

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED  (Y/N)  
 ADOPTED AS AMENDED  (Y/N)  
 ADOPTED W/O OBJECTION  (Y/N)  
 FAILED TO ADOPT  (Y/N)  
 WITHDRAWN  (Y/N)  
 OTHER

1 Committee/Subcommittee hearing bill: Judiciary Committee  
 2 Representative Steube offered the following:

**Amendment (with title amendment)**

5 Between lines 32 and 33, insert:

6 Section 1. Sections 2 through 7 of this bill may be cited  
 7 as "Gabby's Law for School Bus Stop Safety."

8 Section 2. Subsection (1) of section 316.172, Florida  
 9 Statutes, is amended to read:

10 316.172 Traffic to stop for school bus.—

11 (1) (a) A ~~Any~~ person using, operating, or driving a vehicle  
 12 on or over the roads or highways of this state shall, upon  
 13 approaching a ~~any~~ school bus that ~~which~~ displays a stop signal,  
 14 bring such vehicle to a full stop while the bus is stopped, and  
 15 the vehicle may ~~shall~~ not pass the school bus until the signal  
 16 has been withdrawn. Except as provided in paragraph (b), a  
 17 person who violates this subsection ~~section~~ commits a moving

Amendment No. 1

18 violation, punishable as provided in chapter 318.

19 (b) A ~~Any~~ person using, operating, or driving a vehicle  
20 that passes a school bus on the side that children enter and  
21 exit when the school bus displays a stop signal commits reckless  
22 driving a moving violation, punishable as provided in s. 316.192  
23 ~~chapter 318, and is subject to a mandatory hearing under the~~  
24 ~~provisions of s. 318.19.~~

25 Section 3. Section 316.192, Florida Statutes, is amended  
26 to read:

27 316.192 Reckless driving.—

28 (1)(a) A ~~Any~~ person who drives a ~~any~~ vehicle in willful or  
29 wanton disregard for the safety of persons or property commits  
30 ~~is guilty of~~ reckless driving.

31 (b) Fleeing a law enforcement officer in a motor vehicle  
32 is reckless driving per se.

33 (2) Except as provided in subsection (3), a ~~any~~ person  
34 convicted of reckless driving shall be punished:

35 (a) Upon a first conviction, by imprisonment for ~~a period~~  
36 ~~of~~ not more than 90 days or by a fine of not less than \$25 nor  
37 more than \$500, or by both such fine and imprisonment.

38 (b) On a second or subsequent conviction, by imprisonment  
39 for not more than 6 months or by a fine of not less than \$50 nor  
40 more than \$1,000, or by both such fine and imprisonment.

41 (3) A ~~Any~~ person:

42 (a) Who is in violation of subsection (1);

43 (b) Who operates a vehicle; and

Amendment No. 1

44 (c) Who, by reason of such operation, causes:

45 1. Damage to the property or person of another commits a  
46 misdemeanor of the first degree, punishable as provided in s.  
47 775.082 or s. 775.083.

48 2. Serious bodily injury to another commits a felony of  
49 the third degree, punishable as provided in s. 775.082, s.  
50 775.083, or s. 775.084. The term "serious bodily injury" means  
51 an injury to another person, which consists of a physical  
52 condition that creates a substantial risk of death, serious  
53 personal disfigurement, or protracted loss or impairment of the  
54 function of any bodily member or organ.

55 (4) Notwithstanding any other provision of this section,  
56 \$5 shall be added to a fine imposed pursuant to this section.  
57 The clerk shall remit the \$5 to the Department of Revenue for  
58 deposit in the Emergency Medical Services Trust Fund.

