been convicted of violation of
16 motor vehicle laws or ordinances, or applicable provisions of
17 s. 403.413(6)(b), amounting to 12 or more points as determined
18 by the point system. The suspension shall be for a period of
19 not more than 1 year.

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

- 23 1. Reckless driving, willful and wanton--4 points.
24 2. Leaving the scene of a crash resulting in property
25 damage of more than \$50--6 points.
26 3. Unlawful speed resulting in a crash--6 points.
27 4. Passing a stopped school bus--4 points.
28 5. Unlawful speed:
29 a. Not in excess of 15 miles per hour of lawful or
30 posted speed--3 points.

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

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

5 ~~7.6.~~ All other moving violations (including parking on
6 a highway outside the limits of a municipality)--3 points.
7 However, no points shall be imposed for a violation of s.
8 316.0741 or s. 316.2065(12).

9 ~~8.7.~~ Any moving violation covered above, excluding
10 unlawful speed, resulting in a crash--4 points.

11 ~~9.8.~~ Any conviction under s. 403.413(5)(b)--3 points.

12 Section 8. Section 395.4036, Florida Statutes, is
13 created to read:

14 395.4036 Trauma preparedness payments.--

15 (1) Recognizing the Legislature's stated intent to
16 provide financial support to the current verified trauma
17 centers and to provide incentives for the establishment of
18 additional trauma centers as part of a system of
19 state-sponsored trauma centers, the department shall use funds
20 collected under ss. 318.18(13) and 318.14(5) and deposited
21 into the Trauma Services Trust Fund to assure the availability
22 and accessibility of trauma services throughout the state as
23 provided in this subsection.

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

27 (b) Equal payments shall be made to all current
28 verified trauma centers for the purpose of providing financial
29 support for each center to meet minimum standards of trauma
30 preparedness.

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1 (c) Funds not disbursed as trauma preparedness
2 payments or startup costs shall be allocated to trauma centers
3 to pay for uncompensated trauma care. Distribution of
4 available funds shall be proportionate to utilization of
5 trauma center services by unfunded patients, as indicated in
6 the most recent year for which data is available.

7 (d) Any funds remaining after distribution under
8 paragraphs (a)-(c) shall be deposited into the Nursing Student
9 Loan Forgiveness Trust Fund to be used equally for the
10 department's Nursing Student Loan Forgiveness Program under s.
11 1009.66, and the Nursing Scholarship Program under s. 1009.67.

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

16 (a) Any trauma center not subject to audit pursuant to
17 s. 215.97 shall annually attest, under penalty of perjury,
18 that such proceeds were used in compliance with law. The
19 attestation shall be made annually in a form and format
20 determined by the department.

21 (b) Any trauma center subject to audit pursuant to s.
22 215.97 shall submit an audit report in accordance with rules
23 adopted by the Auditor General. The annual attestation shall
24 be submitted to the department for review within 9 months
25 after the end of the organization's fiscal year.

26 (3) The department, working with the Agency for Health
27 Care Administration, shall maximize resources for trauma
28 services wherever possible.

29 Section 9. This act shall take effect upon becoming a
30 law.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate bill 682

This CS restores local government revenue generated by fines for running red lights that had been redirected to the General Revenue Fund. The CS provides for the distribution of the increased amount of the red light fine to the Trauma Services Trust Fund. In addition, the CS provides for the distribution of \$1 million to ABATE of Florida, Inc. Finally, the CS provides a method of distributing those amounts deposited into the Trauma Services Trust Fund pursuant to the provision of the CS.