

By the Committee on Health, Aging, and Long-Term Care; and
Senator Atwater

317-2420-04

1 A bill to be entitled
2 An act relating to trauma care center care
3 services; amending s. 381.74, F.S.; requiring
4 hospitals and trauma centers to provide data on
5 moderate-to-severe brain or spinal cord
6 injuries to the Department of Health; amending
7 s. 381.745, F.S.; defining "department" for
8 purposes of the "Charlie Mack Overstreet Brain
9 or Spinal Cord Injuries Act"; amending s.
10 395.40, F.S.; revising legislative findings;
11 revising duties of the Department of Health to
12 implement and plan for a statewide trauma
13 system; amending s. 395.4001, F.S.; revising
14 definitions; amending s. 395.401, F.S.;
15 revising components for local and regional
16 trauma services system plans; correcting
17 references to the term "trauma center";
18 amending s. 395.4015, F.S.; requiring that the
19 boundaries of the trauma regions administered
20 by the Department of Health be coterminous with
21 the boundaries of the regional domestic
22 security task forces established within the
23 Department of Law Enforcement; providing
24 exceptions for certain interlocal agreements
25 for trauma services in a regional system;
26 eliminating requirements for the Department of
27 Health to develop the minimum components for
28 systems plans in defined trauma regions;
29 amending s. 395.402, F.S.; revising
30 requirements for the Department of Health to
31 review trauma service areas; deleting an

1 obsolete requirement that the department's
2 assignment of counties for the purposes of
3 developing a system of trauma centers remain as
4 established by ch. 90-284, Laws of Florida,
5 until completion of the department's initial
6 review; correcting references to the term
7 "trauma center"; amending s. 395.4025, F.S.;
8 revising requirements for the Department of
9 Health's development of a state trauma system
10 plan; deleting obsolete references; correcting
11 references to the term "trauma center";
12 revising requirements for the department's
13 approval and verification of a facility as a
14 trauma center; granting the department
15 authority to adopt rules for the procedures and
16 process for notification, duration, and
17 explanation of a trauma center's termination of
18 trauma services; revising the requirements for
19 notice that a hospital must give before it
20 terminates or substantially reduces trauma
21 service; exempting from certain time limits on
22 applications to operate as trauma centers
23 certain hospitals in areas having no trauma
24 center; amending s. 395.403, F.S.; correcting
25 references to the term "trauma center";
26 revising eligibility requirements for state
27 funding of trauma centers; providing that
28 trauma centers may request that their
29 distributions from the Administrative Trust
30 Fund be used as intergovernmental transfer
31 funds in the Medicaid program; amending s.

1 395.404, F.S.; revising reporting requirements
2 to the trauma registry data system maintained
3 by the Department of Health; providing that
4 hospitals and trauma centers subject to
5 reporting trauma registry data to the
6 department are required to comply with other
7 duties concerning the moderate-to-severe brain
8 or spinal cord injury registry maintained by
9 the department; correcting references to the
10 term "trauma center"; amending s. 395.405,
11 F.S.; authorizing the Department of Health to
12 adopt and enforce rules necessary to administer
13 part II of ch. 395, F.S.; amending s. 318.18,
14 F.S.; directing the clerk of court to collect a
15 fee for each civil and criminal violation of
16 chapter 316, F.S.; creating s. 322.751, F.S.;
17 directing the Department of Highway Safety and
18 Motor Vehicles to assess specified annual
19 surcharges against a motor vehicle licensee who
20 accumulates seven or more points against his or
21 her license within the previous 36 months;
22 requiring the department to notify a licensee
23 by first-class mail upon receipt of four points
24 against his or her license; directing the
25 department to remit all such penalties to the
26 Administrative Trust Fund; creating s.
27 322.7515, F.S.; directing the department to
28 assess specified annual surcharges against
29 motor vehicle licensees who have a final
30 conviction within the previous 36 months for a
31 DUI offense; directing the department to remit

1 all such penalties to the Administrative Trust
2 Fund; creating s. 322.7516, F.S.; directing the
3 department to assess specified annual
4 surcharges against a motor vehicle licensee who
5 has a conviction for driving without financial
6 responsibility, or for driving with a suspended
7 or revoked license, within the previous 36
8 months; directing the department to remit all
9 such penalties to the Administrative Trust
10 Fund; creating s. 322.7525, F.S.; requiring the
11 department to notify licensees of the
12 surcharges and the time period in which to pay
13 the surcharges; creating s. 322.753, F.S.;
14 requiring the department to accept installment
15 payments for the surcharges; providing
16 sanctions for a licensee's failure to pay an
17 installment; allowing the department to permit
18 licensees to pay assessed surcharges with
19 credit cards; requiring the department to
20 suspend a driver's license if the licensee does
21 not pay the surcharge or arrange for
22 installment payments within a specified time
23 after the notice of surcharge is sent;
24 repealing s. 395.4035, F.S., relating to the
25 Trauma Services Trust Fund; providing an
26 effective date.

