

1 A bill to be entitled
 2 An act relating to traffic offenses; amending s. 316.027,
 3 F.S.; providing penalties for a person who commits a
 4 traffic infraction resulting in death or serious bodily
 5 injury; amending ss. 318.14 and 318.18, F.S.; conforming
 6 provisions to changes made by the act; amending s. 318.19,
 7 F.S.; providing for the rights of a victim of a crash that
 8 causes death or serious bodily injury to be informed of
 9 and present at judicial hearings and to be heard at such
 10 hearings; requiring the state attorney to consult the
 11 victim about disposition of any such case; providing an
 12 effective date.

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

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 16 Section 1. Subsection (4) of section 316.027, Florida
 17 Statutes, is amended to read:

18 316.027 Crash involving death or personal injuries.--
 19 (4) A person whose commission of a noncriminal traffic
 20 infraction or any violation of this chapter or s. 1006.66 causes
 21 or results in the death or serious bodily injury, as defined in
 22 s. 316.1933(1), of another person shall ~~may~~, in addition to any
 23 other civil, criminal, or administrative penalty imposed, be
 24 required by the court to complete an 8-hour driver improvement
 25 course and serve not less than 15 but not more than 120
 26 community service hours in a trauma center or hospital that
 27 regularly receives victims of vehicle accidents, under the
 28 supervision of a registered nurse, an emergency room physician,

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29 | or an emergency medical technician pursuant to a voluntary
30 | community service program operated by the trauma center or
31 | hospital.

32 | Section 2. Subsections (1) and (5) of section 318.14,
33 | Florida Statutes, are amended to read:

34 | 318.14 Noncriminal traffic infractions; exception;
35 | procedures.--

36 | (1) Except as provided in ss. 318.17 and 320.07(3)(c), any
37 | person cited for a violation of chapter 316, s. 320.0605, s.
38 | 320.07(3)(a) or (b), s. 322.065, s. 322.15(1), s. 322.16(2) or
39 | (3), s. 322.161(5), s. 322.19, or s. 1006.66(3) is charged with
40 | a noncriminal infraction and must be cited for such an
41 | infraction and cited to appear before an official. If another
42 | person dies as a result of the noncriminal infraction, the
43 | person cited may be required to perform ~~120~~ community service
44 | hours under s. 316.027(4)7 in addition to any other penalties.

45 | (5) Any person electing to appear before the designated
46 | official or who is required so to appear shall be deemed to have
47 | waived his or her right to the civil penalty provisions of s.
48 | 318.18. The official, after a hearing, shall make a
49 | determination as to whether an infraction has been committed. If
50 | the commission of an infraction has been proven, the official
51 | may impose a civil penalty not to exceed \$500, except that in
52 | cases involving unlawful speed in a school zone or involving
53 | unlawful speed in a construction zone, the civil penalty may not
54 | exceed \$1,000; or require attendance at a driver improvement
55 | school, or both. If the person is required to appear before the
56 | designated official pursuant to s. 318.19(1)(a) and is found to

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57 | have committed the infraction, the designated official shall
58 | impose a civil penalty of \$1,000 in addition to any other
59 | penalties and the person's driver's license shall be suspended
60 | for 6 months. If the person is required to appear before the
61 | designated official pursuant to s. 318.19(1)(b) ~~(2)~~ and is found
62 | to have committed the infraction, the designated official shall
63 | impose a civil penalty of \$500 in addition to any other
64 | penalties and the person's driver's license shall be suspended
65 | for 3 months. If the official determines that no infraction has
66 | been committed, no costs or penalties shall be imposed and any
67 | costs or penalties that have been paid shall be returned. Moneys
68 | received from the mandatory civil penalties imposed pursuant to
69 | this subsection upon persons required to appear before a
70 | designated official pursuant to s. 318.19(1) (a) or (b) ~~(2)~~ shall
71 | be remitted to the Department of Revenue and deposited into the
72 | Department of Health Administrative Trust Fund to provide
73 | financial support to certified trauma centers to assure the
74 | availability and accessibility of trauma services throughout the
75 | state. Funds deposited into the Administrative Trust Fund under
76 | this section shall be allocated as follows:

77 | (a) Fifty percent shall be allocated equally among all
78 | Level I, Level II, and pediatric trauma centers in recognition
79 | of readiness costs for maintaining trauma services.

80 | (b) Fifty percent shall be allocated among Level I, Level
81 | II, and pediatric trauma centers based on each center's relative
82 | volume of trauma cases as reported in the Department of Health
83 | Trauma Registry.

84 | Section 3. Paragraph (c) of subsection (8) of section

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85 318.18, Florida Statutes, is amended to read:

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

89 (8)

90 (c) If the noncriminal infraction has caused or resulted
 91 in the death of another, the person who committed the infraction
 92 may perform ~~120~~ community service hours under s. 316.027(4) ~~7~~ in
 93 addition to any other penalties.

94 Section 4. Section 318.19, Florida Statutes, is amended to
 95 read:

96 318.19 Infractions requiring a mandatory hearing.--

97 (1) Any person cited for the infractions listed in this
 98 section shall not have the provisions of s. 318.14(2), (4), and
 99 (9) available to him or her but must appear before the
 100 designated official at the time and location of the scheduled
 101 hearing:

102 (a) ~~(1)~~ Any infraction which results in a crash that causes
 103 the death of another;

104 (b) ~~(2)~~ Any infraction which results in a crash that causes
 105 "serious bodily injury" of another as defined in s. 316.1933(1);

106 (c) ~~(3)~~ Any infraction of s. 316.172(1)(b);

107 (d) ~~(4)~~ Any infraction of s. 316.520(1) or (2); or

108 (e) ~~(5)~~ Any infraction of s. 316.183(2), s. 316.187, or s.
 109 316.189 of exceeding the speed limit by 30 m.p.h. or more.

110 (2) A victim of a crash that causes death or serious
 111 bodily injury as provided in paragraph (1)(a) or paragraph
 112 (1)(b) or the victim's lawful representative, including the next

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113 of kin if the victim is deceased, is entitled to be informed of,
114 to be present at, and to be heard when relevant at all crucial
115 stages of a judicial hearing to the extent that such rights do
116 not interfere with the constitutional rights of the accused. The
117 state attorney, when applicable, shall consult the victim or the
118 victim's lawful representative about the disposition of any such
119 case.

120 Section 5. This act shall take effect July 1, 2009.