

By Senator Atwater

25-846B-04

1 A bill to be entitled
2 An act relating to trauma care services;
3 amending s. 395.40, F.S.; providing that it is
4 the Legislature's intent that the Agency for
5 Health Care Administration be primarily
6 responsible for funding a statewide system of
7 trauma care; requiring that the state trauma
8 care plan be amended by a specified date;
9 amending s. 395.4001, F.S.; revising terms
10 relating to trauma care services; amending s.
11 395.401, F.S.; removing the term
12 "state-approved" from the trauma care services
13 system; amending s. 395.4015, F.S.; requiring
14 the Department of Health and the agency to
15 establish trauma care regions; amending s.
16 395.402, F.S.; requiring the department and the
17 agency to consider the recommendations of
18 certain organizations when reassigning trauma
19 service areas; requiring that the trauma
20 service areas be reviewed periodically;
21 removing limitation on number of trauma centers
22 in the state; amending s. 395.4025, F.S.;
23 conforming provisions to changes made by the
24 act; amending s. 395.403, F.S.; directing that
25 each trauma center receive a one-time specified
26 appropriation in recognition of the capital
27 investment made to establish the trauma
28 service; requiring that each new trauma center
29 also receive a specified appropriation;
30 deleting provisions relating to state-sponsored
31 trauma centers; deleting provisions relating to

1 client eligibility, funding formulas, and
2 claims processing; creating s. 395.4033, F.S.;
3 requiring the department to make certain
4 payments to trauma centers; providing
5 conditions for a certified trauma center to
6 receive funding; creating s. 395.4036, F.S.;
7 requiring the department to use funds from the
8 Trauma Services Trust Fund to assure the
9 availability and accessibility of trauma
10 services throughout this state and for startup
11 costs; requiring the department to allocate
12 funds not disbursed for trauma preparedness and
13 startup costs to trauma centers to pay for
14 uncompensated trauma care; allocating unspent
15 funds to the department's Nursing Student Loan
16 Forgiveness Program and the Nursing Scholarship
17 Program; amending s. 395.4045, F.S.; conforming
18 provisions to changes made by the act;
19 requiring the Medicaid Disproportionate Share
20 Task Force to review the disbursement of
21 Special Medicaid Payments made to trauma
22 centers to assess the effectiveness of the
23 payments to the trauma care centers; requiring
24 the task force to consider the advice and
25 suggestions of specified organizations;
26 amending s. 316.066, F.S.; directing the
27 Department of Highway Safety and Motor Vehicles
28 to collect a fee for each written report of a
29 crash filed with the department; amending s.
30 318.18, F.S.; directing the clerk of court to
31 collect a fee for each civil and criminal

1 violation of chapter 316, F.S.; amending s.
2 320.0801, F.S.; directing that an additional
3 surcharge be imposed on license registration
4 for certain motor vehicles; amending s. 327.35,
5 F.S.; directing that an additional surcharge be
6 imposed on persons convicted of boating under
7 the influence; creating s. 327.732, F.S.;
8 directing the court to collect an additional
9 fee for criminal and noncriminal violations of
10 chapter 327 or chapter 328, F.S.; providing
11 that all fees collected under the act be
12 deposited in the Trauma Services Trust Fund;
13 creating the driver's responsibility program;
14 directing the Department of Highway Safety and
15 Motor Vehicles to annually impose specified
16 monetary penalties against motor vehicle
17 licensees who have violated certain laws within
18 the previous 36 months; requiring the
19 department to notify licensees of the penalty
20 and the time period in which to pay the
21 penalty; requiring the department to accept
22 installment payments for the penalties;
23 directing the department to adopt rules
24 relating to installment payments; providing
25 sanctions for a licensee's failure to pay an
26 installment; allowing the department the
27 discretion to permit licensees to pay assessed
28 penalties with credit cards; authorizing the
29 department to adopt rules relating to credit
30 card payments; requiring the department to
31 suspend a driver's license if a credit card

1 issuer returns the account as unpayable;
2 requiring the department to suspend a driver's
3 license if the licensee does not pay the
4 penalty or arrange for an installment plan
5 within a specified time after the notice of
6 penalty is sent; directing the department to
7 remit all penalties to the Trauma Service Trust
8 Fund; providing an effective date.

9
10 Be It Enacted by the Legislature of the State of Florida:

11
12 Section 1. Section 395.40, Florida Statutes, is
13 amended to read:

14 395.40 Legislative findings and intent.--

15 (1) The Legislature finds that there has been a lack
16 of timely access to trauma care due to the state's fragmented
17 trauma system. ~~This finding is based on the 1999 Trauma System~~
18 ~~Report on Timely Access to Trauma Care submitted by the~~
19 ~~department in response to the request of the Legislature.~~

20 (2) The Legislature finds that it is necessary to plan
21 for, and to establish, and fund an inclusive trauma system to
22 meet the needs of trauma victims. An "inclusive trauma system"
23 means a system designed to meet the needs of all injured
24 trauma victims who require care in an acute-care setting and
25 into which every health care provider or facility with
26 resources to care for the injured trauma victim is
27 incorporated. The Legislature deems the benefits of trauma
28 care provided within an inclusive trauma system to be of vital
29 significance to the outcome of a trauma victim.

30 (3) It is the intent of the Legislature to place
31 primary responsibility for the planning and establishment of a

1 statewide inclusive trauma system with the department and
2 primary responsibility for funding with the agency. The
3 department shall undertake the implementation of a statewide
4 inclusive trauma system as funding is available.

5 (4) The Legislature finds that significant benefits
6 are to be obtained by directing the coordination of activities
7 by several state agencies, relative to access to trauma care
8 and the provision of trauma care to all trauma victims. It is
9 the intent of the Legislature that the department, the Agency
10 for Health Care Administration, the Board of Medicine, and the
11 Board of Nursing establish interagency teams and agreements
12 for the development of guidelines, standards, and rules for
13 those portions of the inclusive state trauma system within the
14 statutory authority of each agency. This coordinated approach
15 will provide the necessary continuum of care for the trauma
16 victim from injury to final hospital discharge. The department
17 has the leadership responsibility for this activity.

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

20 (a) Establish a coordinated methodology for
21 monitoring, evaluating, and enforcing the requirements of the
22 state's inclusive trauma system which recognizes the interests
23 of each agency.

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

28 (c) Develop and submit appropriate requests for
29 waivers of federal requirements which will facilitate the
30 delivery of trauma care.

