

Bill No. CS for SB 1762

Amendment No. ____ Barcode 303152

CHAMBER ACTION

Senate

House

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Senator Saunders moved the following amendment:

Senate Amendment (with title amendment)

On page 15, line 12, through
page 32, line 30, delete those lines

and insert:

Section 7. Section 395.402, Florida Statutes, is amended to read:

395.402 Trauma service areas; number and location of trauma centers.--

(1) The Legislature recognizes the need for a statewide, cohesive, uniform, and integrated trauma system. Within the trauma service areas, that Level I and Level II trauma centers shall ~~should~~ each be capable of annually treating a minimum of 1,000 and 500 patients, respectively, with an injury severity score (ISS) of 9 or greater. Level II trauma centers in counties with a population of more than 500,000 shall have the capacity to care for a minimum of 1,000 patients per year. ~~Further, the Legislature finds that, based on the numbers and locations of trauma victims with these~~

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1 ~~injury severity scores, there should be 19 trauma service~~
2 ~~areas in the state, and, at a minimum, there should be at~~
3 ~~least one trauma center in each service area.~~

4 ~~(2) It is the intent of the Legislature that, as a~~
5 ~~planning guideline, Level I and Level II trauma centers should~~
6 ~~generally each provide care annually to a minimum of 1,000 and~~
7 ~~500 patients, respectively. Level II trauma centers in~~
8 ~~counties of more than 500,000 population are expected to be~~
9 ~~able to care for 1,000 patients per year, as a planning~~
10 ~~guideline.~~

11 ~~(2)(3) Trauma service areas as described in this~~
12 ~~section are to be utilized until the Department of Health~~
13 ~~completes an assessment of the trauma system and reports its~~
14 ~~findings to the Governor, the President of the Senate, the~~
15 ~~Speaker of the House of Representatives, and the substantive~~
16 ~~legislative committees. The report shall be submitted by~~
17 ~~December 1, 2004. The department shall review the existing~~
18 ~~trauma system and determine whether it is effective in~~
19 ~~providing trauma care uniformly throughout the state. The~~
20 ~~assessment shall:~~

21 ~~(a) Consider aligning trauma service areas within the~~
22 ~~trauma region boundaries as established in July 2004.~~

23 ~~(b) Review the number and level of trauma centers~~
24 ~~needed for each trauma service area to provide a statewide~~
25 ~~integrated trauma system.~~

26 ~~(c) Establish criteria for determining the number and~~
27 ~~level of trauma centers needed to serve the population in a~~
28 ~~defined trauma service area or region.~~

29 ~~(d) Consider including a criteria within trauma center~~
30 ~~verification standards based upon the number of trauma victims~~
31 ~~served within a service area.~~

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1 (3) In conducting this assessment and subsequent
2 annual reviews, the department shall consider:
3 (a) The recommendations made as part of the regional
4 trauma system plans submitted by regional trauma agencies.
5 (b) Stakeholder recommendations.
6 (c) The geographical composition of an area to ensure
7 rapid access to trauma care by patients.
8 (d) Historical patterns of patient referral and
9 transfer in an area.
10 (e) Inventories of available trauma care resources,
11 including professional medical staff.
12 (f) Population growth characteristics.
13 (g) Transportation capabilities, including ground and
14 air transport.
15 (h) Medically appropriate ground and air travel times.
16 (i) Recommendations of the Regional Domestic Security
17 Task Force.
18 (j) The actual number of trauma victims currently
19 being served by each trauma center.
20 (k) Other appropriate criteria.
21 (4) Annually thereafter, ~~used~~, the department shall
22 periodically review the assignment of the 67 counties to
23 trauma service areas, in addition to the requirements of
24 paragraphs (2)(b)-(e) and subsection (3). County ~~These~~
25 assignments are made for the purpose of developing a system of
26 trauma centers. Revisions made by the department ~~shall~~ ~~should~~
27 take into consideration the recommendations made as part of
28 the regional trauma system plans approved by the department,
29 and ~~as well as~~ the recommendations made as part of the state
30 trauma system plan. In cases where a trauma service area is
31 located within the boundaries of more than one trauma region,

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1 the trauma service area's needs, response capability, and
2 system requirements shall be considered by each trauma region
3 served by that trauma service area in its regional system plan
4 ~~These areas must, at a minimum, be reviewed in the year 2000~~
5 ~~and every 5 years thereafter.~~ Until the department completes
6 ~~the December 2004 assessment its initial review,~~ the
7 assignment of counties shall remain as established in this
8 section pursuant to chapter 90-284, Laws of Florida.

9 (a) The following trauma service areas are hereby
10 established:

11 1. Trauma service area 1 shall consist of Escambia,
12 Okaloosa, Santa Rosa, and Walton Counties.

13 2. Trauma service area 2 shall consist of Bay, Gulf,
14 Holmes, and Washington Counties.

15 3. Trauma service area 3 shall consist of Calhoun,
16 Franklin, Gadsden, Jackson, Jefferson, Leon, Liberty, Madison,
17 Taylor, and Wakulla Counties.

18 4. Trauma service area 4 shall consist of Alachua,
19 Bradford, Columbia, Dixie, Gilchrist, Hamilton, Lafayette,
20 Levy, Putnam, Suwannee, and Union Counties.

21 5. Trauma service area 5 shall consist of Baker, Clay,
22 Duval, Nassau, and St. Johns Counties.

23 6. Trauma service area 6 shall consist of Citrus,
24 Hernando, and Marion Counties.

25 7. Trauma service area 7 shall consist of Flagler and
26 Volusia Counties.

27 8. Trauma service area 8 shall consist of Lake,
28 Orange, Osceola, Seminole, and Sumter Counties.

29 9. Trauma service area 9 shall consist of Pasco and
30 Pinellas Counties.

31 10. Trauma service area 10 shall consist of

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1 Hillsborough County.

2 11. Trauma service area 11 shall consist of Hardee,
3 Highlands, and Polk Counties.

4 12. Trauma service area 12 shall consist of Brevard
5 and Indian River Counties.

6 13. Trauma service area 13 shall consist of DeSoto,
7 Manatee, and Sarasota Counties.

8 14. Trauma service area 14 shall consist of Martin,
9 Okeechobee, and St. Lucie Counties.

10 15. Trauma service area 15 shall consist of Charlotte,
11 Glades, Hendry, and Lee Counties.

12 16. Trauma service area 16 shall consist of Palm Beach
13 County.

14 17. Trauma service area 17 shall consist of Collier
15 County.

16 18. Trauma service area 18 shall consist of Broward
17 County.

18 19. Trauma service area 19 shall consist of Dade and
19 Monroe Counties.

20 (b) Each trauma service area should have at least one
21 Level I or Level II trauma center. The department shall
22 allocate, by rule, the number of trauma centers needed for
23 each trauma service area.

