

HB 0521

2004

1 A bill to be entitled
 2 An act relating to vehicular homicide; amending s.
 3 782.071, F.S.; providing that operating a motor vehicle
 4 without having slept within the preceding 24 hours creates
 5 a rebuttable presumption that the person is operating the
 6 vehicle in a reckless manner for purposes of vehicular-
 7 homicide provisions; providing an effective date.

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

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

13 782.071 Vehicular homicide.--"Vehicular homicide" is the
 14 killing of a human being, or the killing of a viable fetus by
 15 any injury to the mother, caused by the operation of a motor
 16 vehicle by another in a reckless manner likely to cause the
 17 death of, or great bodily harm to, another.

18 (1) Vehicular homicide is:

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

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

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

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

27
 28 This paragraph does not require that the person knew that the
 29 accident resulted in injury or death.

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

33 (3) For purposes of this section, operating a motor
34 vehicle without having slept within the preceding 24 hours
35 creates a rebuttable presumption that the person is operating
36 the vehicle in a reckless manner.

37 (4)~~(3)~~ A right of action for civil damages shall exist
38 under s. 768.19, under all circumstances, for all deaths
39 described in this section.

40 (5)~~(4)~~ In addition to any other punishment, the court may
41 order the person to serve 120 community service hours in a
42 trauma center or hospital that regularly receives victims of
43 vehicle accidents, under the supervision of a registered nurse,
44 an emergency room physician, or an emergency medical technician
45 pursuant to a voluntary community service program operated by
46 the trauma center or hospital.

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