

1 A bill to be entitled
2 An act relating to trauma care; amending s.
3 381.74, F.S.; requiring hospitals and trauma
4 centers to provide data on moderate-to-severe
5 brain or spinal cord injuries to the Department
6 of Health; amending s. 381.745, F.S.; defining
7 "department" for purposes of the "Charlie Mack
8 Overstreet Brain or Spinal Cord Injuries Act";
9 amending s. 395.003, F.S.; requiring a report
10 by the Agency for Health Care Administration
11 regarding the licensure of emergency
12 departments located off the premises of
13 hospitals; prohibiting the issuance of licenses
14 for such departments before July 1, 2005;
15 amending s. 395.40, F.S.; revising legislative
16 findings; revising duties of the Department of
17 Health to implement and plan for a statewide
18 trauma system; amending s. 395.4001, F.S.;
19 revising definitions; amending s. 395.401,
20 F.S.; revising components for local and
21 regional trauma services system plans;
22 correcting references to the term "trauma
23 center"; amending s. 395.4015, F.S.; requiring
24 that the boundaries of the trauma regions
25 administered by the Department of Health be
26 coterminous with the boundaries of the regional
27 domestic security task forces established
28 within the Department of Law Enforcement;
29 providing exceptions for certain interlocal
30 agreements for trauma services in a regional
31 system; eliminating requirements for the

1 Department of Health to develop the minimum
2 components for systems plans in defined trauma
3 regions; amending s. 395.402, F.S.; providing
4 additional legislative intent with respect to
5 trauma service areas; providing a treatment
6 capacity for certain trauma centers; providing
7 that current trauma service areas shall be used
8 until the Department of Health completes an
9 assessment of the trauma system; requiring a
10 report; providing guidelines for such
11 assessment; requiring annual review; amending
12 s. 395.4025, F.S.; revising requirements for
13 the Department of Health's development of a
14 state trauma system plan; deleting obsolete
15 references; correcting references to the term
16 "trauma center"; revising requirements for the
17 department's approval and verification of a
18 facility as a trauma center; granting the
19 department authority to adopt rules for the
20 procedures and process for notification,
21 duration, and explanation of a trauma center's
22 termination of trauma services; revising the
23 requirements for notice that a hospital must
24 give before it terminates or substantially
25 reduces trauma service; exempting from certain
26 time limits on applications to operate as
27 trauma centers certain hospitals in areas
28 having no trauma center; limiting applications
29 until the completion of a specified review;
30 amending s. 395.403, F.S.; correcting
31 references to the term "trauma center";

1 revising eligibility requirements for state
2 funding of trauma centers; providing that
3 trauma centers may request that their
4 distributions from the Administrative Trust
5 Fund be used as intergovernmental transfer
6 funds in the Medicaid program; amending s.
7 395.404, F.S.; revising reporting requirements
8 to the trauma registry data system maintained
9 by the Department of Health; providing that
10 hospitals and trauma centers subject to
11 reporting trauma registry data to the
12 department are required to comply with other
13 duties concerning the moderate-to-severe brain
14 or spinal cord injury registry maintained by
15 the department; correcting references to the
16 term "trauma center"; amending s. 395.405,
17 F.S.; authorizing the Department of Health to
18 adopt and enforce rules necessary to administer
19 part II of ch. 395, F.S.; establishing a task
20 force on distribution of funds; providing for a
21 trauma center matching grant program; amending
22 s. 318.14, F.S.; providing additional civil
23 penalties for certain traffic infractions;
24 providing for disposition of such penalties;
25 amending s. 318.21, F.S.; providing for
26 disposition of mandatory civil penalties;
27 amending s. 322.0261, F.S.; revising provisions
28 relating to driver-improvement courses;
29 amending s. 322.27, F.S.; prescribing points
30 for violation of a traffic-control signal;
31 amending s. 318.18, F.S.; providing penalty for

1 specified violation of traffic control signal
2 devices and for failure to submit to test for
3 impairment or intoxication; providing for
4 distribution of moneys collected; directing the
5 clerk of court to collect a fee for each civil
6 and criminal violation of ch. 316, F.S.;
7 creating s. 322.751, F.S.; directing the
8 Department of Highway Safety and Motor Vehicles
9 to assess specified annual surcharges against a
10 motor vehicle licensee who accumulates eight or
11 more points against his or her license within
12 the previous 36 months; requiring the
13 department to notify a licensee by first-class
14 mail upon receipt of four points against his or
15 her license; directing the department to remit
16 all such penalties to the Administrative Trust
17 Fund in the Department of Health; amending s.
18 316.193, F.S.; directing the department to
19 assess specified annual surcharges against
20 motor vehicle licensees who have a final
21 conviction within the previous 36 months for a
22 DUI offense; directing the department to remit
23 all such penalties to the Administrative Trust
24 Fund in the Department of Health; amending s.
25 794.056, F.S.; providing that funds credited to
26 the Rape Crisis Program Trust Fund shall
27 include both funds collected as an additional
28 court assessment in certain cases and certain
29 funds deposited in the Administrative Trust
30 Fund in the Department of Health; revising a
31 requirement relating to the distribution of

1 moneys from the trust fund pursuant to a rule
2 by the Department of Health; creating s.
3 322.7525, F.S.; requiring the department to
4 notify licensees of the surcharges and the time
5 period in which to pay the surcharges; creating
6 s. 322.753, F.S.; requiring the department to
7 accept installment payments for the surcharges;
8 providing sanctions for a licensee's failure to
9 pay an installment; allowing the department to
10 permit licensees to pay assessed surcharges
11 with credit cards; requiring the department to
12 suspend a driver's license if the licensee does
13 not pay the surcharge or arrange for
14 installment payments within a specified time
15 after the notice of surcharge is sent;
16 repealing s. 395.4035, F.S., relating to the
17 Trauma Services Trust Fund; providing for
18 distribution of collections in the
19 Administrative Trust Fund in the Department of
20 Health; providing an appropriation; providing
21 that a governing body of certain counties,
22 municipalities, or special districts may levy a
23 sales surtax for the purpose of funding of
24 trauma services if approved by a majority vote
25 of the electors of the county; requiring a
26 statement regarding a brief description of the
27 purposes of the surtax to be placed on the
28 ballot by the governing body; requiring the
29 ordinance or resolution to set forth a plan for
30 providing trauma services; requiring the
31 Department of Revenue to distribute moneys to