27
28 Be It Enacted by the Legislature of the State of Florida:

29
30 Section 1. Subsection (1) of section 381.74, Florida
31 Statutes, is amended to read:

1 381.74 Establishment and maintenance of a central
2 registry.--The department shall establish and maintain a
3 central registry of persons who have moderate-to-severe brain
4 or spinal cord injuries.

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

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

15 381.745 Definitions; ss. 381.739-381.79.--As used in
16 ss. 381.739-381.79, the term:

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

18 Section 3. Subsection (5) of section 395.40, Florida
19 Statutes, is amended to read:

20 395.40 Legislative findings and intent.--

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

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

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

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1 (c) Develop and submit appropriate requests for
2 waivers of federal requirements which will facilitate the
3 delivery of trauma care.

4 (d) Develop criteria that will become the future basis
5 for ~~mandatory~~ consultation between acute care hospitals and
6 trauma centers on the care of trauma victims and the mandatory
7 transfer of appropriate trauma victims to trauma centers.

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

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

16 Section 4. Section 395.4001, Florida Statutes, is
17 amended to read:

18 395.4001 Definitions.--As used in this part, the term:

19 (1) "Agency" means the Agency for Health Care
20 Administration.

21 (2) "Charity care" or "uncompensated trauma ~~charity~~
22 care" means that portion of hospital charges reported to the
23 agency for which there is no compensation, other than
24 restricted or unrestricted revenues provided to a hospital by
25 local governments or tax districts regardless of method of
26 payment, for care provided to a patient whose family income
27 for the 12 months preceding the determination is less than or
28 equal to 200 ~~150~~ percent of the federal poverty level, unless
29 the amount of hospital charges due from the patient exceeds 25
30 percent of the annual family income. However, in no case shall
31 the hospital charges for a patient whose family income exceeds

1 four times the federal poverty level for a family of four be
2 considered charity.

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

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

7 (5) "Level I trauma center" means a trauma center
8 that:

9 (a) Has formal research and education programs for the
10 enhancement of trauma care;and is verified ~~determined~~ by the
11 department to be in substantial compliance with Level I trauma
12 center and pediatric trauma ~~referral~~ center standards; and has
13 been approved by the department to operate as a Level I trauma
14 center.

15 (b) Serves as a resource facility to Level II trauma
16 centers, pediatric trauma ~~referral~~ centers, and general
17 hospitals through shared outreach, education, and quality
18 improvement activities.

19 (c) Participates in an inclusive system of trauma
20 care, including providing leadership, system evaluation, and
21 quality improvement activities.

22 (6) "Level II trauma center" means a trauma center
23 that:

24 (a) Is verified ~~determined~~ by the department to be in
25 substantial compliance with Level II trauma center standards
26 and has been approved by the department to operate as a Level
27 II trauma center.

28 (b) Serves as a resource facility to general hospitals
29 through shared outreach, education, and quality improvement
30 activities.

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1 (c) Participates in an inclusive system of trauma
2 care.

3 (7) "Pediatric trauma ~~referral~~ center" means a
4 hospital that is verified ~~determined~~ by the department to be
5 in substantial compliance with pediatric trauma ~~referral~~
6 center standards as established by rule of the department and
7 has been approved by the department to operate as a pediatric
8 trauma center.

9 (8) "Provisional trauma center" means a hospital that
10 has been verified by the department to be in substantial
11 compliance with the requirements in s. 395.4025 and has been
12 approved by the department to operate as a provisional Level I
13 trauma center, Level II trauma center, or pediatric trauma
14 center.

15 ~~(8) "State-approved trauma center" means a hospital~~
16 ~~that has successfully completed the selection process pursuant~~
17 ~~to s. 395.4025 and has been approved by the department to~~
18 ~~operate as a trauma center in the state.~~

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

22 (9)~~(10)~~ "Trauma agency" means a department-approved
23 agency established and operated by one or more counties, or a
24 department-approved entity with which one or more counties
25 contract, for the purpose of administering an inclusive
26 regional trauma system.

27 (10)~~(11)~~ "Trauma alert victim" means a person who has
28 incurred a single or multisystem injury due to blunt or
29 penetrating means or burns, who requires immediate medical
30 intervention or treatment, and who meets one or more of the
31

1 adult or pediatric scorecard criteria established by the
2 department by rule.

3 (11)~~(12)~~ "Trauma center" means a ~~any~~ hospital that has
4 been verified ~~determined~~ by the department to be in
5 substantial compliance with the requirements in s. 395.4025
6 and has been approved by the department to operate as a Level
7 I trauma center, Level II trauma center, or pediatric trauma
8 center verification standards as either state-approved or
9 provisional state-approved.

10 (12)~~(13)~~ "Trauma scorecard" means a statewide
11 methodology adopted by the department by rule under which a
12 person who has incurred a traumatic injury is graded as to the
13 severity of his or her injuries or illness and which
14 methodology is used as the basis for making destination
15 decisions.

16 (13)~~(14)~~ "Trauma transport protocol" means a document
17 which describes the policies, processes, and procedures
18 governing the dispatch of vehicles, the triage, prehospital
19 transport, and interfacility trauma transfer of trauma
20 victims.

