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# **Transportation & Highway Safety Subcommittee**

**Monday, April 4, 2011  
1:00 PM - 2:00 PM  
306 HOB**

**Dean Cannon  
Speaker**

**Brad Drake  
Chair**

# Committee Meeting Notice

## HOUSE OF REPRESENTATIVES

### Transportation & Highway Safety Subcommittee

**Start Date and Time:** Monday, April 04, 2011 01:00 pm

**End Date and Time:** Monday, April 04, 2011 02:00 pm

**Location:** 306 HOB

**Duration:** 1.00 hrs

**Consideration of the following bill(s):**

HB 149 Traffic Control Signals by Ahern

HB 689 Driver Improvement Schools and Education Programs for Driver's License Applicants by Berman

HB 1263 Trucking by Adkins

**Workshop on the following:**

HB 1461 Uniform Traffic Control by Watson

Pursuant to rule 7.12, the filing deadline for amendments to bills on the agenda by a member who is not a member of the committee or subcommittee considering the bill is 6:00 p.m., Friday, April 1, 2011.

By request of the Chair, all Subcommittee members are asked to have amendments to bills on the agenda submitted to staff by 6:00 p.m., Friday, April 1, 2011.

**NOTICE FINALIZED on 03/31/2011 16:12 by Manning.Karen**



HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 149 Traffic Control Signals

SPONSOR(S): Ahern and others

TIED BILLS: IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Highway Safety Subcommittee		Johnson <i>JAS</i>	Brown <i>DLB</i>
2) Transportation & Economic Development Appropriations Subcommittee			
3) Economic Affairs Committee			

SUMMARY ANALYSIS

The bill amends s. 316.0745(2), F.S., requiring the Department of Transportation, in its manual for uniform traffic control, to provide minimum yellow signal duration on traffic control signals based on the 85<sup>th</sup> percentile approach speed. The minimum yellow signal display duration is to be three seconds for traffic control signals where the 85<sup>th</sup> percentile approach speed is 25 miles per hour or less. The minimum yellow signal duration is to increase by one-half second for each increase of five miles per hour, not to exceed six seconds or 55 miles per hour in the 85<sup>th</sup> percentile approach speed.

The approach speeds and minimum yellow signal display durations are to be certified by the city, county, or state engineer.

The bill also amends s. 316.075(3)(a), F.S., to provide that the yellow light display on a traffic control signal device must meet the requirements of s. 316.0745(2), F.S., as provided in the manual of uniform traffic control devices published by the Department of Transportation (DOT).

It is estimated that the bill will have a negative fiscal impact of between \$10.5 million and \$14 million on DOT to engineer traffic signals to meet the bill's requirements. Municipalities and counties are estimated to incur a negative fiscal impact of between \$7.5 million and \$10 million to engineer traffic signals to meet the bill's requirements.

The county/municipality mandates provision of Art. VII, section 18, of the Florida Constitution may apply because the bill requires local governments to meet additional traffic engineering requirements; however, an exemption to the mandates provision may apply because the Department of Transportation is a "similarly situated" entity subject to the same traffic engineering requirements.

The bill has an effective date of July 1, 2011.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### Federal Rules on Traffic Control Devices

Since 1971, the Federal Highway Administration (FHWA) has published and administered a Manual on Uniform Traffic Control Devices (MUTCD). The MUTCD defines standards “used by road managers nationwide to install and maintain traffic control devices on all public streets, highways, bikeways, and private roads open to public traffic.”<sup>1</sup> It is updated periodically to “accommodate the nation's changing transportation needs and address new safety technologies, traffic control tools and traffic management techniques.”<sup>2</sup> A federal rule adopting the 2009 Edition of the MUTCD was published in the Federal Register on December 16, 2009, and states must adopt the 2009 National MUTCD as their legal standard for traffic control devices within two years.<sup>3</sup>

#### Traffic Control Devices in Florida

Traffic control devices are installed and operated by the state and local governments pursuant to section 316.0745, F.S. This statute requires FDOT to adopt a “uniform system of traffic control devices for use on the streets and highways of the state.”<sup>4</sup> The system can be revised to include changes necessary to conform to a uniform national system (see discussion of MUTCD, above) and also to meet local and state needs. FDOT is required to publish this uniform system<sup>5</sup> and does so by referencing the MUTCD. Additionally, FDOT publishes a Traffic Engineering Manual, which makes the MUTCD specific to Florida, clarifies the MUTCD, or imposes standards stricter than the MUTCD.<sup>6</sup>

According to the FDOT,

[t]he purpose of the FDOT Traffic Engineering Manual (TEM) is to provide traffic engineering standards and guidelines to be used on the State Highway System. The manual covers the process whereby standards and guidelines are adopted, as well as chapters devoted to highway signs and markings, traffic signals, traffic optimization through the use of computer models..., and links to information on our mature driver/pedestrian program.<sup>7</sup>

All public bodies or officials that purchase and install traffic control devices in Florida must ensure that such devices conform to the manual and specifications published by FDOT.<sup>8</sup>

#### Yellow Lights

The federal MUTCD and the Florida TEM each provide basic functional information<sup>9</sup> about yellow lights, referred to in engineering terms as “steady circular yellow” signals. The MUTCD discusses the underlying concept behind the yellow signal, explaining that “the exclusive function of the yellow change interval shall be to warn traffic of an impending change in the right-of-way assignment.”<sup>10</sup> As

<sup>1</sup> See <http://mutcd.fhwa.dot.gov/> (January 26, 2011).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.* The relevant text of the Federal Register can be accessed online at <http://edocket.access.gpo.gov/2009/pdf/E9-28322.pdf> (January 26, 2011).

<sup>4</sup> S. 316.0745(1), F.S.

<sup>5</sup> S. 316.0745(2)(a), F.S.

<sup>6</sup> DOT's Traffic Engineering Manual is only available electronically. It is available at <http://www.dot.state.fl.us/trafficoperations/Operations/Studies/TEM/TEM.shtm> (April 1, 2011).

<sup>7</sup> *Id.*

<sup>8</sup> S. 316.0745(3), F.S.

<sup>9</sup> For example, MUTCD section 4D.05 requires a steady circular yellow signal to be displayed following a steady green signal and that the yellow signal to be followed by a red signal. TEM Section 3.6.1 provides that “[t]he purpose of the yellow change and all-red clearance intervals is to provide a safe transition between two conflicting signal phases.”

<sup>10</sup> S. 4D.26(2)-(3), FHWA *Manual on Uniform Traffic Control Devices* (December 2009).

specific guidance for the length of a yellow signal, the MUTCD says only that “the duration of the yellow change interval shall be determined using engineering practices.”<sup>11</sup>

Such engineering practices are provided in the TEM. FDOT’s manual provides overall minimum and maximum yellow-light durations as well as an algebraic formula to be applied by the traffic engineer for each specific intersection. Section 3.6.1 of the TEM states that a “yellow change interval should have a minimum duration of 3 seconds and a maximum duration of 6 seconds.” The specific formula is explained in the image below, along with a chart calculating the formula’s results for a hypothetical intersection on level ground.<sup>12</sup>

**Table 3.6-1. Florida Yellow Change Interval (0.0 % Grade)\***

APPROACH SPEED (MPH)	YELLOW INTERVAL (SECONDS)
25	3.0
30	3.2
35	3.6
40	4.0
45	4.3
50	4.7
55	5.0
60	5.4
65	5.8

\* For approach grades other than 0%, Use ITE Formula.

**Formula 3.6-1**

$$Y = t + \frac{1.47v}{2(a + Gg)}$$

Where:

Y = length of yellow interval, sec.  
t = perception-reaction time, (Use 1 sec.).  
v = speed of approaching vehicles, in mph.  
a = deceleration rate in response to the onset of a yellow indication. (Use 10 ft/sec<sup>2</sup>)  
g = acceleration due to gravity. (Use 32.2 ft/sec<sup>2</sup>)  
G = grade, with uphill positive and downhill negative. (percent grade /100)

All of the variables in the equation have assumed or fixed values except the approach speed, v. As a result, the speed of vehicles as they approach an intersection is the critical input an engineer must consider when solving the formula for Y – an appropriate length in seconds for the yellow light.