1 the clerk of court or the custodian of the
 2 funds; providing duties of the custodian of the
 3 funds; providing an effective date.
 4

5 Be It Enacted by the Legislature of the State of Florida:
 6

7 Section 1. Subsection (1) of section 381.74, Florida
 8 Statutes, is amended to read:

9 381.74 Establishment and maintenance of a central
 10 registry.--The department shall establish and maintain a
 11 central registry of persons who have moderate-to-severe brain
 12 or spinal cord injuries.

13 (1) Every public health agency, private health agency,
 14 public social agency, private social agency, hospital, trauma
 15 center, and attending physician shall report to the department
 16 ~~division~~ within 5 days after identification or diagnosis of
 17 any person who has a moderate-to-severe brain or spinal cord
 18 injury. The consent of such person shall not be required.

19 Section 2. Present subsections (2) through (10) of
 20 section 381.745, Florida Statutes, are redesignated as
 21 subsections (3) through (11), respectively, and a new
 22 subsection (2) is added to that section, to read:

23 381.745 Definitions; ss. 381.739-381.79.--As used in
 24 ss. 381.739-381.79, the term:

25 (2) "Department" means the Department of Health.

26 Section 3. Subsection (1) of section 395.003, Florida
 27 Statutes, is amended to read:

28 395.003 Licensure; issuance, renewal, denial,
 29 modification, suspension, and revocation.--

30 (1)(a) ~~A No~~ person may not shall establish, conduct,
 31 or maintain a hospital, ambulatory surgical center, or mobile

1 surgical facility in this state without first obtaining a
2 license under this part.

3 (b)1. It is unlawful for ~~a any~~ person to use or
4 advertise to the public, in any way or by any medium
5 whatsoever, any facility as a "hospital," "ambulatory surgical
6 center," or "mobile surgical facility" unless such facility
7 has first secured a license under the provisions of this part.

8 2. ~~Nothing in~~ This part ~~does not apply~~ applies to
9 veterinary hospitals or to commercial business establishments
10 using the word "hospital," "ambulatory surgical center," or
11 "mobile surgical facility" as a part of a trade name if no
12 treatment of human beings is performed on the premises of such
13 establishments.

14 3. By December 31, 2004, the agency shall submit a
15 report to the President of the Senate and the Speaker of the
16 House of Representatives recommending whether it is in the
17 public interest to allow a hospital to license or operate an
18 emergency department located off the premises of the hospital.
19 If the agency finds it to be in the public interest, the
20 report shall also recommend licensure criteria for such
21 medical facilities, including criteria related to quality of
22 care and, if deemed necessary, the elimination of the
23 possibility of confusion related to the service capabilities
24 of such facility in comparison to the service capabilities of
25 an emergency department located on the premises of the
26 hospital. Until July 1, 2005, additional emergency departments
27 located off the premises of licensed hospitals may not be
28 authorized by the agency.

29 Section 4. Subsection (5) of section 395.40, Florida
30 Statutes, is amended to read:

31 395.40 Legislative findings and intent.--

1 (5) In addition, the agencies listed in subsection (4)
2 should undertake to:

3 (a) Establish a coordinated methodology for
4 monitoring, evaluating, and enforcing the requirements of the
5 state's inclusive trauma system which recognizes the interests
6 of each agency.

7 (b) Develop appropriate roles for trauma agencies, to
8 assist in furthering the operation of trauma systems at the
9 regional level. This should include issues of system
10 evaluation as well as managed care.

11 (c) Develop and submit appropriate requests for
12 waivers of federal requirements which will facilitate the
13 delivery of trauma care.

14 (d) Develop criteria that will become the future basis
15 for ~~mandatory~~ consultation between acute care hospitals and
16 trauma centers on the care of trauma victims and the ~~mandatory~~
17 transfer of appropriate trauma victims to trauma centers.

18 (e) Develop a coordinated approach to the care of the
19 trauma victim. This shall include the movement of the trauma
20 victim through the system of care and the identification of
21 medical responsibility for each phase of care for
22 out-of-hospital and in-hospital trauma care.

23 ~~(f) Require the medical director of an emergency~~
24 ~~medical services provider to have medical accountability for a~~
25 ~~trauma victim during interfacility transfer.~~

26 Section 5. Section 395.4001, Florida Statutes, is
27 amended to read:

28 395.4001 Definitions.--As used in this part, the term:

29 (1) "Agency" means the Agency for Health Care
30 Administration.

31

1 (2) "Charity care" or "uncompensated ~~trauma~~ charity
2 care" means that portion of hospital charges reported to the
3 agency for which there is no compensation, other than
4 restricted or unrestricted revenues provided to a hospital by
5 local governments or tax districts regardless of method of
6 payment, for care provided to a patient whose family income
7 for the 12 months preceding the determination is less than or
8 equal to 200 ~~150~~ percent of the federal poverty level, unless
9 the amount of hospital charges due from the patient exceeds 25
10 percent of the annual family income. However, in no case shall
11 the hospital charges for a patient whose family income exceeds
12 four times the federal poverty level for a family of four be
13 considered charity.

14 (3) "Department" means the Department of Health.

15 (4) "Interfacility trauma transfer" means the transfer
16 of a trauma victim between two facilities licensed under this
17 chapter, pursuant to this part.