31

1 (d) Develop criteria that will become the future basis
2 for mandatory consultation on the care of trauma victims and
3 mandatory transfer of appropriate trauma victims to trauma
4 centers.

5 (e) Develop a coordinated approach to the care of the
6 trauma victim. This shall include the movement of the trauma
7 victim through the system of care and the identification of
8 medical responsibility for each phase of care for
9 out-of-hospital and in-hospital trauma care.

10 (f) Require the medical director of an emergency
11 medical services provider to have medical accountability for a
12 trauma victim during interfacility transfer.

13 (6) Furthermore, the Legislature encourages the
14 department to actively foster the provision of trauma care and
15 serve as a catalyst for improvements in the process and
16 outcome of the provision of trauma care in an inclusive trauma
17 system. Among other considerations, the department is
18 encouraged to:

19 (a) Promote the development of at least one trauma
20 center in every trauma service area.

21 (b) Promote the development of a trauma agency for
22 each trauma region.

23 (c) Update the state trauma system plan by December
24 2004 ~~2000~~ and at least every 5th year thereafter.

25 Section 2. Section 395.4001, Florida Statutes, is
26 amended to read:

27 395.4001 Definitions.--As used in this part, the term:

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

30 (2) "Charity care" or "uncompensated charity care"
31 means that portion of hospital charges reported to the agency

1 for which there is no compensation for care provided to a
2 patient whose family income for the 12 months preceding the
3 determination is less than or equal to 200 ~~150~~ percent of the
4 federal poverty level, unless the amount of hospital charges
5 due from the patient exceeds 25 percent of the annual family
6 income. However, in no case shall the hospital charges for a
7 patient whose family income exceeds four times the federal
8 poverty level for a family of four be considered charity.

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

10 (4) "Interfacility trauma transfer" means the transfer
11 of a trauma victim between two facilities licensed under this
12 chapter, under ~~pursuant to~~ this part.

13 (5) "Level I trauma center" means a trauma center
14 that:

15 (a) Has formal research and education programs for the
16 enhancement of trauma care and is determined by the department
17 to be in substantial compliance with Level I trauma center and
18 pediatric trauma referral center standards.

19 (b) Serves as a resource facility to Level II trauma
20 centers, pediatric trauma referral centers, and general
21 hospitals through shared outreach, education, and quality
22 improvement activities.

23 (c) Participates in an inclusive system of trauma
24 care, including providing leadership, system evaluation, and
25 quality improvement activities.

26 (6) "Level II trauma center" means a trauma center
27 that:

28 (a) Is determined by the department to be in
29 substantial compliance with Level II trauma center standards.

30
31

1 (b) Serves as a resource facility to general hospitals
2 through shared outreach, education, and quality improvement
3 activities.

4 (c) Participates in an inclusive system of trauma
5 care.

6 (7) "Pediatric trauma ~~referral~~ center" means a
7 hospital that is determined by the department to be in
8 substantial compliance with pediatric trauma ~~referral~~ center
9 standards as established by rule of the department.

10 (8) "~~State-approved~~ Trauma center" means a hospital
11 that has successfully completed the selection process pursuant
12 to s. 395.4025 and has been approved by the department to
13 operate as a trauma center in the state.

14 ~~(9) "State-sponsored trauma center" means a trauma~~
15 ~~center or pediatric trauma referral center that receives state~~
16 ~~funding for trauma care services under s. 395.403.~~

17 (9)~~(10)~~ "Trauma agency" means a department-approved
18 agency established and operated by one or more counties, or a
19 department-approved entity with which one or more counties
20 contract, for the purpose of administering an inclusive
21 regional trauma system.

22 (10)~~(11)~~ "Trauma alert victim" means a person who has
23 incurred a single or multisystem injury due to blunt or
24 penetrating means or burns, who requires immediate medical
25 intervention or treatment, and who meets one or more of the
26 adult or pediatric scorecard criteria established by the
27 department by rule.

28 ~~(12) "Trauma center" means any hospital that has been~~
29 ~~determined by the department to be in substantial compliance~~
30 ~~with trauma center verification standards as either~~
31 ~~state-approved or provisional state-approved.~~

1 (11)~~(13)~~ "Trauma scorecard" means a statewide
2 methodology adopted by the department by rule under which a
3 person who has incurred a traumatic injury is graded as to the
4 severity of his or her injuries or illness and which
5 methodology is used as the basis for making destination
6 decisions.

7 (12)~~(14)~~ "Trauma transport protocol" means a document
8 which describes the policies, processes, and procedures
9 governing the dispatch of vehicles, the triage, prehospital
10 transport, and interfacility trauma transfer of trauma
11 victims.

12 (13)~~(15)~~ "Trauma victim" means any person who has
13 incurred a single or multisystem injury due to blunt or
14 penetrating means or burns and who requires immediate medical
15 intervention or treatment.

16 Section 3. Section 395.401, Florida Statutes, is
17 amended to read:

18 395.401 Trauma services system plans; verification of
19 trauma centers and pediatric trauma ~~referral~~ centers;
20 procedures; renewal.--

21 (1)(a) The local and regional trauma agencies shall
22 plan, implement, and evaluate trauma services systems, in
23 accordance with this section and ss. 395.4015, 395.404, and
24 395.4045, which consist of organized patterns of readiness and
25 response services based on public and private agreements and
26 operational procedures. The department shall establish, by
27 rule, processes and procedures for establishing a trauma
28 agency and obtaining its approval from the department.

29 (b) The local and regional trauma agencies shall
30 develop and submit to the department plans for local and
31

- 1 regional trauma services systems. The plans must include, at a
2 minimum, the following components:
- 3 1. The organizational structure of the trauma system.
 - 4 2. Prehospital care management guidelines for triage
5 and transportation of trauma cases.
 - 6 3. Flow patterns of trauma cases and transportation
7 system design and resources, including air transportation
8 services, provision for interfacility trauma transfer, and the
9 prehospital transportation of trauma victims. The trauma
10 agency shall plan for the development of a system of
11 transportation of trauma alert victims to trauma centers where
12 the distance or time to a trauma center or transportation
13 resources diminish access by trauma alert victims.
 - 14 4. The number and location of needed ~~state-approved~~
15 trauma centers based on local needs, population, and location
16 and distribution of resources.
 - 17 5. Data collection regarding system operation and
18 patient outcome.
 - 19 6. Periodic performance evaluation of the trauma
20 system and its components.
 - 21 7. The use of air transport services within the
22 jurisdiction of the local trauma agency.
 - 23 8. Public information and education about the trauma
24 system.
 - 25 9. Emergency medical services communication system
26 usage and dispatching.
 - 27 10. The coordination and integration between and among
28 trauma centers ~~the verified trauma care facility~~ and other the
29 ~~nonverified~~ health care facilities.
 - 30 11. Medical control and accountability.
 - 31 12. Quality control and system evaluation.