24 ~~(c) There shall be no more than a total of 44~~
25 ~~state-sponsored trauma centers in the state.~~

26 Section 8. Section 395.4025, Florida Statutes, is
27 amended to read:

28 395.4025 ~~State-approved~~ Trauma centers; selection;
29 quality assurance; records.--

30 (1) For purposes of developing a system of
31 ~~state-approved~~ trauma centers, the department shall use the 19

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1 trauma service areas established in s. 395.402. Within each
2 service area and based on the state trauma system plan, the
3 local or regional trauma services system plan, and
4 recommendations of the local or regional trauma agency, ~~and~~
5 ~~the 1990 Report and Proposal for Funding State-Sponsored~~
6 ~~Trauma Centers~~, the department shall establish the approximate
7 number of ~~state-approved~~ trauma centers needed to ensure
8 reasonable access to high-quality trauma services. The Using
9 ~~the guidelines and procedures outlined in the 1990 report,~~
10 ~~except when in conflict with those prescribed in this section,~~
11 ~~the~~ department shall select those hospitals that are to be
12 recognized as ~~state-approved~~ trauma centers ~~and shall include~~
13 ~~all trauma centers verified as of October 1, 1990, and~~
14 ~~subsequently, subject to specific programmatic and quality of~~
15 ~~care standards.~~

16 (2)(a) The department shall annually notify each acute
17 care general hospital and each local and each regional trauma
18 agency in the state that the department is accepting letters
19 of intent from hospitals that are interested in becoming
20 ~~state-approved~~ trauma centers. In order to be considered by
21 the department, a hospital that operates within the geographic
22 area of a local or regional trauma agency must certify that
23 its intent to operate as a ~~state-approved~~ trauma center is
24 consistent with the trauma services plan of the local or
25 regional trauma agency, as approved by the department, if such
26 agency exists. Letters of intent must be postmarked no later
27 than midnight October 1. ~~This paragraph does not apply to any~~
28 ~~hospital that is a provisional or verified trauma center on~~
29 ~~January 1, 1992.~~

30 (b) By October 15, the department shall send to all
31 hospitals that submitted a letter of intent an application

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1 package that will provide the hospitals with instructions for
2 submitting information to the department for selection as a
3 ~~state-approved~~ trauma center. The standards for ~~verification~~
4 ~~of~~ trauma centers ~~and pediatric trauma referral centers~~
5 provided for in s. 395.401(2), as adopted by rule of the
6 department, shall serve as the basis for these instructions.

7 (c) In order to be considered by the department,
8 applications from those hospitals seeking selection as
9 ~~state-approved~~ trauma centers, including those current
10 ~~verified~~ trauma centers that seek a change or redesignation in
11 approval status as a trauma center ~~to be state-approved trauma~~
12 ~~centers~~, must be received by the department no later than the
13 close of business on April 1. The department shall conduct a
14 provisional review of each application for the purpose of
15 determining that the hospital's application is complete and
16 that the hospital has the critical elements required for a
17 ~~state-approved~~ trauma center. This critical review will be
18 based on trauma center ~~verification~~ standards and shall
19 include, but not be limited to, a review of whether the
20 hospital has:

- 21 1. Equipment and physical facilities necessary to
22 provide trauma services.
- 23 2. Personnel in sufficient numbers and with proper
24 qualifications to provide trauma services.
- 25 3. An effective quality assurance process.
- 26 4. Submitted written confirmation by the local or
27 regional trauma agency that ~~the verification of the hospital~~
28 applying to become ~~as a state-approved~~ trauma center is
29 consistent with the plan of the local or regional trauma
30 agency, as approved by the department, if such agency exists.
31 ~~This subparagraph applies to any hospital that is not a~~

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1 ~~provisional or verified trauma center on January 1, 1992.~~

2 (d)1. Notwithstanding other provisions in this
3 section, the department may grant up to an additional 18
4 months to a hospital applicant that is unable to meet all
5 requirements as provided in paragraph (c) at the time of
6 application if the number of applicants in the service area in
7 which the applicant is located is equal to or less than the
8 service area allocation, as provided by rule of the
9 department. An applicant that is granted additional time
10 pursuant to this paragraph shall submit a plan for
11 departmental approval which includes timelines and activities
12 that the applicant proposes to complete in order to meet
13 application requirements. Any applicant that demonstrates an
14 ongoing effort to complete the activities within the timelines
15 outlined in the plan shall be included in the number of
16 ~~state-approved~~ trauma centers at such time that the department
17 has conducted a provisional review of the application and has
18 determined that the application is complete and that the
19 hospital has the critical elements required for a
20 ~~state-approved~~ trauma center.

21 2. Timeframes provided in subsections (1)-(8) shall be
22 stayed until the department determines that the application is
23 complete and that the hospital has the critical elements
24 required for a ~~state-approved~~ trauma center.

25 (3) After April 30, any hospital that submitted an
26 application found acceptable by the department based on
27 provisional review, ~~including all trauma centers verified as~~
28 ~~of December 1, 1989,~~ shall be eligible to operate as a
29 provisional ~~state-approved~~ trauma center.

30 (4) Between May 1 and October 1 of each year, the
31 department shall conduct an in-depth evaluation of all

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1 applications found acceptable in the provisional review. The
2 applications shall be evaluated against criteria enumerated in
3 the application packages as provided to the hospitals by the
4 department.

5 (5) Beginning October 1 of each year and ending no
6 later than June 1 of the following year, a review team of
7 out-of-state experts assembled by the department shall make
8 onsite visits to all provisional ~~state-approved~~ trauma
9 centers. The department shall develop a survey instrument to
10 be used by the expert team of reviewers. The instrument shall
11 include objective criteria and guidelines for reviewers based
12 on existing trauma center ~~and pediatric trauma referral center~~
13 ~~verification~~ standards such that all trauma centers ~~and~~
14 ~~pediatric trauma referral centers~~ are assessed equally. The
15 survey instrument shall also include a uniform rating system
16 that will be used by reviewers to indicate the degree of
17 compliance of each trauma center with specific standards, and
18 to indicate the quality of care provided by each trauma center
19 as determined through an audit of patient charts. In addition,
20 hospitals being considered as provisional ~~state-approved~~
21 trauma centers shall meet all the requirements of a ~~verified~~
22 trauma center ~~or pediatric trauma referral center~~, and shall
23 be located in a trauma service area that has a need for such a
24 trauma center.

