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LEGISLATIVE ACTION

Senate

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House

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Floor: 1c/RE/2R

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03/06/2024 08:18 PM

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Senator Gruters moved the following:

1 **Senate Amendment to Amendment (207018) (with title**
2 **amendment)**

3
4 Between lines 437 and 438
5 insert:

6 Section 16. Section 316.1575, Florida Statutes, is amended
7 to read:

8 316.1575 Obedience to traffic control devices at railroad-
9 highway grade crossings.—

10 (1) A ~~Any~~ person cycling, walking or driving a vehicle and
11 approaching a railroad-highway grade crossing under any of the



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12 circumstances stated in this section must ~~shall~~ stop within 50
13 feet but not less than 15 feet from the nearest rail of such
14 railroad and may ~~shall~~ not proceed until the railroad tracks are
15 clear and he or she can do so safely. This subsection applies
16 ~~The foregoing requirements apply~~ when:

17 (a) A clearly visible electric or mechanical signal device
18 gives warning of the immediate approach of a railroad train or
19 railroad track equipment;

20 (b) A crossing gate is lowered or a law enforcement officer
21 or a human flagger gives or continues to give a signal of the
22 approach or passage of a railroad train or railroad track
23 equipment;

24 (c) An approaching railroad train or railroad track
25 equipment emits an audible signal or the railroad train or
26 railroad track equipment, by reason of its speed or nearness to
27 the crossing, is an immediate hazard; or

28 (d) An approaching railroad train or railroad track
29 equipment is plainly visible and is in hazardous proximity to
30 the railroad-highway grade crossing, regardless of the type of
31 traffic control devices installed at the crossing.

32 (2) A ~~No~~ person may not ~~shall~~ drive a ~~any~~ vehicle through,
33 around, or under any crossing gate or barrier at a railroad-
34 highway grade crossing while the gate or barrier is closed or is
35 being opened or closed.

36 (3) A person who violates ~~violation of~~ this section commits
37 ~~is~~ a noncriminal traffic infraction, punishable pursuant to
38 chapter 318 as:

39 (a) either ~~A~~ pedestrian violation; or

40 (b) If the infraction resulted from the operation of a



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41 vehicle, as a moving violation.

42 1. For a first violation, the person must pay a fine of
43 \$500 or perform 25 hours of community service and shall have 6
44 points assessed against his or her driver license as set forth
45 in s. 322.27(3)(d)7.

46 2. For a second or subsequent violation, the person must
47 pay a fine of \$1,000 and shall have an additional 6 points
48 assessed against his or her driver license as set forth in s.
49 322.27(3)(d)7.

50 Section 17. Section 316.1576, Florida Statutes, is amended
51 to read:

52 316.1576 Insufficient clearance at a railroad-highway grade
53 crossing.—

54 (1) A person may not drive a any vehicle through a
55 railroad-highway grade crossing that does not have sufficient
56 space to drive completely through the crossing without stopping
57 or without obstructing the passage of other vehicles,
58 pedestrians, railroad trains, or other railroad equipment,
59 notwithstanding any traffic control signal indication to
60 proceed.

61 (2) A person may not drive a any vehicle through a
62 railroad-highway grade crossing that does not have sufficient
63 undercarriage clearance to drive completely through the crossing
64 without stopping or without obstructing the passage of a
65 railroad train or other railroad equipment.

66 (3) A person who violates ~~violation of~~ this section commits
67 ~~is~~ a noncriminal traffic infraction, punishable as a moving
68 violation as provided in chapter 318.

69 (a) For a first violation, the person must pay a fine of



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70 \$500 or perform 25 hours of community service and shall have 6
71 points assessed against his or her driver license as set forth
72 in s. 322.27(3)(d)7.

73 (b) For a second or subsequent violation, the person must
74 pay a fine of \$1,000, shall have an additional 6 points assessed
75 against his or her driver license as set forth in s.
76 322.27(3)(d)7., and, notwithstanding s. 322.27(3)(a), (b), and
77 (c), shall have his or her driving privilege suspended for not
78 more than 6 months.

79 Section 18. Present subsections (10) through (23) of
80 section 318.18, Florida Statutes, are redesignated as
81 subsections (11) through (24), respectively, a new subsection
82 (10) is added to that section, and subsection (9) of that
83 section is amended, to read:

84 318.18 Amount of penalties.—The penalties required for a
85 noncriminal disposition pursuant to s. 318.14 or a criminal
86 offense listed in s. 318.17 are as follows:

87 (9) Five ~~One~~ hundred dollars for a first violation and
88 \$1,000 for a second or subsequent violation of s. 316.1575.

