

By Senator Simmons

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1 A bill to be entitled
2 An act relating to school bus stop safety; providing a
3 short title; amending s. 316.172, F.S.; revising the
4 terms of violation and the penalties for failure to
5 stop a vehicle upon approaching a school bus that
6 displays a stop signal; providing for criminal
7 penalties under certain circumstances; defining the
8 terms "recorded image" and "video recording device";
9 authorizing school districts to use cameras and video
10 recording devices under certain circumstances;
11 requiring a school bus driver to record specified
12 observations under certain circumstances; requiring
13 certain photographs and recorded images to be
14 submitted to a local law enforcement agency within a
15 specified timeframe; amending s. 316.192, F.S.;
16 requiring an additional fee to be added to a fine
17 imposed for a specified violation; providing for
18 distribution of the fee; amending s. 318.17, F.S.;
19 conforming provisions to changes made by the act;
20 amending s. 318.18, F.S.; revising penalties for
21 specified violations; amending s. 318.21, F.S.;
22 conforming a cross-reference; amending s. 395.4036,
23 F.S.; conforming a cross-reference; conforming
24 provisions to changes made by the act; providing an
25 effective date.

26
27 Be It Enacted by the Legislature of the State of Florida:

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

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

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33 316.172 Traffic to stop for school bus.—

34 (1) (a) ~~A Any~~ person using, operating, or driving a vehicle
35 on or over the roads or highways of this state shall, upon
36 approaching a any school bus that ~~which~~ displays a stop signal,
37 bring such vehicle to a full stop while the bus is stopped, and
38 the vehicle may ~~shall~~ not pass the school bus until the signal
39 has been withdrawn. A person who violates this paragraph ~~section~~
40 commits a moving violation, punishable as provided in chapter
41 318.

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

48 (c)1. As used in this paragraph, the term:

49 a. "Recorded image" means an image recorded by a video
50 recording device mounted on a school bus which has a clear view
51 of vehicles that pass the bus on either side and which shows the
52 date and time the recording was made and an electronic symbol
53 that shows the activation of amber lights, flashing red lights,
54 stop arms, and brakes.

55 b. "Video recording device" means a camera capable of
56 recording digital images that show the date and time of the
57 images so recorded.

58 2. A school district may use cameras and video recording
59 devices to enforce this section. A school bus driver who
60 observes a violation of paragraph (a) or paragraph (b) shall
61 record the license number of the offending vehicle, a

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62 description of the vehicle, and the time and date of the
63 violation. Any photograph and recorded image of the violation
64 shall be submitted within 15 days after its occurrence to the
65 local law enforcement agency that has jurisdiction over the area
66 where the violation occurs.

67 Section 3. Subsection (6) is added to section 316.192,
68 Florida Statutes, to read:

69 316.192 Reckless driving.—

70 (6) In addition to any other penalty provided under this
71 section, \$65 shall be added to a fine imposed pursuant to this
72 section for a violation of s. 316.172(1)(b). The clerk shall
73 remit the \$65 to the Department of Revenue for deposit in the
74 Emergency Medical Services Trust Fund, to be used as provided in
75 s. 395.4036.

76 Section 4. Section 318.17, Florida Statutes, is amended to
77 read:

78 318.17 Offenses excepted.—No provision of this chapter is
79 available to a person who is charged with any of the following
80 offenses:

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

83 (2) Leaving the scene of a crash, in violation of ss.
84 316.027 and 316.061.~~†~~