21 (14)~~(15)~~ "Trauma victim" means any person who has
22 incurred a single or multisystem injury due to blunt or
23 penetrating means or burns and who requires immediate medical
24 intervention or treatment.

25 Section 5. Section 395.401, Florida Statutes, is
26 amended to read:

27 395.401 Trauma services system plans; ~~verification of~~
28 trauma centers and pediatric trauma ~~referral~~ centers;
29 procedures; renewal.--

30 (1)(a) The local and regional trauma agencies shall
31 plan, implement, and evaluate trauma services systems, in

1 accordance with this section and ss. 395.4015, 395.404, and
2 395.4045, which consist of organized patterns of readiness and
3 response services based on public and private agreements and
4 operational procedures. The department shall establish, by
5 rule, processes and procedures for establishing a trauma
6 agency and obtaining its approval from the department.

7 (b) The local and regional trauma agencies shall
8 develop and submit to the department plans for local and
9 regional trauma services systems. The plans must include, at a
10 minimum, the following components:

11 1. The organizational structure of the trauma system.

12 2. Prehospital care management guidelines for triage
13 and transportation of trauma cases.

14 3. Flow patterns of trauma cases and transportation
15 system design and resources, including air transportation
16 services, provision for interfacility trauma transfer, and the
17 prehospital transportation of trauma victims. The trauma
18 agency shall plan for the development of a system of
19 transportation of trauma alert victims to trauma centers where
20 the distance or time to a trauma center or transportation
21 resources diminish access by trauma alert victims.

22 4. The number and location of needed ~~state-approved~~
23 trauma centers based on local needs, population, and location
24 and distribution of resources.

25 5. Data collection regarding system operation and
26 patient outcome.

27 6. Periodic performance evaluation of the trauma
28 system and its components.

29 7. The use of air transport services within the
30 jurisdiction of the local trauma agency.

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1 8. Public information and education about the trauma
2 system.

3 9. Emergency medical services communication system
4 usage and dispatching.

5 10. The coordination and integration between the
6 ~~verified~~ trauma center care facility and other acute care
7 hospitals ~~the nonverified health care facilities~~.

8 11. Medical control and accountability.

9 12. Quality control and system evaluation.

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

29 (d) A trauma agency shall not operate unless the
30 department has approved the local or regional trauma services
31 system plan of the agency.

1 (e) The department may grant an exception to a portion
2 of the rules adopted pursuant to this section or s. 395.4015
3 if the local or regional trauma agency proves that, as defined
4 in the rules, compliance with that requirement would not be in
5 the best interest of the persons served within the affected
6 local or regional trauma area.

7 (f) A local or regional trauma agency may implement a
8 trauma care system only if the system meets the minimum
9 standards set forth in the rules for implementation
10 established by the department and if the plan has been
11 submitted to, and approved by, the department. At least 60
12 days before the local or regional trauma agency submits the
13 plan for the trauma care system to the department, the local
14 or regional trauma agency shall hold a public hearing and give
15 adequate notice of the public hearing to all hospitals and
16 other interested parties in the area to be included in the
17 proposed system.

18 (g) Local or regional trauma agencies may enter into
19 contracts for the purpose of implementing the local or
20 regional plan. If local or regional agencies contract with
21 hospitals for trauma services, such agencies must contract
22 only with hospitals which are verified trauma centers.

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

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

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

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

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

20 (m) The local or regional trauma agency shall,
21 consistent with the regional trauma system plan, coordinate
22 and otherwise facilitate arrangements necessary to develop a
23 trauma services system.

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

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

30 (2) The department shall adopt, by rule, standards for
31 verification of trauma centers based on national guidelines,

1 including those established by the American College of
2 Surgeons entitled "Hospital and Prehospital Resources for
3 Optimal Care of the Injured Patient" and published appendices
4 thereto. Standards specific to pediatric trauma ~~referral~~
5 centers shall be developed in conjunction with Children's
6 Medical Services and adopted by rule of the department.

7 (3) The department may withdraw local or regional
8 agency authority, prescribe corrective actions, or use the
9 administrative remedies as provided in s. 395.1065 for the
10 violation of any provision of this section and ss. 395.4015,
11 395.402, 395.4025, 395.403, 395.404, and 395.4045 or rules
12 adopted thereunder. All amounts collected pursuant to this
13 subsection shall be deposited into the Emergency Medical
14 Services Trust Fund provided in s. 401.34.

15 Section 6. Section 395.4015, Florida Statutes, is
16 amended to read:

17 395.4015 State regional trauma planning; trauma
18 regions.--

19 (1) The department shall establish a state trauma
20 system plan. As part of the state trauma system plan, the
21 department shall establish trauma regions that ~~which~~ cover all
22 geographical areas of the state and have boundaries that are
23 coterminous with the boundaries of the regional domestic
24 security task forces established under s. 943.0312. These
25 regions may serve as the basis for the development of
26 department-approved local or regional trauma plans. However,
27 the delivery of trauma services by or in coordination with a
28 trauma agency established before July 1, 2004, may continue in
29 accordance with public and private agreements and operational
30 procedures entered into as provided in s. 395.401. ~~The~~
31 ~~department shall base its definition of the regions upon:~~

