

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.; providing additional
30 legislative intent with respect to trauma
31 service areas; providing a treatment capacity

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

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

1 and criminal violation of ch. 316, F.S.;
2 creating s. 322.751, F.S.; directing the
3 Department of Highway Safety and Motor Vehicles
4 to assess specified annual surcharges against a
5 motor vehicle licensee who accumulates eight or
6 more points against his or her license within
7 the previous 36 months; requiring the
8 department to notify a licensee by first-class
9 mail upon receipt of four points against his or
10 her license; directing the department to remit
11 all such penalties to the Administrative Trust
12 Fund in the Department of Health; amending s.
13 316.193, F.S.; directing the department to
14 assess specified annual surcharges against
15 motor vehicle licensees who have a final
16 conviction within the previous 36 months for a
17 DUI offense; directing the department to remit
18 all such penalties to the Administrative Trust
19 Fund in the Department of Health; amending s.
20 794.056, F.S.; providing that funds credited to
21 the Rape Crisis Program Trust Fund shall
22 include both funds collected as an additional
23 court assessment in certain cases and certain
24 funds deposited in the Administrative Trust
25 Fund in the Department of Health; revising a
26 requirement relating to the distribution of
27 moneys from the trust fund pursuant to a rule
28 by the Department of Health; creating s.
29 322.7525, F.S.; requiring the department to
30 notify licensees of the surcharges and the time
31 period in which to pay the surcharges; creating

1 s. 322.753, F.S.; requiring the department to
2 accept installment payments for the surcharges;
3 providing sanctions for a licensee's failure to
4 pay an installment; allowing the department to
5 permit licensees to pay assessed surcharges
6 with credit cards; requiring the department to
7 suspend a driver's license if the licensee does
8 not pay the surcharge or arrange for
9 installment payments within a specified time
10 after the notice of surcharge is sent;
11 repealing s. 395.4035, F.S., relating to the
12 Trauma Services Trust Fund; providing for
13 distribution of collections in the
14 Administrative Trust Fund in the Department of
15 Health; providing an appropriation; providing
16 an effective date.

17

18 Be It Enacted by the Legislature of the State of Florida:

19

20 Section 1. Subsection (1) of section 381.74, Florida
21 Statutes, is amended to read:22 381.74 Establishment and maintenance of a central
23 registry.--The department shall establish and maintain a
24 central registry of persons who have moderate-to-severe brain
25 or spinal cord injuries.26 (1) Every public health agency, private health agency,
27 public social agency, private social agency, hospital, trauma
28 center, and attending physician shall report to the department
29 ~~division~~ within 5 days after identification or diagnosis of
30 any person who has a moderate-to-severe brain or spinal cord
31 injury. The consent of such person shall not be required.

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

5 381.745 Definitions; ss. 381.739-381.79.--As used in
6 ss. 381.739-381.79, the term:

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

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

10 395.40 Legislative findings and intent.--

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

13 (a) Establish a coordinated methodology for
14 monitoring, evaluating, and enforcing the requirements of the
15 state's inclusive trauma system which recognizes the interests
16 of each agency.

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

21 (c) Develop and submit appropriate requests for
22 waivers of federal requirements which will facilitate the
23 delivery of trauma care.

24 (d) Develop criteria that will become the future basis
25 for ~~mandatory~~ consultation between acute care hospitals and
26 trauma centers on the care of trauma victims and the ~~mandatory~~
27 transfer of appropriate trauma victims to trauma centers.

28 (e) Develop a coordinated approach to the care of the
29 trauma victim. This shall include the movement of the trauma
30 victim through the system of care and the identification of
31

1 medical responsibility for each phase of care for
2 out-of-hospital and in-hospital trauma care.

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

6 Section 4. Section 395.4001, Florida Statutes, is
7 amended to read:

8 395.4001 Definitions.--As used in this part, the term:

9 (1) "Agency" means the Agency for Health Care
10 Administration.

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

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

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

28 (5) "Level I trauma center" means a trauma center
29 that:

30 (a) Has formal research and education programs for the
31 enhancement of trauma care; ~~and is~~ verified ~~determined~~ by the

1 department to be in substantial compliance with Level I trauma
2 center and pediatric trauma ~~referral~~ center standards; and has
3 been approved by the department to operate as a Level I trauma
4 center.

5 (b) Serves as a resource facility to Level II trauma
6 centers, pediatric trauma ~~referral~~ centers, and general
7 hospitals through shared outreach, education, and quality
8 improvement activities.