25 (6) Based on recommendations from the review team, the
26 department shall select ~~state-approved~~ trauma centers by July
27 1. An applicant for designation as a ~~state-approved~~ trauma
28 center ~~or a state-approved pediatric trauma referral center~~
29 may request an extension of its provisional status if it
30 submits a corrective action plan to the department. The
31 corrective action plan must demonstrate the ability of the

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1 applicant to correct deficiencies noted during the applicant's
2 onsite review conducted by the department between the previous
3 October 1 and June 1. The department may extend the
4 provisional status of an applicant for designation as a
5 ~~state-approved trauma center or a state-approved pediatric~~
6 ~~trauma referral center~~ through December 31 if the applicant
7 provides a corrective action plan acceptable to the
8 department. The department or a team of out-of-state experts
9 assembled by the department shall conduct an onsite visit on
10 or before November 1 to confirm that the deficiencies have
11 been corrected. The provisional ~~state-approved~~ trauma center
12 ~~or the provisional state-approved pediatric trauma referral~~
13 ~~center~~ is responsible for all costs associated with the onsite
14 visit in a manner prescribed by rule of the department. By
15 January 1, the department must approve or deny the application
16 of any provisional applicant granted an extension. Each
17 ~~state-approved~~ trauma center shall be granted a 7-year
18 approval ~~verification~~ period during which time it must
19 continue to maintain trauma center ~~verification~~ standards and
20 acceptable patient outcomes as determined by department rule.
21 An approval ~~A verification~~, unless sooner suspended or
22 revoked, automatically expires 7 years after the date of
23 issuance and is renewable upon application for renewal as
24 prescribed by rule of the department. ~~After July 1, 1992, only~~
25 ~~those hospitals selected as state-approved trauma centers may~~
26 ~~operate as trauma centers.~~

27 (7) Any hospital that wishes to protest a decision
28 made by the department based on the department's preliminary
29 or in-depth review of applications or on the recommendations
30 of the site visit review team pursuant to this section shall
31 proceed as provided in chapter 120. Hearings held under this

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1 subsection shall be conducted in the same manner as provided
2 in ss. 120.569 and 120.57. Cases filed under chapter 120 may
3 combine all disputes between parties.

4 (8) Notwithstanding any provision of chapter 381, a
5 hospital licensed under ss. 395.001-395.3025 that operates a
6 ~~state-approved~~ trauma center may not terminate or
7 substantially reduce the availability of trauma service
8 without providing at least 180 days' ~~6 months'~~ notice of its
9 intent to terminate such service. Such notice shall be given
10 to the department ~~of Health~~, to all affected local or regional
11 trauma agencies, and to all ~~state-approved~~ trauma centers,
12 hospitals, and emergency medical service providers in the
13 trauma service area. The department shall adopt by rule the
14 procedures and process for notification, duration, and
15 explanation of the termination of trauma services.

16 (9) Except as otherwise provided in this subsection,
17 the department or its agent may collect trauma care and
18 registry data, as prescribed by rule of the department, from
19 trauma centers, ~~pediatric trauma referral centers~~, hospitals,
20 emergency medical service providers, local or regional trauma
21 agencies, or medical examiners for the purposes of evaluating
22 trauma system effectiveness, ensuring compliance with the
23 standards ~~of verification~~, and monitoring patient outcomes. A
24 trauma center, ~~pediatric trauma referral center~~, hospital,
25 emergency medical service provider, medical examiner, or local
26 trauma agency or regional trauma agency, or a panel or
27 committee assembled by such an agency under s. 395.50(1) may,
28 but is not required to, disclose to the department patient
29 care quality assurance proceedings, records, or reports.
30 However, the department may require a local trauma agency or a
31 regional trauma agency, or a panel or committee assembled by

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1 such an agency to disclose to the department patient care
2 quality assurance proceedings, records, or reports that the
3 department needs solely to conduct quality assurance
4 activities under s. 395.4015, or to ensure compliance with the
5 quality assurance component of the trauma agency's plan
6 approved under s. 395.401. The patient care quality assurance
7 proceedings, records, or reports that the department may
8 require for these purposes include, but are not limited to,
9 the structure, processes, and procedures of the agency's
10 quality assurance activities, and any recommendation for
11 improving or modifying the overall trauma system, if the
12 identity of a trauma center, ~~pediatric trauma referral center,~~
13 hospital, emergency medical service provider, medical
14 examiner, or an individual who provides trauma services is not
15 disclosed.

16 (10) Out-of-state experts assembled by the department
17 to conduct onsite visits are agents of the department for the
18 purposes of s. 395.3025. An out-of-state expert who acts as an
19 agent of the department under this subsection is not liable
20 for any civil damages as a result of actions taken by him or
21 her, unless he or she is found to be operating outside the
22 scope of the authority and responsibility assigned by the
23 department.

24 (11) Onsite visits by the department or its agent may
25 be conducted at any reasonable time and may include but not be
26 limited to a review of records in the possession of trauma
27 centers, ~~pediatric trauma referral centers,~~ hospitals,
28 emergency medical service providers, local or regional trauma
29 agencies, or medical examiners regarding the care, transport,
30 treatment, or examination of trauma patients.

31 (12) Patient care, transport, or treatment records or

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1 reports, or patient care quality assurance proceedings,
2 records, or reports obtained or made pursuant to this section,
3 s. 395.3025(4)(f), s. 395.401, s. 395.4015, s. 395.402, s.
4 395.403, s. 395.404, s. 395.4045, s. 395.405, s. 395.50, or s.
5 395.51 must be held confidential by the department or its
6 agent and are exempt from the provisions of s. 119.07(1).
7 Patient care quality assurance proceedings, records, or
8 reports obtained or made pursuant to these sections are not
9 subject to discovery or introduction into evidence in any
10 civil or administrative action.

11 (13) The department may adopt, by rule, the procedures
12 and process by which it will select ~~state-approved~~ trauma
13 centers. Such procedures and process must be used in annually
14 selecting ~~state-approved~~ trauma centers and must be consistent
15 with subsections (1)-(8) except in those situations in which
16 it is in the best interest of, and mutually agreed to by, all
17 applicants within a service area and the department to reduce
18 the timeframes.

19 (14) Notwithstanding any other provision of this
20 section and rules adopted pursuant to this section that impose
21 time limits on the applications by hospitals seeking approval
22 and verification to operate as a trauma center, any acute care
23 general or pediatric hospital that is located in a trauma
24 service area where there is no existing trauma center and that
25 has not already been previously approved may apply beginning
26 on July 1, 2004, to the Department of Health for approval and
27 verification to operate as a provisional trauma center or
28 trauma center within the framework and substantive
29 requirements under this part. Likewise, until the department
30 has conducted the review provided under s. 395.402, only
31 hospitals located in trauma service areas where there is no

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1 existing trauma center may apply.

2 Section 9. Section 395.403, Florida Statutes, is
3 amended to read:

4 395.403 Reimbursement of ~~state-sponsored~~ trauma
5 centers.--

6 (1) The Legislature finds that many hospitals which
7 provide services to trauma victims are not adequately
8 compensated for such treatment. The Legislature also
9 recognizes that the current ~~verified~~ trauma centers are
10 providing such services without adequate reimbursement.
11 Therefore, it is the intent of the Legislature to provide
12 financial support to the current verified trauma centers and
13 to establish a system of ~~state-sponsored~~ trauma centers as
14 soon as feasibly possible. It is also the intent of the
15 Legislature that this system of ~~state-sponsored~~ trauma centers
16 be assisted financially based on the volume and acuity of
17 uncompensated trauma care provided.

18 (2) All provisional trauma centers and ~~state-approved~~
19 trauma centers shall be considered eligible to receive state
20 funding ~~state-sponsored trauma centers~~ when state revenues
21 dedicated for trauma centers funds are specifically
22 appropriated for ~~state-sponsored~~ trauma centers in the General
23 Appropriations Act. The department shall make annual payments
24 from the Administrative Trust Fund under s. 20.435 to the
25 trauma centers and provisional trauma centers in recognition
26 of the trauma centers' meeting the standards of trauma
27 readiness and preparedness as prescribed in this part. The
28 payments established in the General Appropriations Act shall
29 be in equal amounts for the provisional trauma centers and
30 trauma centers approved by the department during the fiscal
31 year in which funding is appropriated. If a provisional trauma

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1 center or trauma center does not maintain its status as a
2 trauma center for any state fiscal year in which such funding
3 is appropriated, the provisional trauma center or trauma
4 center shall repay the state for the portion of the year
5 during which it was not a trauma center.

