

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Appropriations Subcommittee on Transportation, Tourism, and Economic Development

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BILL: SB 346

INTRODUCER: Senator Simmons

SUBJECT: School Bus Stop Safety

DATE: March 11, 2015

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Scott</u>	<u>Klebacha</u>	<u>ED</u>	<u>Favorable</u>
2.	<u>Miller</u>	<u>Miller</u>	<u>ATD</u>	<u>Pre-meeting</u>
3.	_____	_____	<u>FP</u>	_____

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**I. Summary:**

SB 346<sup>1</sup> reclassifies the offense for passing a stopped school bus on the side that children enter and exit while displaying a stop signal from a noncriminal traffic infraction to the criminal offense of reckless driving.

Additionally, the bill increases the penalties imposed for failing to stop for a school bus.

The bill has an indeterminate positive fiscal impact on revenues due to the increase in the penalties for failing to stop for a school bus. The bill's provisions related to the criminal offense of reckless driving are not expected to have a significant impact on court workload and may have a minimal negative impact on the State Court Revenue Trust Fund.

The bill provides for an effective date of October 1, 2015.

**II. Present Situation:**

**Transportation of Public K-12 Students<sup>2</sup>**

Each district school superintendent is responsible for determining the most safe, economical, and efficient ways to accommodate students who must be transported to and from school or to school activities.<sup>3</sup> Based on the district school superintendent's recommendations, the district school

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<sup>1</sup> The bill is also known as "Gabby's Law for School Bus Stop Safety." In 2010, 12-year-old Gabrielle Mair was killed by a car shortly after exiting a school bus in DeBary, Florida. Orlando Sentinel article, January 28, 2015, *available at* <http://www.orlandosentinel.com/features/education/os-school-bus-law-florida-20150128-story.html> (last visited March 2, 2015).

<sup>2</sup> For further information, *see* <http://www.fldoe.org/schools/safe-healthy-schools/transportation/index.shtml> (last visited March 2, 2015).

<sup>3</sup> Section 1006.21(1) and (2), F.S. The State Board of Education further specifies in detail the duties and responsibilities of each school district regarding student transportation. Rule 6A-3.0171, F.A.C.

board adopts policies and rules for providing and operating school buses, appointing qualified school bus drivers, and establishing school bus stops.<sup>4</sup>

School buses are required to be equipped with safety belts or any other restraint system in compliance with standards required in federal and state law.<sup>5</sup> School buses must stop to the far right of a street if possible and display warning lights and stop signals before allowing children to enter or exit.<sup>6</sup>

### **Florida's School Bus Stop Law**

Florida law requires that any person, upon approaching a stopped school bus displaying a stop signal, bring his or her vehicle to a full stop until the signal has been withdrawn.<sup>7</sup> Furthermore, it is unlawful to pass a school bus on the side that children enter and exit while the school bus displays a stop signal.<sup>8</sup> However, a driver is not required to stop if the vehicle is traveling in the opposite direction of a stopped school bus “upon a divided highway with an unpaved space of at least 5 feet, a raised median, or a physical barrier.”<sup>9</sup>

If, at a hearing, a person is found to have failed to fully stop for or passed a stopped school bus,<sup>10</sup> both of which are noncriminal traffic infractions, the person must pay a minimum civil penalty of \$100 or \$200, respectively, plus an additional \$65.<sup>11</sup> For any subsequent violation, the Department of Highway Safety and Motor Vehicles, may suspend a person's driver license if such violation is committed within a period of 5 years after the first violation.<sup>12</sup>

### **Reckless Driving**

A person “who drives any vehicle in willful or wanton disregard for the safety of persons or property” or flees from a law enforcement officer in a vehicle shall be charged with reckless driving, which is a criminal offense.<sup>13</sup>

If convicted, a person is subject to punishment by imprisonment for a minimum of 90 days or by a minimum fine of \$25 and a maximum fine of \$500, or both.<sup>14</sup> For any subsequent conviction, a person is subject to punishment by imprisonment for a maximum of 6 months or by a minimum fine of \$50 and a maximum fine of \$1,000, or both.<sup>15</sup> If a person's reckless driving causes

<sup>4</sup> Section 1006.22, F.S.

<sup>5</sup> Sections 316.614 and 316.6145, F.S. *See* Federal Motor Vehicle Safety Standards, 49 C.F.R. s. 571.208 Standard No. 208.

<sup>6</sup> Section 316.172(3), F.S.

<sup>7</sup> Section 316.172(1), F.S.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.* at (2).

<sup>10</sup> If a person is cited for passing a stopped school bus he or she must attend a mandatory hearing at a specified time and location. ss. 316.17(1)(b) and 318.19(3), F.S.