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

90 (4) Reckless driving, in violation of s. 316.172(1)(b) or

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91 s. 316.192.~~†~~92 (5) Making false crash reports, in violation of s.
93 316.067.~~†~~94 (6) Willfully failing or refusing to comply with any lawful
95 order or direction of any police officer or member of the fire
96 department, in violation of s. 316.072(3).~~†~~97 (7) Obstructing an officer, in violation of s. 316.545(1).~~†~~
98 ~~or~~99 (8) Any other offense in chapter 316 which is classified as
100 a criminal violation.101 Section 5. Subsection (5) of section 318.18, Florida
102 Statutes, is amended to read:103 318.18 Amount of penalties.—The penalties required for a
104 noncriminal disposition pursuant to s. 318.14 or a criminal
105 offense listed in s. 318.17 are as follows:106 (5) (a) Two hundred fifty ~~One hundred~~ dollars for a
107 violation of s. 316.172(1) (a), failure to stop for a school bus.
108 If, at a hearing, the alleged offender is found to have
109 committed this offense, the court shall impose a minimum civil
110 penalty of \$250 ~~\$100~~. In addition to this penalty, for a second
111 or subsequent offense within ~~a period of~~ 5 years, the department
112 shall suspend the driver license of the person for not less than
113 6 months ~~90 days~~ and not more than 1 year ~~6 months~~.114 ~~(b) Two hundred dollars for a violation of s.~~
115 ~~316.172(1) (b), passing a school bus on the side that children~~
116 ~~enter and exit when the school bus displays a stop signal. If,~~
117 ~~at a hearing, the alleged offender is found to have committed~~
118 ~~this offense, the court shall impose a minimum civil penalty of~~
119 ~~\$200. In addition to this penalty, for a second or subsequent~~

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120 ~~offense within a period of 5 years, the department shall suspend~~
121 ~~the driver license of the person for not less than 180 days and~~
122 ~~not more than 1 year.~~

123 (b)~~(e)~~ In addition to the penalty under paragraph (a) ~~or~~
124 ~~paragraph (b)~~, \$65 for a violation of s. 316.172(1)(a) ~~or (b)~~.
125 If the alleged offender is found to have committed the offense,
126 the court shall impose the civil penalty under paragraph (a) ~~or~~
127 ~~paragraph (b)~~ plus an additional \$65. The additional \$65
128 collected under this paragraph shall be remitted to the
129 Department of Revenue for deposit into the Emergency Medical
130 Services Trust Fund of the Department of Health to be used as
131 provided in s. 395.4036.

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

134 318.21 Disposition of civil penalties by county courts.—All
135 civil penalties received by a county court pursuant to the
136 provisions of this chapter shall be distributed and paid monthly
137 as follows:

138 (21) Notwithstanding subsections (1) and (2), the proceeds
139 from the additional penalties imposed pursuant to s.
140 318.18(5)(b) ~~s. 318.18(5)(e)~~ and (20) shall be distributed as
141 provided in that section.

142 Section 7. Paragraph (b) of subsection (1) of section
143 395.4036, Florida Statutes, is amended to read:

144 395.4036 Trauma payments.—

145 (1) Recognizing the Legislature's stated intent to provide
146 financial support to the current verified trauma centers and to
147 provide incentives for the establishment of additional trauma
148 centers as part of a system of state-sponsored trauma centers,

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149 the department shall utilize funds collected under s. 318.18 and
150 deposited into the Emergency Medical Services Trust Fund of the
151 department to ensure the availability and accessibility of
152 trauma services throughout the state as provided in this
153 subsection.

154 (b) Funds collected under ss. 316.192(6), 318.18(5)(b), and
155 318.18(20) ~~s. 318.18(5)(c) and (20)~~ shall be distributed as
156 follows:

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

161 2. Thirty-five percent of the total funds collected shall
162 be distributed to verified trauma centers based on trauma
163 caseload volume for the most recent calendar year available. The
164 determination of caseload volume for distribution of funds under
165 this subparagraph shall be based on the department's Trauma
166 Registry data.

167 3. Thirty-five percent of the total funds collected shall
168 be distributed to verified trauma centers based on severity of
169 trauma patients for the most recent calendar year available. The
170 determination of severity for distribution of funds under this
171 subparagraph shall be based on the department's International
172 Classification Injury Severity Scores or another statistically
173 valid and scientifically accepted method of stratifying a trauma
174 patient's severity of injury, risk of mortality, and resource
175 consumption as adopted by the department by rule, weighted based
176 on the costs associated with and incurred by the trauma center
177 in treating trauma patients. The weighting of scores shall be

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178 established by the department by rule.

179 Section 8. This act shall take effect October 1, 2016.