

By Senator Campbell

32-701-04

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A bill to be entitled  
An act relating to vehicular homicide; amending  
s. 782.071, F.S.; providing that operating a  
motor vehicle without having slept within the  
preceding 24 hours creates a rebuttable  
presumption that the person is operating the  
vehicle in a reckless manner for purposes of  
vehicular-homicide provisions; providing an  
effective date.

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

Section 1. Section 782.071, Florida Statutes, is  
amended to read:

782.071 Vehicular homicide.--"Vehicular homicide" is  
the killing of a human being, or the killing of a viable fetus  
by any injury to the mother, caused by the operation of a  
motor vehicle by another in a reckless manner likely to cause  
the death of, or great bodily harm to, another.

(1) Vehicular homicide is:

(a) A felony of the second degree, punishable as  
provided in s. 775.082, s. 775.083, or s. 775.084.

(b) A felony of the first degree, punishable as  
provided in s. 775.082, s. 775.083, or s. 775.084, if:

1. At the time of the accident, the person knew, or  
should have known, that the accident occurred; and

2. The person failed to give information and render  
aid as required by s. 316.062.

This paragraph does not require that the person knew that the  
accident resulted in injury or death.

1           (2) For purposes of this section, a fetus is viable  
2 when it becomes capable of meaningful life outside the womb  
3 through standard medical measures.

4           (3) Operating a motor vehicle without having slept  
5 within the preceding 24 hours creates a rebuttable presumption  
6 that the person is operating the vehicle in a reckless manner.

7           ~~(4)(3)~~ A right of action for civil damages shall exist  
8 under s. 768.19, under all circumstances, for all deaths  
9 described in this section.

10           ~~(5)(4)~~ In addition to any other punishment, the court  
11 may order the person to serve 120 community service hours in a  
12 trauma center or hospital that regularly receives victims of  
13 vehicle accidents, under the supervision of a registered  
14 nurse, an emergency room physician, or an emergency medical  
15 technician pursuant to a voluntary community service program  
16 operated by the trauma center or hospital.

17           Section 2. This act shall take effect July 1, 2004.

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20           SENATE SUMMARY

21           Provides that a person who operates a motor vehicle  
22 without having slept within the preceding 24-hour period  
23 is presumed to be operating the vehicle in a reckless  
24 manner for purposes of the vehicular homicide law.  
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