6 (3) For fiscal year 2005-2006 and thereafter, the
7 department shall allocate funds not disbursed under subsection
8 (1) for trauma readiness and preparedness to provisional
9 trauma centers and trauma centers based on volume, acuity, and
10 levels of uncompensated trauma care. Distribution to a
11 provisional trauma center or trauma center shall be in an
12 amount that bears the same ratio to the total amount of such
13 distributions as the volume, acuity, and uncompensated trauma
14 care provided by the center bears to the total volume, acuity,
15 and uncompensated trauma care provided by all trauma centers
16 and provisional trauma centers in the state, as indicated in
17 the most recent year for which data is available.

18 (4) Provisional trauma centers and trauma centers
19 eligible to receive distributions from the Administrative
20 Trust Fund under s. 20.435 in accordance with subsections (2)
21 and (3) may request that such funds be used as
22 intergovernmental transfer funds in the Medicaid program.

23 ~~(3) To receive state funding, a state-sponsored trauma~~
24 ~~center shall submit a claim electronically via the Trauma~~
25 ~~Claims Processing System, designed, developed, implemented,~~
26 ~~and operated by the department's Medicaid program, to the~~
27 ~~department's Medicaid program upon discharge of a trauma~~
28 ~~patient. When a hospital stay spans a state fiscal year, a~~
29 ~~separate hospital claim shall be submitted for the hospital~~
30 ~~days incurred in each fiscal year.~~

31 ~~(4)(a) State-sponsored trauma centers shall determine~~

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1 ~~each trauma patient's eligibility for state funding prior to~~
 2 ~~the submission of a claim.~~

3 ~~(b) A trauma patient treated must meet the definition~~
 4 ~~of charity care, have been designated as having an ISS score~~
 5 ~~of 9 or greater, and have received services that are medically~~
 6 ~~necessary from a state-sponsored trauma center in order for~~
 7 ~~the state-sponsored trauma center to receive state funding for~~
 8 ~~that patient.~~

9 ~~(c) Each state-sponsored trauma center shall retain~~
 10 ~~appropriate documentation showing a trauma patient's~~
 11 ~~eligibility for state funding. Documentation recognized by the~~
 12 ~~department as appropriate shall be limited to one of the~~
 13 ~~following:~~

14 ~~1. W-2 withholding forms.~~

15 ~~2. Payroll stubs.~~

16 ~~3. Income tax returns.~~

17 ~~4. Forms approving or denying unemployment~~
 18 ~~compensation or workers' compensation.~~

19 ~~5. Written verification of wages from employer.~~

20 ~~6. Written verification from public welfare agencies~~
 21 ~~or any other governmental agency which can attest to the~~
 22 ~~patient's income status for the past 12 months.~~

23 ~~7. A witnessed statement signed by the patient or~~
 24 ~~responsible party, as provided for in Pub. L. No. 79-725, as~~
 25 ~~amended, known as the Hill-Burton Act, except that such~~
 26 ~~statement need not be obtained within 48 hours of the~~
 27 ~~patient's admission to the hospital as required by the~~
 28 ~~Hill-Burton Act. The statement shall include acknowledgment~~
 29 ~~that, in accordance with s. 817.50, providing false~~
 30 ~~information to defraud a hospital for the purposes of~~
 31 ~~obtaining goods or services is a misdemeanor of the second~~

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1 ~~degree.~~

2 ~~(d) The department shall conduct an audit or shall~~
3 ~~contract with an independent party to conduct an audit of each~~
4 ~~state-sponsored trauma center's claims to ensure that state~~
5 ~~funding was only provided for eligible trauma patients and~~
6 ~~medically necessary services.~~

7 ~~(e) The department's Medicaid program office shall~~
8 ~~check each claim to confirm that the patient is not covered~~
9 ~~under the Medicaid program and shall pay the claim out of the~~
10 ~~Trauma Services Trust Fund. Trauma patients who are eligible~~
11 ~~for the Medicaid program shall not be considered eligible for~~
12 ~~the state-sponsored trauma center program except for Medicaid~~
13 ~~noncovered services. If a claim is denied by the Trauma~~
14 ~~Claims Processing System as a result of Medicaid eligibility~~
15 ~~for Medicaid covered services, the hospital shall submit a~~
16 ~~claim to the Medicaid fiscal agent for payment.~~

17 ~~(5) State funding shall be at a per diem rate equal to~~
18 ~~\$860 to provisional state-approved and state-approved trauma~~
19 ~~centers. This rate shall be effective for the first 12 months~~
20 ~~of funding, after which time payment to provisional~~
21 ~~state-approved and state-approved trauma centers shall be~~
22 ~~based on a trauma cost-based reimbursement methodology~~
23 ~~developed by the department. The department shall consult with~~
24 ~~representatives from the hospital industry including the~~
25 ~~Florida Hospital Association, the Association of Voluntary~~
26 ~~Hospitals of Florida, and the Florida League of Hospitals in~~
27 ~~the development of the reimbursement methodology.~~

28 ~~(6)(a) To ensure a fair distribution of funds~~
29 ~~appropriated for state-sponsored trauma centers and to ensure~~
30 ~~that no state-sponsored trauma center gains an unfair~~
31 ~~advantage due solely to its ability to bill more quickly than~~

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1 ~~another state-sponsored trauma center, the total amount of~~
 2 ~~state funds appropriated in the General Appropriations Act for~~
 3 ~~this section shall be divided into 19 trauma fund accounts~~
 4 ~~with an account for each service area established in s.~~
 5 ~~395.402(3). The amount of funds distributed to a service area~~
 6 ~~shall be based on the following formula:~~

7
 8

$$9 \quad \quad \quad SAAA = \frac{SATD}{TTD} \times TA$$

10
 11 where:

12 ~~SAAA = service area appropriation amount.~~

13 ~~SATD = uncompensated service area trauma days with ISS~~
 14 ~~score of 9 or greater.~~

15 ~~TTD = uncompensated total trauma days with ISS score of~~
 16 ~~9 or greater for all 19 service areas.~~

17 ~~TA = total dollars appropriated for state-sponsored~~
 18 ~~trauma centers.~~

19 ~~(b) The database to be used for this calculation shall~~
 20 ~~be the detailed patient discharge data of the most recently~~
 21 ~~completed calendar year for which the board possesses data.~~
 22 ~~Out-of-state days that are included in the database shall be~~
 23 ~~allocated to the service area where the treating hospital is~~
 24 ~~located.~~

25 ~~(c) Fifty percent of the funds allocated to those~~
 26 ~~service areas which had one or more trauma centers as of~~
 27 ~~December 1, 1989, shall be distributed to those verified~~
 28 ~~trauma centers proportionately based on volume and acuity of~~
 29 ~~uncompensated trauma care provided during the most recently~~
 30 ~~completed calendar year for which the board possesses data in~~
 31 ~~a lump-sum payment on the date funding becomes available.~~

