

By the Committee on Transportation; and Senator Simmons

596-03743-16

20161570c1

A bill to be entitled

An act relating to school bus stop safety; amending s. 316.172, F.S.; revising the terms of violation and the penalties for failure to stop a vehicle upon approaching a school bus that displays a stop signal; providing for criminal penalties under certain circumstances; amending s. 316.192, F.S.; requiring an additional fee to be added to a fine imposed for a specified violation; providing for distribution of the fee; amending s. 318.17, F.S.; conforming provisions to changes made by the act; amending s. 318.18, F.S.; removing provisions made obsolete by the act; amending s. 318.21, F.S.; conforming a cross-reference; amending s. 395.4036, F.S.; conforming a cross-reference; conforming provisions to changes made by the act; providing an effective date.

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

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

316.172 Traffic to stop for school bus.—

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a full stop while the bus is stopped, and the vehicle may ~~shall~~ not pass the school bus until the signal has been withdrawn.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

(b) A ~~Any~~ person using, operating, or driving a vehicle that passes a school bus on the side that children enter and

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33 exit when the school bus displays a stop signal commits reckless
34 driving ~~a moving violation~~, punishable as provided in s. 316.192
35 ~~chapter 318, and is subject to a mandatory hearing under the~~
36 ~~provisions of s. 318.19.~~

37 Section 2. Subsection (6) is added to section 316.192,
38 Florida Statutes, to read:

39 316.192 Reckless driving.—

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

46 Section 3. Section 318.17, Florida Statutes, is amended to
47 read:

48 318.17 Offenses excepted.—No provision of this chapter is
49 available to a person who is charged with any of the following
50 offenses:

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

53 (2) Leaving the scene of a crash, in violation of ss.
54 316.027 and 316.061.†

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

60 (4) Reckless driving, in violation of s. 316.172(1)(b) or
61 s. 316.192.†

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62 (5) Making false crash reports, in violation of s.
63 316.067.~~+~~

64 (6) Willfully failing or refusing to comply with any lawful
65 order or direction of any police officer or member of the fire
66 department, in violation of s. 316.072(3).~~+~~

67 (7) Obstructing an officer, in violation of s. 316.545(1).~~+~~
68 ~~or~~

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

71 Section 4. Paragraphs (b) and (c) of subsection (5) of
72 section 318.18, Florida Statutes, are amended to read:

73 318.18 Amount of penalties.—The penalties required for a
74 noncriminal disposition pursuant to s. 318.14 or a criminal
75 offense listed in s. 318.17 are as follows:

76 (5)

77 ~~(b) Two hundred dollars for a violation of s.~~
78 ~~316.172(1)(b), passing a school bus on the side that children~~
79 ~~enter and exit when the school bus displays a stop signal. If,~~
80 ~~at a hearing, the alleged offender is found to have committed~~
81 ~~this offense, the court shall impose a minimum civil penalty of~~
82 ~~\$200. In addition to this penalty, for a second or subsequent~~
83 ~~offense within a period of 5 years, the department shall suspend~~
84 ~~the driver license of the person for not less than 180 days and~~
85 ~~not more than 1 year.~~

86 (b)(e) In addition to the penalty under paragraph (a) ~~or~~
87 ~~paragraph (b)~~, \$65 for a violation of s. 316.172(1)(a) ~~or (b)~~.
88 If the alleged offender is found to have committed the offense,
89 the court shall impose the civil penalty under paragraph (a) ~~or~~
90 ~~paragraph (b)~~ plus an additional \$65. The additional \$65

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91 collected under this paragraph shall be remitted to the
92 Department of Revenue for deposit into the Emergency Medical
93 Services Trust Fund of the Department of Health to be used as
94 provided in s. 395.4036.

95 Section 5. Subsection (21) of section 318.21, Florida
96 Statutes, is amended to read:

97 318.21 Disposition of civil penalties by county courts.—All
98 civil penalties received by a county court pursuant to the
99 provisions of this chapter shall be distributed and paid monthly
100 as follows:

101 (21) Notwithstanding subsections (1) and (2), the proceeds
102 from the additional penalties imposed pursuant to s.
103 318.18(5)(b) ~~s. 318.18(5)(c)~~ and (20) shall be distributed as
104 provided in that section.

105 Section 6. Paragraph (b) of subsection (1) of section
106 395.4036, Florida Statutes, is amended to read:

107 395.4036 Trauma payments.—

108 (1) Recognizing the Legislature's stated intent to provide
109 financial support to the current verified trauma centers and to
110 provide incentives for the establishment of additional trauma
111 centers as part of a system of state-sponsored trauma centers,
112 the department shall utilize funds collected under s. 318.18 and
113 deposited into the Emergency Medical Services Trust Fund of the
114 department to ensure the availability and accessibility of
115 trauma services throughout the state as provided in this
116 subsection.

117 (b) Funds collected under ss. 316.192(6), 318.18(5)(b), and
118 318.18(20) ~~s. 318.18(5)(c) and (20)~~ shall be distributed as
119 follows:

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

124 2. Thirty-five percent of the total funds collected shall
125 be distributed to verified trauma centers based on trauma
126 caseload volume for the most recent calendar year available. The
127 determination of caseload volume for distribution of funds under
128 this subparagraph shall be based on the department's Trauma
129 Registry data.

130 3. Thirty-five percent of the total funds collected shall
131 be distributed to verified trauma centers based on severity of
132 trauma patients for the most recent calendar year available. The
133 determination of severity for distribution of funds under this
134 subparagraph shall be based on the department's International
135 Classification Injury Severity Scores or another statistically
136 valid and scientifically accepted method of stratifying a trauma
137 patient's severity of injury, risk of mortality, and resource
138 consumption as adopted by the department by rule, weighted based
139 on the costs associated with and incurred by the trauma center
140 in treating trauma patients. The weighting of scores shall be
141 established by the department by rule.

142 Section 7. This act shall take effect October 1, 2016.