

Amendment No. 4

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WITHDRAWN	_____	(Y/N)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: Criminal Justice
2 Subcommittee
3 Representative Baxley offered the following:

Amendment (with title amendment)

Between lines 918 and 919, insert:

7 Section 11. Section 318.195, Florida Statutes, is created
8 to read:

9 318.195 Enhanced penalties for moving violations causing
10 serious bodily injury or death to a vulnerable user.-

11 (1) For purposes of this section, the term "serious bodily
12 injury" means an injury to a person, other than the driver cited
13 for a moving violation under this section, which consists of a
14 physical condition that creates a substantial risk of death,
15 serious personal disfigurement, or protracted loss or impairment
16 of the function of a bodily member or organ.

17 (2) A person who commits a moving violation under ch. 316

Amendment No. 4

18 that causes:

19 (a) Serious bodily injury to a vulnerable user, as defined
20 in s. 316.003, commits a misdemeanor of the second degree,
21 punishable as provided in s. 775.082 or s. 775.083, and upon
22 conviction, shall pay a fine of \$1,500, be sentenced to at least
23 30 days of electronic monitoring, and attend a department-
24 approved driver improvement course. The court shall also suspend
25 the person's driver license for at least 30 days.

26 (b) The death of a vulnerable user, as defined in s.
27 316.003, commits a misdemeanor of the first degree, punishable
28 as provided in s. 775.082 or s.775.083, and, upon conviction,
29 shall pay a fine of \$5,000, be sentenced to at least 6 months of
30 electronic monitoring, and attend a department-approved advanced
31 driver improvement course. The court shall also suspend the
32 person's driver license for at least 1 year.

33 Section 12. Subsections (2), (4), and (5) of section
34 322.0261, Florida Statutes, are amended to read:

35 322.0261 Driver improvement course; requirement to
36 maintain driving privileges; failure to complete; department
37 approval of course.-

38 (2)(a) With respect to an operator convicted of, or who
39 pleaded nolo contendere to, a traffic offense giving rise to a
40 crash identified in paragraph (1)(a) or paragraph (1)(b), the
41 department shall require that the operator, in addition to other
42 applicable penalties, attend a department-approved driver
43 improvement course in order to maintain his or her driving

Amendment No. 4

44 privileges. The department shall require ~~include~~ in the course
45 curriculum to include instruction specifically addressing the
46 rights of vulnerable ~~road~~ users as defined in s. 316.003 ~~316.027~~
47 relative to vehicles on the roadway. If the operator fails to
48 complete the course within 90 days after receiving notice from
49 the department, the operator's driver license shall be canceled
50 by the department until the course is successfully completed.

51 (b) With respect to a person required to attend a
52 department-approved advanced driver improvement course under s.
53 318.195(2), the department shall require that the person, in
54 addition to other applicable penalties, attend a department-
55 approved advanced driver improvement course in order to
56 reinstate his or her driving privileges. The department shall
57 require the course curriculum to include instruction
58 specifically addressing the rights of vulnerable users as
59 defined in s. 316.003 relative to vehicles on the roadway. The
60 person's driver license shall not be reinstated by the
61 department until the course is successfully completed.

62 (5)(a) In determining whether to approve a driver
63 improvement course for the purposes of this section, the
64 department shall consider course content designed to promote
65 safety, driver awareness, crash avoidance techniques, and other
66 factors or criteria to improve driver performance from a safety
67 viewpoint.

68 (b) In determining whether to approve an advanced driver
69 improvement course as required under paragraph (2)(b), the

Amendment No. 4

70 department shall consider the duration of the course and
71 advanced course content relating to the rights and safety of
72 vulnerable users in addition to the factors specified under
73 paragraph (a).

74 Section 13. For the purpose of incorporating the amendment
75 made by this act to section 322.0261, Florida Statutes, in
76 references thereto, subsection (1), paragraph (b) of subsection
77 (2), subsection (4), and paragraph (a) of subsection (6) of
78 section 318.1451, Florida Statutes, are reenacted to read:

79 318.1451 Driver improvement schools.-

80 (1) The department shall approve and regulate the courses
81 of all driver improvement schools, as the courses relate to ss.
82 318.14(9), 322.0261, and 322.291, including courses that use
83 technology as a delivery method.

84 (2)

85 (b) In determining whether to approve courses of driver
86 improvement schools that use technology as the delivery method
87 as the courses relate to ss. 318.14(9) and 322.0261, the
88 department shall consider only those courses submitted by a
89 person, business, or entity which have approval for statewide
90 delivery.

91 (4) In addition to a regular course fee, an assessment fee
92 in the amount of \$2.50 shall be collected by the school from
93 each person who elects to attend a course, as it relates to ss.
94 318.14(9), 322.0261, 322.291, and 627.06501. The course provider
95 must remit the \$2.50 assessment fee to the department for

Amendment No. 4

96 deposit into the Highway Safety Operating Trust Fund in order to
97 receive unique course completion certificate numbers for course
98 participants. The assessment fee will be used to administer this
99 program and to fund the general operations of the department.

100 (6) The department shall adopt rules establishing and
101 maintaining policies and procedures to implement the
102 requirements of this section. These policies and procedures may
103 include, but shall not be limited to, the following:

104 (a) Effectiveness studies.—The department shall conduct
105 effectiveness studies on each type of driver improvement course
106 pertaining to ss. 318.14(9), 322.0261, and 322.291 on a
107 recurring 5-year basis, including in the study process the
108 consequence of failed studies.

109
110 -----
111 **T I T L E A M E N D M E N T**

112 Remove line 33 and insert:
113 note certain information on the citation; creating s.
114 318.195, F.S.; providing criminal penalties for a person
115 who commits a moving violation that causes serious bodily
116 injury to or death of a vulnerable user; requiring the
117 court to revoke the person's driver license for a specified
118 period; providing for application to other violations;
119 amending s. 322.0261, F.S., relating to driver improvement
120 courses; providing for the Department of Highway Safety and
121 Motor Vehicles to approve an advanced driver improvement

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 253 (2016)

Amendment No. 4

122 course for certain purposes; providing that a person's
123 driving privilege may not be reinstated until successful
124 completion of the course; reenacting s. 318.1451(1),
125 (2)(b), (4) and (6)(a), F.S., relating to driver
126 improvement schools, to incorporate the amendment made by
127 the act to s. 322.0261, F.S., in references thereto;
128 amending ss.