59 (5) In addition to any other penalty provided under this  
60 section, if the court has reasonable cause to believe that the  
61 use of alcohol, chemical substances set forth in s. 877.111, or  
62 substances controlled under chapter 893 contributed to a  
63 violation of this section, the court shall direct the person so  
64 convicted to complete a DUI program substance abuse education  
65 course and evaluation as provided in s. 316.193(5) within a  
66 reasonable period of time specified by the court. If the DUI  
67 program conducting such course and evaluation refers the person  
68 to an authorized substance abuse treatment provider for  
69 substance abuse evaluation and treatment, the directive of the

## Amendment No. 1

70 court requiring completion of such course, evaluation, and  
71 treatment shall be enforced as provided in s. 322.245. The  
72 referral to treatment resulting from the DUI program evaluation  
73 may not be waived without a supporting independent psychosocial  
74 evaluation conducted by an authorized substance abuse treatment  
75 provider, appointed by the court, which shall have access to the  
76 DUI program psychosocial evaluation before the independent  
77 psychosocial evaluation is conducted. The court shall review the  
78 results and recommendations of both evaluations before  
79 determining the request for waiver. The offender shall bear the  
80 full cost of this procedure. If a person directed to a DUI  
81 program substance abuse education course and evaluation or  
82 referred to treatment under this subsection fails to report for  
83 or complete such course, evaluation, or treatment, the DUI  
84 program shall notify the court and the department of the  
85 failure. Upon receipt of such notice, the department shall  
86 cancel the person's driving privilege, notwithstanding the terms  
87 of the court order or any suspension or revocation of the  
88 driving privilege. The department may reinstate the driving  
89 privilege upon verification from the DUI program that the  
90 education, evaluation, and treatment are completed. The  
91 department may temporarily reinstate the driving privilege on a  
92 restricted basis upon verification that the offender is  
93 currently participating in treatment and has completed the DUI  
94 education course and evaluation requirement. If the DUI program  
95 notifies the department of the second failure to complete

Amendment No. 1

96 treatment, the department shall reinstate the driving privilege  
97 only after notice of successful completion of treatment from the  
98 DUI program.

99 (6) In addition, \$65 shall be added to a fine imposed  
100 pursuant to this section for a violation under s. 316.172(1)(b).  
101 The additional \$65 collected under this subsection shall be  
102 remitted to the Department of Revenue for deposit into the  
103 Emergency Medical Services Trust Fund of the Department of  
104 Health to be used as provided in s. 395.4036.

105 Section 4. Section 318.17, Florida Statutes, is amended to  
106 read:

107 318.17 Offenses excepted.—No provision of this chapter is  
108 available to a person who is charged with any of the following  
109 offenses:

110 (1) Fleeing or attempting to elude a police officer, in  
111 violation of s. 316.1935.~~†~~

112 (2) Leaving the scene of a crash, in violation of ss.  
113 316.027 and 316.061.~~†~~

114 (3) Driving, or being in actual physical control of, any  
115 vehicle while under the influence of alcoholic beverages, any  
116 chemical substance set forth in s. 877.111, or any substance  
117 controlled under chapter 893, in violation of s. 316.193, or  
118 driving with an unlawful blood-alcohol level.~~†~~

119 (4) Reckless driving under s. 316.172(1)(b) or~~† in~~  
120 ~~violation of~~ s. 316.192.~~†~~

121 (5) Making false crash reports, in violation of s.

Amendment No. 1

122 316.067.~~7~~

123 (6) Willfully failing or refusing to comply with any  
124 lawful order or direction of any police officer or member of the  
125 fire department, in violation of s. 316.072(3).~~7~~

126 (7) Obstructing an officer, in violation of s.  
127 316.545(1).~~7~~ ~~or~~

128 (8) Any other offense in chapter 316 which is classified  
129 as a criminal violation.

130 Section 5. Subsection (5) of section 318.18, Florida  
131 Statutes, is amended to read:

132 318.18 Amount of penalties.—The penalties required for a  
133 noncriminal disposition pursuant to s. 318.14 or a criminal  
134 offense listed in s. 318.17 are as follows:

135 (5) (a) Two hundred fifty ~~One hundred~~ dollars for a  
136 violation of s. 316.172(1)(a), failure to stop for a school bus.  
137 If, at a hearing, the alleged offender is found to have  
138 committed this offense, the court shall impose a minimum civil  
139 penalty of \$250 ~~\$100~~. In addition to this penalty, for a second  
140 or subsequent offense within ~~a period of~~ 5 years, the department  
141 shall suspend the driver license of the person for not less than  
142 6 months ~~90 days~~ and not more than 1 year ~~6 months~~.