18 (5) "Level I trauma center" means a trauma center
19 that:

20 (a) Has formal research and education programs for the
21 enhancement of trauma care; ~~and is~~ verified ~~determined~~ by the
22 department to be in substantial compliance with Level I trauma
23 center and pediatric trauma ~~referral~~ center standards; and has
24 been approved by the department to operate as a Level I trauma
25 center.

26 (b) Serves as a resource facility to Level II trauma
27 centers, pediatric trauma ~~referral~~ centers, and general
28 hospitals through shared outreach, education, and quality
29 improvement activities.

30

31

1 (c) Participates in an inclusive system of trauma
2 care, including providing leadership, system evaluation, and
3 quality improvement activities.

4 (6) "Level II trauma center" means a trauma center
5 that:

6 (a) Is verified ~~determined~~ by the department to be in
7 substantial compliance with Level II trauma center standards
8 and has been approved by the department to operate as a Level
9 II trauma center.

10 (b) Serves as a resource facility to general hospitals
11 through shared outreach, education, and quality improvement
12 activities.

13 (c) Participates in an inclusive system of trauma
14 care.

15 (7) "Pediatric trauma ~~referral~~ center" means a
16 hospital that is verified ~~determined~~ by the department to be
17 in substantial compliance with pediatric trauma ~~referral~~
18 center standards as established by rule of the department and
19 has been approved by the department to operate as a pediatric
20 trauma center.

21 (8) "Provisional trauma center" means a hospital that
22 has been verified by the department to be in substantial
23 compliance with the requirements in s. 395.4025 and has been
24 approved by the department to operate as a provisional Level I
25 trauma center, Level II trauma center, or pediatric trauma
26 center.

27 ~~(8) "State approved trauma center" means a hospital~~
28 ~~that has successfully completed the selection process pursuant~~
29 ~~to s. 395.4025 and has been approved by the department to~~
30 ~~operate as a trauma center in the state.~~

31

1 ~~(9)~~ "State sponsored trauma center" means a trauma
2 center or pediatric trauma referral center that receives state
3 funding for trauma care services under s. 395.403.

4 ~~(9)~~~~(10)~~ "Trauma agency" means a department-approved
5 agency established and operated by one or more counties, or a
6 department-approved entity with which one or more counties
7 contract, for the purpose of administering an inclusive
8 regional trauma system.

9 ~~(10)~~~~(11)~~ "Trauma alert victim" means a person who has
10 incurred a single or multisystem injury due to blunt or
11 penetrating means or burns, who requires immediate medical
12 intervention or treatment, and who meets one or more of the
13 adult or pediatric scorecard criteria established by the
14 department by rule.

15 ~~(11)~~~~(12)~~ "Trauma center" means a ~~any~~ hospital that has
16 been verified ~~determined~~ by the department to be in
17 substantial compliance with the requirements in s. 395.4025
18 and has been approved by the department to operate as a Level
19 I trauma center, Level II trauma center, or pediatric trauma
20 center verification standards as either state approved or
21 provisional state approved.

22 ~~(12)~~~~(13)~~ "Trauma scorecard" means a statewide
23 methodology adopted by the department by rule under which a
24 person who has incurred a traumatic injury is graded as to the
25 severity of his or her injuries or illness and which
26 methodology is used as the basis for making destination
27 decisions.

28 ~~(13)~~~~(14)~~ "Trauma transport protocol" means a document
29 which describes the policies, processes, and procedures
30 governing the dispatch of vehicles, the triage, prehospital
31

1 transport, and interfacility trauma transfer of trauma
2 victims.

3 ~~(14)~~(15) "Trauma victim" means any person who has
4 incurred a single or multisystem injury due to blunt or
5 penetrating means or burns and who requires immediate medical
6 intervention or treatment.

7 Section 6. Section 395.401, Florida Statutes, is
8 amended to read:

9 395.401 Trauma services system plans; ~~verification of~~
10 trauma centers and pediatric trauma ~~referral~~ centers;
11 procedures; renewal.--

12 (1)(a) The local and regional trauma agencies shall
13 plan, implement, and evaluate trauma services systems, in
14 accordance with this section and ss. 395.4015, 395.404, and
15 395.4045, which consist of organized patterns of readiness and
16 response services based on public and private agreements and
17 operational procedures. The department shall establish, by
18 rule, processes and procedures for establishing a trauma
19 agency and obtaining its approval from the department.

20 (b) The local and regional trauma agencies shall
21 develop and submit to the department plans for local and
22 regional trauma services systems. The plans must include, at a
23 minimum, the following components:

24 1. The organizational structure of the trauma system.

25 2. Prehospital care management guidelines for triage
26 and transportation of trauma cases.

27 3. Flow patterns of trauma cases and transportation
28 system design and resources, including air transportation
29 services, provision for interfacility trauma transfer, and the
30 prehospital transportation of trauma victims. The trauma
31 agency shall plan for the development of a system of

1 transportation of trauma alert victims to trauma centers where
2 the distance or time to a trauma center or transportation
3 resources diminish access by trauma alert victims.

4 4. The number and location of needed ~~state approved~~
5 trauma centers based on local needs, population, and location
6 and distribution of resources.

7 5. Data collection regarding system operation and
8 patient outcome.

9 6. Periodic performance evaluation of the trauma
10 system and its components.

11 7. The use of air transport services within the
12 jurisdiction of the local trauma agency.

13 8. Public information and education about the trauma
14 system.

15 9. Emergency medical services communication system
16 usage and dispatching.

17 10. The coordination and integration between the
18 ~~verified~~ trauma center care facility and other acute care
19 hospitals ~~the nonverified health care facilities~~.

20 11. Medical control and accountability.

21 12. Quality control and system evaluation.