89 (10) Five hundred dollars for a first violation and \$1,000
90 for a second or subsequent violation of s. 316.1576. In addition
91 to this penalty, for a second or subsequent violation, the
92 department shall suspend the driver license of the person for
93 not more than 6 months.

94 Section 19. Paragraph (d) of subsection (3) of section
95 322.27, Florida Statutes, is amended to read:

96 322.27 Authority of department to suspend or revoke driver
97 license or identification card.—

98 (3) There is established a point system for evaluation of



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99 convictions of violations of motor vehicle laws or ordinances,
100 and violations of applicable provisions of s. 403.413(6) (b) when
101 such violations involve the use of motor vehicles, for the
102 determination of the continuing qualification of any person to
103 operate a motor vehicle. The department is authorized to suspend
104 the license of any person upon showing of its records or other
105 good and sufficient evidence that the licensee has been
106 convicted of violation of motor vehicle laws or ordinances, or
107 applicable provisions of s. 403.413(6) (b), amounting to 12 or
108 more points as determined by the point system. The suspension
109 shall be for a period of not more than 1 year.

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

- 113 1. Reckless driving, willful and wanton—4 points.
- 114 2. Leaving the scene of a crash resulting in property
115 damage of more than \$50—6 points.
- 116 3. Unlawful speed, or unlawful use of a wireless
117 communications device, resulting in a crash—6 points.
- 118 4. Passing a stopped school bus:
 - 119 a. Not causing or resulting in serious bodily injury to or
120 death of another—4 points.
 - 121 b. Causing or resulting in serious bodily injury to or
122 death of another—6 points.
 - 123 c. Points may not be imposed for a violation of passing a
124 stopped school bus as provided in s. 316.172(1) (a) or (b) when
125 enforced by a school bus infraction detection system pursuant s.
126 316.173. In addition, a violation of s. 316.172(1) (a) or (b)
127 when enforced by a school bus infraction detection system



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128 pursuant to s. 316.173 may not be used for purposes of setting
129 motor vehicle insurance rates.

130 5. Unlawful speed:

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

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

135 c. Points may not be imposed for a violation of unlawful
136 speed as provided in s. 316.1895 or s. 316.183 when enforced by
137 a traffic infraction enforcement officer pursuant to s.
138 316.1896. In addition, a violation of s. 316.1895 or s. 316.183
139 when enforced by a traffic infraction enforcement officer
140 pursuant to s. 316.1896 may not be used for purposes of setting
141 motor vehicle insurance rates.

142 6. A violation of a traffic control signal device as
143 provided in s. 316.074(1) or s. 316.075(1)(c)1.-4 points.
144 However, points may not be imposed for a violation of s.
145 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
146 stop at a traffic signal and when enforced by a traffic
147 infraction enforcement officer. In addition, a violation of s.
148 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
149 stop at a traffic signal and when enforced by a traffic
150 infraction enforcement officer may not be used for purposes of
151 setting motor vehicle insurance rates.

152 7. Unlawfully driving a vehicle through a railroad-highway
153 grade crossing-6 points.

154 8.7- All other moving violations (including parking on a
155 highway outside the limits of a municipality)-3 points. However,
156 points may not be imposed for a violation of s. 316.0741 or s.



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157 316.2065(11); and points may be imposed for a violation of s.
158 316.1001 only when imposed by the court after a hearing pursuant
159 to s. 318.14(5).

160 ~~9.8.~~ Any moving violation covered in this paragraph,
161 excluding unlawful speed and unlawful use of a wireless
162 communications device, resulting in a crash-4 points.

163 ~~10.9.~~ Any conviction under s. 403.413(6)(b)-3 points.

164 ~~11.10.~~ Any conviction under s. 316.0775(2)-4 points.

165 ~~12.11.~~ A moving violation covered in this paragraph which
166 is committed in conjunction with the unlawful use of a wireless
167 communications device within a school safety zone-2 points, in
168 addition to the points assigned for the moving violation.

169 Section 20. Subsection (6) of section 28.37, Florida
170 Statutes, is amended to read:

171 28.37 Fines, fees, service charges, and costs remitted to
172 the state.-

173 (6) Ten percent of all court-related fines collected by the
174 clerk, except for penalties or fines distributed to counties or
175 municipalities under s. 316.0083(1)(b)3. or s. 318.18(16)(a) ~~s.~~
176 ~~318.18(15)(a)~~, must be deposited into the fine and forfeiture
177 fund to be used exclusively for clerk court-related functions,
178 as provided in s. 28.35(3)(a).