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1 ~~These trauma centers shall submit claims pursuant to~~
2 ~~subsection (3) in order to justify this funding. Effective 9~~
3 ~~months after funding becomes available, any trauma center~~
4 ~~which fails to submit claims for reimbursement equal to or~~
5 ~~greater than the amount the trauma center received under the~~
6 ~~initial allocation shall return any unearned funds to the~~
7 ~~department for distribution pursuant to paragraph (e). Once~~
8 ~~this 50-percent lump sum is depleted, a trauma center will be~~
9 ~~reimbursed from the remaining 50 percent of the service area's~~
10 ~~original allocation.~~

11 ~~(d) The department shall pay trauma claims on a~~
12 ~~monthly basis. In a given month when the outstanding claims~~
13 ~~will exceed the unexpended funds allocated to a service area,~~
14 ~~the department shall pay all of the submitted claims for the~~
15 ~~service area on a pro rata basis.~~

16 ~~(e) At the end of the fiscal year, the unexpended~~
17 ~~funds for each service area shall be placed in one large state~~
18 ~~trauma account from which all remaining claims are paid~~
19 ~~without regard to service area on a pro rata basis until such~~
20 ~~funds are depleted.~~

21 ~~(f) For any state fiscal year, reimbursement for any~~
22 ~~patient residing outside the trauma service area of the~~
23 ~~state-sponsored trauma center where the patient is treated~~
24 ~~shall be paid out of the funds allocated for the trauma~~
25 ~~service area where the patient resides. Out-of-state days~~
26 ~~shall be paid from the service area where the treating~~
27 ~~hospital is located.~~

28 ~~(5)(7)~~ In order to receive state funding payments
29 ~~under this section~~, a hospital shall be a ~~state-sponsored~~
30 trauma center and shall:

31 (a) Agree to conform to all departmental requirements

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1 as provided by rule to assure high-quality trauma services.

2 (b) Agree to provide information concerning the
3 provision of trauma services to the department, in a form and
4 manner prescribed by rule of the department.

5 (c) Agree to accept all trauma patients, regardless of
6 ability to pay, on a functional space-available basis.

7 ~~(6)(8)~~ A ~~state-sponsored~~ trauma center that which
8 fails to comply with any of the conditions listed in
9 subsection~~(3)(7)~~ or the applicable rules of the department
10 shall not receive payments under this section for the period
11 in which it was not in compliance.

12 Section 10. Section 395.404, Florida Statutes, is
13 amended to read:

14 395.404 Review of trauma registry data; report to
15 central registry; confidentiality and limited release.--

16 (1)(a) Each trauma center shall furnish, and, upon
17 request of the department, all acute care hospitals shall
18 furnish for department review, trauma registry data as
19 prescribed by rule of the department for the purpose of
20 monitoring patient outcome and ensuring compliance with the
21 standards of approval.

22 (b) Trauma registry data obtained pursuant to this
23 subsection are confidential and exempt from the provisions of
24 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
25 However, the department may provide such trauma registry data
26 to the person, trauma center, hospital, emergency medical
27 service provider, local or regional trauma agency, medical
28 examiner, or other entity from which the data were obtained.
29 The department may also use or provide trauma registry data
30 for purposes of research in accordance with the provisions of
31 chapter 405.

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1 (2) Each trauma center and acute care hospital shall
2 report to the department's brain and spinal cord injury
3 central registry, consistent with the procedures and
4 timeframes of s. 381.74, any person who has a
5 moderate-to-severe brain or spinal cord injury, and shall
6 include in the report the name, age, residence, and type of
7 disability of the individual and any additional information
8 that the department finds necessary. Notwithstanding the
9 provisions of s. 381.74, each trauma center and acute care
10 hospital shall submit severe disability and head-injury
11 registry data to the department as provided by rule. Each
12 trauma center and acute care hospital shall continue to
13 provide initial notification of persons who have severe
14 disabilities and head injuries to the Department of Health
15 within timeframes provided in chapter 413. Such initial
16 notification shall be made in the manner prescribed by the
17 Department of Health for the purpose of providing timely
18 vocational rehabilitation services to the severely disabled or
19 head-injured person.

20 ~~(3) Trauma registry data obtained pursuant to this~~
21 ~~section are confidential and exempt from the provisions of s.~~
22 ~~119.07(1) and s. 24(a), Art. I of the State Constitution.~~
23 ~~However, the department may provide such trauma registry data~~
24 ~~to the person, trauma center, pediatric trauma referral~~
25 ~~center, hospital, emergency medical service provider, local or~~
26 ~~regional trauma agency, medical examiner, or other entity from~~
27 ~~which the data were obtained. The department may also use or~~
28 ~~provide trauma registry data for purposes of research in~~
29 ~~accordance with the provisions of chapter 405.~~

30 Section 11. Section 395.405, Florida Statutes, is
31 amended to read:

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1 395.405 Rulemaking.--The department shall adopt and
2 enforce all rules necessary to administer this part ss.
3 ~~395.0199, 395.401, 395.4015, 395.402, 395.4025, 395.403,~~
4 ~~395.404, and 395.4045.~~

5 Section 12. The Department of Health shall establish a
6 task force by August 1, 2004, for the purpose of studying and
7 making recommendations regarding the formula for the
8 distribution of funds deposited in the Administrative Trust
9 Fund in the Department of Health for distribution pursuant to
10 section 395.403, Florida Statutes, and alternative financing
11 options. The task force shall include representatives of the
12 Governor's Office, the Department of Health, the Agency for
13 Health Care Administration, and representatives from Level I,
14 Level II, and pediatric trauma centers, and at least two
15 surgeons. The report of the task force shall be submitted to
16 the Governor, the President of the Senate, and the Speaker of
17 the House of Representatives by January 15, 2005.

18 Section 13. Trauma Center Matching Grant Program.--It
19 is the intent of the Legislature to promote the development of
20 at least one trauma center in every trauma service area. The
21 Trauma Center matching grant program shall be established and
22 administered by the Department of Health. The purpose of the
23 program is to provide start-up funds as an incentive to
24 encourage development of new trauma centers. The grant
25 program shall function as a partnership between state and
26 local governments and private-sector health care providers.
27 Private providers shall provide \$1 in local matching funds for
28 each \$1 grant payment made by the state. Hospitals may apply
29 for matching grant funds by submitting a grant application to
30 the department. Applications shall be competitively reviewed
31 by an independent panel appointed by the secretary of the

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1 department. The department may use up to \$2 million annually
2 from the Administrative Trust Fund for this program.