143 ~~(b) Two hundred dollars for a violation of s.~~  
144 ~~316.172(1)(b), passing a school bus on the side that children~~  
145 ~~enter and exit when the school bus displays a stop signal. If,~~  
146 ~~at a hearing, the alleged offender is found to have committed~~  
147 ~~this offense, the court shall impose a minimum civil penalty of~~

Amendment No. 1

148 ~~\$200. In addition to this penalty, for a second or subsequent~~  
149 ~~offense within a period of 5 years, the department shall suspend~~  
150 ~~the driver license of the person for not less than 180 days and~~  
151 ~~not more than 1 year.~~

152 ~~(b)(e)~~ In addition to the penalty under paragraph (a) ~~or~~  
153 ~~paragraph (b)~~, \$65 for a violation of s. 316.172(1) (a) ~~or (b)~~.  
154 If the alleged offender is found to have committed the offense,  
155 the court shall impose the civil penalty under paragraph (a) ~~or~~  
156 ~~paragraph (b)~~ plus an additional \$65. The additional \$65  
157 collected under this paragraph shall be remitted to the  
158 Department of Revenue for deposit into the Emergency Medical  
159 Services Trust Fund of the Department of Health to be used as  
160 provided in s. 395.4036.

161 Section 6. Subsection (21) of section 318.21, Florida  
162 Statutes, is amended to read:

163 318.21 Disposition of civil penalties by county courts.—  
164 All civil penalties received by a county court pursuant to the  
165 provisions of this chapter shall be distributed and paid monthly  
166 as follows:

167 (21) Notwithstanding subsections (1) and (2), the proceeds  
168 from the additional penalties imposed pursuant to s.  
169 318.18(5)(b) ~~s. 318.18(5)(e)~~ and (20) shall be distributed as  
170 provided in that section.

171 Section 7. Paragraph (b) of subsection (1) of section  
172 395.4036, Florida Statutes, is amended to read:

173 395.4036 Trauma payments.—

## Amendment No. 1

174 (1) Recognizing the Legislature's stated intent to provide  
175 financial support to the current verified trauma centers and to  
176 provide incentives for the establishment of additional trauma  
177 centers as part of a system of state-sponsored trauma centers,  
178 the department shall utilize funds collected under s. 318.18 and  
179 deposited into the Emergency Medical Services Trust Fund of the  
180 department to ensure the availability and accessibility of  
181 trauma services throughout the state as provided in this  
182 subsection.

183 (b) Funds collected under ss. 316.192(6) and 318.18(5)(b)  
184 ~~s. 318.18(5)(c)~~ and (20) shall be distributed as follows:

185 1. Thirty percent of the total funds collected shall be  
186 distributed to Level II trauma centers operated by a public  
187 hospital governed by an elected board of directors as of  
188 December 31, 2008.

189 2. Thirty-five percent of the total funds collected shall  
190 be distributed to verified trauma centers based on trauma  
191 caseload volume for the most recent calendar year available. The  
192 determination of caseload volume for distribution of funds under  
193 this subparagraph shall be based on the department's Trauma  
194 Registry data.

195 3. Thirty-five percent of the total funds collected shall  
196 be distributed to verified trauma centers based on severity of  
197 trauma patients for the most recent calendar year available. The  
198 determination of severity for distribution of funds under this  
199 subparagraph shall be based on the department's International



Amendment No. 1

200 Classification Injury Severity Scores or another statistically  
201 valid and scientifically accepted method of stratifying a trauma  
202 patient's severity of injury, risk of mortality, and resource  
203 consumption as adopted by the department by rule, weighted based  
204 on the costs associated with and incurred by the trauma center  
205 in treating trauma patients. The weighting of scores shall be  
206 established by the department by rule.

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**T I T L E   A M E N D M E N T**

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Remove line 2 and insert:

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An act relating to school safety; amending ss. 316.172, 316.192,

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and 318.18, F.S.; revising penalties for failure to stop a

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vehicle upon approaching a school bus that displays a stop

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signal; providing for criminal penalties under certain

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circumstances; amending ss. 318.17, 318.21, and 395.4036, F.S.,

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relating to application of specified provisions, disposition of

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penalty amounts received, and trauma payments; conforming

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provisions to changes made by the act; providing