22 (c) The department shall receive plans for the
23 implementation of inclusive trauma systems from trauma
24 agencies. The department may approve or not approve trauma
25 agency plans based on the conformance of the plan with this
26 section and ss. 395.4015, 395.404, and 395.4045 and the rules
27 and definitions adopted by the department pursuant to those
28 sections. The department shall approve or disapprove the
29 plans within 120 days after the date the plans are submitted
30 to the department. The department shall, by rule, provide an
31 application process for establishing a trauma agency. The

1 application must, at a minimum, provide requirements for the
2 trauma agency plan submitted for review, a process for
3 reviewing the application for a ~~state approved~~ trauma agency,
4 a process for reviewing the trauma transport protocols for the
5 trauma agency, and a process for reviewing the staffing
6 requirements for the agency. The department shall, by rule,
7 establish minimum requirements for a trauma agency to conduct
8 an annual performance evaluation and submit the results to the
9 department.

10 (d) A trauma agency shall not operate unless the
11 department has approved the local or regional trauma services
12 system plan of the agency.

13 (e) The department may grant an exception to a portion
14 of the rules adopted pursuant to this section or s. 395.4015
15 if the local or regional trauma agency proves that, as defined
16 in the rules, compliance with that requirement would not be in
17 the best interest of the persons served within the affected
18 local or regional trauma area.

19 (f) A local or regional trauma agency may implement a
20 trauma care system only if the system meets the minimum
21 standards set forth in the rules for implementation
22 established by the department and if the plan has been
23 submitted to, and approved by, the department. At least 60
24 days before the local or regional trauma agency submits the
25 plan for the trauma care system to the department, the local
26 or regional trauma agency shall hold a public hearing and give
27 adequate notice of the public hearing to all hospitals and
28 other interested parties in the area to be included in the
29 proposed system.

30 (g) Local or regional trauma agencies may enter into
31 contracts for the purpose of implementing the local or

1 regional plan. If local or regional agencies contract with
2 hospitals for trauma services, such agencies must contract
3 only with hospitals which are verified trauma centers.

4 (h) Local or regional trauma agencies providing
5 service for more than one county shall, as part of their
6 formation, establish interlocal agreements between or among
7 the several counties in the regional system.

8 (i) This section does not restrict the authority of a
9 health care facility to provide service for which it has
10 received a license pursuant to this chapter.

11 (j) Any hospital which is verified as a trauma center
12 shall accept all trauma victims that are appropriate for the
13 facility regardless of race, sex, creed, or ability to pay.

14 (k) It is unlawful for any hospital or other facility
15 to hold itself out as a trauma center unless it has been so
16 verified.

17 (l) A county, upon the recommendations of the local or
18 regional trauma agency, may adopt ordinances governing the
19 transport of a patient who is receiving care in the field from
20 prehospital emergency medical personnel when the patient meets
21 specific criteria for trauma, burn, or pediatric centers
22 adopted by the local or regional trauma agency. These
23 ordinances must be consistent with s. 395.4045, ordinances
24 adopted under s. 401.25(6), and the local or regional trauma
25 system plan and, to the furthest possible extent, must ensure
26 that individual patients receive appropriate medical care
27 while protecting the interests of the community at large by
28 making maximum use of available emergency medical care
29 resources.

30 (m) The local or regional trauma agency shall,
31 consistent with the regional trauma system plan, coordinate

1 and otherwise facilitate arrangements necessary to develop a
2 trauma services system.

3 (n) After the submission of the initial trauma system
4 plan, each trauma agency shall, every 5th year, submit to the
5 department for approval an updated plan that identifies the
6 changes, if any, to be made in the regional trauma system.

7 (o) This section does not preclude a local or regional
8 trauma agency from adopting trauma care system standards.

9 (2) The department shall adopt, by rule, standards for
10 verification of trauma centers based on national guidelines,
11 including those established by the American College of
12 Surgeons entitled "Hospital and Prehospital Resources for
13 Optimal Care of the Injured Patient" and published appendices
14 thereto. Standards specific to pediatric trauma ~~referral~~
15 centers shall be developed in conjunction with Children's
16 Medical Services and adopted by rule of the department.

17 (3) The department may withdraw local or regional
18 agency authority, prescribe corrective actions, or use the
19 administrative remedies as provided in s. 395.1065 for the
20 violation of any provision of this section and ss. 395.4015,
21 395.402, 395.4025, 395.403, 395.404, and 395.4045 or rules
22 adopted thereunder. All amounts collected pursuant to this
23 subsection shall be deposited into the Emergency Medical
24 Services Trust Fund provided in s. 401.34.

25 Section 7. Section 395.4015, Florida Statutes, is
26 amended to read:

27 395.4015 State regional trauma planning; trauma
28 regions.--

29 (1) The department shall establish a state trauma
30 system plan. As part of the state trauma system plan, the
31 department shall establish trauma regions that ~~which~~ cover all

1 geographical areas of the state and have boundaries that are
2 coterminous with the boundaries of the regional domestic
3 security task forces established under s. 943.0312. These
4 regions may serve as the basis for the development of
5 department-approved local or regional trauma plans. However,
6 the delivery of trauma services by or in coordination with a
7 trauma agency established before July 1, 2004, may continue in
8 accordance with public and private agreements and operational
9 procedures entered into as provided in s. 395.401. The
10 ~~department shall base its definition of the regions upon:~~
11 ~~(a) Geographical considerations so as to ensure rapid~~
12 ~~access to trauma care by patients;~~
13 ~~(b) Historical patterns of patient referral and~~
14 ~~transfer in an area;~~
15 ~~(c) Inventories of available trauma care resources;~~
16 ~~(d) Predicted population growth characteristics;~~
17 ~~(e) Transportation capabilities, including ground and~~
18 ~~air transport;~~
19 ~~(f) Medically appropriate ground and air travel times;~~
20 ~~and~~
21 ~~(g) Other appropriate criteria.~~
22 ~~(2) The department shall develop trauma systems plans~~
23 ~~for the department defined trauma regions which include at a~~
24 ~~minimum the following components:~~
25 ~~(a) An assessment of current and future trauma care~~
26 ~~needs of the population, based upon incidence rates and acuity~~
27 ~~indicators developed by the department, as well as other~~
28 ~~relevant characteristics of the region.~~
29 ~~(b) The organizational structure of the regional~~
30 ~~trauma system, including the identification of local trauma~~
31 ~~agency service areas within the region.~~

