

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 that  
 8           the victim of a crash that causes death or serious bodily  
 9           injury or the victim's representative is entitled to  
 10          certain rights regarding any judicial proceeding relating  
 11          to the crash; requiring the state attorney to consult the  
 12          victim or the victim's representative about the  
 13          disposition of any such case; providing an effective date.

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

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

19           316.027 Crash involving death or personal injuries.—

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

29 supervision of a registered nurse, an emergency room physician,  
 30 or an emergency medical technician pursuant to a voluntary  
 31 community service program operated by the trauma center or  
 32 hospital.

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

35 318.14 Noncriminal traffic infractions; exception;  
 36 procedures.—

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

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

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

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

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

85 Section 3. Paragraph (c) of subsection (8) of section  
 86 318.18, Florida Statutes, is amended to read:

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

90 (8)

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

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

97 318.19 Infractions requiring a mandatory hearing.—

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

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

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

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

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

109 (e) ~~(5)~~ Any infraction of s. 316.183(2), s. 316.187, or s.  
 110 316.189 of exceeding the speed limit by 30 m.p.h. or more.

111 (2) Any victim of a crash that causes death or serious  
 112 bodily injury as provided in paragraph (1)(a) or paragraph

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

121 Section 5. This act shall take effect July 1, 2010.