With respect to determining the correct approach speed, the TEM provides additional guidance, stating that “Approach speed... is the posted speed or the 85<sup>th</sup> percentile approach speed, whichever is greater.” The phrase “posted speed” refers to the speed limit applied to the road pursuant to ss. 316.187 or 316.189, F.S. The phrase “85<sup>th</sup> percentile approach speed” is a commonly-used statistical measurement describing the speed at or below which 85 percent of free-flowing traffic is moving.<sup>13</sup>

The TEM also contains a provision allowing traffic engineers to modify yellow-light intervals as appropriate. Section 3.6.2(5) states that “yellow change... intervals specified herein are minimums, and

<sup>11</sup> *Id.*  
<sup>12</sup> “Table 3.6-1.” is reproduced directly from s. 3.6.2.1 of the TEM and can be seen in context at the hyperlink identified in footnote 6.  
<sup>13</sup> “According to a Federal Highway Administration study, all states and most local agencies use the 85th percentile speed of free flowing traffic as the basic factor in establishing speed limits.” *Speed Zoning Information*, Institute of Transportation Engineers, available at [http://www.ite.org/standards/speed\\_zoning.pdf](http://www.ite.org/standards/speed_zoning.pdf), last accessed January 26, 2011. Though not specifically related to yellow-light intervals, this document notes another important aspect of the 85<sup>th</sup> percentile speed: “Studies have shown [that] crash rates are lowest at around the 85th percentile speed. Drivers traveling significantly faster OR slower than this speed are at a greater risk for being in a crash. It is not high speeds alone that relate to crash risk; it is the variation of speed within the traffic stream,” that creates greater risk for being in a crash.

should be increased as necessary, based on professional engineering judgment, to fit site conditions at any particular intersection." The TEM does not contain language regarding the shortening of a yellow-light interval to an amount of time less than those provided in the manual.

### Proposed Changes

The bill amends s. 316.0745, F.S., by requiring specific yellow-light intervals to be contained in the state's manual of uniform traffic control devices. According to the bill, "the manual shall provide for a minimum yellow signal display duration on traffic control signals based on the actual 85th percentile approach speed." The bill further provides that for streets with "actual 85<sup>th</sup> percentile approach speeds of 25 miles per hour or less," the minimum yellow-light interval shall be 3 seconds, and that for each increase of 5 miles per hour in the 85th percentile approach speed above 25 miles per hour, the minimum yellow-light interval shall be increased one-half second. The bill provides that these tiered increases shall not exceed 6 seconds or 55 miles per hour in the 85th percentile approach speed.

As mentioned above, DOT does not actually publish a manual of uniform traffic control devices, but adopts by reference, the MUTCD published by FHWA.

The bill further requires that the approach speeds and minimum yellow signal display durations calculated pursuant to the manual must be "certified" by the city, county, or state engineer.

The bill makes a conforming change to s. 316.075, F.S., relating to traffic control signal devices, in order to explicitly require that such devices meet the minimum durations required by the manual and the amended s. 316.0745, F.S.

The bill has an effective date of July 1, 2011.

#### B. SECTION DIRECTORY:

- Section 1 Amends s. 316.0745, F.S., relating to uniform signals and devices; requiring the manual of uniform traffic control devices published by FDOT to provide for yellow signal display durations based on traffic approach speed; requiring certification of the approach speed and display duration by the state, county, or municipal engineer.
- Section 2 Amends s. 316.075, F.S., relating to traffic control signal devices; requiring traffic control signals to maintain such yellow signal display durations.
- Section 3 Provides an effective date.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:  
None

2. Expenditures:

DOT estimates the cost between \$1,500 and \$2,000 for a Traffic Study by a Florida Professional Engineer to determine the actual 85<sup>th</sup> Percentile Speed at each approach to a signalized intersection, and then develop the Yellow and All-Red Signal Timings, and then Sign and Seal the Traffic Study, which is required by law. Additional cost for certification would be minimal. There are approximately 7,700 such intersections under DOT's jurisdiction statewide. Based on DOT's estimated costs per intersection, its total cost will be between \$10.5 million and \$14 million.

#### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

DOT estimates that there are approximately 5,000 intersections under local jurisdictions that would need to be engineered and certified under this bill. Based on DOT's estimated cost per intersection, the total cost to local governments is estimated to be between \$7.5 million and \$10 million.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

D. FISCAL COMMENTS:

None

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The county/municipality mandates provision of Art. VII, section 18, of the Florida Constitution may apply because the bill requires local governments to meet additional traffic engineering requirements; however, an exemption to the mandates provision may apply because the Department of Transportation is a "similarly situated" entity subject to the same traffic engineering requirements.

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

### IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES



1                                   A bill to be entitled  
 2           An act relating to traffic control signals; amending s.  
 3           316.0745, F.S.; requiring the manual of uniform traffic  
 4           control devices published by the Department of  
 5           Transportation to provide for yellow signal display  
 6           durations based on traffic approach speed; requiring  
 7           certification of the approach speed and display duration  
 8           by the state, county, or municipal engineer; amending s.  
 9           316.075, F.S.; requiring traffic control signals to  
 10          maintain such yellow signal display durations; providing  
 11          an effective date.

12  
 13   Be It Enacted by the Legislature of the State of Florida:

14  
 15           Section 1. Subsection (2) of section 316.0745, Florida  
 16   Statutes, is amended to read:

17           316.0745 Uniform signals and devices.—

18           (2) The Department of Transportation shall compile and  
 19   publish a manual of uniform traffic control devices which  
 20   defines the uniform system adopted pursuant to subsection (1),  
 21   and shall compile and publish minimum specifications for traffic  
 22   control signals and devices certified by it as conforming with  
 23   the uniform system.

24           (a) The department shall make copies of such manual and  
 25   specifications available to all counties, municipalities, and  
 26   other public bodies having jurisdiction of streets or highways  
 27   open to the public in this state.

28           (b) The manual shall provide for the use of regulatory

29 speed signs in work zone areas. The installation of such signs  
 30 is exempt from the provisions of s. 335.10.

31 (c) The manual shall provide for a minimum yellow signal  
 32 display duration on traffic control signals based on the actual  
 33 85th percentile approach speed. The 85th percentile approach  
 34 speed is the speed at or below which 85 percent of free-flowing  
 35 traffic is traveling.

36 1. The minimum yellow signal display duration shall be 3  
 37 seconds for traffic control signals on streets with actual 85th  
 38 percentile approach speeds of 25 miles per hour or less.

39 2. The minimum yellow signal display duration shall be  
 40 increased one-half second for each increase of 5 miles per hour  
 41 in the 85th percentile approach speed above 25 miles per hour,  
 42 not to exceed 6 seconds or 55 miles per hour in the 85th  
 43 percentile approach speed.

44 3. Approach speeds and minimum yellow signal display  
 45 durations must be certified by the municipal, county, or state  
 46 engineer.

47 Section 2. Paragraph (a) of subsection (3) of section  
 48 316.075, Florida Statutes, is amended to read:

49 316.075 Traffic control signal devices.—

50 (3)(a) A ~~No~~ traffic control signal device may not ~~shall~~ be  
 51 used unless it exhibits ~~which does not exhibit~~ a yellow or  
 52 "caution" light between the green or "go" signal and the red or  
 53 "stop" signal. The yellow light display must meet the duration  
 54 requirements under s. 316.0745 as provided for in the manual of  
 55 uniform traffic control devices published by the Department of  
 56 Transportation.

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2011

57

Section 3. This act shall take effect July 1, 2011.

Amendment No.

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER

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1 Council/Committee hearing bill: Transportation & Highway Safety  
2 Subcommittee

3 Representative Ahern offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Section 316.075, Florida Statutes, is amended  
8 to read:

9 316.075 Traffic control signal devices.—

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

19 (a) Green indication.—

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 149 (2011)

Amendment No.

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

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

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

42 (b) Steady yellow indication.-

43 1. Vehicular traffic facing a steady yellow signal is  
44 thereby warned that the related green movement is being  
45 terminated or that a red indication will be exhibited  
46 immediately thereafter when vehicular traffic shall not enter  
47 the intersection.

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

53 | (c) Steady red indication.—

54 | 1. Vehicular traffic facing a steady red signal shall stop  
55 | before entering the crosswalk on the near side of the  
56 | intersection or, if none, then before entering the intersection  
57 | and shall remain standing until a green indication is shown;  
58 | however:

59 | a. The driver of a vehicle which is stopped at a clearly  
60 | marked stop line, but if none, before entering the crosswalk on  
61 | the near side of the intersection, or, if none then at the point  
62 | nearest the intersecting roadway where the driver has a view of  
63 | approaching traffic on the intersecting roadway before entering  
64 | the intersection in obedience to a steady red signal may make a  
65 | right turn, but shall yield the right-of-way to pedestrians and  
66 | other traffic proceeding as directed by the signal at the  
67 | intersection, except that municipal and county authorities may  
68 | prohibit any such right turn against a steady red signal at any  
69 | intersection, which prohibition shall be effective when a sign  
70 | giving notice thereof is erected in a location visible to  
71 | traffic approaching the intersection.

72 | b. The driver of a vehicle on a one-way street that  
73 | intersects another one-way street on which traffic moves to the  
74 | left shall stop in obedience to a steady red signal, but may  
75 | then make a left turn into the one-way street, but shall yield

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76 the right-of-way to pedestrians and other traffic proceeding as  
77 directed by the signal at the intersection, except that  
78 municipal and county authorities may prohibit any such left turn  
79 as described, which prohibition shall be effective when a sign  
80 giving notice thereof is attached to the traffic control signal  
81 device at the intersection.