1 ~~(c) Prehospital care management guidelines for triage~~
2 ~~and transportation of trauma cases.~~

3 ~~(d) Flow patterns of trauma cases and transportation~~
4 ~~system design and resources, including air transportation~~
5 ~~services, provision for interfacility trauma transfer, and the~~
6 ~~prehospital transportation of trauma victims. The department~~
7 ~~shall plan for the development of a system of transportation~~
8 ~~of trauma alert victims to trauma centers where the distance~~
9 ~~or time to a trauma center or transportation resources~~
10 ~~diminish access by trauma alert victims.~~

11 ~~(e) The current and projected number, acuity level,~~
12 ~~and geographic location of trauma cases expected so as to~~
13 ~~assure that the assessed current and future trauma care needs~~
14 ~~of the population are adequately met and that state sponsored~~
15 ~~trauma centers will maintain the volume of cases sufficient to~~
16 ~~provide quality care to trauma cases referred to them.~~

17 ~~(f) The availability of qualified health~~
18 ~~professionals, including physicians and surgeons, capable of~~
19 ~~staffing trauma centers to the level of current and future~~
20 ~~assessed needs.~~

21 ~~(g) Data collection regarding system operation and~~
22 ~~patient outcome, as well as the number, type, and generalized~~
23 ~~locations of state sponsored trauma centers needed to meet the~~
24 ~~needs of the population.~~

25 ~~(h) Periodic performance evaluation of the trauma~~
26 ~~system and its components.~~

27 ~~(i) The type and extent of air transport services~~
28 ~~available and needed in each region.~~

29 ~~(j) Public information and education about the trauma~~
30 ~~system.~~

31

1 ~~(k) Emergency medical services communication system~~
2 ~~usage and dispatching.~~

3 ~~(l) The coordination and integration between the~~
4 ~~trauma centers and other health care facilities which may~~
5 ~~provide services to trauma victims.~~

6 ~~(m) Medical control and accountability.~~

7 ~~(n) Quality management and system evaluation.~~

8 ~~(2)(3)~~ The department shall consider the advice and
9 recommendations of any affected local or regional trauma
10 agency in developing the state trauma ~~system~~ systems plan.
11 ~~The department may, in lieu of specific regional components of~~
12 ~~its own plan, accept components developed by local or regional~~
13 ~~trauma agencies.~~

14 ~~(3)(4)~~ The department shall use the state trauma
15 system plan as the basis for establishing a statewide
16 inclusive trauma system.

17 Section 8. Section 395.402, Florida Statutes, is
18 amended to read:

19 395.402 Trauma service areas; number and location of
20 trauma centers.--

21 (1) The Legislature recognizes the need for a
22 statewide, cohesive, uniform, and integrated trauma system.
23 Within the trauma service areas, that Level I and Level II
24 trauma centers shall ~~should~~ each be capable of annually
25 treating a minimum of 1,000 and 500 patients, respectively,
26 with an injury severity score (ISS) of 9 or greater. Level II
27 trauma centers in counties with a population of more than
28 500,000 shall have the capacity to care for a minimum of 1,000
29 patients per year. ~~Further, the Legislature finds that, based~~
30 ~~on the numbers and locations of trauma victims with these~~
31 ~~injury severity scores, there should be 19 trauma service~~

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

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

10 (2)(3) Trauma service areas as described in this
11 section are to be utilized until the Department of Health
12 completes an assessment of the trauma system and reports its
13 findings to the Governor, the President of the Senate, the
14 Speaker of the House of Representatives, and the substantive
15 legislative committees. The report shall be submitted by
16 December 1, 2004. The department shall review the existing
17 trauma system and determine whether it is effective in
18 providing trauma care uniformly throughout the state. The
19 assessment shall:

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

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

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

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

31

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,

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

1 10. Trauma service area 10 shall consist of
2 Hillsborough County.

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

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

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

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

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

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

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

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

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

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

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

27 Section 9. Section 395.4025, Florida Statutes, is
28 amended to read:

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

31

1 (1) For purposes of developing a system of
2 ~~state approved~~ trauma centers, the department shall use the 19
3 trauma service areas established in s. 395.402. Within each
4 service area and based on the state trauma system plan, the
5 local or regional trauma services system plan, and
6 recommendations of the local or regional trauma agency, ~~and~~
7 ~~the 1990 Report and Proposal for Funding State Sponsored~~
8 ~~Trauma Centers~~, the department shall establish the approximate
9 number of ~~state approved~~ trauma centers needed to ensure
10 reasonable access to high-quality trauma services. The Using
11 ~~the guidelines and procedures outlined in the 1990 report,~~
12 ~~except when in conflict with those prescribed in this section,~~
13 ~~the~~ department shall select those hospitals that are to be
14 recognized as ~~state approved~~ trauma centers ~~and shall include~~
15 ~~all trauma centers verified as of October 1, 1990, and~~
16 ~~subsequently, subject to specific programmatic and quality of~~
17 ~~care standards.~~

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

1 (b) By October 15, the department shall send to all
2 hospitals that submitted a letter of intent an application
3 package that will provide the hospitals with instructions for
4 submitting information to the department for selection as a
5 ~~state approved~~ trauma center. The standards for ~~verification~~
6 ~~of trauma centers and pediatric trauma referral centers~~
7 provided for in s. 395.401(2), as adopted by rule of the
8 department, shall serve as the basis for these instructions.