3 Section 14. Subsection (5) of section 318.14, Florida
4 Statutes, is amended to read:

5 318.14 Noncriminal traffic infractions; exception;
6 procedures.--

7 (5) Any person electing to appear before the
8 designated official or who is required so to appear shall be
9 deemed to have waived his or her right to the civil penalty
10 provisions of s. 318.18. The official, after a hearing, shall
11 make a determination as to whether an infraction has been
12 committed. If the commission of an infraction has been proven,
13 the official may impose a civil penalty not to exceed \$500,
14 except that in cases involving unlawful speed in a school zone
15 or, involving unlawful speed in a construction zone, ~~or~~
16 ~~involving a death~~, the civil penalty may not exceed \$1,000; or
17 require attendance at a driver improvement school, or both. If
18 the person is required to appear before the designated
19 official pursuant to s. 318.19(1) and is found to have
20 committed the infraction, the designated official shall impose
21 a civil penalty of \$1,000 in addition to any other penalties.
22 If the person is required to appear before the designated
23 official pursuant to s. 318.19(2) and is found to have
24 committed the infraction, the designated official shall impose
25 a civil penalty of \$500 in addition to any other penalties. If
26 the official determines that no infraction has been committed,
27 no costs or penalties shall be imposed and any costs or
28 penalties that have been paid shall be returned. Moneys
29 received from the mandatory civil penalties imposed pursuant
30 to this subsection upon persons required to appear before a
31 designated official pursuant to s. 318.19(1) or (2) shall be

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1 remitted to the Department of Revenue and distributed into the
2 Administrative Trust Fund created under s. 20.435 to be used
3 by the Department of Health as required under s. 395.403.

4 Section 15. Subsection (13) is added to section
5 318.21, Florida Statutes, to read:

6 318.21 Disposition of civil penalties by county
7 courts.--All civil penalties received by a county court
8 pursuant to the provisions of this chapter shall be
9 distributed and paid monthly as follows:

10 (13)(a) Notwithstanding subsections (1) and (2), the
11 proceeds from the mandatory civil penalties imposed pursuant
12 to s. 318.14(5) shall be distributed as provided in that
13 section.

14 (b) Notwithstanding subsections (1) and (2), the
15 proceeds from the fines imposed under s. 318.18(13) and (14)
16 shall be distributed as provided in that section.

17 Section 16. Section 322.0261, Florida Statutes, is
18 amended to read:

19 322.0261 ~~Mandatory~~ Driver improvement course;
20 requirement to maintain driving privileges; failure to
21 complete; department approval of course ~~certain crashes~~.--

22 (1) The department shall screen crash reports received
23 under s. 316.066 or s. 324.051 to identify crashes involving
24 the following:

25 (a) A crash involving death or a bodily injury
26 requiring transport to a medical facility; or

27 (b) A second crash by the same operator within the
28 previous 2-year period involving property damage in an
29 apparent amount of at least \$500.

30 (2) With respect to an operator convicted of, or who
31 pleaded nolo contendere to, a traffic offense giving rise to a

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1 crash identified pursuant to subsection (1), the department
2 shall require that the operator, in addition to other
3 applicable penalties, attend a department-approved
4 ~~departmentally approved~~ driver improvement course in order to
5 maintain driving privileges. If the operator fails to complete
6 the course within 90 days of receiving notice from the
7 department, the operator's driver's license shall be canceled
8 by the department until the course is successfully completed.

9 (3) The department shall identify any operator
10 convicted of, or who pleaded nolo contendere to, a second
11 violation of s. 316.075(1)(c)1. or convicted of, or who
12 pleaded nolo contendere to, a second steady red signal
13 violation as provided in s. 316.074(1), which violation
14 occurred within 12 months after the first violation, and shall
15 require that operator, in addition to other applicable
16 penalties, to attend a department-approved driver improvement
17 course in order to maintain driving privileges. If the
18 operator fails to complete the course within 90 days after
19 receiving notice from the department, the operator's driver's
20 license shall be canceled by the department until the course
21 is successfully completed.

22 ~~(4)(3)~~ In determining whether to approve a driver
23 improvement course for the purposes of this section, the
24 department shall consider course content designed to promote
25 safety, driver awareness, crash avoidance techniques, and
26 other factors or criteria to improve driver performance from a
27 safety viewpoint.

28 Section 17. Paragraph (d) of subsection (3) of section
29 322.27, Florida Statutes, is amended to read:

30 322.27 Authority of department to suspend or revoke
31 license.--

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1 (3) There is established a point system for evaluation
2 of convictions of violations of motor vehicle laws or
3 ordinances, and violations of applicable provisions of s.
4 403.413(6)(b) when such violations involve the use of motor
5 vehicles, for the determination of the continuing
6 qualification of any person to operate a motor vehicle. The
7 department is authorized to suspend the license of any person
8 upon showing of its records or other good and sufficient
9 evidence that the licensee has been convicted of violation of
10 motor vehicle laws or ordinances, or applicable provisions of
11 s. 403.413(6)(b), amounting to 12 or more points as determined
12 by the point system. The suspension shall be for a period of
13 not more than 1 year.

14 (d) The point system shall have as its basic element a
15 graduated scale of points assigning relative values to
16 convictions of the following violations:

- 17 1. Reckless driving, willful and wanton--4 points.
18 2. Leaving the scene of a crash resulting in property
19 damage of more than \$50--6 points.
20 3. Unlawful speed resulting in a crash--6 points.
21 4. Passing a stopped school bus--4 points.
22 5. Unlawful speed:
23 a. Not in excess of 15 miles per hour of lawful or
24 posted speed--3 points.
25 b. In excess of 15 miles per hour of lawful or posted
26 speed--4 points.
27 6. A violation of a traffic control signal device as
28 provided in s. 316.075(1)(c)1.--4 points.

29 ~~7.6.~~ All other moving violations (including parking on
30 a highway outside the limits of a municipality)--3 points.

31 However, no points shall be imposed for a violation of s.

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1 316.0741 or s. 316.2065(12).

2 ~~8.7.~~ Any moving violation covered above, excluding
3 unlawful speed, resulting in a crash--4 points.

4 ~~9.8.~~ Any conviction under s. 403.413(5)(b)--3 points.

5 Section 18. Subsections (13), (14), and (15) are added
6 to section 318.18, Florida Statutes, to read:

7 318.18 Amount of civil penalties.--The penalties
8 required for a noncriminal disposition pursuant to s. 318.14
9 are as follows:

10 (13) One hundred ten dollars for a violation of s.
11 316.075(1)(c)1. or for a steady red signal violation as
12 provided in s. 316.074(1), of which \$60 shall be distributed
13 as provided in s. 318.21 and the remaining \$50 shall be
14 remitted to the Department of Revenue for deposit into the
15 Administrative Trust Fund created under s. 20.435 to be used
16 by the Department of Health as required under s. 395.403.

17 (14) Two hundred sixty dollars for any infraction that
18 results in a crash that causes any bodily injury other than
19 "serious bodily injury" as defined in s. 316.1933(1), of which
20 \$60 shall be distributed as provided in s. 318.21 and the
21 remaining \$200 shall be remitted to the Department of Revenue
22 for deposit into the Administrative Trust Fund created under
23 s. 20.435 to be used by the Department of Health as required
24 under s. 395.403.