1 (c) The department shall receive plans for the
2 implementation of inclusive trauma systems from trauma
3 agencies. The department may approve or not approve trauma
4 agency plans based on the conformance of the plan with this
5 section and ss. 395.4015, 395.404, and 395.4045 and the rules
6 and definitions adopted by the department under ~~pursuant to~~
7 those sections. The department shall approve or disapprove
8 the plans within 120 days after the date the plans are
9 submitted to the department. The department shall, by rule,
10 provide an application process for establishing a trauma
11 agency. The application must, at a minimum, provide
12 requirements for the trauma agency plan submitted for review,
13 a process for reviewing the application for a ~~state-approved~~
14 trauma agency, a process for reviewing the trauma transport
15 protocols for the trauma agency, and a process for reviewing
16 the staffing requirements for the agency. The department
17 shall, by rule, establish minimum requirements for a trauma
18 agency to conduct an annual performance evaluation and submit
19 the results to the department.

20 (d) A trauma agency shall not operate unless the
21 department has approved the local or regional trauma services
22 system plan of the agency.

23 (e) The department may grant an exception to a portion
24 of the rules adopted under ~~pursuant to~~ this section or s.
25 395.4015 if the local or regional trauma agency proves that,
26 as defined in the rules, compliance with that requirement
27 would not be in the best interest of the persons served within
28 the affected local or regional trauma area.

29 (f) A local or regional trauma agency may implement a
30 trauma care system only if the system meets the minimum
31 standards set forth in the rules for implementation

1 established by the department and if the plan has been
2 submitted to, and approved by, the department. At least 60
3 days before the local or regional trauma agency submits the
4 plan for the trauma care system to the department, the local
5 or regional trauma agency shall hold a public hearing and give
6 adequate notice of the public hearing to all hospitals and
7 other interested parties in the area to be included in the
8 proposed system.

9 (g) Local or regional trauma agencies may enter into
10 contracts for the purpose of implementing the local or
11 regional plan. If local or regional agencies contract with
12 hospitals for trauma services, such agencies must contract
13 only with hospitals which are verified trauma centers.

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

18 (i) This section does not restrict the authority of a
19 health care facility to provide service for which it has
20 received a license under ~~pursuant to~~ this chapter.

21 (j) ~~Any hospital which is verified as~~ A trauma center
22 shall accept all trauma victims that are appropriate for the
23 facility regardless of race, sex, creed, or ability to pay.

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

27 (l) A county, upon the recommendations of the local or
28 regional trauma agency, may adopt ordinances governing the
29 transport of a patient who is receiving care in the field from
30 prehospital emergency medical personnel when the patient meets
31 specific criteria for trauma, burn, or pediatric centers

1 adopted by the local or regional trauma agency. These
2 ordinances must be consistent with s. 395.4045, ordinances
3 adopted under s. 401.25(6), and the local or regional trauma
4 system plan and, to the furthest possible extent, must ensure
5 that individual patients receive appropriate medical care
6 while protecting the interests of the community at large by
7 making maximum use of available emergency medical care
8 resources.

9 (m) The local or regional trauma agency shall,
10 consistent with the regional trauma system plan, coordinate
11 and otherwise facilitate arrangements necessary to develop a
12 trauma services system.

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

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

19 Section 4. Subsections (1) and (2) of section
20 395.4015, Florida Statutes, are amended to read:

21 395.4015 State regional trauma planning; trauma
22 regions.--

23 (1) The department, in conjunction with the agency,
24 shall establish a state trauma system plan. As part of the
25 state trauma system plan, the department and the agency shall
26 establish trauma regions that ~~which~~ cover all geographical
27 areas of the state. These regions may serve as the basis for
28 the development of department-approved local or regional
29 trauma plans. The department and the agency shall base their
30 ~~its~~ definition of the regions upon:

31

1 (a) Geographical considerations so as to ensure rapid
2 access to trauma care by patients;

3 (b) Historical patterns of patient referral and
4 transfer in an area;

5 (c) Inventories of available trauma care resources;

6 (d) Predicted population growth characteristics;

7 (e) Transportation capabilities, including ground and
8 air transport;

9 (f) Medically appropriate ground and air travel times;
10 and

11 (g) Other appropriate criteria.

12 (2) The department shall develop trauma systems plans
13 for the agency and department-defined trauma regions which
14 include at a minimum the following components:

15 (a) An assessment of current and future trauma care
16 needs of the population, based upon incidence rates and acuity
17 indicators developed by the department and the agency, as well
18 as other relevant characteristics of the region.

19 (b) The organizational structure of the regional
20 trauma system, including the identification of local trauma
21 agency service areas within the region.

22 (c) Prehospital care management guidelines for triage
23 and transportation of trauma cases.

24 (d) Flow patterns of trauma cases and transportation
25 system design and resources, including air transportation
26 services, provision for interfacility trauma transfer, and the
27 prehospital transportation of trauma victims. The department
28 shall plan for the development of a system of transportation
29 of trauma alert victims to trauma centers where the distance
30 or time to a trauma center or transportation resources
31 diminish access by trauma alert victims.

1 (e) The current and projected number, acuity level,
2 and geographic location of trauma cases expected so as to
3 assure that the assessed current and future trauma care needs
4 of the population are adequately met and that ~~state-sponsored~~
5 trauma centers will maintain the volume of cases sufficient to
6 provide quality care to trauma cases referred to them.

7 (f) The availability of qualified health
8 professionals, including physicians and surgeons, capable of
9 staffing trauma centers to the level of current and future
10 assessed needs.

11 (g) Data collection regarding system operation and
12 patient outcome, as well as the number, type, and generalized
13 locations of ~~state-sponsored~~ trauma centers needed to meet the
14 needs of the population.

15 (h) Periodic performance evaluation of the trauma
16 system and its components.

17 (i) The type and extent of air transport services
18 available and needed in each region.

19 (j) Public information and education about the trauma
20 system.

21 (k) Emergency medical services communication system
22 usage and dispatching.

23 (l) The coordination and integration between the
24 trauma centers and other health care facilities which may
25 provide services to trauma victims.

26 (m) Medical control and accountability.

27 (n) Quality management and system evaluation.