179 Section 21. Paragraph (c) of subsection (1) of section
180 142.01, Florida Statutes, is amended to read:

181 142.01 Fine and forfeiture fund; disposition of revenue;
182 clerk of the circuit court.-

183 (1) There shall be established by the clerk of the circuit
184 court in each county of this state a separate fund to be known
185 as the fine and forfeiture fund for use by the clerk of the



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186 circuit court in performing court-related functions. The fund
187 shall consist of the following:

188 (c) Court costs pursuant to ss. 28.2402(1)(b),
189 34.045(1)(b), 318.14(10)(b), 318.18(12)(a) ~~318.18(11)(a)~~,
190 327.73(9)(a) and (11)(a), and 938.05(3).

191 Section 22. Subsection (4) of section 316.1951, Florida
192 Statutes, is amended to read:

193 316.1951 Parking for certain purposes prohibited; sale of
194 motor vehicles; prohibited acts.—

195 (4) A local government may adopt an ordinance to allow the
196 towing of a motor vehicle parked in violation of this section. A
197 law enforcement officer, compliance officer, code enforcement
198 officer from any local government agency, or supervisor of the
199 department may issue a citation and cause to be immediately
200 removed at the owner's expense any motor vehicle found in
201 violation of subsection (1), except as provided in subsections
202 (2) and (3), or in violation of subsection (5), subsection (6),
203 subsection (7), or subsection (8), and the owner shall be
204 assessed a penalty as provided in s. 318.18(22) ~~s. 318.18(21)~~ by
205 the government agency or authority that orders immediate removal
206 of the motor vehicle. A motor vehicle removed under this section
207 shall not be released from an impound or towing and storage
208 facility before a release form prescribed by the department has
209 been completed verifying that the fine has been paid to the
210 government agency or authority that ordered immediate removal of
211 the motor vehicle. However, the owner may pay towing and storage
212 charges to the towing and storage facility pursuant to s. 713.78
213 before payment of the fine or before the release form has been
214 completed.



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215 Section 23. Subsection (4) of section 316.306, Florida
216 Statutes, is amended to read:

217 316.306 School and work zones; prohibition on the use of a
218 wireless communications device in a handheld manner.—

219 (4) (a) Any person who violates this section commits a
220 noncriminal traffic infraction, punishable as a moving
221 violation, as provided in chapter 318, and shall have 3 points
222 assessed against his or her driver license as set forth in s.
223 322.27(3)(d)8. ~~s. 322.27(3)(d)7.~~ For a first offense under this
224 section, in lieu of the penalty specified in s. 318.18 and the
225 assessment of points, a person who violates this section may
226 elect to participate in a wireless communications device driving
227 safety program approved by the Department of Highway Safety and
228 Motor Vehicles. Upon completion of such program, the penalty
229 specified in s. 318.18 and associated costs may be waived by the
230 clerk of the court and the assessment of points must be waived.

231 (b) The clerk of the court may dismiss a case and assess
232 court costs in accordance with s. 318.18(12)(a) ~~s. 318.18(11)(a)~~
233 for a nonmoving traffic infraction for a person who is cited for
234 a first time violation of this section if the person shows the
235 clerk proof of purchase of equipment that enables his or her
236 personal wireless communications device to be used in a hands-
237 free manner.

238 Section 24. Subsection (7) of section 316.622, Florida
239 Statutes, is amended to read:

240 316.622 Farm labor vehicles.—

241 (7) A violation of this section is a noncriminal traffic
242 infraction, punishable as provided in s. 318.18(17) ~~s.~~
243 ~~318.18(16).~~



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244 Section 25. Section 318.121, Florida Statutes, is amended
245 to read:

246 318.121 Preemption of additional fees, fines, surcharges,
247 and costs.—Notwithstanding any general or special law, or
248 municipal or county ordinance, additional fees, fines,
249 surcharges, or costs other than the court costs and surcharges
250 assessed under s. 318.18(12), (14), (19), (20), and (23) ~~s.~~
251 ~~318.18(11), (13), (18), (19), and (22)~~ may not be added to the
252 civil traffic penalties assessed under this chapter.

253 Section 26. Subsections (13), (16) through (19), and (21)
254 of section 318.21, Florida Statutes, are amended to read:

255 318.21 Disposition of civil penalties by county courts.—All
256 civil penalties received by a county court pursuant to the
257 provisions of this chapter shall be distributed and paid monthly
258 as follows:

259 (13) Of the proceeds from the fine under s. 318.18(16) ~~s.~~
260 ~~318.18(15)~~, \$65 shall be remitted to the Department of Revenue
261 for deposit into the Administrative Trust Fund of the Department
262 of Health and the remaining \$60 shall be distributed pursuant to
263 subsections (1) and (2).

264 (16) The proceeds from the fines described in s. 318.18(17)
265 ~~s. 318.18(16)~~ shall be remitted to the law enforcement agency
266 that issues the citation for a violation of s. 316.622. The
267 funds must be used for continued education and enforcement of s.
268 316.622 and other related safety measures contained in chapter
269 316.