82 2.a. The driver of a vehicle facing a steady red signal  
83 shall stop before entering the crosswalk and remain stopped to  
84 allow a pedestrian, with a permitted signal, to cross a roadway  
85 when the pedestrian is in the crosswalk or steps into the  
86 crosswalk and is upon the half of the roadway upon which the  
87 vehicle is traveling or when the pedestrian is approaching so  
88 closely from the opposite half of the roadway as to be in  
89 danger.

90 b. Unless otherwise directed by a pedestrian control  
91 signal as provided in s. 316.0755, pedestrians facing a steady  
92 red signal shall not enter the roadway.

93 (2) In the event an official traffic control signal is  
94 erected and maintained at a place other than an intersection,  
95 the provisions of this section shall be applicable except as to  
96 those provisions which by their nature can have no application.  
97 Any stop required shall be made at a sign or marking on the  
98 pavement indicating where the stop shall be made, but in the  
99 absence of any such sign or marking the stop shall be made at  
100 the signal.

101 (3) (a) A ~~No~~ traffic control signal device may not ~~shall~~ be  
102 used unless it exhibits ~~which does not exhibit~~ a yellow or  
103 "caution" light between the green or "go" signal and the red or

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104 "stop" signal. Whenever an engineering analysis is undertaken  
105 for the purpose of evaluating or reevaluating yellow and red  
106 signal display durations of a new or existing traffic control  
107 signal, the department and local authorities shall adhere to the  
108 following:

109 1. The minimum yellow signal display duration on traffic  
110 control signals shall be based on the speed limit or the actual  
111 85th percentile approach speed, whichever is greater. The 85th  
112 percentile approach speed is the speed at or below which 85  
113 percent of free-flowing traffic is traveling. The minimum yellow  
114 signal display duration shall be 3 seconds for traffic control  
115 signals on streets with a speed limit or actual 85th percentile  
116 approach speed of 25 miles per hour or less. The minimum yellow  
117 signal display duration shall be increased one-half second for  
118 each increase of 5 miles per hour in the speed limit or actual  
119 85th percentile approach speed, whichever is greater, above 25  
120 miles per hour, not to exceed 6 seconds.

121 2. Intersections with a speed limit or actual 85th  
122 percentile approach speeds greater than 55 miles per hour shall  
123 have, on approach, a sign posted in accordance with the  
124 Department of Transportation's manual of uniform traffic control  
125 devices to alert drivers to the traffic control signal.

126 (b) No traffic control signal device shall display other  
127 than the color red at the top of the vertical signal, nor shall  
128 it display other than the color red at the extreme left of the  
129 horizontal signal.

130 (c) To provide additional time before conflicting traffic  
131 movements proceed, the yellow signal display shall be followed



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132 by an all red clearance interval delaying the change of opposing  
133 red light signals. The duration of the clearance interval shall  
134 be determined by engineering practices as provided for in the  
135 Department of Transportation's manual of uniform traffic control  
136 devices required under s. 316.0745. The duration of a red  
137 clearance interval may be extended from its predetermined value  
138 for a given cycle based upon the detection of a vehicle that is  
139 predicted to violate the red signal indication.

140 (4) A violation of subsection (1) or subsection (2) ~~this~~  
141 section is a noncriminal traffic infraction, punishable pursuant  
142 to chapter 318 as either a pedestrian violation or, if the  
143 infraction resulted from the operation of a vehicle, as a moving  
144 violation. However, a citation for a violation of subparagraph  
145 (1)(c)1. committed at an intersection where the traffic signal  
146 device does not meet all requirements under subsection (3) is  
147 unenforceable and the court, clerk of the court, designated  
148 official, or authorized operator of a traffic violations bureau  
149 shall dismiss the citation without penalty or assessment of  
150 points against the license of the person cited. Dismissal of the  
151 citation under this subsection does not affect the validity of  
152 any other citation or charge for a violation of law and the  
153 dismissal may not be used as evidence in any other civil or  
154 criminal proceeding.

155 Section 2. This act shall take effect July 1, 2011.

156  
157  
158 -----  
159 **T I T L E A M E N D M E N T**

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 149 (2011)

Amendment No.

160 Remove the entire title and insert:

161 A bill to be entitled

162 An act relating to traffic control signals; amending s.

163 316.075, F.S.; requiring traffic control signals to

164 maintain certain signal intervals and display durations

165 based on approach speeds; providing that a citation for

166 specified violations shall be dismissed if the traffic

167 control signal does not meet specified requirements;

168 providing an effective date.



HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 689 Driver Improvement Schools and Education Programs for Driver's License Applicants  
**SPONSOR(S):** Berman and others  
**TIED BILLS:** IDEN./SIM. **BILLS:** SB 758

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Highway Safety Subcommittee		Brown <i>RLB</i>	Brown <i>RLB</i>
2) Transportation & Economic Development Appropriations Subcommittee			
3) Economic Affairs Committee			

**SUMMARY ANALYSIS**

HB 689 amends ss. 318.1451 and 322.095, F.S., relating to driver improvement schools and education programs for driver's license applicants. The bill amends these sections to include course content regarding the risks associated with the use of handheld electronic communication devices while operating a motor vehicle. The Department of Highway Safety and Motor Vehicles is required to consider whether such information is included in a provider's curriculum, when determining whether to approve the courses.

The bill does not have a fiscal impact, and has an effective date of July 1, 2011.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### Current Situation

##### *Driver Improvement Schools*

Section 318.1451, F.S., requires the Department of Highway Safety and Motor Vehicles (DHSMV) to approve the courses and technology used by driver improvement schools. In approving a driver improvement school, DHSMV must consider course content regarding safety, driver awareness, crash avoidance techniques, and other factors or criteria to improve drivers' performance from a safety viewpoint.<sup>1</sup>

Currently, s. 318.1451, F.S., does not include specific criteria for course curricula pertaining to the risks associated with the use of handheld electronic devices used for communication purposes while operating a motor vehicle. However, DHSMV notes that "hazardous acts while driving are discussed in any driver improvement course curricula."<sup>2</sup>

##### *Traffic Law and Substance Abuse Education Programs*

Section 322.095, F.S., requires DHSMV to approve traffic law and substance abuse education (TLSAE) courses. Curricula of these courses must provide instruction on the physiological and psychological consequences of the abuse of alcohol and other drugs, the societal and economic costs of alcohol and drug abuse, the effects of alcohol and drug abuse on the driver of a motor vehicle, and laws relating to the operation of a motor vehicle. The course provider must obtain certification from DHSMV that the course complies with these requirements.

Currently, s. 322.095, F.S., does not include criteria for course curricula pertaining to the risks associated with the use of handheld electronic devices used for communication purposes while operating a motor vehicle. As with driver improvement schools (discussed above), DHSMV notes that "hazardous acts while driving are discussed in the TLSAE curricula."<sup>3</sup>

#### Proposed Changes

HB 689 amends ss. 318.1451 and 322.095, F.S., to include "awareness of the risks associated with using a handheld electronic communications device while operating a motor vehicle," in the curriculum requirement for both Driver Improvement Schools and Traffic Law and Substance Abuse Education Programs.

### B. SECTION DIRECTORY:

- |           |  |
|-----------|--|
| Section 1 | Amends s. 318.1451, F.S., to require DHSMV to consider whether a driver improvement school's curriculum includes awareness of the risks associated with the use of handheld electronic communication devices while operating a motor vehicle when the department is approving such courses.  |
| Section 2 | Amends s. 322.095, F.S., to require an additional minimum course requirement to traffic law and substance abuse education courses. The bill requires such courses to include the risks associated with the use of handheld electronic communication devices while operating a motor vehicle. |

<sup>1</sup> Section 318.1451(2)(a), F.S.

<sup>2</sup> *Department of Highway Safety and Motor Vehicles Agency Bill Analysis: HB 689*, Feb. 16, 2011.

<sup>3</sup> *Id.*

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:  
None.
2. Expenditures:  
None.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:  
None.
2. Expenditures:  
None.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Course providers not currently including such information in their curricula will likely experience a direct, but indeterminate fiscal impact due to the need to expand the curricula to meet the bill requirements.

### D. FISCAL COMMENTS:

None.

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

#### 1. Applicability of Municipality/County Mandates Provision:

Not applicable because the bill does not appear to: require counties or cities to spend funds or take action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:  
None.

### B. RULE-MAKING AUTHORITY:

N/A

### C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

## IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1                                   A bill to be entitled  
 2           An act relating to driver improvement schools and  
 3           education programs for driver's license applicants;  
 4           amending ss. 318.1451 and 322.095, F.S.; requiring the  
 5           curricula of such programs to include instruction on the  
 6           risks associated with using a handheld electronic  
 7           communication device while operating a motor vehicle;  
 8           providing an effective date.

9  
 10   Be It Enacted by the Legislature of the State of Florida:

11  
 12           Section 1. Paragraph (a) of subsection (2) of section  
 13   318.1451, Florida Statutes, is amended to read:

14           318.1451 Driver improvement schools.—

15           (2)(a) In determining whether to approve the courses  
 16   referenced in this section, the department shall consider course  
 17   content designed to promote safety, driver awareness, crash  
 18   avoidance techniques, awareness of the risks associated with  
 19   using a handheld electronic communication device while operating  
 20   a motor vehicle, and other factors or criteria to improve driver  
 21   performance from a safety viewpoint.