28 Section 5. Section 395.402, Florida Statutes, is
29 amended to read:

30 395.402 Trauma service areas; number and location of
31 trauma centers.--

1 (1) The Legislature recognizes that Level I and Level
2 II trauma centers should each be capable of annually treating
3 a minimum of 1,000 and 500 patients, respectively, with an
4 injury severity score (ISS) of 9 or greater. Further, the
5 Legislature finds that, based on the numbers and locations of
6 trauma victims with these injury severity scores, ~~there should~~
7 ~~be~~ 19 trauma service areas should be established in the state,
8 and, at a minimum, there should be at least one trauma center
9 in each service area.

10 (2) It is the intent of the Legislature that, as a
11 planning guideline, Level I and Level II trauma centers should
12 generally each provide care annually to a minimum of 1,000 and
13 500 patients, respectively. Level II trauma centers in
14 counties of more than 500,000 population are expected to be
15 able to care for 1,000 patients per year, as a planning
16 guideline.

17 (3) Trauma service areas are to be used. The
18 department shall periodically review the assignment of the 67
19 counties to trauma service areas. These assignments are made
20 for the purpose of developing a system of trauma centers.
21 Revisions made by the department should take into
22 consideration the recommendations made as part of the regional
23 trauma system plans approved by the department, ~~as well as the~~
24 recommendations made as part of the state trauma system plan,
25 and the recommendations made by the Alliance and the Committee
26 on Trauma. These areas must, at a minimum, be reviewed in the
27 year 2004 ~~2000~~ and every 5 years thereafter. Until the
28 department completes its ~~initial~~ review, the assignment of
29 counties shall remain as established under ~~pursuant to~~ chapter
30 90-284, Laws of Florida.

31

1 (a) The following trauma service areas are hereby
2 established:

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

5 2. Trauma service area 2 shall consist of Bay, Gulf,
6 Holmes, and Washington Counties.

7 3. Trauma service area 3 shall consist of Calhoun,
8 Franklin, Gadsden, Jackson, Jefferson, Leon, Liberty, Madison,
9 Taylor, and Wakulla Counties.

10 4. Trauma service area 4 shall consist of Alachua,
11 Bradford, Columbia, Dixie, Gilchrist, Hamilton, Lafayette,
12 Levy, Putnam, Suwannee, and Union Counties.

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

15 6. Trauma service area 6 shall consist of Citrus,
16 Hernando, and Marion Counties.

17 7. Trauma service area 7 shall consist of Flagler and
18 Volusia Counties.

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

21 9. Trauma service area 9 shall consist of Pasco and
22 Pinellas Counties.

23 10. Trauma service area 10 shall consist of
24 Hillsborough County.

25 11. Trauma service area 11 shall consist of Hardee,
26 Highlands, and Polk Counties.

27 12. Trauma service area 12 shall consist of Brevard
28 and Indian River Counties.

29 13. Trauma service area 13 shall consist of DeSoto,
30 Manatee, and Sarasota Counties.

31

1 14. Trauma service area 14 shall consist of Martin,
2 Okeechobee, and St. Lucie Counties.

3 15. Trauma service area 15 shall consist of Charlotte,
4 Glades, Hendry, and Lee Counties.

5 16. Trauma service area 16 shall consist of Palm Beach
6 County.

7 17. Trauma service area 17 shall consist of Collier
8 County.

9 18. Trauma service area 18 shall consist of Broward
10 County.

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

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

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

19 Section 6. Section 395.4025, Florida Statutes, is
20 amended to read:

21 395.4025 ~~State-approved~~ Trauma centers; selection;
22 quality assurance; records.--

23 (1) For purposes of developing a system of
24 ~~state-approved~~ trauma centers, the department shall use the 19
25 trauma service areas established in s. 395.402. Within each
26 service area and based on the state trauma system plan, the
27 local or regional trauma services system plan, and
28 recommendations of the local or regional trauma agency, and
29 ~~the 1990 Report and Proposal for Funding State-Sponsored~~
30 ~~Trauma Centers~~, the department shall establish the approximate
31 number of ~~state-approved~~ trauma centers needed to ensure

1 reasonable access to high-quality trauma services. ~~Using the~~
2 ~~guidelines and procedures outlined in the 1990 report, except~~
3 ~~when in conflict with those prescribed in this section, the~~
4 ~~department shall select those hospitals that are to be~~
5 ~~recognized as state-approved trauma centers and shall include~~
6 ~~all trauma centers verified as of October 1, 1990, and~~
7 ~~subsequently, subject to specific programmatic and quality of~~
8 ~~care standards.~~

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

23 (b) By October 15, the department shall send to all
24 hospitals that submitted a letter of intent an application
25 package that will provide the hospitals with instructions for
26 submitting information to the department for selection as a
27 ~~state-approved~~ trauma center. The standards for verification
28 of trauma centers and pediatric trauma referral centers
29 provided for in s. 395.401(2), as adopted by rule of the
30 department, shall serve as the basis for these instructions.

31

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

- 14 1. Equipment and physical facilities necessary to
15 provide trauma services.
- 16 2. Personnel in sufficient numbers and with proper
17 qualifications to provide trauma services.
- 18 3. An effective quality assurance process.
- 19 4. Submitted written confirmation by the local or
20 regional trauma agency that the verification of the hospital
21 as a ~~state-approved~~ trauma center is consistent with the plan
22 of the local or regional trauma agency, as approved by the
23 department, if such agency exists. ~~This subparagraph applies~~
24 ~~to any hospital that is not a provisional or verified trauma~~
25 ~~center on January 1, 1992.~~

26 (d)1. Notwithstanding other provisions in this
27 section, the department may grant up to an additional 18
28 months to a hospital applicant that is unable to meet all
29 requirements as provided in paragraph (c) at the time of
30 application if the number of applicants in the service area in
31 which the applicant is located is equal to or less than the

1 service area allocation, as provided by rule of the
2 department. An applicant that is granted additional time under
3 ~~pursuant to~~ this paragraph shall submit a plan for
4 departmental approval which includes timelines and activities
5 that the applicant proposes to complete in order to meet
6 application requirements. Any applicant that demonstrates an
7 ongoing effort to complete the activities within the timelines
8 outlined in the plan shall be included in the number of
9 ~~state-approved~~ trauma centers at such time that the department
10 has conducted a provisional review of the application and has
11 determined that the application is complete and that the
12 hospital has the critical elements required for a
13 ~~state-approved~~ trauma center.

