

1 children ages 4 through 7; providing a grace
2 period; providing exceptions to such
3 requirements; providing effective dates.
4

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

9 316.075 Traffic control signal devices.--

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

19 (a) Green indication.--

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

27 2. Vehicular traffic facing a green arrow signal,
28 shown alone or in combination with another indication, as
29 directed by the manual, may cautiously enter the intersection
30 only to make the movement indicated by such arrow, or such
31 other movement as is permitted by other indications shown at

1 | the same time, except the driver of any vehicle may U-turn, so
2 | as to proceed in the opposite direction unless such movement
3 | is prohibited by posted traffic control signs. Such vehicular
4 | traffic shall yield the right-of-way to pedestrians lawfully
5 | within an adjacent crosswalk and to other traffic lawfully
6 | using the intersection.

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

12 | (b) Steady yellow indication.--

13 | 1. Vehicular traffic facing a steady yellow signal is
14 | thereby warned that the related green movement is being
15 | terminated or that a red indication will be exhibited
16 | immediately thereafter when vehicular traffic shall not enter
17 | the intersection.

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

23 | (c) Steady red indication.--

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

29 | a. The driver of a vehicle which is stopped at a
30 | clearly marked stop line, but if none, before entering the
31 | crosswalk on the near side of the intersection, or, if none

1 then at the point nearest the intersecting roadway where the
2 driver has a view of approaching traffic on the intersecting
3 roadway before entering the intersection in obedience to a
4 steady red signal may make a right turn, but shall yield the
5 right-of-way to pedestrians and other traffic proceeding as
6 directed by the signal at the intersection, except that
7 municipal and county authorities may prohibit any such right
8 turn against a steady red signal at any intersection, which
9 prohibition shall be effective when a sign giving notice
10 thereof is erected in a location visible to traffic
11 approaching the intersection.

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

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

25 (4)~~(a)~~ A violation of this section is a noncriminal
26 traffic infraction, punishable pursuant to chapter 318 as
27 either a pedestrian violation or, if the infraction resulted
28 from the operation of a vehicle, as a moving violation.

29 **(b) A person committing a violation of subparagraph**
30 **(1)(c)1. resulting in a crash is subject to a mandatory**
31 **hearing under the provisions of s. 318.19.**

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

3 318.14 Noncriminal traffic infractions; exception;
4 procedures.--

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

1 to this subsection upon persons required to appear before a
2 designated official pursuant to s. 318.19(1), (2), or (3)
3 shall be remitted to the Department of Revenue and distributed
4 in the following manner:

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

12 (b) The remaining funds shall be deposited into the
13 Trauma Services Trust Fund created under s. 395.4035 to be
14 used by the Department of Health as required under s.
15 395.4036.

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

18 318.18 Amount of civil penalties.--The penalties
19 required for a noncriminal disposition pursuant to s. 318.14
20 are as follows:

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

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

29 318.19 Infractions requiring a mandatory hearing.--Any
30 person cited for the infractions listed in this section shall
31 not have the provisions of s. 318.14(2), (4), and (9)

1 available to him or her but must appear before the designated
2 official at the time and location of the scheduled hearing:

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

5 (2) Any infraction which results in a crash that
6 causes "serious bodily injury" of another as defined in s.
7 316.1933(1);

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

11 ~~(4)(3)~~ Any infraction of s. 316.172(1)(b); ~~or~~

12 ~~(5)(4)~~ Any infraction of s. 316.520(1) or (2); or

13 (6) Any infraction of s. 316.075(1)(c)1. resulting in
14 a crash.

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

17 318.21 Disposition of civil penalties by county
18 courts.--All civil penalties received by a county court
19 pursuant to the provisions of this chapter shall be
20 distributed and paid monthly as follows:

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

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

28 Section 6. Section 322.0261, Florida Statutes, is
29 amended to read:

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1 322.0261 ~~Mandatory~~ Driver improvement course;
2 requirement to maintain driving privileges; failure to
3 complete; department approval of course ~~certain crashes.--~~

4 (1) The department shall screen crash reports received
5 under s. 316.066 or s. 324.051 to identify crashes involving
6 the following:

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

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

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

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

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1 canceled by the department until the course is successfully
2 completed.

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

9 Section 7. Paragraph (d) of subsection (3) of section
10 322.27, Florida Statutes, is amended to read:

11 322.27 Authority of department to suspend or revoke
12 license.--

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

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

- 29 1. Reckless driving, willful and wanton--4 points.
30 2. Leaving the scene of a crash resulting in property
31 damage of more than \$50--6 points.