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

23 1. Equipment and physical facilities necessary to
24 provide trauma services.

25 2. Personnel in sufficient numbers and with proper
26 qualifications to provide trauma services.

27 3. An effective quality assurance process.

28 4. Submitted written confirmation by the local or
29 regional trauma agency that ~~the verification of the hospital~~
30 applying to become as a state approved trauma center is
31 consistent with the plan of the local or regional trauma

1 agency, as approved by the department, if such agency exists.

2 ~~This subparagraph applies to any hospital that is not a~~
3 ~~provisional or verified trauma center on January 1, 1992.~~

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

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

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

1 (4) Between May 1 and October 1 of each year, the
2 department shall conduct an in-depth evaluation of all
3 applications found acceptable in the provisional review. The
4 applications shall be evaluated against criteria enumerated in
5 the application packages as provided to the hospitals by the
6 department.

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

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

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

29 (7) Any hospital that wishes to protest a decision
30 made by the department based on the department's preliminary
31 or in-depth review of applications or on the recommendations

1 of the site visit review team pursuant to this section shall
2 proceed as provided in chapter 120. Hearings held under this
3 subsection shall be conducted in the same manner as provided
4 in ss. 120.569 and 120.57. Cases filed under chapter 120 may
5 combine all disputes between parties.

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

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

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

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

26 (11) Onsite visits by the department or its agent may
27 be conducted at any reasonable time and may include but not be
28 limited to a review of records in the possession of trauma
29 centers, ~~pediatric trauma referral centers,~~ hospitals,
30 emergency medical service providers, local or regional trauma
31

1 agencies, or medical examiners regarding the care, transport,
2 treatment, or examination of trauma patients.

3 (12) Patient care, transport, or treatment records or
4 reports, or patient care quality assurance proceedings,
5 records, or reports obtained or made pursuant to this section,
6 s. 395.3025(4)(f), s. 395.401, s. 395.4015, s. 395.402, s.
7 395.403, s. 395.404, s. 395.4045, s. 395.405, s. 395.50, or s.
8 395.51 must be held confidential by the department or its
9 agent and are exempt from the provisions of s. 119.07(1).

10 Patient care quality assurance proceedings, records, or
11 reports obtained or made pursuant to these sections are not
12 subject to discovery or introduction into evidence in any
13 civil or administrative action.

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

22 (14) For fiscal year 2004-2005 only, notwithstanding
23 any other provision of this section and rules adopted pursuant
24 this section that impose time limits on the applications by
25 hospitals located in trauma service areas where there are no
26 existing trauma centers seeking approval and verification to
27 operate as a trauma center, any acute care general or
28 pediatric hospital that has not already been previously
29 approved may apply beginning on July 1, 2004, to the
30 Department of Health for approval and verification to operate

31

1 as a provisional trauma center or trauma center within the
2 framework and substantive requirements under this part.

3 Section 10. Section 395.403, Florida Statutes, is
4 amended to read:

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

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

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

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

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

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

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

1 ~~(4)(a) State sponsored trauma centers shall determine~~
2 ~~each trauma patient's eligibility for state funding prior to~~
3 ~~the submission of a claim.~~

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

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

- 15 ~~1. W 2 withholding forms.~~
- 16 ~~2. Payroll stubs.~~
- 17 ~~3. Income tax returns.~~
- 18 ~~4. Forms approving or denying unemployment~~
19 ~~compensation or workers' compensation.~~
- 20 ~~5. Written verification of wages from employer.~~
- 21 ~~6. Written verification from public welfare agencies~~
22 ~~or any other governmental agency which can attest to the~~
23 ~~patient's income status for the past 12 months.~~
- 24 ~~7. A witnessed statement signed by the patient or~~
25 ~~responsible party, as provided for in Pub. L. No. 79-725, as~~
26 ~~amended, known as the Hill Burton Act, except that such~~
27 ~~statement need not be obtained within 48 hours of the~~
28 ~~patient's admission to the hospital as required by the~~
29 ~~Hill Burton Act. The statement shall include acknowledgment~~
30 ~~that, in accordance with s. 817.50, providing false~~
31 ~~information to defraud a hospital for the purposes of~~

1 ~~obtaining goods or services is a misdemeanor of the second~~
2 ~~degree.~~

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

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

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

29 ~~(6)(a) To ensure a fair distribution of funds~~
30 ~~appropriated for state sponsored trauma centers and to ensure~~
31 ~~that no state sponsored trauma center gains an unfair~~

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

$$\frac{SAAA}{TTD} = \frac{SATD}{TA}$$

12 where:

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

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

16 ~~TTD = uncompensated total trauma days with ISS score of~~
 17 ~~9 or greater for all 19 service areas.~~

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

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

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

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

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

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

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

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

1 (a) Agree to conform to all departmental requirements
2 as provided by rule to assure high-quality trauma services.

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

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

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

13 Section 11. Section 395.404, Florida Statutes, is
14 amended to read:

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

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

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

1 for purposes of research in accordance with the provisions of
2 chapter 405.