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

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

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

29 (5) Beginning October 1 of each year and ending no
30 later than June 1 of the following year, a review team of
31 out-of-state experts assembled by the department shall make

1 onsite visits to all provisional ~~state-approved~~ trauma
2 centers. The department shall develop a survey instrument to
3 be used by the expert team of reviewers. The instrument shall
4 include objective criteria and guidelines for reviewers based
5 on existing trauma center and pediatric trauma referral center
6 verification standards such that all trauma centers and
7 pediatric trauma referral centers are assessed equally. The
8 survey instrument shall also include a uniform rating system
9 that will be used by reviewers to indicate the degree of
10 compliance of each center with specific standards, and to
11 indicate the quality of care provided by each center as
12 determined through an audit of patient charts. In addition,
13 hospitals being considered as provisional ~~state-approved~~
14 trauma centers shall meet all the requirements of a verified
15 trauma center or pediatric trauma referral center, and shall
16 be located in a trauma service area that has a need for such a
17 center.

18 (6) Based on recommendations from the review team, the
19 department shall select ~~state-approved~~ trauma centers by July
20 1. An applicant for designation as a ~~state-approved~~ trauma
21 center or a ~~state-approved~~ pediatric trauma referral center
22 may request an extension of its provisional status if it
23 submits a corrective action plan to the department. The
24 corrective action plan must demonstrate the ability of the
25 applicant to correct deficiencies noted during the applicant's
26 onsite review conducted by the department between the previous
27 October 1 and June 1. The department may extend the
28 provisional status of an applicant for designation as a
29 ~~state-approved~~ trauma center or a ~~state-approved~~ pediatric
30 trauma referral center through December 31 if the applicant
31 provides a corrective action plan acceptable to the

1 department. The department or a team of out-of-state experts
2 assembled by the department shall conduct an onsite visit on
3 or before November 1 to confirm that the deficiencies have
4 been corrected. The provisional ~~state-approved~~ trauma center
5 or the provisional ~~state-approved~~ pediatric trauma referral
6 center is responsible for all costs associated with the onsite
7 visit in a manner prescribed by rule of the department. By
8 January 1, the department must approve or deny the application
9 of any provisional applicant granted an extension. Each
10 ~~state-approved~~ trauma center shall be granted a 7-year
11 verification period during which time it must continue to
12 maintain trauma center verification standards and acceptable
13 patient outcomes as determined by department rule. A
14 verification, unless sooner suspended or revoked,
15 automatically expires 7 years after the date of issuance and
16 is renewable upon application for renewal as prescribed by
17 rule of the department. ~~After July 1, 1992, only those~~
18 ~~hospitals selected as state-approved trauma centers may~~
19 ~~operate as trauma centers.~~

20 (7) Any hospital that wishes to protest a decision
21 made by the department based on the department's preliminary
22 or in-depth review of applications or on the recommendations
23 of the site visit review team pursuant to this section shall
24 proceed as provided in chapter 120. Hearings held under this
25 subsection shall be conducted in the same manner as provided
26 in ss. 120.569 and 120.57. Cases filed under chapter 120 may
27 combine all disputes between parties.

28 (8) Notwithstanding any provision of chapter 381, a
29 hospital licensed under ss. 395.001-395.3025 that operates a
30 ~~state-approved~~ trauma center may not terminate or
31 substantially reduce the availability of trauma service

1 without providing at least a 7-month ~~6 months~~ notice of its
2 intent to terminate the ~~such~~ service. The ~~Such~~ notice shall be
3 given to the Department of Health, ~~to all affected local or~~
4 ~~regional trauma agencies, and to all state-approved trauma~~
5 ~~centers, hospitals, and emergency medical service providers in~~
6 ~~the trauma service area.~~

7 (9) Except as otherwise provided in this subsection,
8 the department or its agent may collect trauma care and
9 registry data, as prescribed by rule of the department, from
10 trauma centers, pediatric trauma referral centers, hospitals,
11 emergency medical service providers, local or regional trauma
12 agencies, or medical examiners for the purposes of evaluating
13 trauma system effectiveness, ensuring compliance with the
14 standards of verification, and monitoring patient outcomes. A
15 trauma center, pediatric trauma referral center, hospital,
16 emergency medical service provider, medical examiner, or local
17 trauma agency or regional trauma agency, or a panel or
18 committee assembled by such an agency under s. 395.50(1) may,
19 but is not required to, disclose to the department patient
20 care quality assurance proceedings, records, or reports.
21 However, the department may require a local trauma agency or a
22 regional trauma agency, or a panel or committee assembled by
23 such an agency to disclose to the department patient care
24 quality assurance proceedings, records, or reports that the
25 department needs solely to conduct quality assurance
26 activities under s. 395.4015, or to ensure compliance with the
27 quality assurance component of the trauma agency's plan
28 approved under s. 395.401. The patient care quality assurance
29 proceedings, records, or reports that the department may
30 require for these purposes include, but are not limited to,
31 the structure, processes, and procedures of the agency's

1 quality assurance activities, and any recommendation for
2 improving or modifying the overall trauma system, if the
3 identity of a trauma center, pediatric trauma referral center,
4 hospital, emergency medical service provider, medical
5 examiner, or an individual who provides trauma services is not
6 disclosed.

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

15 (11) Onsite visits by the department or its agent may
16 be conducted at any reasonable time and may include but not be
17 limited to a review of records in the possession of trauma
18 centers, pediatric trauma referral centers, hospitals,
19 emergency medical service providers, local or regional trauma
20 agencies, or medical examiners regarding the care, transport,
21 treatment, or examination of trauma patients.

22 (12) Patient care, transport, or treatment records or
23 reports, or patient care quality assurance proceedings,
24 records, or reports obtained or made under ~~pursuant to~~ this
25 section, s. 395.3025(4)(f), s. 395.401, s. 395.4015, s.
26 395.402, s. 395.403, s. 395.404, s. 395.4045, s. 395.405, s.
27 395.50, or s. 395.51 must be held confidential by the
28 department or its agent and are exempt from ~~the provisions of~~
29 s. 119.07(1). Patient care quality assurance proceedings,
30 records, or reports obtained or made under ~~pursuant to~~ these
31

1 sections are not subject to discovery or introduction into
2 evidence in any civil or administrative action.

3 (13) The department may adopt, by rule, the procedures
4 and process by which it will select ~~state-approved~~ trauma
5 centers. The ~~Such~~ procedures and process must be used in
6 annually selecting ~~state-approved~~ trauma centers and must be
7 consistent with subsections (1)-(8) except in those situations
8 in which it is in the best interest of, and mutually agreed to
9 by, all applicants within a service area and the department to
10 reduce the timeframes.

