

1                                   A bill to be entitled  
 2           An act relating to traffic offenses; amending s. 316.027,  
 3           F.S.; requiring the court to impose certain penalties for  
 4           a person who commits a noncriminal traffic infraction that  
 5           results in death or serious bodily injury; amending ss.  
 6           318.14 and 318.18, F.S.; conforming provisions to changes  
 7           made by the act; amending s. 318.19, F.S.; providing for  
 8           certain rights for a victim, or the next of kin if the  
 9           victim is deceased, of a crash that causes death or  
 10          serious bodily injury; providing an effective date.

11  
 12 Be It Enacted by the Legislature of the State of Florida:

13  
 14           Section 1. Subsection (4) of section 316.027, Florida  
 15 Statutes, is amended to read:

16           316.027 Crash involving death or personal injuries.--

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

29 hospital.

30 Section 2. Subsection (1) of section 318.14, Florida  
 31 Statutes, is amended to read:

32 318.14 Noncriminal traffic infractions; exception;  
 33 procedures.--

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

43 Section 3. Paragraph (c) of subsection (8) of section  
 44 318.18, Florida Statutes, is amended to read:

45 318.18 Amount of penalties.--The penalties required for a  
 46 noncriminal disposition pursuant to s. 318.14 or a criminal  
 47 offense listed in s. 318.17 are as follows:

48 (8)

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

53 Section 4. Section 318.19, Florida Statutes, is amended to  
 54 read:

55 318.19 Infractions requiring a mandatory hearing.--Any  
 56 person cited for the infractions listed in this section shall

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57 | not have the provisions of s. 318.14(2), (4), and (9) available  
58 | to him or her but must appear before the designated official at  
59 | the time and location of the scheduled hearing:

60 |       (1) Any infraction which results in a crash that causes  
61 | the death of another;

62 |       (2) Any infraction which results in a crash that causes  
63 | "serious bodily injury" of another as defined in s. 316.1933(1);

64 |       (3) Any infraction of s. 316.172(1)(b);

65 |       (4) Any infraction of s. 316.520(1) or (2); or

66 |       (5) Any infraction of s. 316.183(2), s. 316.187, or s.  
67 | 316.189 of exceeding the speed limit by 30 m.p.h. or more.

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69 | Any victim of a crash that causes death or serious bodily injury  
70 | as provided in subsections (1) and (2) or his or her lawful  
71 | representative, including the next of kin if the victim is  
72 | deceased, is entitled to the right to be informed, to be  
73 | present, and to be heard when relevant, at all crucial stages of  
74 | a judicial hearing, to the extent that these rights do not  
75 | interfere with the constitutional rights of the accused. The  
76 | state attorney, where applicable, shall consult the victim or  
77 | his or her lawful representative about the disposition of any  
78 | such case.

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