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 department-defined trauma regions which include at a~~
14 ~~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, as well as other~~
18 ~~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 (2)(3) The department shall consider the advice and
29 recommendations of any affected local or regional trauma
30 agency in developing the state trauma system ~~systems~~ plan.
31 ~~The department may, in lieu of specific regional components of~~

1 ~~its own plan, accept components developed by local or regional~~
2 ~~trauma agencies.~~

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

6 Section 7. Subsection (3) of section 395.402, Florida
7 Statutes, is amended to read:

8 395.402 Trauma service areas; number and location of
9 trauma centers.--

10 (3) Trauma service areas are to be used. The
11 department shall periodically review the assignment of the 67
12 counties to trauma service areas. These assignments are made
13 for the purpose of developing a system of trauma centers.
14 Revisions made by the department should take into
15 consideration the recommendations made as part of the regional
16 trauma system plans approved by the department, as well as the
17 recommendations made as part of the state trauma system plan.
18 These areas must, at a minimum, be reviewed ~~in the year 2000~~
19 ~~and every 5 years thereafter. Until the department completes~~
20 ~~its initial review, the assignment of counties shall remain as~~
21 ~~established pursuant to chapter 90-284, Laws of Florida.~~

22 (a) The following trauma service areas are hereby
23 established:

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

26 2. Trauma service area 2 shall consist of Bay, Gulf,
27 Holmes, and Washington Counties.

28 3. Trauma service area 3 shall consist of Calhoun,
29 Franklin, Gadsden, Jackson, Jefferson, Leon, Liberty, Madison,
30 Taylor, and Wakulla Counties.

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- 1 4. Trauma service area 4 shall consist of Alachua,
2 Bradford, Columbia, Dixie, Gilchrist, Hamilton, Lafayette,
3 Levy, Putnam, Suwannee, and Union Counties.
- 4 5. Trauma service area 5 shall consist of Baker, Clay,
5 Duval, Nassau, and St. Johns Counties.
- 6 6. Trauma service area 6 shall consist of Citrus,
7 Hernando, and Marion Counties.
- 8 7. Trauma service area 7 shall consist of Flagler and
9 Volusia Counties.
- 10 8. Trauma service area 8 shall consist of Lake,
11 Orange, Osceola, Seminole, and Sumter Counties.
- 12 9. Trauma service area 9 shall consist of Pasco and
13 Pinellas Counties.
- 14 10. Trauma service area 10 shall consist of
15 Hillsborough County.
- 16 11. Trauma service area 11 shall consist of Hardee,
17 Highlands, and Polk Counties.
- 18 12. Trauma service area 12 shall consist of Brevard
19 and Indian River Counties.
- 20 13. Trauma service area 13 shall consist of DeSoto,
21 Manatee, and Sarasota Counties.
- 22 14. Trauma service area 14 shall consist of Martin,
23 Okeechobee, and St. Lucie Counties.
- 24 15. Trauma service area 15 shall consist of Charlotte,
25 Glades, Hendry, and Lee Counties.
- 26 16. Trauma service area 16 shall consist of Palm Beach
27 County.
- 28 17. Trauma service area 17 shall consist of Collier
29 County.
- 30 18. Trauma service area 18 shall consist of Broward
31 County.

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

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

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

9 Section 8. Section 395.4025, Florida Statutes, is
10 amended to read:

11 395.4025 ~~State-approved~~ Trauma centers; selection;
12 quality assurance; records.--

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

30 (2)(a) The department shall annually notify each acute
31 care general hospital and each local and each regional trauma

1 agency in the state that the department is accepting letters
2 of intent from hospitals that are interested in becoming
3 ~~state-approved~~ trauma centers. In order to be considered by
4 the department, a hospital that operates within the geographic
5 area of a local or regional trauma agency must certify that
6 its intent to operate as a ~~state-approved~~ trauma center is
7 consistent with the trauma services plan of the local or
8 regional trauma agency, as approved by the department, if such
9 agency exists. Letters of intent must be postmarked no later
10 than midnight October 1. ~~This paragraph does not apply to any~~
11 ~~hospital that is a provisional or verified trauma center on~~
12 ~~January 1, 1992.~~

13 (b) By October 15, the department shall send to all
14 hospitals that submitted a letter of intent an application
15 package that will provide the hospitals with instructions for
16 submitting information to the department for selection as a
17 ~~state-approved~~ trauma center. The standards for ~~verification~~
18 ~~of trauma centers and pediatric trauma referral centers~~
19 provided for in s. 395.401(2), as adopted by rule of the
20 department, shall serve as the basis for these instructions.

21 (c) In order to be considered by the department,
22 applications from those hospitals seeking selection as
23 ~~state-approved~~ trauma centers, including those current
24 ~~verified~~ trauma centers that seek a change or redesignation in
25 approval status as a trauma center ~~to be state-approved trauma~~
26 ~~centers~~, must be received by the department no later than the
27 close of business on April 1. The department shall conduct a
28 provisional review of each application for the purpose of
29 determining that the hospital's application is complete and
30 that the hospital has the critical elements required for a
31 ~~state-approved~~ trauma center. This critical review will be

1 based on trauma center ~~verification~~ standards and shall
2 include, but not be limited to, a review of whether the
3 hospital has:

4 1. Equipment and physical facilities necessary to
5 provide trauma services.