9 (c) Participates in an inclusive system of trauma
10 care, including providing leadership, system evaluation, and
11 quality improvement activities.

12 (6) "Level II trauma center" means a trauma center
13 that:

14 (a) Is verified ~~determined~~ by the department to be in
15 substantial compliance with Level II trauma center standards
16 and has been approved by the department to operate as a Level
17 II trauma center.

18 (b) Serves as a resource facility to general hospitals
19 through shared outreach, education, and quality improvement
20 activities.

21 (c) Participates in an inclusive system of trauma
22 care.

23 (7) "Pediatric trauma ~~referral~~ center" means a
24 hospital that is verified ~~determined~~ by the department to be
25 in substantial compliance with pediatric trauma ~~referral~~
26 center standards as established by rule of the department and
27 has been approved by the department to operate as a pediatric
28 trauma center.

29 (8) "Provisional trauma center" means a hospital that
30 has been verified by the department to be in substantial
31 compliance with the requirements in s. 395.4025 and has been

1 approved by the department to operate as a provisional Level I
2 trauma center, Level II trauma center, or pediatric trauma
3 center.

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

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

11 ~~(9)(10)~~ "Trauma agency" means a department-approved
12 agency established and operated by one or more counties, or a
13 department-approved entity with which one or more counties
14 contract, for the purpose of administering an inclusive
15 regional trauma system.

16 ~~(10)(11)~~ "Trauma alert victim" means a person who has
17 incurred a single or multisystem injury due to blunt or
18 penetrating means or burns, who requires immediate medical
19 intervention or treatment, and who meets one or more of the
20 adult or pediatric scorecard criteria established by the
21 department by rule.

22 ~~(11)(12)~~ "Trauma center" means a any hospital that has
23 been verified ~~determined~~ by the department to be in
24 substantial compliance with the requirements in s. 395.4025
25 and has been approved by the department to operate as a Level
26 I trauma center, Level II trauma center, or pediatric trauma
27 ~~center verification standards as either state approved or~~
28 ~~provisional state approved.~~

29 ~~(12)(13)~~ "Trauma scorecard" means a statewide
30 methodology adopted by the department by rule under which a
31 person who has incurred a traumatic injury is graded as to the

1 severity of his or her injuries or illness and which
2 methodology is used as the basis for making destination
3 decisions.

4 (13)~~(14)~~ "Trauma transport protocol" means a document
5 which describes the policies, processes, and procedures
6 governing the dispatch of vehicles, the triage, prehospital
7 transport, and interfacility trauma transfer of trauma
8 victims.

9 (14)~~(15)~~ "Trauma victim" means any person who has
10 incurred a single or multisystem injury due to blunt or
11 penetrating means or burns and who requires immediate medical
12 intervention or treatment.

13 Section 5. Section 395.401, Florida Statutes, is
14 amended to read:

15 395.401 Trauma services system plans; ~~verification of~~
16 trauma centers and pediatric trauma ~~referral~~ centers;
17 procedures; renewal.--

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

26 (b) The local and regional trauma agencies shall
27 develop and submit to the department plans for local and
28 regional trauma services systems. The plans must include, at a
29 minimum, the following components:

- 30 1. The organizational structure of the trauma system.

31

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

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

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

14 5. Data collection regarding system operation and
15 patient outcome.

16 6. Periodic performance evaluation of the trauma
17 system and its components.

18 7. The use of air transport services within the
19 jurisdiction of the local trauma agency.

20 8. Public information and education about the trauma
21 system.

22 9. Emergency medical services communication system
23 usage and dispatching.

24 10. The coordination and integration between the
25 ~~verified~~ trauma center ~~care facility~~ and other acute care
26 hospitals ~~the nonverified health care facilities~~.

27 11. Medical control and accountability.

28 12. Quality control and system evaluation.

29 (c) The department shall receive plans for the
30 implementation of inclusive trauma systems from trauma
31 agencies. The department may approve or not approve trauma

1 agency plans based on the conformance of the plan with this
2 section and ss. 395.4015, 395.404, and 395.4045 and the rules
3 and definitions adopted by the department pursuant to those
4 sections. The department shall approve or disapprove the
5 plans within 120 days after the date the plans are submitted
6 to the department. The department shall, by rule, provide an
7 application process for establishing a trauma agency. The
8 application must, at a minimum, provide requirements for the
9 trauma agency plan submitted for review, a process for
10 reviewing the application for a ~~state approved~~ trauma agency,
11 a process for reviewing the trauma transport protocols for the
12 trauma agency, and a process for reviewing the staffing
13 requirements for the agency. The department shall, by rule,
14 establish minimum requirements for a trauma agency to conduct
15 an annual performance evaluation and submit the results to the
16 department.