22           Section 2. Subsection (1) of section 322.095, Florida  
 23   Statutes, is amended to read:

24           322.095 Traffic law and substance abuse education program  
 25   for driver's license applicants.—

26           (1) The Department of Highway Safety and Motor Vehicles  
 27   must approve traffic law and substance abuse education courses  
 28   that must be completed by applicants for a Florida driver's

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2011

29 | license. The curricula for the courses must provide instruction  
30 | on the physiological and psychological consequences of the abuse  
31 | of alcohol and other drugs, the societal and economic costs of  
32 | alcohol and drug abuse, the effects of alcohol and drug abuse on  
33 | the driver of a motor vehicle, the risks associated with using a  
34 | handheld electronic communication device while operating a motor  
35 | vehicle, and the laws of this state relating to the operation of  
36 | a motor vehicle. All instructors teaching the courses shall be  
37 | certified by the department.

38 |       Section 3. This act shall take effect July 1, 2011.



COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 689 (2011)

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER

1 Committee/Subcommittee hearing bill: Transportation & Highway  
2 Safety Subcommittee

3 Representative Brandes offered the following:

4  
5 **Amendment (with title amendment)**

6 Between lines 37 and 38, insert:

7 Section 3. Subsections (4) through (7) of section 322.56,  
8 Florida Statutes, are renumbered as subsections (5) through (8),  
9 respectively, and a new subsection (4) is added to that section,  
10 to read:

11 322.56 Contracts for administration of driver's license  
12 examination.—

13 (4) All applicants for a learner's driver's license shall  
14 have the ability to take the written examination required by s.  
15 322.12 through a third party provider. The department shall  
16 contract with providers of approved traffic law and substance  
17 abuse education courses to serve as third-party administrators  
18 to conduct, on behalf of the department, knowledge tests under  
19 this subsection.

Amendment No.

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**T I T L E   A M E N D M E N T**

Between lines 7 and 8, insert:  
amending s. 322.56, F.S.; providing for written examination for  
a learner's driver's license to be available from third party  
providers;



**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** HB 1263 Trucking  
**SPONSOR(S):** Adkins  
**TIED BILLS:** IDEN./SIM. BILLS: SB 1912

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Highway Safety Subcommittee		Johnson <i>JAS</i>	Brown <i>RB</i>
2) Agriculture & Natural Resources Subcommittee			
3) Finance & Tax Committee			
4) Economic Affairs Committee			

**SUMMARY ANALYSIS**

HB 1263 creates the "Small Trucker Relief Act." The bill:

- Defines small trucking firm.
- Prohibits a penalty or fine from being assessed for idling if the truck is owned by a small trucking firm.
- Directs the Department of Environmental Protection (DEP) to issue, upon application by a small trucking firm, a waiver exempting the firm from DEP restrictions on the washing of trucks.
- Grants an annual credit against corporate income taxes to small trucking firms that make application for the credit. The credit is to be equal to the value of the time and amount of fuel consumed while idling.
- Provides that any person who engages in theft of cargo or equipment from a small trucking firm commits a felony of the second degree. In addition to the statutorily prescribed punishments, a violator is to be sentenced to no less than five years in prison and fined \$100,000.
- Creates the Trucking Regulation Workgroup to identify rules and regulations that can be removed without affecting public safety.
- Authorizes the Department of Transportation (DOT) to inspect trucks randomly but prohibits use of a "target list" when determining which trucks to inspect.

The bill has an indeterminate but negative impact on state revenues due to the prohibition of penalties for idling and the corporate tax credit.

The bill may create equal protection issues.

The bill has an effective date of July 1, 2011.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### Current Situation

##### **Commercial Vehicle Washing and Stormwater Discharge**

Wastewater (including wash water) from any type of vehicle and equipment cleaning can contain significant amounts of substances such as oil and grease, petroleum products, suspended solids such as dirt and grit, heavy metals, detergents, and other pollutants. These contaminants may cause pollution of surface water or ground water and result in violations of water quality standards if the wastewater is not properly managed. Federal and state regulations exist to minimize the adverse effects of the discharge from wastewater from vehicle washing operations.

A stationary washing facility is a permanent fixed location where vehicles are driven for washing. Stationary facilities may include commercial car washes for passenger vehicles and commercial or industrial vehicle wash facilities for large trucks and heavy equipment. Alternatively, mobile vehicle and equipment washing involves washing at a location where vehicles are based (such as a trucking company, warehouse, bus station, vehicle dealership, fairgrounds, etc.) or at an intermediate location where the washing crew and vehicle owners meet solely for the purpose of washing vehicles (such as a business parking lot, gas station, etc.).

##### *National Pollutant Discharge Elimination System*

The U.S. Environmental Protection Agency (EPA) authorizes the Florida Department of Environmental Protection (DEP) to implement the National Pollutant Discharge Elimination System (NPDES) stormwater permitting program in the State of Florida. The program regulates point source discharges of stormwater runoff from certain industrial facilities, including certain vehicle washing operations. The operators of regulated industrial facilities must obtain an NPDES stormwater permit and implement appropriate pollution prevention techniques to reduce contamination of stormwater runoff.

As the NPDES stormwater permitting authority, DEP is responsible for promulgating rules and issuing permits, managing and reviewing permit applications, and performing compliance and enforcement activities. Accordingly, DEP has established a General Permit for Car Wash Systems by rule<sup>1</sup> which provides for exemptions, requirements, and best management practices for vehicle washing operations.

##### **Truck Idling**

Due to federal and state hours-of-service (HOS) requirements, truck drivers often have long off-hour rest periods, which they often spend inside the cab of their trucks. Cab power is essential in order to control the temperature inside the cab and keep the drivers comfortable during the long rest periods.

The most common way drivers power their cabs is to idle, which means to continuously operate the vehicle's main drive engine while the vehicle is stopped. Idling functions to keep the fuel and engine warm; helps to keep the driver alert; masks out noises and smells; and provides safety. While idling helps keep the driver comfortable, it has a negative economic and environmental impact. Exhaust from diesel engines contains pollutants that negatively impact human health and the environment. Diesel engines emit large amounts of nitrogen oxides, particulate matter and air toxics, which contribute to serious public health problems. Idling also generates a great deal of noise.

Although several exemptions apply,<sup>2</sup> owners or operators of heavy-duty diesel engine powered motor vehicles are prohibited by rule from idling for more than five consecutive minutes.<sup>3</sup> First time offenders

---

<sup>1</sup> ch. 62-660.803, F.A.C.

<sup>2</sup> An example of an exemption includes idling while sleeping or resting in a sleeper berth.

<sup>3</sup> See FAC 62-285.420 for other exemptions

will be given a notice to comply without penalties. Complaint-driven or repeat offenses may result in further enforcement action.

Although an additional weight allowance is provided for auxiliary power units which obviate idling, the practice of idling is not currently prohibited by Florida Statute.

### **Safety Inspections**

Safety inspections are conducted by the Department of Transportation's (DOT) Motor Carrier Compliance Office (MCCO) personnel and/or authorized agents at weigh stations and on the roadside. Officers follow a procedure established by the Commercial Vehicle Safety Alliance (CVSA) to inspect both the driver and/or vehicle(s). MCCO officers are authorized to inspect:

- Hazardous Materials Transportation
  - Placards, Markings, Labels, Spills, Leaks, Unsecured Cargo
- Brakes
  - Parking Brakes, Drums and Rotors, Hoses and Tubing, Low Air Warning Device, Tractor Protection Valve (All brakes must work and be properly adjusted. Brakes must be on all wheels if the truck or tractor was manufactured after July 25, 1980)
- Coupling Devices
  - Fifth Wheel, Pintle Hooks, Tow Bar, Safety Devices
- Fuel System
  - Leaks, Securely-Mounted Tanks, Filler Caps
- Rearview Mirrors
- Horn
- Lighting Devices
  - Stop Lights, Turn Signals, Headlights, Clearance Lights, Marker Lights
- Steering Mechanism
- Suspension
- Frame Members
- Body Components
- Tires and Wheels
- Windshield and Wipers
- Exhaust System
- Emergency Equipment
  - Reflectors, Fire Extinguisher
- Load Secured

When determining whether a vehicle is to be inspected and how thorough the inspection is, MCCO officers may consult the federally-maintained Comprehensive Safety Analysis database which is made available to insurers, shippers, law enforcement, and other parties interested in a carrier's safety record. The database ranks a given carrier's compliance and safety record as "good", "questionable", or "poor". The Federal Motor Carrier Safety Administration (FMCSA) recommends thorough inspection of vehicles maintained by carriers whose records are "poor."

### **Cargo Theft**

Under current law a person engaging in the theft of cargo commits either a felony in the first or second degree, depending on the value of the property.<sup>4</sup> It is a first degree felony if the property stolen has a value of \$100,000 or more or if it has a value of \$50,000 or more that has entered the stream of interstate or intrastate commerce. It is a second degree felony if the cargo has a value of \$50,000 or less that has entered the stream of interstate or intrastate commerce.