11 Section 7. Section 395.403, Florida Statutes, is
12 amended to read:

13 395.403 Reimbursement of ~~state-sponsored~~ trauma
14 centers.--

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

27 (2) Each trauma center shall receive, on July 1, 2004,
28 a one-time appropriation of \$1 million in recognition of the
29 capital investment made by the hospital to establish the
30 trauma service. Each new trauma center approved by the
31 department after July 1, 2004, shall also receive the \$1

1 million appropriation.~~All provisional and state-approved~~
2 ~~trauma centers shall be considered state-sponsored trauma~~
3 ~~centers when state funds are specifically appropriated for~~
4 ~~state-sponsored trauma centers in the General Appropriations~~
5 ~~Act.~~

6 ~~(3) To receive state funding, a state-sponsored trauma~~
7 ~~center shall submit a claim electronically via the Trauma~~
8 ~~Claims Processing System, designed, developed, implemented,~~
9 ~~and operated by the department's Medicaid program, to the~~
10 ~~department's Medicaid program upon discharge of a trauma~~
11 ~~patient. When a hospital stay spans a state fiscal year, a~~
12 ~~separate hospital claim shall be submitted for the hospital~~
13 ~~days incurred in each fiscal year.~~

14 ~~(4)(a) State-sponsored trauma centers shall determine~~
15 ~~each trauma patient's eligibility for state funding prior to~~
16 ~~the submission of a claim.~~

17 ~~(b) A trauma patient treated must meet the definition~~
18 ~~of charity care, have been designated as having an ISS score~~
19 ~~of 9 or greater, and have received services that are medically~~
20 ~~necessary from a state-sponsored trauma center in order for~~
21 ~~the state-sponsored trauma center to receive state funding for~~
22 ~~that patient.~~

23 ~~(c) Each state-sponsored trauma center shall retain~~
24 ~~appropriate documentation showing a trauma patient's~~
25 ~~eligibility for state funding. Documentation recognized by the~~
26 ~~department as appropriate shall be limited to one of the~~
27 ~~following:~~

- 28 ~~1. W-2 withholding forms.~~
- 29 ~~2. Payroll stubs.~~
- 30 ~~3. Income tax returns.~~

31

1 ~~4. Forms approving or denying unemployment~~
2 ~~compensation or workers' compensation.~~

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

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

7 ~~7. A witnessed statement signed by the patient or~~
8 ~~responsible party, as provided for in Pub. L. No. 79-725, as~~
9 ~~amended, known as the Hill-Burton Act, except that such~~
10 ~~statement need not be obtained within 48 hours of the~~
11 ~~patient's admission to the hospital as required by the~~
12 ~~Hill-Burton Act. The statement shall include acknowledgment~~
13 ~~that, in accordance with s. 817.50, providing false~~
14 ~~information to defraud a hospital for the purposes of~~
15 ~~obtaining goods or services is a misdemeanor of the second~~
16 ~~degree.~~

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

22 ~~(e) The department's Medicaid program office shall~~
23 ~~check each claim to confirm that the patient is not covered~~
24 ~~under the Medicaid program and shall pay the claim out of the~~
25 ~~Trauma Services Trust Fund. Trauma patients who are eligible~~
26 ~~for the Medicaid program shall not be considered eligible for~~
27 ~~the state-sponsored trauma center program except for Medicaid~~
28 ~~noncovered services. If a claim is denied by the Trauma~~
29 ~~Claims Processing System as a result of Medicaid eligibility~~
30 ~~for Medicaid covered services, the hospital shall submit a~~
31 ~~claim to the Medicaid fiscal agent for payment.~~

1 ~~(5) State funding shall be at a per diem rate equal to~~
2 ~~\$860 to provisional state-approved and state-approved trauma~~
3 ~~centers. This rate shall be effective for the first 12 months~~
4 ~~of funding, after which time payment to provisional~~
5 ~~state-approved and state-approved trauma centers shall be~~
6 ~~based on a trauma cost-based reimbursement methodology~~
7 ~~developed by the department. The department shall consult with~~
8 ~~representatives from the hospital industry including the~~
9 ~~Florida Hospital Association, the Association of Voluntary~~
10 ~~Hospitals of Florida, and the Florida League of Hospitals in~~
11 ~~the development of the reimbursement methodology.~~

12 ~~(6)(a) To ensure a fair distribution of funds~~
13 ~~appropriated for state-sponsored trauma centers and to ensure~~
14 ~~that no state-sponsored trauma center gains an unfair~~
15 ~~advantage due solely to its ability to bill more quickly than~~
16 ~~another state-sponsored trauma center, the total amount of~~
17 ~~state funds appropriated in the General Appropriations Act for~~
18 ~~this section shall be divided into 19 trauma fund accounts~~
19 ~~with an account for each service area established in s.~~
20 ~~395.402(3). The amount of funds distributed to a service area~~
21 ~~shall be based on the following formula:~~

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

22
23
24
25
26 where:

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

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

30 ~~TTD = uncompensated total trauma days with ISS score of~~
31 ~~9 or greater for all 19 service areas.~~

1 ~~TA = total dollars appropriated for state-sponsored~~
2 ~~trauma centers.~~

3 ~~(b) The database to be used for this calculation shall~~
4 ~~be the detailed patient discharge data of the most recently~~
5 ~~completed calendar year for which the board possesses data.~~
6 ~~Out-of-state days that are included in the database shall be~~
7 ~~allocated to the service area where the treating hospital is~~
8 ~~located.~~

9 ~~(c) Fifty percent of the funds allocated to those~~
10 ~~service areas which had one or more trauma centers as of~~
11 ~~December 1, 1989, shall be distributed to those verified~~
12 ~~trauma centers proportionately based on volume and acuity of~~
13 ~~uncompensated trauma care provided during the most recently~~
14 ~~completed calendar year for which the board possesses data in~~
15 ~~a lump-sum payment on the date funding becomes available.~~
16 ~~These trauma centers shall submit claims pursuant to~~
17 ~~subsection (3) in order to justify this funding. Effective 9~~
18 ~~months after funding becomes available, any trauma center~~
19 ~~which fails to submit claims for reimbursement equal to or~~
20 ~~greater than the amount the trauma center received under the~~
21 ~~initial allocation shall return any unearned funds to the~~
22 ~~department for distribution pursuant to paragraph (e). Once~~
23 ~~this 50-percent lump sum is depleted, a trauma center will be~~
24 ~~reimbursed from the remaining 50 percent of the service area's~~
25 ~~original allocation.~~

