

By Senator Siplin

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1 A bill to be entitled
2 An act relating to traffic regulations to assist blind
3 persons; amending s. 316.1301, F.S.; increasing the
4 penalty imposed against an unauthorized person who
5 carries a raised white cane on a public roadway;
6 amending s. 318.18, F.S.; increasing the penalty
7 imposed for failing to stop and yield to a blind
8 person attempting to cross a roadway; reenacting s.
9 318.21(4), F.S., relating to the disposition of civil
10 penalties, to incorporate the amendment made by this
11 act to s. 318.18, F.S., in a reference thereto;
12 providing an effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

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16 Section 1. Section 316.1301, Florida Statutes, is amended
17 to read:

18 316.1301 Traffic regulations to assist blind persons.—

19 (1) It is unlawful for any person, unless totally or
20 partially blind or otherwise incapacitated, while on any public
21 street or highway, to carry in a raised or extended position a
22 cane or walking stick which is white in color or white tipped
23 with red. A person who is convicted of a violation of this
24 subsection is guilty of a misdemeanor of the first ~~second~~
25 degree, punishable as provided in s. 775.082 or s. 775.083.

26 (2) Whenever a pedestrian is crossing, or attempting to
27 cross, a public street or highway, guided by a dog guide or
28 carrying in a raised or extended position a cane or walking
29 stick which is white in color or white tipped with red, the

19-01737-10

20102582

30 driver of every vehicle approaching the intersection or place
31 where the pedestrian is attempting to cross shall bring his or
32 her vehicle to a full stop before arriving at such intersection
33 or place of crossing and, before proceeding, shall take such
34 precautions as may be necessary to avoid injuring such
35 pedestrian. A person who is convicted of a violation of this
36 subsection is guilty of a moving violation punishable as
37 provided in chapter 318.

38 (3) Nothing contained in this section shall be construed to
39 deprive any totally or partially blind or otherwise
40 incapacitated person not carrying such a cane or walking stick,
41 or not being guided by a dog, of the rights and privileges
42 conferred by law upon pedestrians crossing streets or highways.
43 The failure of any such person to carry a cane or walking stick
44 or to be guided by a dog shall not be considered comparative
45 negligence, nor shall such failure be admissible as evidence in
46 the trial of any civil action with regard to negligence.

47 Section 2. Paragraph (f) of subsection (3) of section
48 318.18, Florida Statutes, is amended to read:

49 318.18 Amount of penalties.—The penalties required for a
50 noncriminal disposition pursuant to s. 318.14 or a criminal
51 offense listed in s. 318.17 are as follows:

52 (3)

53 (f) A person who is cited for a violation of s. 316.1301(2)
54 shall pay a fine double the amount listed in paragraph (a). If a
55 violation of s. 316.1301 or s. 316.1303 results in an injury to
56 the pedestrian or damage to the property of the pedestrian, an
57 additional fine of up to \$250 shall be paid. This amount must be
58 distributed pursuant to s. 318.21.

19-01737-10

20102582

59 Section 3. For the purpose of incorporating the amendment
60 made by this act to section 318.18, Florida Statutes, in a
61 reference thereto, subsection (4) of section 318.21, Florida
62 Statutes, is reenacted to read:

63 318.21 Disposition of civil penalties by county courts.—All
64 civil penalties received by a county court pursuant to the
65 provisions of this chapter shall be distributed and paid monthly
66 as follows:

67 (4) Of the additional fine assessed under s. 318.18(3)(f)
68 for a violation of s. 316.1301, 40 percent must be remitted to
69 the Department of Revenue for deposit in the Grants and
70 Donations Trust Fund of the Division of Blind Services of the
71 Department of Education, and 60 percent must be distributed
72 pursuant to subsections (1) and (2).

73 Section 4. This act shall take effect July 1, 2010.