

By Senator Simmons

10-00347-15

2015346__

1 A bill to be entitled
 2 An act relating to school bus stop safety; providing a
 3 short title; amending ss. 316.172, 316.192, and
 4 318.18, F.S.; revising penalties for failure to stop a
 5 vehicle upon approaching a school bus that displays a
 6 stop signal; providing for criminal penalties under
 7 certain circumstances; amending ss. 318.17, 318.21,
 8 and 395.4036, F.S., relating to application of
 9 specified provisions, disposition of penalty amounts
 10 received, and trauma payments; conforming provisions
 11 to changes made by the act; providing an effective
 12 date.

13
 14 Be It Enacted by the Legislature of the State of Florida:

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 16 Section 1. This act may be cited as "Gabby's Law for School
 17 Bus Stop Safety."

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

20 316.172 Traffic to stop for school bus.—

21 (1) (a) A ~~Any~~ person using, operating, or driving a vehicle
 22 on or over the roads or highways of this state shall, upon
 23 approaching a ~~any~~ school bus that ~~which~~ displays a stop signal,
 24 bring such vehicle to a full stop while the bus is stopped, and
 25 the vehicle may ~~shall~~ not pass the school bus until the signal
 26 has been withdrawn. Except as provided in paragraph (b), a
 27 person who violates this subsection ~~section~~ commits a moving
 28 violation, punishable as provided in chapter 318.

29 (b) A ~~Any~~ person using, operating, or driving a vehicle

10-00347-15

2015346__

30 that passes a school bus on the side that children enter and
31 exit when the school bus displays a stop signal commits reckless
32 driving ~~a moving violation~~, punishable as provided in s. 316.192
33 ~~chapter 318, and is subject to a mandatory hearing under the~~
34 ~~provisions of s. 318.19.~~

35 Section 3. Section 316.192, Florida Statutes, is amended to
36 read:

37 316.192 Reckless driving.—

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

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

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

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

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

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

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

53 (b) Who operates a vehicle; and

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

55 1. Damage to the property or person of another commits a
56 misdemeanor of the first degree, punishable as provided in s.
57 775.082 or s. 775.083.

58 2. Serious bodily injury to another commits a felony of the

10-00347-15

2015346__

59 third degree, punishable as provided in s. 775.082, s. 775.083,
60 or s. 775.084. The term "serious bodily injury" means an injury
61 to another person, which consists of a physical condition that
62 creates a substantial risk of death, serious personal
63 disfigurement, or protracted loss or impairment of the function
64 of any bodily member or organ.

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

69 (5) In addition to any other penalty provided under this
70 section, if the court has reasonable cause to believe that the
71 use of alcohol, chemical substances set forth in s. 877.111, or
72 substances controlled under chapter 893 contributed to a
73 violation of this section, the court shall direct the person so
74 convicted to complete a DUI program substance abuse education
75 course and evaluation as provided in s. 316.193(5) within a
76 reasonable period of time specified by the court. If the DUI
77 program conducting such course and evaluation refers the person
78 to an authorized substance abuse treatment provider for
79 substance abuse evaluation and treatment, the directive of the
80 court requiring completion of such course, evaluation, and
81 treatment shall be enforced as provided in s. 322.245. The
82 referral to treatment resulting from the DUI program evaluation
83 may not be waived without a supporting independent psychosocial
84 evaluation conducted by an authorized substance abuse treatment
85 provider, appointed by the court, which shall have access to the
86 DUI program psychosocial evaluation before the independent
87 psychosocial evaluation is conducted. The court shall review the

10-00347-15

2015346__

88 results and recommendations of both evaluations before
89 determining the request for waiver. The offender shall bear the
90 full cost of this procedure. If a person directed to a DUI
91 program substance abuse education course and evaluation or
92 referred to treatment under this subsection fails to report for
93 or complete such course, evaluation, or treatment, the DUI
94 program shall notify the court and the department of the
95 failure. Upon receipt of such notice, the department shall
96 cancel the person's driving privilege, notwithstanding the terms
97 of the court order or any suspension or revocation of the
98 driving privilege. The department may reinstate the driving
99 privilege upon verification from the DUI program that the
100 education, evaluation, and treatment are completed. The
101 department may temporarily reinstate the driving privilege on a
102 restricted basis upon verification that the offender is
103 currently participating in treatment and has completed the DUI
104 education course and evaluation requirement. If the DUI program
105 notifies the department of the second failure to complete
106 treatment, the department shall reinstate the driving privilege
107 only after notice of successful completion of treatment from the
108 DUI program.