### **Proposed Changes**

The bill creates the "Small Trucker Relief Act."

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<sup>4</sup> s. 812.014, F.S.

The bill defines as "small trucking firm" to mean a trucking firm that is family owned, employs fewer than 30 persons, or has fewer than 10 trucks in operation.

The bill prohibits a penalty or fine from being assessed for idling if the truck is owned by a small trucking firm.

The bill directs DEP to issue, upon application by a small trucking firm, a waiver exempting the firm from DEP restrictions on the washing of trucks.

The bill grants an annual credit against corporate income taxes imposed in ch. 220, F.S., to small trucking firms that make application for the credit. The credit is to be equal to the value of the time and amount of fuel consumed while idling.

The bill provides that any person who engages in theft of cargo or equipment from a small trucking firm commits a felony of the second degree. In addition to the punishments prescribed in ss. 775.082, 775.083, or 775.084, F.S., for each occurrence, a violator is to be sentenced to no less than five years in prison and fined \$100,000.

The bill creates the Trucking Regulation Workgroup consisting of three members:

- The Secretary of DOT, or the Secretary's representative;
- An owner or employee of a small trucking firm, appointed by the Governor; and
- A member of the Florida Trucking Association, appointed by the Governor.

The workgroup is charged with identifying rules and regulations that can be removed without affecting public safety. The workgroup is to provide a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than October 1, 2011.

The bill authorizes DOT to inspect trucks randomly but may not use a "targeted list" when determining which trucks to inspect.

The bill has an effective date of July 1, 2011.

## B. SECTION DIRECTORY:

- |           |   |
|-----------|---|
| Section 1 | Provides a short title.   |
| Section 2 | Creates an undesignated section of statutes related to small trucking firms.    |
| Section 3 | Creates a trucking workgroup.   |
| Section 4 | Prohibits DOT from using a target list to determine which trucks are inspected. |
| Section 5 | Provides an effective date.   |

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

The state will see an indeterminate, but negative, fiscal impact due to the elimination of the fine for truck idling for small trucking firms, and for the corporate income tax credit for small trucking firms.

It is not clear how many taxpayers would qualify for the corporate income tax credit provided by the bill. According to the Department of Revenue (DOR),

(T)here are a limited number of small trucking firms that pay corporate income tax, so it is anticipated that the statement of estimated regulatory costs should not exceed \$1 million in the aggregate within five years of implementation.<sup>5</sup>

2. Expenditures:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Small trucking firms will experience indeterminate but positive fiscal impacts from the corporate income tax credit the bill provides.

D. FISCAL COMMENTS:

The bill does not address how the corporate income tax credit is to be documented. According to DOR:

The cost value of the time and amount of fuel consumed during idling needs to be calculated and documented. The trucking firm would be required to document the amount of time a truck spends idling and the cost of the fuel used by a truck idling.<sup>6</sup>

Other observations made by DOR include:

- The bill does not address when the applicant is to apply for the credit, or if the applicant must apply each tax year to claim the credit.
- The bill does not address what happens if the credit exceeds the amount owed on a tax return.
- The bill does not place the provisions addressing the corporate income tax credit in ch. 220, F.S., where all other such credits are located.
- The bill does not state in what order the credit is to be claimed relative to other tax credits an applicant may be eligible to claim.
- Although the bill's effective date is July 1, 2011, the bill does not address how the tax credit is to be applied (i.e., is it applicable to the 2010/2011 tax year, or to subsequent years only.)<sup>7</sup>

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to affect county or municipal governments.

2. Other:

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<sup>5</sup> Department of Revenue Agency Bill Analysis SB 1912.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*



Exempting small trucking firms from fines associated from truck idling and creating different criminal penalties for the theft of cargo and equipment from a small trucking firm may create equal protection issues.

**B. RULE-MAKING AUTHORITY:**

The Department of Revenue (DOR) notes that no authority is provided to adopt rules. However, rules would likely be needed to administer the tax credit authorized in the bill.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

The definition of "small trucking firm" could be interpreted to include relative large trucking firms by its use of the disjunctive word "or," *i.e.*, of the following, only one need be satisfied to be considered a small trucking firm.

- Is family owned,
- Employs fewer than 30 persons, or
- Has fewer than 10 trucks in operation.

Family-owned trucking firms can be quite large.

In some circumstance, the bill may reduce that act of cargo theft from a first degree felony to a second degree felony if the cargo or equipment were the property of or under the control of a small trucking firm.

According to DEP, the agency cannot provide an exemption for the discharge of pollutants from wash waters directly to surface waters since federal regulations (*i.e.*, the NPDES regulations) do not allow such exemptions. However, DEP has developed a best management practice (BMP) document for vehicle washing. Practices defined in the BMP when implemented, provide that wash waters either be percolated into the ground or collected and managed off-site and no pollutants would be discharged directly to surface waters. Operations implementing the BMP provisions are generally not required to obtain NPDES or other state wastewater permits

The BMPs were developed for mobile vehicle washing operations, but would have applicability to truck washing at small truck firms that would either contract for washing (e.g. mobile truck washing), or conduct vehicle washing on their own.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1263 (2011)

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Transportation & Highway  
2 Safety Subcommittee

3 Representative(s) Adkins offered the following:  
4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. This act may be cited as the "Small Trucker  
8 Relief Act."

9 Section 2. As used in this act, the term "small trucking  
10 firm" means a trucking enterprise that has fewer than 30  
11 employees or has fewer than 50 trucks in operation.

12 Section 3. Trucking regulation workgroup.-

13 (1) There is created the Trucking Regulation Workgroup.

14 (2) The workgroup shall consist of the following members,  
15 whose appointments to the workgroup must be made within 30 days  
16 after the effective date of this act:

17 (a) The secretary of the Department of Transportation, or  
18 the secretary's designee.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1263 (2011)

Amendment No.

19 (b) The Executive Director of the Department of Revenue, or  
20 the Executive Director's designee.

21 (c) The secretary of the Department of Environmental  
22 Protection, or the secretary's designee.

23 (d) The Commissioner of the Florida Department of Law  
24 Enforcement, or the Commissioner's designee.

25 (e) The Executive Director of the Department of Highway  
26 Safety and Motor Vehicles, or the Executive Director's designee.

27 (f) Three members, appointed by the Governor, who shall be  
28 owners or employees of a small trucking firm as defined in  
29 section 2.

30 (g) One member, appointed by the Governor, who is a member  
31 of the Florida Trucking Association.

32 (3) On or before October 1, 2011, the workgroup shall  
33 deliver to the Governor, the Speaker of the House of  
34 Representatives, and the President of the Senate, a report  
35 concerning rules and regulations affecting small trucking firms.  
36 The report shall provide legislative recommendations related to:

37 (a) Penalties assessed for idling by trucks owned by small  
38 trucking firms;

39 (b) Development of a corporate tax credit related to the  
40 costs of idling by trucks owned by small trucking firms;

41 (c) Theft of cargo or equipment from trucks owned by small  
42 trucking firms, and criminal penalties imposed for such crimes;

43 (d) Exemption from rules imposed by the Department of  
44 Environmental Protection restricting truck washing, for small  
45 trucking firms;

Amendment No.

46       (e) Development of rules to be promulgated by the  
47       Department of Transportation regarding random inspection of  
48       trucks owned by small trucking firms and prohibiting the use of  
49       any "target list" to determine which trucks are inspected; and

50       (f) Improving access to Department of Highway Safety and  
51       Motor Vehicles' offices that provide International Registration  
52       Plan registration and renewal services to motor carriers,  
53       whether through increased use of technology or by any other  
54       means.

55       (4) The workgroup is abolished on November 1, 2011.  
56       Section 4. This act shall take effect upon becoming a law.

57  
58  
59

-----  
**T I T L E   A M E N D M E N T**

61       Remove the entire title and insert:  
62       An act relating to trucking; providing a short title; defining  
63       the term "small trucking firm"; creating the Trucking Regulation  
64       Workgroup; providing for membership of the workgroup; directing  
65       the workgroup to make a report to the Governor, the Speaker of  
66       the House of Representatives, and the President of the Senate by  
67       a certain date; providing requirements of the report; providing  
68       for termination of the workgroup; providing an effective date.