- 1 3. Unlawful speed resulting in a crash--6 points.
- 2 4. Passing a stopped school bus--4 points.
- 3 5. Unlawful speed:
- 4 a. Not in excess of 15 miles per hour of lawful or
- 5 posted speed--3 points.
- 6 b. In excess of 15 miles per hour of lawful or posted
- 7 speed--4 points.
- 8 6. A violation of a traffic control signal device as
- 9 provided in s. 316.075(1)(c)1.--4 points.
- 10 ~~7.6.~~ All other moving violations (including parking on
- 11 a highway outside the limits of a municipality)--3 points.
- 12 However, no points shall be imposed for a violation of s.
- 13 316.0741 or s. 316.2065(12).
- 14 ~~8.7.~~ Any moving violation covered above, excluding
- 15 unlawful speed, resulting in a crash--4 points.
- 16 ~~9.8.~~ Any conviction under s. 403.413(5)(b)--3 points.
- 17 Section 8. Section 395.4036, Florida Statutes, is
- 18 created to read:
- 19 395.4036 Trauma preparedness payments.--
- 20 (1) Recognizing the Legislature's stated intent to
- 21 provide financial support to the current verified trauma
- 22 centers and to provide incentives for the establishment of
- 23 additional trauma centers as part of a system of
- 24 state-sponsored trauma centers, the department shall use funds
- 25 collected under ss. 318.18(13) and 318.14(5) and deposited
- 26 into the Trauma Services Trust Fund to assure the availability
- 27 and accessibility of trauma services throughout the state as
- 28 provided in this subsection.
- 29 (a) Each existing trauma center and each new center
- 30 shall receive a one-time fixed payment to offset startup
- 31 costs.

1 (b) Equal payments shall be made to all current
2 verified trauma centers for the purpose of providing financial
3 support for each center to meet minimum standards of trauma
4 preparedness.

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

11 (d) Any funds remaining after distribution under
12 paragraphs (a)-(c) shall be deposited into the Nursing Student
13 Loan Forgiveness Trust Fund to be used equally for the
14 department's Nursing Student Loan Forgiveness Program under s.
15 1009.66, and the Nursing Scholarship Program under s. 1009.67.

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

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

25 (b) Any trauma center subject to audit pursuant to s.
26 215.97 shall submit an audit report in accordance with rules
27 adopted by the Auditor General. The annual attestation shall
28 be submitted to the department for review within 9 months
29 after the end of the organization's fiscal year.

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

4 Section 9. Effective January 1, 2006, paragraph (a) of
5 subsection (1) of section 316.613, Florida Statutes, is
6 amended to read:

7 316.613 Child restraint requirements.--

8 (1)(a) Every operator of a motor vehicle as defined
9 herein, while transporting a child in a motor vehicle operated
10 on the roadways, streets, or highways of this state, shall, if
11 the child is 7 5 years of age or younger, provide for
12 protection of the child by properly using a crash-tested,
13 federally approved child restraint device that is appropriate
14 for the height and weight of the child. Such devices may
15 include a vehicle manufacturer's integrated child seat, a
16 separate child safety seat, or a child booster seat that
17 displays the child's weight and height specifications for the
18 seat on the attached manufacturer's label as required by
19 Federal Motor Vehicle Safety Standards FMVSS213. The device
20 must comply with standards of the United States Department of
21 Transportation and be secured in the vehicle in accordance
22 with instructions of the manufacturer. For children aged
23 through 3 years, such restraint device must be a separate
24 carrier or a vehicle manufacturer's integrated child seat. For
25 children aged 4 through 7 5 years, a separate carrier, an
26 integrated child seat, or a child booster seat ~~belt~~ may be
27 used. The court shall dismiss the charge against a motor
28 vehicle operator for a first violation of this paragraph upon
29 proof of purchase of a federally approved child restraint
30 device.

1 Section 10. Effective July 1, 2005, a driver of a
2 motor vehicle who does not violate the then-existing
3 provisions of section 316.613(1)(a), Florida Statutes, but
4 whose conduct would violate that provision, as amended January
5 1, 2006, may be issued a verbal warning and given educational
6 literature by a law enforcement officer.

7 Section 11. Effective July 1, 2004, section
8 316.613(1)(a), Florida Statutes, does not apply to a person
9 who is transporting a child aged 4 through 7 if the person is:

10 (1) Visiting in this state;

11 (2) Not the parent or guardian of the child and is
12 transporting the child in a vehicle that is not owned by the
13 child's parent or guardian;

14 (3) Transporting the child gratuitously and in good
15 faith in response to a declared emergency situation or an
16 immediate emergency involving the child; or

17 (4) Is acting generally as a Good Samaritan.

18 Section 12. Except as otherwise expressly provided in
19 this act, this act shall take effect upon becoming a law.

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21 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
22 COMMITTEE SUBSTITUTE FOR
23 CS Senate Bill 682

24 A provision is added requiring children through age 7,
25 rather than age 5, to be seated in a child restraint
26 system while in a motor vehicle. A person transporting a
27 child age 4 through 7, is exempt from the requirements to
28 use a child restraint system if the person is visiting
29 this state; not the parent or guardian and is
30 transporting the child in a vehicle not owned by the
31 parent or guardian; is transporting the child during
 certain emergencies; or is acting as a Good Samaritan.