



515282

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/06/2009	.	
	.	
	.	
	.	

The Committee on Criminal Justice (Villalobos) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

316.027 Crash involving death or personal injuries.-

(4) A person whose commission of a noncriminal traffic
infraction or any violation of this chapter or s. 1006.66 causes
or results in the death or serious bodily injury, as defined in
s. 316.1933(1), of another person shall ~~may~~, in addition to any



515282

12 other civil, criminal, or administrative penalty imposed, be
13 required by the court to complete an 8-hour driver improvement
14 course, and serve not less than 15 but not more than 120
15 community service hours in a trauma center or hospital that
16 regularly receives victims of vehicle accidents, under the
17 supervision of a registered nurse, an emergency room physician,
18 or an emergency medical technician pursuant to a voluntary
19 community service program operated by the trauma center or
20 hospital.

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

23 318.14 Noncriminal traffic infractions; exception;
24 procedures.-

25 (1) Except as provided in ss. 318.17 and 320.07(3)(c), any
26 person cited for a violation of chapter 316, s. 320.0605, s.
27 320.07(3)(a) or (b), s. 322.065, s. 322.15(1), s. 322.16(2) or
28 (3), s. 322.161(5), s. 322.19, or s. 1006.66(3) is charged with
29 a noncriminal infraction and must be cited for such an
30 infraction and cited to appear before an official. If another
31 person dies as a result of the noncriminal infraction, the
32 person cited may be required to perform ~~120~~ community service
33 hours under s. 316.027(4), in addition to any other penalties.

34 Section 3. Section 318.19, Florida Statutes, is amended to
35 read:

36 318.19 Infractions requiring a mandatory hearing.-Any
37 person cited for the infractions listed in this section shall
38 not have the provisions of s. 318.14(2), (4), and (9) available
39 to him or her but must appear before the designated official at
40 the time and location of the scheduled hearing:



515282

41 (1) Any infraction which results in a crash that causes the
42 death of another;

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

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

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

47 (5) Any infraction of s. 316.183(2), s. 316.187, or s.
48 316.189 of exceeding the speed limit by 30 m.p.h. or more.

49

50 Any victim of a crash that causes death or serious bodily injury
51 as provided in subsections (1) and (2) or his or her lawful
52 representative, including the next of kin if the victim is
53 deceased, is entitled to the right to be informed, to be
54 present, and to be heard when relevant, at all crucial stages of
55 a judicial hearing, to the extent that these rights do not
56 interfere with the constitutional rights of the accused. The
57 state attorney, where applicable, shall consult the victim or
58 his or her lawful representatives about the disposition of any
59 such case.

60 Section 4. This act shall take effect July 1, 2009.

61

62 ===== T I T L E A M E N D M E N T =====

63 And the title is amended as follows:

64 Delete everything before the enacting clause
65 and insert:

66

A bill to be entitled

67

An act relating to traffic offenses; amending s.

68

316.027, F.S.; requiring minimum penalties for a

69

person who commits a traffic infraction resulting in



515282

70 death or severe bodily injury; amending s. 318.14,
71 F.S.; requiring community service hours for certain
72 noncriminal traffic infractions under certain
73 conditions; amending s. 318.19, F.S.; providing for
74 certain rights for a victim, or the next of kin if the
75 victim is deceased, of a crash that causes death or
76 serious bodily injury; providing an effective date.