270 (17) Notwithstanding subsections (1) and (2), the proceeds
271 from the administrative fee surcharge imposed under s.
272 318.18(18) ~~s. 318.18(17)~~ shall be distributed as provided in



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273 that subsection. This subsection expires July 1, 2026.

274 (18) Notwithstanding subsections (1) and (2), the proceeds
275 from the administrative fee imposed under s. 318.18(19) ~~s.~~
276 ~~318.18(18)~~ shall be distributed as provided in that subsection.

277 (19) Notwithstanding subsections (1) and (2), the proceeds
278 from the fees Article V assessment imposed under s. 318.18(20)
279 ~~s. 318.18(19)~~ shall be distributed as provided in that
280 subsection.

281 (21) Notwithstanding subsections (1) and (2), the proceeds
282 from the additional penalties imposed pursuant to s.
283 318.18(5)(c) and (21) ~~(20)~~ shall be distributed as provided in
284 that section.

285 Section 27. Subsection (1) of section 395.4036, Florida
286 Statutes, is amended to read:

287 395.4036 Trauma payments.—

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

297 (a) Funds collected under s. 318.18(16) ~~s. 318.18(15)~~ shall
298 be distributed as follows:

299 1. Twenty percent of the total funds collected during the
300 state fiscal year shall be distributed to verified trauma
301 centers that have a local funding contribution as of December



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302 31. Distribution of funds under this subparagraph shall be based
303 on trauma caseload volume for the most recent calendar year
304 available.

305 2. Forty percent of the total funds collected shall be
306 distributed to verified trauma centers based on trauma caseload
307 volume for the most recent calendar year available. The
308 determination of caseload volume for distribution of funds under
309 this subparagraph shall be based on the hospital discharge data
310 for patients who meet the criteria for classification as a
311 trauma patient reported by each trauma center pursuant to s.
312 408.061.

313 3. Forty percent of the total funds collected shall be
314 distributed to verified trauma centers based on severity of
315 trauma patients for the most recent calendar year available. The
316 determination of severity for distribution of funds under this
317 subparagraph shall be based on the department's International
318 Classification Injury Severity Scores or another statistically
319 valid and scientifically accepted method of stratifying a trauma
320 patient's severity of injury, risk of mortality, and resource
321 consumption as adopted by the department by rule, weighted based
322 on the costs associated with and incurred by the trauma center
323 in treating trauma patients. The weighting of scores shall be
324 established by the department by rule.

325 (b) Funds collected under s. 318.18(5)(c) and (21) ~~(20)~~
326 shall be distributed as follows:

327 1. Thirty percent of the total funds collected shall be
328 distributed to Level II trauma centers operated by a public
329 hospital governed by an elected board of directors as of
330 December 31, 2008.



331 2. Thirty-five percent of the total funds collected shall
332 be distributed to verified trauma centers based on trauma
333 caseload volume for the most recent calendar year available. The
334 determination of caseload volume for distribution of funds under
335 this subparagraph shall be based on the hospital discharge data
336 for patients who meet the criteria for classification as a
337 trauma patient reported by each trauma center pursuant to s.
338 408.061.

339 3. Thirty-five percent of the total funds collected shall
340 be distributed to verified trauma centers based on severity of
341 trauma patients for the most recent calendar year available. The
342 determination of severity for distribution of funds under this
343 subparagraph shall be based on the department's International
344 Classification Injury Severity Scores or another statistically
345 valid and scientifically accepted method of stratifying a trauma
346 patient's severity of injury, risk of mortality, and resource
347 consumption as adopted by the department by rule, weighted based
348 on the costs associated with and incurred by the trauma center
349 in treating trauma patients. The weighting of scores shall be
350 established by the department by rule.

351
352 ===== T I T L E A M E N D M E N T =====

353 And the title is amended as follows:

354 Delete line 562

355 and insert:

356 "streetlight provider"; amending s. 316.1575, F.S.;
357 revising provisions requiring a person approaching a
358 railroad-highway grade crossing to stop within a
359 certain distance from the nearest rail; revising



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360 penalties; amending s. 316.1576, F.S.; revising
361 circumstances under which a person is prohibited from
362 driving a vehicle through a railroad-highway grade
363 crossing; revising penalties; amending s. 318.18,
364 F.S.; revising the penalties for certain offenses;
365 amending s. 322.27, F.S.; revising the point system
366 for convictions for violations of motor vehicle laws
367 and ordinances; amending ss. 28.37, 142.01, 316.1951,
368 316.306, 316.622, 318.121, 318.21, and 395.4036, F.S.;
369 conforming cross-references; conforming provisions to
370 changes made by the act; providing an effective date.