

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 punishable 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:

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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) of  
54 section 318.18, Florida Statutes, are amended, paragraph (d) of  
55 that subsection is redesignated as paragraph (c), and subsection  
56 (20) of that section is amended to read:

57 318.18 Amount of penalties.—The penalties required for a  
58 noncriminal disposition pursuant to s. 318.14 or a criminal

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59 offense listed in s. 318.17 are as follows:

60 (5)

61 ~~(b) Two hundred dollars for a violation of s.~~

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

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

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

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

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88 318.19 Infractions requiring a mandatory hearing.—Any  
89 person cited for the infractions listed in this section may  
90 ~~shall~~ not have the provisions of s. 318.14(2), (4), and (9)  
91 available to him or her but must appear before the designated  
92 official at the time and location of the scheduled hearing:

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

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

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

99 (3) ~~(4)~~ Any infraction of s. 316.520(1) or (2); or

100 (4) ~~(5)~~ Any infraction of s. 316.183(2), s. 316.187, or s.  
101 316.189 of exceeding the speed limit by 30 m.p.h. or more.

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

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

108 (21) Notwithstanding subsections (1) and (2), the proceeds  
109 from the additional penalties imposed pursuant to s.

110 318.18(5)(b) ~~318.18(5)(c)~~ and (20) shall be distributed as  
111 provided in that section.

112 Section 6. Paragraph (b) of subsection (1) of section  
113 395.4036, Florida Statutes, is amended to read:

114 395.4036 Trauma payments.—

115 (1) Recognizing the Legislature's stated intent to provide  
116 financial support to the current verified trauma centers and to

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

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

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

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

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

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146 in treating trauma patients. The weighting of scores shall be  
147 established by the department by rule.

148 Section 7. This act shall take effect October 1, 2018.