

By the Committee on Criminal Justice; and Senator Garcia

591-04458-09

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1 A bill to be entitled

2 An act relating to traffic offenses; amending s.
3 316.027, F.S.; requiring minimum penalties for a
4 person who commits a traffic infraction resulting in
5 death or severe bodily injury; amending s. 318.14,
6 F.S.; requiring community service hours for certain
7 noncriminal traffic infractions under certain
8 conditions; amending s. 318.19, F.S.; providing for
9 certain rights for a victim, or the next of kin if the
10 victim is deceased, of a crash that causes death or
11 serious bodily injury; providing an effective date.
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13 Be It Enacted by the Legislature of the State of Florida:
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15 Section 1. Subsection (4) of section 316.027, Florida
16 Statutes, is amended to read:

17 316.027 Crash involving death or personal injuries.—

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

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30 hospital.

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

33 318.14 Noncriminal traffic infractions; exception;
34 procedures.—

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

44 Section 3. Section 318.19, Florida Statutes, is amended to
45 read:

46 318.19 Infractions requiring a mandatory hearing.—Any
47 person cited for the infractions listed in this section shall
48 not have the provisions of s. 318.14(2), (4), and (9) available
49 to him or her but must appear before the designated official at
50 the time and location of the scheduled hearing:

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

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

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

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

57 (5) Any infraction of s. 316.183(2), s. 316.187, or s.
58 316.189 of exceeding the speed limit by 30 m.p.h. or more.

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

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