<sup>11</sup> Section 318.18(5), F.S. The additional \$65 is remitted to the Department of Revenue for deposit into the Emergency Medical Services Trust Fund of the Department of Health for the purpose of funding trauma centers. *See* s. 395.4036, F.S.

<sup>12</sup> *Id.* at 5(a) and (b). A person who passes a stopped school bus will receive 4 points on his or her driver license or, depending on the circumstances, his or her driver license may be suspended or, if a habitual traffic offender, shall be revoked. *See* s. 322.27(1)(f) and (3)(d)4., F.S. *See also* s. 322.264, F.S., for the definition of the term “habitual traffic offender.”

<sup>13</sup> Sections 316.192(1) and 318.17(4), F.S.

<sup>14</sup> Section 316.192(2)(a), F.S.

<sup>15</sup> *Id.* at (2)(b).

damage to person or property, he or she commits a first degree misdemeanor, punishable by imprisonment not exceeding 1 year or a maximum fine of \$1,000.<sup>16</sup> If a person's reckless driving causes serious bodily injury to another person, he or she commits a third degree felony, punishable by imprisonment not to exceed 5 years, a maximum fine of \$5,000 or, if a habitual felony offender, an extended term of imprisonment.<sup>17</sup>

### III. Effect of Proposed Changes:

The bill reclassifies the offense for passing a stopped school bus on the side that children enter and exit while displaying a stop signal from a noncriminal traffic infraction to the criminal offense of reckless driving. Thus, any person who is convicted of committing such an offense is subject to more severe penalties, including imprisonment for longer periods of time, and increased fines.

Additionally, the bill increases penalties for failing to stop for a school bus. Under the bill, a person who commits such an offense is subject to an increased civil penalty in the amount of \$250 and, for subsequent violations, suspension of his or her driver license for a minimum of 6 months and a maximum of 1 year.

The bill provides for an effective date of October 1, 2015.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

#### B. Public Records/Open Meetings Issues:

None.

#### C. Trust Funds Restrictions:

None.

### V. Fiscal Impact Statement:

#### A. Tax/Fee Issues:

None.

#### B. Private Sector Impact:

None.

<sup>16</sup> Sections 316.192(3)(c)1., 775.082(4)(a), 775.083(1)(d), F.S. A court has the discretion to suspend or cancel a driver license and impose any other civil penalty it deems fit. s. 775.082(7), F.S.

<sup>17</sup> Sections 316.192(3)(c)2., 775.082(3)(e), 775.083(1)(c), and 775.084(1)(a), F.S. ("Serious bodily injury" is defined as "an injury to another person, which consists of a physical condition that creates a substantial risk of death, serious personal disfigurement, or protracted loss or impairment of the function of any bodily member or organ.") s. 316.192(3)(c)2., F.S.

**C. Government Sector Impact:**

SB 346 has an indeterminate fiscal impact.

According to the 2014 Annual Uniform Traffic Citation Report published by DHSMV,<sup>18</sup> 3,003 citations for failure to stop or passing a school bus occurred between January and December 2014. The number of these violations that were for passing a school bus on the side that children enter and exit while the school bus displays a stop signal is unknown. Accordingly, the revenue impact resulting from the increased penalties in the bill is indeterminate.

The Office of the State Courts Administrator (OSCA) has indicated that although the number of cases that would change from a civil traffic violation to a criminal traffic violation is unknown, the bill is not expected to create a significant impact on court workload<sup>19</sup>. OSCA also indicated that this change could impact revenues to the State Court Revenue Trust Fund which currently receives \$5 for each non-criminal traffic violation, but believes the revenue reduction would have a minimal impact to this trust fund.

The Criminal Justice Impact Conference has not considered this bill, therefore, the bill's impact upon prison beds is indeterminate.

The DHSMV advises that implementation of the bill will require approximately 176 system programming hours to the Florida Driver License Information System and that the cost of that programming will be absorbed within existing resources.<sup>20</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 316.172, 316.192, 318.17, 318.18, 318.21, and 395.4036.

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<sup>18</sup> This reports is posted at: <https://services.flhsmv.gov/SpecialtyPlates/UniformTrafficCitationReport> (last visited March 6, 2015).

<sup>19</sup> Office of the State Court Administrator 2015 Judicial Impact Statement, submitted March 3, 2015 (on file with the Appropriations Subcommittee on Transportation, Tourism and Economic Development).

<sup>20</sup> Department of Highway Safety and Motor Vehicles 2015 Legislative Bill Analysis for SB 346, submitted on March 6, 2015 (on file with the Appropriations Subcommittee on Transportation, Tourism and Economic Development).

**IX. Additional Information:**

- A. **Committee Substitute – Statement of Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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