26 ~~(d) The department shall pay trauma claims on a~~
27 ~~monthly basis. In a given month when the outstanding claims~~
28 ~~will exceed the unexpended funds allocated to a service area,~~
29 ~~the department shall pay all of the submitted claims for the~~
30 ~~service area on a pro rata basis.~~

31

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

6 ~~(f) For any state fiscal year, reimbursement for any~~
7 ~~patient residing outside the trauma service area of the~~
8 ~~state-sponsored trauma center where the patient is treated~~
9 ~~shall be paid out of the funds allocated for the trauma~~
10 ~~service area where the patient resides. Out-of-state days~~
11 ~~shall be paid from the service area where the treating~~
12 ~~hospital is located.~~

13 ~~(3)(7)~~ In order to receive payments under this
14 section, a hospital shall be a ~~state-sponsored~~ trauma center
15 and shall:

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

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

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

23 ~~(4)(8)~~ A ~~state-sponsored~~ trauma center that ~~which~~
24 fails to comply with any of the conditions listed in
25 subsection~~(3)(7)~~ or the applicable rules of the department
26 shall not receive payments under this section for the period
27 in which it was not in compliance.

28 Section 8. Section 395.4033, Florida Statutes, is
29 created to read:

30 395.4033 Payments to trauma centers.--It is the intent
31 of the Legislature to provide financial support to certified

1 trauma centers in order for the centers to meet minimum
2 standards of trauma readiness and to create incentives for new
3 trauma centers to become a part of the system of trauma
4 centers. In compliance with this intent, the Department of
5 Health shall make annual payments from the Trauma Services
6 Trust Fund to the trauma centers. The payments shall be in
7 equal amounts to all trauma centers in order for the centers
8 to meet minimum standards of trauma readiness. Each existing
9 trauma center and each center established after July 1, 2004,
10 may also receive a one-time payment in recognition of the
11 center's startup costs.

12 Section 9. Section 395.4036, Florida Statutes, is
13 created to read:

14 395.4036 Trauma preparedness payments.--

15 (1) Recognizing the Legislature's stated intent to
16 provide financial support to current verified trauma centers,
17 and to provide incentives to establish additional trauma
18 centers in the trauma center network, the department shall use
19 funds from the Trauma Services Trust Fund to assure the
20 availability and accessibility of trauma services throughout
21 this state. The department, in conjunction with the agency,
22 shall maximize resources for trauma services whenever
23 possible. Payment shall be equal to all trauma centers
24 operating on July 1, 2004, in order for those trauma centers
25 to meet the minimum standards for trauma preparedness. Each
26 operating and new trauma center shall receive a one-time
27 payment to recognize the trauma center's startup costs.

28 (2) The department shall allocate funds not disbursed
29 for trauma preparedness and startup costs to trauma centers to
30 pay for uncompensated trauma care. Distribution of funds to
31 each trauma center shall be in proportion to the amount of

1 uncompensated care provided by a trauma center to the amount
2 of uncompensated care provided in the state, as indicated in
3 the most recent year for which data is available.

4 (3) Funds not disbursed for trauma preparedness,
5 startup costs, or uncompensated trauma care, shall be
6 deposited into the Nursing Student Forgiveness Trust Fund to
7 be used equally for the department's Nursing Student Loan
8 Forgiveness Program and the Nursing Scholarship Program.

9 Section 10. Subsection (1) of section 395.4045,
10 Florida Statutes, is amended to read:

11 395.4045 Emergency medical service providers; trauma
12 transport protocols; transport of trauma alert victims to
13 trauma centers; interfacility transfer.--

14 (1) Each emergency medical services provider licensed
15 under chapter 401 shall transport trauma alert victims to
16 ~~hospitals approved as~~ trauma centers, except as may be
17 provided for either in the department-approved trauma
18 transport protocol of the trauma agency for the geographical
19 area in which the emergency medical services licensee provides
20 services or, if no such department-approved trauma transport
21 protocol is in effect, as provided for in a
22 department-approved provider's trauma transport protocol.

23 Section 11. The Medicaid Disproportionate Share Task
24 Force, created by section 150 of chapter 2003-397, Laws of
25 Florida, shall review the disbursement of Special Medicaid
26 Payments made to trauma centers and assess the effectiveness
27 of the payments in assuring access to trauma care for all
28 persons in this state and protecting the financial viability
29 of the trauma centers. In conducting this assessment, the task
30 force shall consider the advice and suggestions of the

31

1 Committee on Trauma, the Department of Health Trauma System
2 Implementation Committee, and other interested parties.

3 Section 12. Subsection (7) is added to section
4 316.066, Florida Statutes, to read:

5 316.066 Written reports of crashes.--

6 (7) The department shall collect \$5 from each driver
7 filing a written report of a crash as required by this
8 section. The fees collected under this subsection shall be
9 deposited in the Trauma Services Trust Fund.

10 Section 13. Subsection (13) is added to section
11 318.18, Florida Statutes, to read:

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

15 (13) Notwithstanding any law to the contrary, the
16 clerk of the court shall collect an additional \$3 for each
17 civil violation of chapter 316; \$6 for each offense
18 specifically enumerated in s. 318.17; and \$9 for any other
19 offense in chapter 316 which is classified as a criminal
20 violation. The fees collected under this subsection shall be
21 deposited in the Trauma Services Trust Fund.

22 Section 14. Subsection (3) is added to section
23 320.0801, Florida Statutes, to read:

24 320.0801 Additional license tax on certain vehicles.--

25 (3) In addition to the license taxes imposed by s.
26 320.08 and in subsection (1), there is imposed an additional
27 surcharge of \$3 for the operation of a motor vehicle as
28 defined in s. 320.01(1), a mobile home as defined in s.
29 320.01(2), and a moped as defined in s. 316.003(77), which tax
30 shall be paid to the department or its agent upon the
31 registration or renewal of registration of the vehicle.

1 Notwithstanding any law to the contrary, the revenues
2 collected from the tax imposed in this subsection shall be
3 deposited in the Trauma Services Trust Fund.

4 Section 15. Subsection (11) is added to section
5 327.35, Florida Statutes, to read:

6 327.35 Boating under the influence; penalties;
7 "designated drivers".--

8 (11) Notwithstanding any other provision of this
9 section, for any person convicted of a violation of subsection
10 (1), in addition to the fines set forth in subsections (2) and
11 (4), an additional fine of \$50 shall be assessed and collected
12 in the same manner as the fines set forth in subsections (2)
13 and (4). All fines collected under this subsection shall be
14 deposited into the Trauma Services Trust Fund and used for the
15 purposes set forth in s. 395.4035, after 5 percent is deducted
16 therefrom by the clerk of the court for administrative costs.