6 2. Personnel in sufficient numbers and with proper
7 qualifications to provide trauma services.

8 3. An effective quality assurance process.

9 4. Submitted written confirmation by the local or
10 regional trauma agency that ~~the verification of the hospital~~
11 applying to become as a state-approved trauma center is
12 consistent with the plan of the local or regional trauma
13 agency, as approved by the department, if such agency exists.

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

16 (d)1. Notwithstanding other provisions in this
17 section, the department may grant up to an additional 18
18 months to a hospital applicant that is unable to meet all
19 requirements as provided in paragraph (c) at the time of
20 application if the number of applicants in the service area in
21 which the applicant is located is equal to or less than the
22 service area allocation, as provided by rule of the
23 department. An applicant that is granted additional time
24 pursuant to this paragraph shall submit a plan for
25 departmental approval which includes timelines and activities
26 that the applicant proposes to complete in order to meet
27 application requirements. Any applicant that demonstrates an
28 ongoing effort to complete the activities within the timelines
29 outlined in the plan shall be included in the number of
30 ~~state-approved~~ trauma centers at such time that the department
31 has conducted a provisional review of the application and has

1 determined that the application is complete and that the
2 hospital has the critical elements required for a
3 ~~state-approved~~ trauma center.

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

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

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

19 (5) Beginning October 1 of each year and ending no
20 later than June 1 of the following year, a review team of
21 out-of-state experts assembled by the department shall make
22 onsite visits to all provisional ~~state-approved~~ trauma
23 centers. The department shall develop a survey instrument to
24 be used by the expert team of reviewers. The instrument shall
25 include objective criteria and guidelines for reviewers based
26 on existing trauma center ~~and pediatric trauma referral center~~
27 ~~verification~~ standards such that all trauma centers ~~and~~
28 ~~pediatric trauma referral centers~~ are assessed equally. The
29 survey instrument shall also include a uniform rating system
30 that will be used by reviewers to indicate the degree of
31 compliance of each trauma center with specific standards, and

1 to indicate the quality of care provided by each trauma center
2 as determined through an audit of patient charts. In addition,
3 hospitals being considered as provisional ~~state-approved~~
4 trauma centers shall meet all the requirements of a verified
5 trauma center ~~or pediatric trauma referral center~~, and shall
6 be located in a trauma service area that has a need for such a
7 trauma center.

8 (6) Based on recommendations from the review team, the
9 department shall select ~~state-approved~~ trauma centers by July
10 1. An applicant for designation as a ~~state-approved~~ trauma
11 center ~~or a state-approved pediatric trauma referral center~~
12 may request an extension of its provisional status if it
13 submits a corrective action plan to the department. The
14 corrective action plan must demonstrate the ability of the
15 applicant to correct deficiencies noted during the applicant's
16 onsite review conducted by the department between the previous
17 October 1 and June 1. The department may extend the
18 provisional status of an applicant for designation as a
19 ~~state-approved~~ trauma center ~~or a state-approved pediatric~~
20 ~~trauma referral center~~ through December 31 if the applicant
21 provides a corrective action plan acceptable to the
22 department. The department or a team of out-of-state experts
23 assembled by the department shall conduct an onsite visit on
24 or before November 1 to confirm that the deficiencies have
25 been corrected. The provisional ~~state-approved~~ trauma center
26 ~~or the provisional state-approved pediatric trauma referral~~
27 ~~center~~ is responsible for all costs associated with the onsite
28 visit in a manner prescribed by rule of the department. By
29 January 1, the department must approve or deny the application
30 of any provisional applicant granted an extension. Each
31 ~~state-approved~~ trauma center shall be granted a 7-year

1 approval ~~verification~~ period during which time it must
2 continue to maintain trauma center ~~verification~~ standards and
3 acceptable patient outcomes as determined by department rule.
4 An approval ~~A verification~~, unless sooner suspended or
5 revoked, automatically expires 7 years after the date of
6 issuance and is renewable upon application for renewal as
7 prescribed by rule of the department. ~~After July 1, 1992, only~~
8 ~~those hospitals selected as state-approved trauma centers may~~
9 ~~operate as trauma centers.~~

10 (7) Any hospital that wishes to protest a decision
11 made by the department based on the department's preliminary
12 or in-depth review of applications or on the recommendations
13 of the site visit review team pursuant to this section shall
14 proceed as provided in chapter 120. Hearings held under this
15 subsection shall be conducted in the same manner as provided
16 in ss. 120.569 and 120.57. Cases filed under chapter 120 may
17 combine all disputes between parties.