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

22 ~~(3) Trauma registry data obtained pursuant to this~~
23 ~~section are confidential and exempt from the provisions of s.~~
24 ~~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, pediatric trauma referral~~
27 ~~center, hospital, emergency medical service provider, local or~~
28 ~~regional trauma agency, medical examiner, or other entity from~~
29 ~~which the data were obtained. The department may also use or~~
30 ~~provide trauma registry data for purposes of research in~~
31 ~~accordance with the provisions of chapter 405.~~

1 Section 12. Section 395.405, Florida Statutes, is
2 amended to read:

3 395.405 Rulemaking.--The department shall adopt and
4 enforce all rules necessary to administer this part ~~ss-~~
5 ~~395.0199, 395.401, 395.4015, 395.402, 395.4025, 395.403,~~
6 ~~395.404, and 395.4045.~~

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

20 Section 14. Trauma Center Matching Grant Program.--It
21 is the intent of the Legislature to promote the development of
22 at least one trauma center in every trauma service area. The
23 Trauma Center matching grant program shall be established and
24 administered by the Department of Health. The purpose of the
25 program is to provide start-up funds as an incentive to
26 encourage development of new trauma centers. The grant
27 program shall function as a partnership between state and
28 local governments and private-sector health care providers.
29 Private providers shall provide \$1 in local matching funds for
30 each \$1 grant payment made by the state. Hospitals may apply
31 for matching grant funds by submitting a grant application to

1 the department. Applications shall be competitively reviewed
 2 by an independent panel appointed by the secretary of the
 3 department. The department may use up to \$2 million annually
 4 from the Administrative Trust Fund for this program.

5 Section 15. Subsection (5) of section 318.14, Florida
 6 Statutes, is amended to read:

7 318.14 Noncriminal traffic infractions; exception;
 8 procedures.--

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

1 to this subsection upon persons required to appear before a
 2 designated official pursuant to s. 318.19(1) or (2) shall be
 3 remitted to the Department of Revenue and distributed into the
 4 Administrative Trust Fund created under s. 20.435 to be used
 5 by the Department of Health as required under s. 395.403.

6 Section 16. Subsection (13) is added to section
 7 318.21, Florida Statutes, to read:

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

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

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

19 Section 17. Section 322.0261, Florida Statutes, is
 20 amended to read:

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

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

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

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

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

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

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

30 Section 18. Paragraph (d) of subsection (3) of section
31 322.27, Florida Statutes, is amended to read:

1 322.27 Authority of department to suspend or revoke
2 license.--

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

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

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

31

1 ~~7.6-~~ All other moving violations (including parking on
2 a highway outside the limits of a municipality)--3 points.
3 However, no points shall be imposed for a violation of s.
4 316.0741 or s. 316.2065(12).

5 ~~8.7-~~ Any moving violation covered above, excluding
6 unlawful speed, resulting in a crash--4 points.

7 ~~9.8-~~ Any conviction under s. 403.413(5)(b)--3 points.

8 Section 19. Subsections (13), (14), and (15) are added
9 to section 318.18, Florida Statutes, to read:

10 318.18 Amount of civil penalties.--The penalties
11 required for a noncriminal disposition pursuant to s. 318.14
12 are as follows:

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

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

28 (15) Notwithstanding any law to the contrary, the
29 clerk of the court shall collect an additional \$10 for each
30 civil violation of chapter 316; \$20 for each offense
31 specifically enumerated in s. 318.17; and \$20 for any other

1 offense in chapter 316 which is classified as a criminal
2 violation. The fines collected under this subsection shall be
3 remitted to the Department of Revenue for deposit in the
4 Administrative Trust Fund under s. 20.435 to be used by the
5 Department of Health as required under s. 395.403.

6 Section 20. Section 322.751, Florida Statutes, is
7 created to read:

8 322.751 Annual surcharge for points.--

9 (1) Each year the department shall assess a surcharge
10 on each person who has accumulated eight or more points
11 against his or her driver's license during the preceding
12 36-month period.

13 (2) The amount of a surcharge under this section is
14 \$100 for the first eight points and \$25 for each additional
15 point.

16 (3) The department shall notify the holder of a
17 driver's license of the assignment of a fourth point 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.

20 (4) This section only applies to a violation that
21 occurs on or after July 1, 2004.

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

31

1 Section 21. Paragraph (a) of subsection (2) of section
2 316.193, Florida Statutes, is amended to read:

3 316.193 Driving under the influence; penalties.--

4 (2)(a) Except as provided in paragraph (b), subsection
5 (3), or subsection (4), any person who is convicted of a
6 violation of subsection (1) shall be punished:

7 1. By a fine of:

8 a. Not less than \$250 or more than \$500 for a first
9 conviction.

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

12 2. By imprisonment for:

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

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

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

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

27 a. Each year the department shall assess a surcharge
28 on each person who has a final conviction during the preceding
29 36-month period for an offense relating to s. 316.193.

30 b. The amount of a surcharge under this section is
31 \$500 per year, except that the amount of the surcharge is:

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

3 (II) One thousand dollars for a first or subsequent
4 conviction if the blood-alcohol level of the person was 0.20
5 or higher at the time the analysis was performed.

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

8 d. This section only applies to a violation that
9 occurs on or after July 1, 2004.

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

19 Section 22. Section 794.056, Florida Statutes, is
20 amended to read:

21 794.056 Rape Crisis Program Trust Fund.--

22 (1) The Rape Crisis Program Trust Fund is created
23 within the Department of Health for the purpose of providing
24 funds for rape crisis centers in this state. Trust fund moneys
25 shall be used exclusively for the purpose of providing
26 services for victims of sexual assault. Funds deposited in the
27 trust fund shall include revenues as provided by law, moneys
28 as appropriated by the Legislature, and grants from public or
29 private entities. Funds credited to the trust fund consist of
30 those funds collected as an additional court assessment in
31 each case in which a defendant pleads guilty or nolo

1 | contendere to, or is found guilty of, regardless of
 2 | adjudication, an offense defined in s. 784.011, s. 784.021, s.
 3 | 784.03, s. 784.041, s. 784.045, s. 784.048, s. 784.07, s.
 4 | 784.08, s. 784.081, s. 784.082, s. 784.083, s. 785.085, or s.
 5 | 794.011.

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

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

17 | Section 23. Section 322.7525, Florida Statutes, is
 18 | created to read:

19 | 322.7525 Notice of surcharge.--

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

26 | (2) If, before the 30th day after the date the
 27 | department sends a notice under s. 322.751, s. 322.7515, s.
 28 | 322.7516, or s. 327.732, the person fails to pay the amount of
 29 | a surcharge on the person's license or fails to enter into an
 30 | installment payment agreement with the department, the license
 31 | of the person is automatically suspended.

