

By Senator Torres

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1 A bill to be entitled
2 An act relating to school bus safety; amending s.
3 316.172, F.S.; providing that a person using,
4 operating, or driving a vehicle who passes a school
5 bus on the side that children enter and exit while the
6 school bus displays a stop signal commits reckless
7 driving, rather than a moving violation; specifying
8 that such violation is punished as reckless driving,
9 rather than as a moving violation; deleting a
10 provision requiring that such person be subject to a
11 mandatory hearing; amending ss. 318.17, 318.18,
12 318.19, 318.21, and 395.4036, F.S.; conforming
13 provisions to changes made by the act; conforming
14 cross-references; providing an effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

17
18 Section 1. Paragraph (b) of subsection (1) of section
19 316.172, Florida Statutes, is amended to read:

20 316.172 Traffic to stop for school bus.—

21 (1)

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

28 Section 2. Section 318.17, Florida Statutes, is amended to
29 read:

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30 318.17 Offenses excepted.—No provision of this chapter is
 31 available to a person who is charged with any of the following
 32 offenses:

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

35 (2) Leaving the scene of a crash, in violation of ss.
 36 316.027 and 316.061.†

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

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

44 (5) Making false crash reports, in violation of s.
 45 316.067.†

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

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

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

53 Section 3. Paragraphs (b) and (c) of subsection (5) and
 54 subsection (20) of section 318.18, Florida Statutes, are amended
 55 to read:

56 318.18 Amount of penalties.—The penalties required for a
 57 noncriminal disposition pursuant to s. 318.14 or a criminal
 58 offense listed in s. 318.17 are as follows:

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59 (5)

60 ~~(b) Two hundred dollars for a violation of s.~~
61 ~~316.172(1) (b), passing a school bus on the side that children~~
62 ~~enter and exit when the school bus displays a stop signal. If,~~
63 ~~at a hearing, the alleged offender is found to have committed~~
64 ~~this offense, the court shall impose a minimum civil penalty of~~
65 ~~\$200. In addition to this penalty, for a second or subsequent~~
66 ~~offense within a period of 5 years, the department shall suspend~~
67 ~~the driver license of the person for not less than 180 days and~~
68 ~~not more than 1 year.~~

69 (b)(e) In addition to the penalty under paragraph (a) ~~or~~
70 ~~paragraph (b)~~, \$65 for a violation of s. 316.172(1) (a) ~~or (b)~~.
71 If the alleged offender is found to have committed the offense,
72 the court shall impose the civil penalty under paragraph (a) ~~or~~
73 ~~paragraph (b)~~ plus an additional \$65. The additional \$65
74 collected under this paragraph shall be remitted to the
75 Department of Revenue for deposit into the Emergency Medical
76 Services Trust Fund of the Department of Health to be used as
77 provided in s. 395.4036.

78 (20) In addition to any other penalty, \$65 for a violation
79 of s. 316.191, prohibiting racing on highways, or s.
80 316.172(1) (b) or s. 316.192, prohibiting reckless driving. The
81 additional \$65 collected under this subsection shall be remitted
82 to the Department of Revenue for deposit into the Emergency
83 Medical Services Trust Fund of the Department of Health to be
84 used as provided in s. 395.4036.

85 Section 4. Section 318.19, Florida Statutes, is amended to
86 read:

87 318.19 Infractions requiring a mandatory hearing.—Any

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88 person cited for the infractions listed in this section may
89 ~~shall~~ not have the provisions of s. 318.14(2), (4), and (9)
90 available to him or her but must appear before the designated
91 official at the time and location of the scheduled hearing:

92 (1) Any infraction that ~~which~~ results in a crash causing
93 ~~that causes~~ the death of another;

94 (2) Any infraction that ~~which~~ results in a crash causing
95 serious bodily injury, ~~that causes "serious bodily injury"~~ of
96 ~~another~~ as defined in s. 316.1933(1), of another;

97 ~~(3) Any infraction of s. 316.172(1)(b);~~

98 (3) ~~(4)~~ Any infraction of s. 316.520(1) or (2); or

99 (4) ~~(5)~~ Any infraction of s. 316.183(2), s. 316.187, or s.
100 316.189 of exceeding the speed limit by 30 m.p.h. or more.

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

103 318.21 Disposition of civil penalties by county courts.—All
104 civil penalties received by a county court pursuant to the
105 provisions of this chapter shall be distributed and paid monthly
106 as follows:

107 (21) Notwithstanding subsections (1) and (2), the proceeds
108 from the additional penalties imposed pursuant to s.
109 318.18(5)(b) ~~318.18(5)(c)~~ and (20) shall be distributed as
110 provided in that section.

111 Section 6. Paragraph (b) of subsection (1) of section
112 395.4036, Florida Statutes, is amended to read:

113 395.4036 Trauma payments.—

114 (1) Recognizing the Legislature's stated intent to provide
115 financial support to the current verified trauma centers and to
116 provide incentives for the establishment of additional trauma

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117 centers as part of a system of state-sponsored trauma centers,
118 the department shall utilize funds collected under s. 318.18 and
119 deposited into the Emergency Medical Services Trust Fund of the
120 department to ensure the availability and accessibility of
121 trauma services throughout the state as provided in this
122 subsection.

123 (b) Funds collected under s. 318.18(5)(b) ~~s. 318.18(5)(c)~~
124 and (20) shall be distributed as follows:

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

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

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

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146 established by the department by rule.

147 Section 7. This act shall take effect October 1, 2017.