18 (8) Notwithstanding any provision of chapter 381, a
19 hospital licensed under ss. 395.001-395.3025 that operates a
20 ~~state-approved~~ trauma center may not terminate or
21 substantially reduce the availability of trauma service
22 without providing at least 180 days' ~~6 months'~~ notice of its
23 intent to terminate such service. Such notice shall be given
24 to the department ~~of Health~~, to all affected local or regional
25 trauma agencies, and to all ~~state-approved~~ trauma centers,
26 hospitals, and emergency medical service providers in the
27 trauma service area. The department shall adopt by rule the
28 procedures and process for notification, duration, and
29 explanation of the termination of trauma services.

30 (9) Except as otherwise provided in this subsection,
31 the department or its agent may collect trauma care and

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

30 (10) Out-of-state experts assembled by the department
31 to conduct onsite visits are agents of the department for the

1 purposes of s. 395.3025. An out-of-state expert who acts as an
2 agent of the department under this subsection is not liable
3 for any civil damages as a result of actions taken by him or
4 her, unless he or she is found to be operating outside the
5 scope of the authority and responsibility assigned by the
6 department.

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

14 (12) Patient care, transport, or treatment records or
15 reports, or patient care quality assurance proceedings,
16 records, or reports obtained or made pursuant to this section,
17 s. 395.3025(4)(f), s. 395.401, s. 395.4015, s. 395.402, s.
18 395.403, s. 395.404, s. 395.4045, s. 395.405, s. 395.50, or s.
19 395.51 must be held confidential by the department or its
20 agent and are exempt from the provisions of s. 119.07(1).
21 Patient care quality assurance proceedings, records, or
22 reports obtained or made pursuant to these sections are not
23 subject to discovery or introduction into evidence in any
24 civil or administrative action.

25 (13) The department may adopt, by rule, the procedures
26 and process by which it will select ~~state-approved~~ trauma
27 centers. Such procedures and process must be used in annually
28 selecting ~~state-approved~~ trauma centers and must be consistent
29 with subsections (1)-(8) except in those situations in which
30 it is in the best interest of, and mutually agreed to by, all
31

1 applicants within a service area and the department to reduce
2 the timeframes.

3 (14) Notwithstanding any other provision of this
4 section and rules adopted pursuant to this section that impose
5 time limits on the applications by hospitals seeking approval
6 and verification to operate as a trauma center, any acute care
7 general or pediatric hospital that is located in a trauma
8 service area where there is no existing trauma center and that
9 has not already been previously approved may apply beginning
10 on July 1, 2004, to the Department of Health for approval and
11 verification to operate as a provisional trauma center or
12 trauma center within the framework and substantive
13 requirements under this part.

14 Section 9. Section 395.403, Florida Statutes, is
15 amended to read:

16 395.403 Reimbursement of ~~state-sponsored~~ trauma
17 centers.--

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

30 (2) All provisional trauma centers and ~~state-approved~~
31 trauma centers shall be considered eligible to receive state

1 funding ~~state-sponsored trauma centers~~ when state revenues
2 dedicated for trauma centers funds are specifically
3 appropriated for ~~state-sponsored~~ trauma centers in the General
4 Appropriations Act. The department shall make annual payments
5 from the Administrative Trust Fund under s. 20.435 to the
6 trauma centers and provisional trauma centers in recognition
7 of the trauma centers' meeting the standards of trauma
8 readiness and preparedness as prescribed in this part. The
9 payments established in the General Appropriations Act shall
10 be in equal amounts for the provisional trauma centers and
11 trauma centers approved by the department as of July 1 of the
12 fiscal year in which funding is appropriated. If a provisional
13 trauma center or trauma center does not maintain its status as
14 a trauma center for any state fiscal year in which such
15 funding is appropriated, the provisional trauma center or
16 trauma center shall repay the state for the portion of the
17 year during which it was not a trauma center.

18 (3) The department shall allocate funds not disbursed
19 for trauma readiness and preparedness to provisional trauma
20 centers and trauma centers based on volume, acuity, and levels
21 of uncompensated trauma care. Distribution to a provisional
22 trauma center or trauma center shall be in an amount that
23 bears the same ratio to the total amount of such distributions
24 as the volume, acuity, and uncompensated trauma care provided
25 by the center bears to the total volume, acuity, and
26 uncompensated trauma care provided by all trauma centers and
27 provisional trauma centers in the state, as indicated in the
28 most recent year for which data is available.

29 (4) Provisional trauma centers and trauma centers
30 eligible to receive distributions from the Administrative
31 Trust Fund under s. 20.435 in accordance with subsections (2)

1 and (3) may request that such funds be used as
2 intergovernmental transfer funds in the Medicaid program.