1 A bill to be entitled  
 2 An act relating to uniform traffic control; amending s.  
 3 316.003, F.S.; defining the term "school bus traffic  
 4 infraction detector"; amending s. 316.008, F.S.;  
 5 authorizing school districts to deploy school bus traffic  
 6 infraction detectors under certain circumstances; creating  
 7 s. 316.0084, F.S.; providing for use of school bus traffic  
 8 infraction detectors to enforce specified provisions  
 9 requiring a person driving a vehicle to stop when  
 10 approaching a school bus displaying a stop signal;  
 11 authorizing the Department of Highway Safety and Motor  
 12 Vehicles, a county, or a municipality to authorize a  
 13 traffic infraction enforcement officer to issue and  
 14 enforce a citation for a violation of such provisions;  
 15 requiring notification to be sent to the registered owner  
 16 of the motor vehicle involved in the violation; providing  
 17 requirements for the notification; providing for  
 18 collection of penalties; providing for distribution of  
 19 penalties collected; providing procedures for issuance,  
 20 disposition, and enforcement of citations; providing for  
 21 exemptions; providing that certain evidence is admissible  
 22 for enforcement; providing penalties for submission of a  
 23 false affidavit; providing that the act does not preclude  
 24 the issuance of citations by law enforcement officers;  
 25 requiring reports from participating school districts to  
 26 the department; requiring the department to make reports  
 27 to the Governor and Legislature; creating s. 316.07457,  
 28 F.S.; requiring school bus traffic infraction detectors to

29 meet specifications established by the department;  
 30 creating s. 316.0777, F.S.; providing for the placement  
 31 and installation of detectors on school buses when  
 32 permitted by and under the specifications of the  
 33 department; amending s. 316.640, F.S.; providing for  
 34 authority of traffic enforcement officers appointed by the  
 35 state, or a police department or sheriff's department to  
 36 enforce specified provisions; amending s. 316.650, F.S.;  
 37 requiring a traffic enforcement officer to provide to the  
 38 court a replica of the citation data by electronic  
 39 transmission under certain conditions; amending s. 318.14,  
 40 F.S.; providing an exception from provisions requiring a  
 41 person cited for an infraction for failing to stop upon  
 42 approaching any school bus which displays a stop signal to  
 43 sign and accept a citation indicating a promise to appear;  
 44 amending s. 318.18, F.S.; increasing certain fines;  
 45 providing for penalties for infractions enforced by a  
 46 traffic infraction enforcement officer; providing for  
 47 distribution of fines; allowing the clerk of court to  
 48 dismiss certain cases upon receiving documentation that  
 49 the uniform traffic citation was issued in error; creating  
 50 s. 321.51, F.S.; authorizing the Department of Highway  
 51 Safety and Motor Vehicles to use school bus traffic  
 52 infraction detectors under certain circumstances; amending  
 53 s. 322.27, F.S.; providing that no points may be assessed  
 54 against the driver's license for infractions enforced by a  
 55 traffic infraction enforcement officer; providing that  
 56 infractions enforced by a traffic infraction enforcement

57 officer may not be used for purposes of setting motor  
 58 vehicle insurance rates; providing for severability;  
 59 providing effective dates.

60

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

62

63 Section 1. Subsection (89) is added to section 316.003,  
 64 Florida Statutes, to read:

65 316.003 Definitions.—The following words and phrases, when  
 66 used in this chapter, shall have the meanings respectively  
 67 ascribed to them in this section, except where the context  
 68 otherwise requires:

69 (89) SCHOOL BUS TRAFFIC INFRACTION DETECTOR.—A vehicle  
 70 sensor installed to work in conjunction with a school bus and a  
 71 camera or cameras synchronized to automatically record two or  
 72 more sequenced photographic or electronic images or streaming  
 73 video of a motor vehicle at the time the vehicle passes a school  
 74 bus in violation of s. 316.172(1)(a) or s. 316.172(1)(b). Any  
 75 notification under s. 316.0084(1)(b) or traffic citation issued  
 76 by the use of a school bus traffic infraction detector must  
 77 include a photograph, video feed, or other recorded image  
 78 showing both the license tag of the offending vehicle and the  
 79 school bus stop signal being violated.

80 Section 2. Subsection (9) is added to section 316.008,  
 81 Florida Statutes, to read:

82 316.008 Powers of local authorities.—

83 (9) A Florida school district may deploy school bus  
 84 traffic infraction detectors on its school buses for enforcing



85 s. 316.172(1)(a) or s. 316.172(1)(b) when a driver fails to stop  
 86 upon approaching any school bus which displays a stop signal. A  
 87 school district deploying school bus traffic infraction  
 88 detectors will coordinate the issuing of traffic citations with  
 89 the Florida Highway Patrol, local sheriff's office, local police  
 90 department, local school board police, if applicable, or other  
 91 entity having the authority and jurisdiction to enforce the  
 92 traffic laws of this state and within the particular school  
 93 district as provided in ss. 316.006 and 316.640.

94 Section 3. Section 316.0084, Florida Statutes, is created  
 95 to read:

96 316.0084 School Bus Safety Program; administration;  
 97 report.-

98 (1)(a) For purposes of administering this section, the  
 99 department, a county, or a municipality may authorize a traffic  
 100 infraction enforcement officer under s. 316.640 to issue a  
 101 traffic citation for a violation of s. 316.172(1)(a) or s.  
 102 316.172(1)(b). This paragraph does not prohibit a review of  
 103 information from a traffic infraction detector by an authorized  
 104 employee or agent of the department, a county, or a municipality  
 105 before issuance of the traffic citation by the traffic  
 106 infraction enforcement officer. This paragraph does not prohibit  
 107 the department, a county, or a municipality from issuing  
 108 notification as provided in paragraph (b) to the registered  
 109 owner of the motor vehicle involved in the violation of s.  
 110 316.172(1)(a) or s. 316.172(1)(b).

111 (b)1.a. Within 10 days after a violation, notification  
 112 shall be sent to the registered owner of the motor vehicle

113 involved in the violation specifying the remedies available  
 114 under s. 318.14 and that the violator must pay the penalty of  
 115 \$265 to the department, county, or municipality, or furnish an  
 116 affidavit in accordance with paragraph (d), within 30 days  
 117 following the date of the notification in order to avoid court  
 118 fees, costs, and the issuance of a traffic citation. The  
 119 notification shall be sent by first-class mail.

120 b. The notification under this paragraph must inform the  
 121 owner that he or she has the right to review the photographic or  
 122 electronic images or the streaming video evidence that  
 123 constitutes a rebuttable presumption against the owner of the  
 124 vehicle. The notice must state the time and place or Internet  
 125 location where the evidence may be examined and observed.

126 2. Penalty amounts collected by the department, a county,  
 127 or a municipality under this section, less the amount retained  
 128 by the department, county, or municipality pursuant to  
 129 subparagraph 3., shall be remitted to the Department of Revenue  
 130 each week by means of electronic funds transfer. In addition to  
 131 the payment, summary detail of the penalty amounts remitted  
 132 shall be reported to the Department of Revenue.

133 3. A penalty amount of \$265 shall be assessed for a  
 134 violation of s. 316.172(1)(a) or s. 316.172(1)(b) when a driver  
 135 has failed to stop upon approaching any school bus which  
 136 displays a stop signal. Of that amount, \$170 shall be remitted  
 137 to the school district in which the violation occurred, \$65  
 138 shall be deposited into the Emergency Medical Services Trust  
 139 Fund of the Department of Health to be used as provided in s.  
 140 395.4036, \$15 shall be remitted to the department, and \$15 shall

141 be retained by the county or municipality issuing the notice or  
 142 citation or retained by the department if the department issued  
 143 the notice or citation.

144 (c)1.a. If payment has not been received within 30 days  
 145 after notification under subparagraph (b)1., a traffic citation  
 146 shall be issued by mailing the traffic citation by certified  
 147 mail to the address of the registered owner of the motor vehicle  
 148 involved in the violation.

149 b. Delivery of the traffic citation constitutes  
 150 notification under this paragraph.

151 c. In the case of joint ownership of a motor vehicle, the  
 152 traffic citation shall be mailed to the first name appearing on  
 153 the registration, unless the first name appearing on the  
 154 registration is a business organization, in which case the  
 155 second name appearing on the registration may be used.

156 d. The traffic citation shall be mailed to the registered  
 157 owner of the motor vehicle involved in the violation no later  
 158 than 45 days after the date of the violation.

159 2. The citation under this paragraph must include a notice  
 160 that the owner has the right to review, either in person or  
 161 remotely, the photographic or electronic images or the streaming  
 162 video evidence that constitutes a rebuttable presumption against  
 163 the owner of the vehicle. The notice must state the time and  
 164 place or Internet location where the evidence may be examined  
 165 and observed.

166 (d)1. The owner of the motor vehicle involved in the  
 167 violation is responsible and liable for paying the uniform

168 traffic citation issued for a violation of s. 316.172(1)(a) or  
 169 s. 316.172(1)(b), unless the owner can establish that:

170 a. The motor vehicle passed the bus at the direction of a  
 171 law enforcement officer;

172 b. The motor vehicle was, at the time of the violation, in  
 173 the care, custody, or control of another person; or

174 c. A uniform traffic citation was issued by a law  
 175 enforcement officer to the driver of the motor vehicle for the  
 176 alleged violation of s. 316.172(1)(a) or s. 316.172(1)(b).

177 2. In order to establish such facts, the owner of the  
 178 motor vehicle shall, within 30 days after the date of issuance  
 179 of the traffic citation, furnish to the appropriate governmental  
 180 entity an affidavit setting forth detailed information  
 181 supporting an exemption as provided in this paragraph.