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

4 Section 24. Section 322.753, Florida Statutes, is
5 created to read:

6 322.753 Installment payment of surcharges.--

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

9 (2) A rule under this section:

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

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

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

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

18 (3) The department may by rule authorize the payment
19 of a surcharge by use of a credit card. The rules shall
20 require the person to pay all costs incurred by the department
21 in connection with the acceptance of the credit card.

22 (4) If a person pays a surcharge or related cost by
23 credit card and the amount is subsequently reversed by the
24 issuer of the credit card, the license of that person is
25 automatically suspended.

26 (5) A license suspended under this section remains
27 suspended until the person pays the amount of the surcharge
28 and any related costs.

29 Section 25. Section 395.4035, Florida Statutes, is
30 repealed.

31

1 Section 26. The Department of Highway Safety and Motor
2 Vehicles shall determine the level of funding necessary to
3 implement sections 19 and 20 of this act with department
4 resources. If the department determines that such services
5 could be provided more effectively or efficiently, the
6 department may consider outsourcing proposals through
7 competitive processes. Notwithstanding the provisions of
8 chapter 287, Florida Statutes, in the event that less than
9 four responsive bids are received, the department shall seek
10 approval by the Legislative Budget Commission.

11 Section 27. There is appropriated \$250,000 from the
12 Highway Safety Operating Trust Fund for initial development
13 start-up costs related to sections 19 and 20 of this act. The
14 Department of Highway Safety and Motor Vehicles shall submit a
15 budget amendment for approval by the Legislative Budget
16 Commission, pursuant to chapter 216, Florida Statutes, upon
17 determination of the additional budget amounts by
18 appropriation category that are necessary for full
19 implementation.

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

1 section 381.79, Florida Statutes, and the remainder to the
2 General Revenue Fund.

3 Section 29. There is appropriated from the
4 Administrative Trust Fund in the Department of Health the sum
5 of \$31,591,454 to provide funding for verified and provisional
6 trauma centers pursuant to section 395.403, Florida Statutes,
7 and \$4 million from the Rape Crisis Program Trust Fund in the
8 Department of Health for the purpose of providing services for
9 victims of sexual assault.

10 Section 30. Paragraph (g) is added to subsection (7)
11 of section 212.055, Florida Statutes, to read:

12 212.055 Discretionary sales surtaxes; legislative
13 intent; authorization and use of proceeds.--It is the
14 legislative intent that any authorization for imposition of a
15 discretionary sales surtax shall be published in the Florida
16 Statutes as a subsection of this section, irrespective of the
17 duration of the levy. Each enactment shall specify the types
18 of counties authorized to levy; the rate or rates which may be
19 imposed; the maximum length of time the surtax may be imposed,
20 if any; the procedure which must be followed to secure voter
21 approval, if required; the purpose for which the proceeds may
22 be expended; and such other requirements as the Legislature
23 may provide. Taxable transactions and administrative
24 procedures shall be as provided in s. 212.054.

25 (7) VOTER-APPROVED INDIGENT CARE SURTAX.--

26 (g) Notwithstanding any other provision of this
27 section, the governing body in each county the government of
28 which is not consolidated with that of one or more
29 municipalities and that has a population of less than 800,000
30 residents, or a municipality or special district within such
31 county, may levy, pursuant to an ordinance or resolution

1 conditioned to take effect only upon approval by a majority
 2 vote of the electors of the county voting in a referendum, a
 3 discretionary sales surtax at a rate that may not exceed 0.2
 4 percent for the sole purpose of funding trauma services
 5 provided by a trauma center licensed under chapter 395. A
 6 county may not levy a discretionary sales surtax authorized in
 7 this paragraph and this subsection in excess of a combined
 8 rate of 0.5 percent.

9 1. A statement that includes a brief and general
 10 description of the purposes to be funded by the surtax and
 11 that conforms to the requirements of s. 101.161 shall be
 12 placed on the ballot by the governing body of the county. The
 13 following questions shall be placed on the ballot:

14
 15 FOR THE....CENTS TAX
 16 AGAINST THE....CENTS TAX
 17

18 2. The ordinance or resolution adopted by the
 19 governing body of the county, municipality, or special
 20 district providing for the imposition of the surtax shall set
 21 forth a plan for providing trauma services to trauma victims
 22 presenting in the trauma service area in which such county,
 23 municipality, or special district is located.

24 3. Moneys collected under this paragraph remain the
 25 property of the state and shall be distributed by the
 26 Department of Revenue on a regular and periodic basis to the
 27 clerk of the circuit, the clerk of the municipality, or the
 28 treasurer of the special district, as ex officio custodian of
 29 the funds of the authorizing county, municipality, or special
 30 district. The custodian of the funds shall:

31

- 1 a. Maintain the moneys in a trauma services trust
2 fund;
- 3 b. Invest any funds held on deposit in the trust fund
4 under general law;
- 5 c. Disburse the funds, including any interest earned,
6 to the trauma center in its trauma service area, as provided
7 in the plan set forth in subparagraph 2. upon directive from
8 the authorizing county, municipality, or special district. If
9 the trauma center receiving funds requests that such funds be
10 used to generate federal matching funds under Medicaid, the
11 custodian of the funds shall instead issue a check to the
12 Agency for Health Care Administration to accomplish that
13 purpose to the extent that is allowed through the General
14 Appropriations Act; and
- 15 d. Prepare on a biennial basis an audit of the trauma
16 services trust fund specified in sub-subparagraph a., to be
17 delivered to the authorizing county, municipality, or special
18 district.
- 19 4. The provisions of paragraph (f) do not apply to a
20 surtax levied under this paragraph.

21 Section 31. This act shall take effect July 1, 2004.

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