

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:

15  
 16           Section 1. This act may be cited as "Gabby's Law for  
 17 School 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 26 has been withdrawn.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  
 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  
 36 to 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  
 42 is 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  
59 the third degree, punishable as provided in s. 775.082, s.  
60 775.083, or s. 775.084. The term "serious bodily injury" means  
61 an injury to another person, which consists of a physical  
62 condition that creates a substantial risk of death, serious  
63 personal disfigurement, or protracted loss or impairment of the  
64 function of any bodily member or organ.

65 (4) Notwithstanding any other provision of this section,  
66 \$5 shall be added to a fine imposed pursuant to this section.  
67 The 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  
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:

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  
 134 lawful order or direction of any police officer or member of the  
 135 fire department, in violation of s. 316.072(3).~~†~~

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

138 (8) Any other offense in chapter 316 which is classified  
 139 as 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  
 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~~

HB 487

2015

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.—  
174 All civil penalties received by a county court pursuant to the  
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) (e)~~ 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  
 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



HB 487

2015

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.