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

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

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

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

- 25 ~~1. W-2 withholding forms.~~
- 26 ~~2. Payroll stubs.~~
- 27 ~~3. Income tax returns.~~
- 28 ~~4. Forms approving or denying unemployment~~
29 ~~compensation or workers' compensation.~~
- 30 ~~5. Written verification of wages from employer.~~

31

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

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

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

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

29 ~~(5) State funding shall be at a per diem rate equal to~~
30 ~~\$860 to provisional state-approved and state-approved trauma~~
31 ~~centers. This rate shall be effective for the first 12 months~~

1 ~~of funding, after which time payment to provisional~~
2 ~~state-approved and state-approved trauma centers shall be~~
3 ~~based on a trauma cost-based reimbursement methodology~~
4 ~~developed by the department. The department shall consult with~~
5 ~~representatives from the hospital industry including the~~
6 ~~Florida Hospital Association, the Association of Voluntary~~
7 ~~Hospitals of Florida, and the Florida League of Hospitals in~~
8 ~~the development of the reimbursement methodology.~~

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

$$\frac{SAAA - \underline{SATD}}{TTD} \times TA$$

19
20
21
22
23 where:

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

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

27 TTD = ~~uncompensated total trauma days with ISS score of~~
28 ~~9 or greater for all 19 service areas.~~

29 TA = ~~total dollars appropriated for state-sponsored~~
30 ~~trauma centers.~~

31

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

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

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

29 ~~(e) At the end of the fiscal year, the unexpended~~
30 ~~funds for each service area shall be placed in one large state~~
31 ~~trauma account from which all remaining claims are paid~~

1 ~~without regard to service area on a pro rata basis until such~~
2 ~~funds are depleted.~~

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

10 ~~(5)(7)~~ In order to receive state funding payments
11 ~~under this section~~, a hospital shall be a ~~state-sponsored~~
12 trauma center and shall:

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

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

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

20 ~~(6)(8)~~ A ~~state-sponsored~~ trauma center that ~~which~~
21 fails to comply with any of the conditions listed in
22 subsection ~~(3)(7)~~ or the applicable rules of the department
23 shall not receive payments under this section for the period
24 in which it was not in compliance.

25 Section 10. Section 395.404, Florida Statutes, is
26 amended to read:

27 395.404 Review of trauma registry data; report to
28 central registry; confidentiality and limited release.--

29 (1)(a) Each trauma center shall furnish, and, upon
30 request of the department, all acute care hospitals shall
31 furnish for department review, trauma registry data as

1 prescribed by rule of the department for the purpose of
2 monitoring patient outcome and ensuring compliance with the
3 standards of approval.

4 (b) Trauma registry data obtained pursuant to this
5 subsection are confidential and exempt from the provisions of
6 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
7 However, the department may provide such trauma registry data
8 to the person, trauma center, hospital, emergency medical
9 service provider, local or regional trauma agency, medical
10 examiner, or other entity from which the data were obtained.
11 The department may also use or provide trauma registry data
12 for purposes of research in accordance with the provisions of
13 chapter 405.

14 (2) Each trauma center and acute care hospital shall
15 report to the department's brain and spinal cord injury
16 central registry, consistent with the procedures and
17 timeframes of s. 381.74, any person who has a
18 moderate-to-severe brain or spinal cord injury, and shall
19 include in the report the name, age, residence, and type of
20 disability of the individual and any additional information
21 that the department finds necessary.~~Notwithstanding the~~
22 ~~provisions of s. 381.74, each trauma center and acute care~~
23 ~~hospital shall submit severe disability and head injury~~
24 ~~registry data to the department as provided by rule. Each~~
25 ~~trauma center and acute care hospital shall continue to~~
26 ~~provide initial notification of persons who have severe~~
27 ~~disabilities and head injuries to the Department of Health~~
28 ~~within timeframes provided in chapter 413. Such initial~~
29 ~~notification shall be made in the manner prescribed by the~~
30 ~~Department of Health for the purpose of providing timely~~

31

1 ~~vocational rehabilitation services to the severely disabled or~~
2 ~~head-injured person.~~

3 ~~(3) Trauma registry data obtained pursuant to this~~
4 ~~section are confidential and exempt from the provisions of s.~~
5 ~~119.07(1) and s. 24(a), Art. I of the State Constitution.~~
6 ~~However, the department may provide such trauma registry data~~
7 ~~to the person, trauma center, pediatric trauma referral~~
8 ~~center, hospital, emergency medical service provider, local or~~
9 ~~regional trauma agency, medical examiner, or other entity from~~
10 ~~which the data were obtained. The department may also use or~~
11 ~~provide trauma registry data for purposes of research in~~
12 ~~accordance with the provisions of chapter 405.~~

13 Section 11. Section 395.405, Florida Statutes, is
14 amended to read:

15 395.405 Rulemaking.--The department shall adopt and
16 enforce all rules necessary to administer this part ss.
17 ~~395.0199, 395.401, 395.4015, 395.402, 395.4025, 395.403,~~
18 ~~395.404, and 395.4045.~~

19 Section 12. Subsection (13) is added to section
20 318.18, Florida Statutes, to read:

21 318.18 Amount of civil penalties.--The penalties
22 required for a noncriminal disposition pursuant to s. 318.14
23 are as follows:

24 (13) Notwithstanding any law to the contrary, the
25 clerk of the court shall collect an additional \$6 for each
26 civil violation of chapter 316; \$6 for each offense
27 specifically enumerated in s. 318.17; and \$9 for any other
28 offense in chapter 316 which is classified as a criminal
29 violation. The fees collected under this subsection shall be
30 deposited in the Administrative Trust Fund under s. 20.435.
31

1 Section 13. Section 322.751, Florida Statutes, is
2 created to read:

3 322.751 Annual surcharge for points.--

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

8 (2) The amount of a surcharge under this section is
9 \$100 for the first seven points and \$25 for each additional
10 point.