182 a. An affidavit supporting an exemption under sub-  
 183 subparagraph 1.b. must include the name, address, date of birth,  
 184 and, if known, the driver's license number of the person who  
 185 leased, rented, or otherwise had care, custody, or control of  
 186 the motor vehicle at the time of the alleged violation. If the  
 187 vehicle was stolen at the time of the alleged offense, the  
 188 affidavit must include the police report indicating that the  
 189 vehicle was stolen.

190 b. If a traffic citation for a violation of s.  
 191 316.172(1)(a) or s. 316.172(1)(b) was issued at the location of  
 192 the violation by a law enforcement officer, the affidavit must  
 193 include the serial number of the uniform traffic citation.

194 3. Upon receipt of an affidavit supporting an exemption  
 195 under sub-subparagraph 1.b., the person designated as having

196 care, custody, and control of the motor vehicle at the time of  
 197 the violation may be issued a traffic citation for a violation  
 198 of s. 316.172(1)(a) or s. 316.172(1)(b) when the driver failed  
 199 to stop upon approaching any school bus which displays a stop  
 200 signal. The affidavit is admissible in a proceeding pursuant to  
 201 this section for the purpose of providing proof that the person  
 202 identified in the affidavit was in actual care, custody, or  
 203 control of the motor vehicle. The owner of a leased vehicle for  
 204 which a traffic citation is issued for a violation of s.  
 205 316.172(1)(a) or s. 316.172(1)(b) is not responsible for paying  
 206 the traffic citation and is not required to submit an affidavit  
 207 as specified in this subsection if the motor vehicle involved in  
 208 the violation is registered in the name of the lessee of such  
 209 motor vehicle.

210 4. The submission of a false affidavit is a misdemeanor of  
 211 the second degree, punishable as provided in s. 775.082 or s.  
 212 775.083.

213 (e) The photographic or electronic images or streaming  
 214 video attached to or referenced in the traffic citation is  
 215 evidence that a violation of s. 316.172(1)(a) or s.  
 216 316.172(1)(b) has occurred and is admissible in any proceeding  
 217 to enforce this section and raises a rebuttable presumption that  
 218 the motor vehicle named in the report or shown in the  
 219 photographic or electronic images or streaming video evidence  
 220 was used in violation of s. 316.172(1)(a) or s. 316.172(b).

221 (2) This section supplements the enforcement of s.  
 222 316.172(1)(a) or s. 316.172(1)(b) and does not prohibit a law

223 enforcement officer from issuing a traffic citation for a  
 224 violation of s. 316.172(1)(a) or s. 316.172(1)(b).

225 (3)(a) Each school district that deploys a school bus  
 226 traffic infraction detector shall submit a report by October 1,  
 227 2013, and annually thereafter, to the department which details  
 228 the results of using the school bus traffic infraction detector  
 229 and the procedures for enforcement for the preceding state  
 230 fiscal year. The information submitted by the counties and  
 231 municipalities must include statistical data and information  
 232 required by the department to complete the report required under  
 233 paragraph (b).

234 (b) On or before December 31, 2013, and annually  
 235 thereafter, the department shall provide a summary report to the  
 236 Governor, the President of the Senate, and the Speaker of the  
 237 House of Representatives regarding the use and operation of  
 238 traffic infraction detectors under this section, along with the  
 239 department's recommendations and recommendations for any  
 240 necessary legislation. The summary report must include a review  
 241 of the information submitted to the department by the counties  
 242 and municipalities and must describe the enhancement of the  
 243 traffic safety and enforcement programs.

244 Section 4. Section 316.07457, Florida Statutes, is created  
 245 to read:

246 316.07457 Implementation.—Any school bus traffic  
 247 infraction detector deployed by a school district on one or more  
 248 of the buses in its fleet must meet specifications established  
 249 by the department and must be tested at regular intervals  
 250 according to specifications prescribed by the department. The

251 department must establish such specifications on or before  
 252 December 31, 2011.

253 Section 5. Section 316.0777, Florida Statutes, is created  
 254 to read:

255 316.0777 School bus traffic infraction detectors;  
 256 placement and installation.—School bus traffic infraction  
 257 detectors are allowed on the school buses of school districts  
 258 when permitted by the department and under placement and  
 259 installation specifications developed by the department.

260 Section 6. Paragraph (b) of subsection (1) and subsection  
 261 (5) of section 316.640, Florida Statutes, are amended to read:

262 316.640 Enforcement.—The enforcement of the traffic laws  
 263 of this state is vested as follows:

264 (1) STATE.—

265 (b)1. The Department of Transportation has authority to  
 266 enforce on all the streets and highways of this state all laws  
 267 applicable within its authority.

268 2.a. The Department of Transportation shall develop  
 269 training and qualifications standards for toll enforcement  
 270 officers whose sole authority is to enforce the payment of tolls  
 271 pursuant to s. 316.1001. Nothing in this subparagraph shall be  
 272 construed to permit the carrying of firearms or other weapons,  
 273 nor shall a toll enforcement officer have arrest authority.

274 b. For the purpose of enforcing s. 316.1001, governmental  
 275 entities, as defined in s. 334.03, which own or operate a toll  
 276 facility may employ independent contractors or designate  
 277 employees as toll enforcement officers; however, any such toll  
 278 enforcement officer must successfully meet the training and

279 qualifications standards for toll enforcement officers  
 280 established by the Department of Transportation.

281 3. For the purpose of enforcing s. 316.0083 or s.  
 282 316.0084, the department may designate employees as traffic  
 283 infraction enforcement officers. A traffic infraction  
 284 enforcement officer must successfully complete instruction in  
 285 traffic enforcement procedures and court presentation through  
 286 the Selective Traffic Enforcement Program as approved by the  
 287 Division of Criminal Justice Standards and Training of the  
 288 Department of Law Enforcement, or through a similar program, but  
 289 may not necessarily otherwise meet the uniform minimum standards  
 290 established by the Criminal Justice Standards and Training  
 291 Commission for law enforcement officers or auxiliary law  
 292 enforcement officers under s. 943.13. This subparagraph does not  
 293 authorize the carrying of firearms or other weapons by a traffic  
 294 infraction enforcement officer and does not authorize a traffic  
 295 infraction enforcement officer to make arrests. The department's  
 296 traffic infraction enforcement officers must be physically  
 297 located in the state.

298 (5) (a) Any sheriff's department or police department of a  
 299 municipality may employ, as a traffic infraction enforcement  
 300 officer, any individual who successfully completes instruction  
 301 in traffic enforcement procedures and court presentation through  
 302 the Selective Traffic Enforcement Program as approved by the  
 303 Division of Criminal Justice Standards and Training of the  
 304 Department of Law Enforcement, or through a similar program, but  
 305 who does not necessarily otherwise meet the uniform minimum  
 306 standards established by the Criminal Justice Standards and



307 Training Commission for law enforcement officers or auxiliary  
 308 law enforcement officers under s. 943.13. Any such traffic  
 309 infraction enforcement officer who observes the commission of a  
 310 traffic infraction or, in the case of a parking infraction, who  
 311 observes an illegally parked vehicle may issue a traffic  
 312 citation for the infraction when, based upon personal  
 313 investigation, he or she has reasonable and probable grounds to  
 314 believe that an offense has been committed which constitutes a  
 315 noncriminal traffic infraction as defined in s. 318.14. In  
 316 addition, any such traffic infraction enforcement officer may  
 317 issue a traffic citation under s. 316.0083 or s. 316.0084. For  
 318 purposes of enforcing s. 316.0083 or s. 316.0084, any sheriff's  
 319 department or police department of a municipality may designate  
 320 employees as traffic infraction enforcement officers. The  
 321 traffic infraction enforcement officers must be physically  
 322 located in the county of the respective sheriff's or police  
 323 department.

324 (b) The traffic infraction enforcement officer shall be  
 325 employed in relationship to a selective traffic enforcement  
 326 program at a fixed location or as part of a crash investigation  
 327 team at the scene of a vehicle crash or in other types of  
 328 traffic infraction enforcement under the direction of a fully  
 329 qualified law enforcement officer; however, it is not necessary  
 330 that the traffic infraction enforcement officer's duties be  
 331 performed under the immediate supervision of a fully qualified  
 332 law enforcement officer.

333 (c) This subsection does not permit the carrying of  
 334 firearms or other weapons, nor do traffic infraction enforcement

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335 officers have arrest authority other than the authority to issue  
 336 a traffic citation as provided in this subsection.

337 Section 7. Subsection (3) of section 316.650, Florida  
 338 Statutes, is amended to read:

339 316.650 Traffic citations.—

340 (3)(a) Except for a traffic citation issued pursuant to s.  
 341 316.1001, ~~or s. 316.0083~~, or s. 316.0084, each traffic  
 342 enforcement officer, upon issuing a traffic citation to an  
 343 alleged violator of any provision of the motor vehicle laws of  
 344 this state or of any traffic ordinance of any municipality or  
 345 town, shall deposit the original traffic citation or, in the  
 346 case of a traffic enforcement agency that has an automated  
 347 citation issuance system, the chief administrative officer shall  
 348 provide by an electronic transmission a replica of the citation  
 349 data to a court having jurisdiction over the alleged offense or  
 350 with its traffic violations bureau within 5 days after issuance  
 351 to the violator.