17 Section 16. Section 327.732, Florida Statutes, is
18 created to read:

19 327.732 Trauma services.--Notwithstanding any law to
20 the contrary, the court shall impose an additional \$25 for
21 each noncriminal infraction of this chapter or chapter 328 and
22 \$50 for each criminal infraction of this chapter or chapter
23 328. The fees collected under this section shall be deposited
24 in the Trauma Services Trust Fund.

25 Section 17. Driver's responsibility program.--

26 (1) ANNUAL PENALTIES.--In addition to any other
27 penalty authorized by law, the Department of Highway Safety
28 and Motor Vehicles shall impose an annual monetary penalty
29 against each person who:

30 (a) Accumulates six or more points under section
31 322.27(3), Florida Statutes, for violations of motor vehicle

1 laws or ordinances, or applicable provisions of section
2 403.413(6)(b), Florida Statutes, during the preceding 36-month
3 period. The penalty assessed shall be \$100 for the first six
4 points the licensee accumulates and \$25 for each point
5 accumulated in excess of six points. The department shall
6 notify the licensee by first-class mail at the licensee's most
7 recent address on file with the department of the assessment
8 of the fifth point on the license.

9 (b) Is convicted of an offense relating to driving
10 under the influence under section 316.193, Florida Statutes,
11 during the preceding 36-month period. The penalty assessed
12 shall be \$1,000 for the first conviction or \$1,500 for a
13 second or subsequent conviction, except that the penalty shall
14 be \$2,000 for the first or a subsequent conviction if the
15 licensee's blood-alcohol, urine-alcohol, or breath-alcohol
16 level is 0.20 or higher.

17 (c) Is convicted of a violation of section 324.021,
18 Florida Statutes, during the preceding 36-month period. The
19 penalty assessed shall be \$250 for one or more convictions
20 during the previous 36 months.

21 (d) Is convicted of a violation of section 322.03,
22 Florida Statutes, during the preceding 36-month period. The
23 penalty assessed shall be \$100 for one or more convictions
24 during the previous 36 months.

25 (2) NOTICE OF PENALTY.--The department shall notify
26 the licensee of the assessment of a penalty by first-class
27 mail sent to the licensee's most recent address documented in
28 the department's records. The notice must specify the date by
29 which the penalty must be paid and describe the consequences
30 if the licensee fails to timely pay the penalty.

31

1 (3) INSTALLMENT PAYMENT OF PENALTY.--The department
2 shall adopt by rule procedures to permit the licensee to pay
3 the penalty in installments. A licensee may not pay a penalty
4 total of less than \$2,300 over a period of more than 12
5 consecutive months or a penalty total of \$2,300 or more over a
6 period of more than 24 consecutive months. If the licensee is
7 paying by installment and fails to pay an installment payment,
8 the department may declare the full amount of the unpaid
9 penalty immediately due and payable.

10 (4) CREDIT CARD PAYMENT OF PENALTY.--The department
11 may adopt by rule procedures to permit the licensee to pay the
12 penalty by credit card. The licensee must pay all costs
13 incurred by the department which are associated with the
14 acceptance of a credit card payment. If the penalty or related
15 credit card costs are returned as unpayable to the department
16 by the credit card issuer, the department shall immediately
17 suspend the licensee's driver's license. A license suspended
18 under this subsection remains suspended until the licensee
19 pays in full the penalty and all related costs incurred by the
20 department for accepting the credit card payment.

21 (5) FAILURE TO PAY PENALTY.--If the licensee fails to
22 pay the penalty on or before 30 days after the date the
23 department sends the notice to the licensee, fails to enter
24 into an installment payment agreement with the department, or
25 fails to make an installment payment, the department shall
26 immediately suspend the licensee's driver's license. A license
27 suspended under this subsection remains suspended until the
28 licensee pays in full the penalty and all related costs
29 incurred by the department in collecting the penalty.

30
31

1 (6) REMITTANCE OF PENALTY TO THE TRAUMA SERVICES TRUST
2 FUND.--All penalties collected by the department under this
3 section shall be deposited in the Trauma Services Trust Fund.
4 Section 18. This act shall take effect July 1, 2004.
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SENATE SUMMARY

Requires the Department of Health and the Agency for Health Care Administration to establish trauma care regions. Directs that each trauma center receive a one-time specified appropriation in recognition of the capital investment made to establish the trauma service. Provides conditions for a certified trauma center to receive funding. Requires the department to use funds from the Trauma Services Trust Fund to assure the availability and accessibility of trauma services and for startup costs. Requires the department to allocate funds not disbursed for trauma preparedness and startup costs to trauma centers to pay for uncompensated trauma care. Allocates unspent funds to the department's Nursing Student Loan Forgiveness Program and the Nursing Scholarship Program. Requires the Medicaid Disproportionate Share Task Force to review the disbursement of Special Medicaid Payments made to trauma centers to assess the effectiveness of the payments to the trauma care centers. Directs the Department of Highway Safety and Motor Vehicles to collect a fee for each written report of a crash filed with the department. Directs the clerk of court to collect a fee for each civil and criminal violation of ch. 316, F.S. Directs that an additional surcharge be imposed on license registration for certain motor vehicles. Directs that an additional surcharge be imposed on persons convicted of boating under the influence. Directs the court to collect an additional fee for criminal and noncriminal violations of chapter 327 or chapter 328, F.S. Provides that all fees collected be deposited in the Trauma Services Trust Fund. Creates the driver's responsibility program. Directs the Department of Highway Safety and Motor Vehicles to annually impose specified monetary penalties against motor vehicle licensees who have violated certain laws within the previous 36 months. Requires the department to notify licensees of the penalty and the time period in which to pay the penalty. Requires the department to accept installment payments for the penalties. Provides sanctions for a licensee's failure to pay an installment. Allows the department the discretion to permit licensees to pay assessed penalties with credit cards. Requires the department to suspend a driver's license if a credit card issuer returns the account as unpayable. Requires the department to suspend a driver's license if the licensee does not pay the penalty or arrange for an installment plan within a specified time after the notice of penalty is sent. Directs the department to remit all penalties to the Trauma Service Trust Fund. Provides for distribution of funds to certified trauma centers. (See bill for details.)