

Amendment No.

CHAMBER ACTION

Senate

House

.

1 Representative Slosberg offered the following:

2
3 **Amendment (with title amendment)**

4 Between lines 27 and 28, insert:

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

7 Section 2. Effective October 1, 2015, subsection (1) of
8 section 316.172, Florida Statutes, is amended to read:

9 316.172 Traffic to stop for school bus.—

10 (1) (a) A ~~Any~~ person using, operating, or driving a vehicle
11 on or over the roads or highways of this state shall, upon
12 approaching a ~~any~~ school bus that ~~which~~ displays a stop signal,
13 bring such vehicle to a full stop while the bus is stopped, and
14 the vehicle may ~~shall~~ not pass the school bus until the signal

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15 has been withdrawn. Except as provided in paragraph (b), a
16 person who violates this subsection ~~section~~ commits a moving
17 violation, punishable as provided in chapter 318.

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

24 Section 3. Effective October 1, 2015, section 316.192,
25 Florida Statutes, is amended to read:

26 316.192 Reckless driving.—

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

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

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

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

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

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

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- 41 (a) Who is in violation of subsection (1);
42 (b) Who operates a vehicle; and
43 (c) Who, by reason of such operation, causes:
44 1. Damage to the property or person of another commits a
45 misdemeanor of the first degree, punishable as provided in s.
46 775.082 or s. 775.083.
47 2. Serious bodily injury to another commits a felony of
48 the third degree, punishable as provided in s. 775.082, s.
49 775.083, or s. 775.084. The term "serious bodily injury" means
50 an injury to another person, which consists of a physical
51 condition that creates a substantial risk of death, serious
52 personal disfigurement, or protracted loss or impairment of the
53 function of any bodily member or organ.
54 (4) Notwithstanding any other provision of this section,
55 \$5 shall be added to a fine imposed pursuant to this section.
56 The clerk shall remit the \$5 to the Department of Revenue for
57 deposit in the Emergency Medical Services Trust Fund.
58 (5) In addition to any other penalty provided under this
59 section, if the court has reasonable cause to believe that the
60 use of alcohol, chemical substances set forth in s. 877.111, or
61 substances controlled under chapter 893 contributed to a
62 violation of this section, the court shall direct the person so
63 convicted to complete a DUI program substance abuse education
64 course and evaluation as provided in s. 316.193(5) within a
65 reasonable period of time specified by the court. If the DUI
66 program conducting such course and evaluation refers the person

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

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93 education course and evaluation requirement. If the DUI program
94 notifies the department of the second failure to complete
95 treatment, the department shall reinstate the driving privilege
96 only after notice of successful completion of treatment from the
97 DUI program.

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

104 Section 4. Effective October 1, 2015, section 318.17,
105 Florida Statutes, is amended to read:

106 318.17 Offenses excepted.—No provision of this chapter is
107 available to a person who is charged with any of the following
108 offenses:

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

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

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

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

120 (5) Making false crash reports, in violation of s.
121 316.067.

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

125 (7) Obstructing an officer, in violation of s.
126 316.545(1).

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

129 Section 5. Effective October 1, 2015, subsection (5) of
130 section 318.18, Florida Statutes, is amended to read:

131 318.18 Amount of penalties.—The penalties required for a
132 noncriminal disposition pursuant to s. 318.14 or a criminal
133 offense listed in s. 318.17 are as follows:

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

142 ~~(b) Two hundred dollars for a violation of s.~~
143 ~~316.172(1)(b), passing a school bus on the side that children~~

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144 ~~enter and exit when the school bus displays a stop signal. If,~~
145 ~~at a hearing, the alleged offender is found to have committed~~
146 ~~this offense, the court shall impose a minimum civil penalty of~~
147 ~~\$200. In addition to this penalty, for a second or subsequent~~
148 ~~offense within a period of 5 years, the department shall suspend~~
149 ~~the driver license of the person for not less than 180 days and~~
150 ~~not more than 1 year.~~

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

160 Section 6. Effective October 1, 2015, subsection (21) of
161 section 318.21, Florida Statutes, is amended to read:

162 318.21 Disposition of civil penalties by county courts.—
163 All civil penalties received by a county court pursuant to the
164 provisions of this chapter shall be distributed and paid monthly
165 as follows:

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

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170 Section 7. Effective October 1, 2015, paragraph (b) of
171 subsection (1) of section 395.4036, Florida Statutes, is amended
172 to read:

173 395.4036 Trauma payments.—

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.

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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
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.

207
208 Remove line 188 and insert:

209 Section 9. Except as otherwise expressly provided in this
210 act, this act shall take effect July 1, 2015.

211
212 -----
213 **T I T L E A M E N D M E N T**

214 Remove line 2 and insert:

215 An act relating to student safety in transportation to
216 and from school; providing a short title; amending ss.
217 316.172, 316.192, and 318.18, F.S.; revising penalties
218 for failure to stop a vehicle upon approaching a
219 school bus that displays a stop signal; providing for
220 criminal penalties under certain circumstances;

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221 amending ss. 318.17, 318.21, and 395.4036, F.S.,
222 relating to application of specified provisions,
223 disposition of penalty amounts received, and trauma
224 payments; conforming provisions to changes made by the
225 act;

226
227 Remove lines 23-24 and insert:
228 not prohibited under this section; providing effective
229 dates.

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