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

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

17 (5) All penalties collected by the department under
18 this section shall be deposited in the Administrative Trust
19 Fund under s. 20.435.

20 Section 14. Section 322.7515, Florida Statutes, is
21 created to read:

22 322.7515 Surcharge for conviction of driving under the
23 influence.--

24 (1) Each year the department shall assess a surcharge
25 on each person who has a final conviction during the preceding
26 36-month period for an offense relating to s. 316.193.

27 (2) The amount of a surcharge under this section is
28 \$1,000 per year, except that the amount of the surcharge is:

29 (a) One thousand five hundred dollars per year for a
30 second or subsequent conviction within a 36-month period; and
31

1 (b) Two thousand dollars for a first or subsequent
2 conviction if the blood-alcohol level of the person was 0.20
3 or higher at the time the analysis was performed.

4 (3) A surcharge under this section for the same
5 conviction may not be assessed in more than 3 years.

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

8 (5) All penalties collected by the department under
9 this section shall be deposited in the Administrative Trust
10 Fund under s. 20.435.

11 Section 15. Section 322.7516, Florida Statutes, is
12 created to read:

13 322.7516 Surcharges for conviction for driving without
14 financial responsibility and for driving with a suspended or
15 revoked license.--

16 (1) In addition to any other penalty authorized by
17 law, the Department of Highway Safety and Motor Vehicles shall
18 impose an annual monetary penalty against each person who:

19 (a) Is convicted of a violation of s. 324.021 during
20 the preceding 36-month period. The penalty assessed under this
21 paragraph shall be in the amount of \$250 for one or more
22 convictions during the previous 36 months.

23 (b) Is convicted of a violation of s. 322.03 during
24 the preceding 36-month period. The penalty assessed under this
25 paragraph shall be in the amount of \$100 for one or more
26 convictions during the previous 36 months.

27 (2) All penalties collected by the department under
28 this section shall be deposited in the Administrative Trust
29 Fund under s. 20.435.

30 Section 16. Section 322.7525, Florida Statutes, is
31 created to read:

1 322.7525 Notice of surcharge.--

2 (1) The department shall notify the holder of a
3 driver's license of the assessment of a surcharge on that
4 license by first-class mail sent to the person's most recent
5 address as shown on the records of the department. The notice
6 must specify the date by which the surcharge must be paid and
7 and state the consequences of a failure to pay the surcharge.

8 (2) If, before the 30th day after the date the
9 department sends a notice under s. 322.751, s. 322.7515, s.
10 322.7516, or s. 327.732, the person fails to pay the amount of
11 a surcharge on the person's license or fails to enter into an
12 installment payment agreement with the department, the license
13 of the person is automatically suspended.

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

17 Section 17. Section 322.753, Florida Statutes, is
18 created to read:

19 322.753 Installment payment of surcharges.--

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

22 (2) A rule under this section:

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

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

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

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

31

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

5 (4) If a person pays a surcharge or related cost by
6 credit card and the amount is subsequently reversed by the
7 issuer of the credit card, the license of that person is
8 automatically suspended.

9 (5) A license suspended under this section remains
10 suspended until the person pays the amount of the surcharge
11 and any related costs.

12 Section 18. Section 395.4035, Florida Statutes, is
13 repealed.

14 Section 19. This act shall take effect July 1, 2004.
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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 2842

4 The committee substitute revises several provisions relating
5 to trauma care and the funding of trauma care. Hospitals and
6 trauma centers are required to report specified information on
7 persons who have moderate-to-severe brain or spinal cord
8 injuries to the brain and spinal cord central registry in the
9 Department of Health (DOH). Legislative findings conferring
10 duties on DOH relating to trauma care are revised.

11 The definition of "charity care" or "uncompensated care" is
12 revised to conform to the definition of "charity care" that is
13 in chapter 409, F.S., which relates to the Medicaid program.
14 Definitions for trauma centers are revised to conform to DOH's
15 approval process for verifying that the trauma centers have
16 met specified standards.

17 Time limits imposed on the application of any hospital seeking
18 approval and verification to operate as a trauma center are
19 waived to allow any acute care general or pediatric hospital
20 that is located in a trauma service area where there is no
21 existing trauma center and has not already been previously
22 approved to apply beginning on July 1, 2004, to DOH for
23 approval and verification to operate as a provisional trauma
24 center or trauma center within the framework and substantive
25 requirements of part II, chapter 395, F.S., which relates to
26 trauma care.

27 The bill requires the boundaries of trauma regions
28 administered by DOH to be coterminous with the boundaries of
29 the regional domestic security task forces established within
30 the Florida Department of Law Enforcement.

31 The bill directs the clerk of court to collect a fee for each
civil and criminal violation of chapter 316, F.S., which
relates to traffic control. The Department of Highway Safety
and Motor Vehicles is directed to collect surcharges and
monetary penalties. All fees and penalties collected must be
deposited into DOH's Administrative Trust Fund.

The bill repeals s. 395.4035, F.S., relating to the Trauma
Services Trust Fund.