352 (b) If a traffic citation is issued pursuant to s.  
 353 316.1001, a traffic enforcement officer may deposit the original  
 354 traffic citation or, in the case of a traffic enforcement agency  
 355 that has an automated citation system, may provide by an  
 356 electronic transmission a replica of the citation data to a  
 357 court having jurisdiction over the alleged offense or with its  
 358 traffic violations bureau within 45 days after the date of  
 359 issuance of the citation to the violator. If the person cited  
 360 for the violation of s. 316.1001 makes the election provided by  
 361 s. 318.14(12) and pays the \$25 fine, or such other amount as  
 362 imposed by the governmental entity owning the applicable toll

363 facility, plus the amount of the unpaid toll that is shown on  
 364 the traffic citation directly to the governmental entity that  
 365 issued the citation, or on whose behalf the citation was issued,  
 366 in accordance with s. 318.14(12), the traffic citation will not  
 367 be submitted to the court, the disposition will be reported to  
 368 the department by the governmental entity that issued the  
 369 citation, or on whose behalf the citation was issued, and no  
 370 points will be assessed against the person's driver's license.

371 (c) If a traffic citation is issued under s. 316.0083 or  
 372 s. 316.0084, the traffic infraction enforcement officer shall  
 373 provide by electronic transmission a replica of the traffic  
 374 citation data to the court having jurisdiction over the alleged  
 375 offense or its traffic violations bureau within 5 days after the  
 376 date of issuance of the traffic citation to the violator.

377 Section 8. Subsection (2) of section 318.14, Florida  
 378 Statutes, is amended to read:

379 318.14 Noncriminal traffic infractions; exception;  
 380 procedures.—

381 (2) Except as provided in ss. 316.1001(2), ~~and~~ 316.0083,  
 382 and 316.084, any person cited for a violation requiring a  
 383 mandatory hearing listed in s. 318.19 or any other criminal  
 384 traffic violation listed in chapter 316 must sign and accept a  
 385 citation indicating a promise to appear. The officer may  
 386 indicate on the traffic citation the time and location of the  
 387 scheduled hearing and must indicate the applicable civil penalty  
 388 established in s. 318.18. For all other infractions under this  
 389 section, except for infractions under s. 316.1001, the officer  
 390 must certify by electronic, electronic facsimile, or written

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391 signature that the citation was delivered to the person cited.  
 392 This certification is prima facie evidence that the person cited  
 393 was served with the citation.

394 Section 9. Subsection (5) of section 318.18, Florida  
 395 Statutes, is amended to read:

396 318.18 Amount of penalties.—The penalties required for a  
 397 noncriminal disposition pursuant to s. 318.14 or a criminal  
 398 offense listed in s. 318.17 are as follows:

399 (5) (a) Two ~~One~~ hundred dollars for a violation of s.  
 400 316.172(1)(a), failure to stop for a school bus. If, at a  
 401 hearing, the alleged offender is found to have committed this  
 402 offense, the court shall impose a minimum civil penalty of \$200  
 403 ~~\$100~~. In addition to this penalty, for a second or subsequent  
 404 offense within a period of 5 years, the department shall suspend  
 405 the driver's license of the person for not less than 90 days and  
 406 not more than 6 months.

407 (b) Two hundred dollars for a violation of s.  
 408 316.172(1)(b), passing a school bus on the side that children  
 409 enter and exit when the school bus displays a stop signal. If,  
 410 at a hearing, the alleged offender is found to have committed  
 411 this offense, the court shall impose a minimum civil penalty of  
 412 \$200. In addition to this penalty, for a second or subsequent  
 413 offense within a period of 5 years, the department shall suspend  
 414 the driver's license of the person for not less than 180 days  
 415 and not more than 1 year.

416 (c) In addition to the penalty under paragraph (a) or  
 417 paragraph (b), \$65 for a violation of s. 316.172(1)(a) or (b).  
 418 If the alleged offender is found to have committed the offense,

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419 the court shall impose the civil penalty under paragraph (a) or  
 420 paragraph (b) plus an additional \$65. As provided in s.  
 421 316.0084(1)(b)3., the additional \$65 collected under this  
 422 paragraph shall be remitted to the Department of Revenue for  
 423 deposit into the Emergency Medical Services Trust Fund of the  
 424 Department of Health to be used as provided in s. 395.4036.

425 (d) The \$265 collected under paragraphs (a), (b), and (c)  
 426 shall be distributed as provided in s. 316.0084(1)(b)3.

427 (e) If a person who is cited for a violation of s.  
 428 316.172(1)(a) or s. 316.172(1)(b), as enforced by a traffic  
 429 infraction enforcement officer under s. 316.0084, presents  
 430 documentation from the appropriate governmental entity that the  
 431 traffic citation was in error, the clerk of court may dismiss  
 432 the case. The clerk of court shall not charge for this service.

433 Section 10. Section 321.51, Florida Statutes, is created  
 434 to read:

435 321.51 Authorization to use school bus traffic infraction  
 436 detectors.—When permitted by the Department of Transportation,  
 437 the Department of Highway Safety and Motor Vehicles may, under  
 438 s. 316.0084, use images from school bus traffic infraction  
 439 detectors to enforce s. 316.172(1)(a) or s. 316.172(1)(b) when a  
 440 driver fails to stop upon approaching any school bus which  
 441 displays a stop signal on state roads, as defined in chapter  
 442 316, which are under the original jurisdiction of the Department  
 443 of Transportation.

444 Section 11. Paragraph (d) of subsection (3) of section  
 445 322.27, Florida Statutes, is amended to read:

446 322.27 Authority of department to suspend or revoke

447 license.—

448 (3) There is established a point system for evaluation of  
 449 convictions of violations of motor vehicle laws or ordinances,  
 450 and violations of applicable provisions of s. 403.413(6)(b) when  
 451 such violations involve the use of motor vehicles, for the  
 452 determination of the continuing qualification of any person to  
 453 operate a motor vehicle. The department is authorized to suspend  
 454 the license of any person upon showing of its records or other  
 455 good and sufficient evidence that the licensee has been  
 456 convicted of violation of motor vehicle laws or ordinances, or  
 457 applicable provisions of s. 403.413(6)(b), amounting to 12 or  
 458 more points as determined by the point system. The suspension  
 459 shall be for a period of not more than 1 year.

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

- 463 1. Reckless driving, willful and wanton—4 points.
- 464 2. Leaving the scene of a crash resulting in property  
 465 damage of more than \$50—6 points.
- 466 3. Unlawful speed resulting in a crash—6 points.
- 467 4. Passing a stopped school bus—4 points.
- 468 5. Unlawful speed:
  - 469 a. Not in excess of 15 miles per hour of lawful or posted  
 470 speed—3 points.
  - 471 b. In excess of 15 miles per hour of lawful or posted  
 472 speed—4 points.
- 473 6. A violation of a traffic control signal device as  
 474 provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points.

475 However, no points shall be imposed for a violation of s.  
 476 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to  
 477 stop at a traffic signal and when enforced by a traffic  
 478 infraction enforcement officer. In addition, a violation of s.  
 479 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to  
 480 stop at a traffic signal and when enforced by a traffic  
 481 infraction enforcement officer may not be used for purposes of  
 482 setting motor vehicle insurance rates. Furthermore, no points  
 483 shall be imposed for a violation of s. 316.172(1)(a) or s.  
 484 316.172(1)(b) when a driver has failed to stop upon approaching  
 485 any school bus which displays a stop signal and when enforced by  
 486 a traffic infraction enforcement officer. In addition, a  
 487 violation of s. 316.172(1)(a) or s. 316.172(1)(b) when a driver  
 488 has failed to stop upon approaching any school bus which  
 489 displays a stop signal and when enforced by a traffic infraction  
 490 enforcement officer may not be used for purposes of setting  
 491 motor vehicle insurance rates.

492 7. All other moving violations (including parking on a  
 493 highway outside the limits of a municipality)-3 points. However,  
 494 no points shall be imposed for a violation of s. 316.0741 or s.  
 495 316.2065(12); and points shall be imposed for a violation of s.  
 496 316.1001 only when imposed by the court after a hearing pursuant  
 497 to s. 318.14(5).

498 8. Any moving violation covered above, excluding unlawful  
 499 speed, resulting in a crash-4 points.

500 9. Any conviction under s. 403.413(6)(b)-3 points.

501 10. Any conviction under s. 316.0775(2)-4 points.

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502           Section 12. If any provision of this act or its  
503 application to any person or circumstance is held invalid, the  
504 invalidity does not affect other provisions or applications of  
505 this act which can be given effect without the invalid provision  
506 or application, and to this end the provisions of this act are  
507 severable.

508           Section 13. This act shall take effect July 1, 2011.