25 (15) Notwithstanding any law to the contrary, the
26 clerk of the court shall collect an additional \$10 for each
27 civil violation of chapter 316; \$20 for each offense
28 specifically enumerated in s. 318.17; and \$20 for any other
29 offense in chapter 316 which is classified as a criminal
30 violation. The fines collected under this subsection shall be
31 remitted to the Department of Revenue for deposit in the

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1 Administrative Trust Fund under s. 20.435 to be used by the
2 Department of Health as required under s. 395.403.

3 Section 19. Section 322.751, Florida Statutes, is
4 created to read:

5 322.751 Annual surcharge for points.--

6 (1) Each year the department shall assess a surcharge
7 on each person who has accumulated eight or more points
8 against his or her driver's license during the preceding
9 36-month period.

10 (2) The amount of a surcharge under this section is
11 \$100 for the first eight points and \$25 for each additional
12 point.

13 (3) The department shall notify the holder of a
14 driver's license of the assignment of a fourth point on that
15 license by first-class mail sent to the person's most recent
16 address as shown on the records of the department.

17 (4) This section does not apply to a conviction that
18 becomes final before July 1, 2004.

19 (5) All moneys due under this section shall be billed
20 and collected by the Department of Highway Safety and Motor
21 Vehicles or its designee for deposit in the Highway Safety
22 Operating Trust Fund. Of the moneys collected annually, the
23 department shall retain the actual cost of developing,
24 implementing, and administering the driver responsibility
25 program. The remainder shall be transferred at least quarterly
26 to the Administrative Trust Fund created under s. 20.435 to be
27 used by the Department of Health as required under s. 395.403.

28 Section 20. Paragraph (a) of subsection (2) of section
29 316.193, Florida Statutes, is amended to read:

30 316.193 Driving under the influence; penalties.--

31 (2)(a) Except as provided in paragraph (b), subsection

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1 (3), or subsection (4), any person who is convicted of a
2 violation of subsection (1) shall be punished:

3 1. By a fine of:

4 a. Not less than \$250 or more than \$500 for a first
5 conviction.

6 b. Not less than \$500 or more than \$1,000 for a second
7 conviction; and

8 2. By imprisonment for:

9 a. Not more than 6 months for a first conviction.

10 b. Not more than 9 months for a second conviction.

11 3. For a second conviction, by mandatory placement for
12 a period of at least 1 year, at the convicted person's sole
13 expense, of an ignition interlock device approved by the
14 department in accordance with s. 316.1938 upon all vehicles
15 that are individually or jointly leased or owned and routinely
16 operated by the convicted person, when the convicted person
17 qualifies for a permanent or restricted license. The
18 installation of such device may not occur before July 1, 2003.

19 4. In addition to the fines and penalties established
20 in this subsection, the court shall impose a surcharge, to be
21 collected by the department and to be subject to a court's
22 determination of financial ability to pay, as follows:

23 a. Each year the department shall assess a surcharge
24 on each person who has a final conviction during the preceding
25 36-month period for an offense relating to s. 316.193.

26 b. The amount of a surcharge under this section is
27 \$500 per year, except that the amount of the surcharge is:

28 (I) Seven hundred fifty dollars per year for a second
29 or subsequent conviction within a 36-month period; and

30 (II) One thousand dollars for a first or subsequent
31 conviction if the blood-alcohol level of the person was 0.20

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1 or higher at the time the analysis was performed.

2 c. A surcharge under this section for the same
3 conviction may not be assessed in more than 3 years.

4 d. This section does not apply to a conviction that
5 becomes final before July 1, 2004.

6 e. All moneys due under this subparagraph shall be
7 billed and collected by the Department of Highway Safety and
8 Motor Vehicles or its designee for deposit in the Highway
9 Safety Operating Trust Fund. Of the moneys collected annually,
10 the department shall retain the actual cost of developing,
11 implementing, and administering the driver responsibility
12 program. The remainder shall be transferred at least quarterly
13 to the Administrative Trust Fund created under s. 20.435 to be
14 used by the Department of Health as required under s. 395.403.

15 Section 21. Section 794.056, Florida Statutes, is
16 amended to read:

17 794.056 Rape Crisis Program Trust Fund.--

18 (1) The Rape Crisis Program Trust Fund is created
19 within the Department of Health for the purpose of providing
20 funds for rape crisis centers in this state. Trust fund moneys
21 shall be used exclusively for the purpose of providing
22 services for victims of sexual assault. Funds deposited in the
23 trust fund shall include revenues as provided by law, moneys
24 as appropriated by the Legislature, and grants from public or
25 private entities. Funds credited to the trust fund consist of
26 those funds collected as an additional court assessment in
27 each case in which a defendant pleads guilty or nolo
28 contendere to, or is found guilty of, regardless of
29 adjudication, an offense defined in s. 784.011, s. 784.021, s.
30 784.03, s. 784.041, s. 784.045, s. 784.048, s. 784.07, s.
31 784.08, s. 784.081, s. 784.082, s. 784.083, s. 785.085, or s.

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1 794.011.

2 (2) The Department of Health shall establish by rule,
3 consistent with s. 794.055(3)(a), criteria for distributing
4 moneys from the trust fund to the statewide nonprofit
5 association the primary purpose of which is to represent and
6 provide technical assistance to rape crisis centers for
7 distribution to rape crisis centers.

8 (3) In accordance with s. 19(f)(2), Art. III of the
9 State Constitution, the Rape Crisis Program Trust Fund shall
10 be terminated on July 1, 2007, unless terminated sooner.
11 Before its scheduled termination, the trust fund shall be
12 reviewed as provided in s. 215.3206(1) and (2).

13 Section 22. Section 322.7525, Florida Statutes, is
14 created to read:

15 322.7525 Notice of surcharge.--

16 (1) The department shall notify the holder of a
17 driver's license of the assessment of a surcharge on that
18 license by first-class mail sent to the person's most recent
19 address as shown on the records of the department. The notice
20 must specify the date by which the surcharge must be paid and
21 and state the consequences of a failure to pay the surcharge.

22 (2) If, before the 30th day after the date the
23 department sends a notice under s. 322.751, s. 322.7515, s.
24 322.7516, or s. 327.732, the person fails to pay the amount of
25 a surcharge on the person's license or fails to enter into an
26 installment payment agreement with the department, the license
27 of the person is automatically suspended.

28 (3) A license suspended under this section remains
29 suspended until the person pays the amount of the surcharge
30 and any related costs.

31 Section 23. Section 322.753, Florida Statutes, is

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1 created to read:

2 322.753 Installment payment of surcharges.--

3 (1) The department shall by rule provide for the
4 payment of a surcharge in installments.

5 (2) A rule under this section:

6 (a) May not permit a person to pay a surcharge:

7 1. Of less than \$2,300 over a period of more than 12
8 consecutive months; or

9 2. Of \$2,300 or more over a period of more than 24
10 consecutive months.

11 (b) May provide that if the person fails to make a
12 required installment payment, the department may declare the
13 amount of the unpaid surcharge immediately due and payable.

14 (3) The department may by rule authorize the payment
15 of a surcharge by use of a credit card. The rules shall
16 require the person to pay all costs incurred by the department
17 in connection with the acceptance of the credit card.

18 (4) If a person pays a surcharge or related cost by
19 credit card and the amount is subsequently reversed by the
20 issuer of the credit card, the license of that person is
21 automatically suspended.