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

115 Section 4. Section 318.17, Florida Statutes, is amended to
116 read:

10-00347-15

2015346__

117 318.17 Offenses excepted.—No provision of this chapter is
 118 available to a person who is charged with any of the following
 119 offenses:

120 (1) Fleeing or attempting to elude a police officer, in
 121 violation of s. 316.1935.†

122 (2) Leaving the scene of a crash, in violation of ss.
 123 316.027 and 316.061.†

124 (3) Driving, or being in actual physical control of, any
 125 vehicle while under the influence of alcoholic beverages, any
 126 chemical substance set forth in s. 877.111, or any substance
 127 controlled under chapter 893, in violation of s. 316.193, or
 128 driving with an unlawful blood-alcohol level.†

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

131 (5) Making false crash reports, in violation of s.
 132 316.067.†

133 (6) Willfully failing or refusing to comply with any lawful
 134 order or direction of any police officer or member of the fire
 135 department, in violation of s. 316.072(3).†

136 (7) Obstructing an officer, in violation of s. 316.545(1).†
 137 ~~or~~

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

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

142 318.18 Amount of penalties.—The penalties required for a
 143 noncriminal disposition pursuant to s. 318.14 or a criminal
 144 offense listed in s. 318.17 are as follows:

145 (5) (a) Two hundred fifty ~~One hundred~~ dollars for a

10-00347-15

2015346__

146 violation of s. 316.172(1)(a), failure to stop for a school bus.
147 If, at a hearing, the alleged offender is found to have
148 committed this offense, the court shall impose a minimum civil
149 penalty of \$250 ~~\$100~~. In addition to this penalty, for a second
150 or subsequent offense within ~~a period of~~ 5 years, the department
151 shall suspend the driver license of the person for not less than
152 6 months ~~90 days~~ and not more than 1 year ~~6 months~~.

153 ~~(b) Two hundred dollars for a violation of s.~~
154 ~~316.172(1)(b), passing a school bus on the side that children~~
155 ~~enter and exit when the school bus displays a stop signal. If,~~
156 ~~at a hearing, the alleged offender is found to have committed~~
157 ~~this offense, the court shall impose a minimum civil penalty of~~
158 ~~\$200. In addition to this penalty, for a second or subsequent~~
159 ~~offense within a period of 5 years, the department shall suspend~~
160 ~~the driver license of the person for not less than 180 days and~~
161 ~~not more than 1 year.~~

162 ~~(b)(e)~~ In addition to the penalty under paragraph (a) ~~or~~
163 ~~paragraph (b)~~, \$65 for a violation of s. 316.172(1)(a) ~~or (b)~~.
164 If the alleged offender is found to have committed the offense,
165 the court shall impose the civil penalty under paragraph (a) ~~or~~
166 ~~paragraph (b)~~ plus an additional \$65. The additional \$65
167 collected under this paragraph shall be remitted to the
168 Department of Revenue for deposit into the Emergency Medical
169 Services Trust Fund of the Department of Health to be used as
170 provided in s. 395.4036.

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

173 318.21 Disposition of civil penalties by county courts.—All
174 civil penalties received by a county court pursuant to the

10-00347-15

2015346__

175 provisions of this chapter shall be distributed and paid monthly
176 as follows:

177 (21) Notwithstanding subsections (1) and (2), the proceeds
178 from the additional penalties imposed pursuant to s.
179 318.18(5)(b) ~~s. 318.18(5)(c)~~ and (20) shall be distributed as
180 provided in that section.

181 Section 7. Paragraph (b) of subsection (1) of section
182 395.4036, Florida Statutes, is amended to read:

183 395.4036 Trauma payments.—

184 (1) Recognizing the Legislature's stated intent to provide
185 financial support to the current verified trauma centers and to
186 provide incentives for the establishment of additional trauma
187 centers as part of a system of state-sponsored trauma centers,
188 the department shall utilize funds collected under s. 318.18 and
189 deposited into the Emergency Medical Services Trust Fund of the
190 department to ensure the availability and accessibility of
191 trauma services throughout the state as provided in this
192 subsection.

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

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

199 2. Thirty-five percent of the total funds collected shall
200 be distributed to verified trauma centers based on trauma
201 caseload volume for the most recent calendar year available. The
202 determination of caseload volume for distribution of funds under
203 this subparagraph shall be based on the department's Trauma

10-00347-15

2015346__

204 Registry data.

205 3. Thirty-five percent of the total funds collected shall
206 be distributed to verified trauma centers based on severity of
207 trauma patients for the most recent calendar year available. The
208 determination of severity for distribution of funds under this
209 subparagraph shall be based on the department's International
210 Classification Injury Severity Scores or another statistically
211 valid and scientifically accepted method of stratifying a trauma
212 patient's severity of injury, risk of mortality, and resource
213 consumption as adopted by the department by rule, weighted based
214 on the costs associated with and incurred by the trauma center
215 in treating trauma patients. The weighting of scores shall be
216 established by the department by rule.

217 Section 8. This act shall take effect October 1, 2015.