22 (5) A license suspended under this section remains
23 suspended until the person pays the amount of the surcharge
24 and any related costs.

25 Section 24. Section 395.4035, Florida Statutes, is
26 repealed.

27 Section 25. The Department of Highway Safety and Motor
28 Vehicles shall determine the level of funding necessary to
29 implement sections 19 and 20 of this act with department
30 resources. If the department determines that such services
31 could be provided more effectively or efficiently, the

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1 department may consider outsourcing proposals through
2 competitive processes. Notwithstanding the provisions of
3 chapter 287, Florida Statutes, in the event that less than
4 four responsive bids are received, the department shall
5 continue implementation with in-house resources.

6 Section 26. There is appropriated \$250,000 from the
7 Highway Safety Operating Trust Fund for initial development
8 start-up costs related to sections 19 and 20 of this act. The
9 Department of Highway Safety and Motor Vehicles shall submit a
10 budget amendment for approval by the Legislative Budget
11 Commission, pursuant to chapter 216, Florida Statutes, upon
12 determination of the additional budget amounts by
13 appropriation category that are necessary for full
14 implementation.

15 Section 27. Of the funds received in the
16 Administrative Trust Fund, the Department of Health shall
17 retain 91.67 percent of monthly collections in the
18 Administrative Trust Fund. The remaining 8.33 percent of
19 monthly collections shall be distributed to the Rape Crisis
20 Program Trust Fund, up to a maximum annual distribution of \$4
21 million. Once the \$4 million cap is reached for the Rape
22 Crisis Program Trust Fund, 100 percent of collections shall be
23 retained in the Administrative Trust Fund in the Department of
24 Health. Annual collections in excess of \$55 million shall be
25 transferred as follows: \$5 million to the Brain and Spinal
26 Cord Injury Program Trust Fund for the purpose set forth in
27 section 381.79, Florida Statutes, and the remainder to the
28 General Revenue Fund.

29 Section 28. There is appropriated from the
30 Administrative Trust Fund in the Department of Health the sum
31 of \$31,591,454 to provide funding for verified and provisional

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1 trauma centers pursuant to section 395.403, Florida Statutes,
2 and \$4 million from the Rape Crisis Program Trust Fund in the
3 Department of Health for the purpose of providing services for
4 victims of sexual assault.

5
6 (Redesignate subsequent sections.)

7
8

9 ===== T I T L E A M E N D M E N T =====

10 And the title is amended as follows:

11 On page 1, line 28, through
12 page 3, line 5, delete those lines

13
14 and insert:

15 regions; amending s. 395.402, F.S.; providing
16 additional legislative intent with respect to
17 trauma service areas; providing a treatment
18 capacity for certain trauma centers; providing
19 that current trauma service areas shall be used
20 until the Department of Health completes an
21 assessment of the trauma system; requiring a
22 report; providing guidelines for such
23 assessment; requiring annual review; amending
24 s. 395.4025, F.S.; revising requirements for
25 the Department of Health's development of a
26 state trauma system plan; deleting obsolete
27 references; correcting references to the term
28 "trauma center"; revising requirements for the
29 department's approval and verification of a
30 facility as a trauma center; granting the
31 department authority to adopt rules for the

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1 procedures and process for notification,
2 duration, and explanation of a trauma center's
3 termination of trauma services; revising the
4 requirements for notice that a hospital must
5 give before it terminates or substantially
6 reduces trauma service; exempting from certain
7 time limits on applications to operate as
8 trauma centers certain hospitals in areas
9 having no trauma center; limiting applications
10 until the completion of a specified review;
11 amending s. 395.403, F.S.; correcting
12 references to the term "trauma center";
13 revising eligibility requirements for state
14 funding of trauma centers; providing that
15 trauma centers may request that their
16 distributions from the Administrative Trust
17 Fund be used as intergovernmental transfer
18 funds in the Medicaid program; amending s.
19 395.404, F.S.; revising reporting requirements
20 to the trauma registry data system maintained
21 by the Department of Health; providing that
22 hospitals and trauma centers subject to
23 reporting trauma registry data to the
24 department are required to comply with other
25 duties concerning the moderate-to-severe brain
26 or spinal cord injury registry maintained by
27 the department; correcting references to the
28 term "trauma center"; amending s. 395.405,
29 F.S.; authorizing the Department of Health to
30 adopt and enforce rules necessary to administer
31 part II of ch. 395, F.S.; establishing a task

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1 force on distribution of funds; providing for a
2 trauma center matching grant program; amending
3 s. 318.14, F.S.; providing additional civil
4 penalties for certain traffic infractions;
5 providing for disposition of such penalties;
6 amending s. 318.21, F.S.; providing for
7 disposition of mandatory civil penalties;
8 amending s. 322.0261, F.S.; revising provisions
9 relating to driver-improvement courses;
10 amending s. 322.27, F.S.; prescribing points
11 for violation of a traffic-control signal;
12 amending s. 318.18, F.S.; providing penalty for
13 specified violation of traffic control signal
14 devices and for failure to submit to test for
15 impairment or intoxication; providing for
16 distribution of moneys collected; directing the
17 clerk of court to collect a fee for each civil
18 and criminal violation of ch. 316, F.S.;
19 creating s. 322.751, F.S.; directing the
20 Department of Highway Safety and Motor Vehicles
21 to assess specified annual surcharges against a
22 motor vehicle licensee who accumulates eight or
23 more points against his or her license within
24 the previous 36 months; requiring the
25 department to notify a licensee by first-class
26 mail upon receipt of four points against his or
27 her license; directing the department to remit
28 all such penalties to the Administrative Trust
29 Fund in the Department of Health; amending s.
30 316.193, F.S.; directing the department to
31 assess specified annual surcharges against

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1 motor vehicle licensees who have a final
2 conviction within the previous 36 months for a
3 DUI offense; directing the department to remit
4 all such penalties to the Administrative Trust
5 Fund in the Department of Health; amending s.
6 794.056, F.S.; providing that funds credited to
7 the Rape Crisis Program Trust Fund shall
8 include both funds collected as an additional
9 court assessment in certain cases and certain
10 funds deposited in the Administrative Trust
11 Fund in the Department of Health; revising a
12 requirement relating to the distribution of
13 moneys from the trust fund pursuant to a rule
14 by the Department of Health; creating s.
15 322.7525, F.S.; requiring the department to
16 notify licensees of the surcharges and the time
17 period in which to pay the surcharges; creating
18 s. 322.753, F.S.; requiring the department to
19 accept installment payments for the surcharges;
20 providing sanctions for a licensee's failure to
21 pay an installment; allowing the department to
22 permit licensees to pay assessed surcharges
23 with credit cards; requiring the department to
24 suspend a driver's license if the licensee does
25 not pay the surcharge or arrange for
26 installment payments within a specified time
27 after the notice of surcharge is sent;
28 repealing s. 395.4035, F.S., relating to the
29 Trauma Services Trust Fund; providing for
30 distribution of collections in the
31 Administrative Trust Fund in the Department of

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Health; providing an appropriation; providing
an effective date.