17 (d) A trauma agency shall not operate unless the
18 department has approved the local or regional trauma services
19 system plan of the agency.

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

26 (f) A local or regional trauma agency may implement a
27 trauma care system only if the system meets the minimum
28 standards set forth in the rules for implementation
29 established by the department and if the plan has been
30 submitted to, and approved by, the department. At least 60
31 days before the local or regional trauma agency submits the

1 plan for the trauma care system to the department, the local
2 or regional trauma agency shall hold a public hearing and give
3 adequate notice of the public hearing to all hospitals and
4 other interested parties in the area to be included in the
5 proposed system.

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

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

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

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

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

24 (l) A county, upon the recommendations of the local or
25 regional trauma agency, may adopt ordinances governing the
26 transport of a patient who is receiving care in the field from
27 prehospital emergency medical personnel when the patient meets
28 specific criteria for trauma, burn, or pediatric centers
29 adopted by the local or regional trauma agency. These
30 ordinances must be consistent with s. 395.4045, ordinances
31 adopted under s. 401.25(6), and the local or regional trauma

1 system plan and, to the furthest possible extent, must ensure
2 that individual patients receive appropriate medical care
3 while protecting the interests of the community at large by
4 making maximum use of available emergency medical care
5 resources.

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

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

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

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

24 (3) The department may withdraw local or regional
25 agency authority, prescribe corrective actions, or use the
26 administrative remedies as provided in s. 395.1065 for the
27 violation of any provision of this section and ss. 395.4015,
28 395.402, 395.4025, 395.403, 395.404, and 395.4045 or rules
29 adopted thereunder. All amounts collected pursuant to this
30 subsection shall be deposited into the Emergency Medical
31 Services Trust Fund provided in s. 401.34.

1 Section 6. Section 395.4015, Florida Statutes, is
2 amended to read:

3 395.4015 State regional trauma planning; trauma
4 regions.--

5 (1) The department shall establish a state trauma
6 system plan. As part of the state trauma system plan, the
7 department shall establish trauma regions that ~~which~~ cover all
8 geographical areas of the state and have boundaries that are
9 coterminous with the boundaries of the regional domestic
10 security task forces established under s. 943.0312. These
11 regions may serve as the basis for the development of
12 department-approved local or regional trauma plans. However,
13 the delivery of trauma services by or in coordination with a
14 trauma agency established before July 1, 2004, may continue in
15 accordance with public and private agreements and operational
16 procedures entered into as provided in s. 395.401. ~~The~~
17 ~~department shall base its definition of the regions upon:~~

18 ~~(a) Geographical considerations so as to ensure rapid~~
19 ~~access to trauma care by patients;~~

20 ~~(b) Historical patterns of patient referral and~~
21 ~~transfer in an area;~~

22 ~~(c) Inventories of available trauma care resources;~~

23 ~~(d) Predicted population growth characteristics;~~

24 ~~(e) Transportation capabilities, including ground and~~
25 ~~air transport;~~

26 ~~(f) Medically appropriate ground and air travel times;~~

27 ~~and~~

28 ~~(g) Other appropriate criteria.~~

29 ~~(2) The department shall develop trauma systems plans~~
30 ~~for the department defined trauma regions which include at a~~
31 ~~minimum the following components:~~

1 ~~(a) An assessment of current and future trauma care~~
2 ~~needs of the population, based upon incidence rates and acuity~~
3 ~~indicators developed by the department, as well as other~~
4 ~~relevant characteristics of the region.~~

5 ~~(b) The organizational structure of the regional~~
6 ~~trauma system, including the identification of local trauma~~
7 ~~agency service areas within the region.~~

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

10 ~~(d) Flow patterns of trauma cases and transportation~~
11 ~~system design and resources, including air transportation~~
12 ~~services, provision for interfacility trauma transfer, and the~~
13 ~~prehospital transportation of trauma victims. The department~~
14 ~~shall plan for the development of a system of transportation~~
15 ~~of trauma alert victims to trauma centers where the distance~~
16 ~~or time to a trauma center or transportation resources~~
17 ~~diminish access by trauma alert victims.~~

18 ~~(e) The current and projected number, acuity level,~~
19 ~~and geographic location of trauma cases expected so as to~~
20 ~~assure that the assessed current and future trauma care needs~~
21 ~~of the population are adequately met and that state sponsored~~
22 ~~trauma centers will maintain the volume of cases sufficient to~~
23 ~~provide quality care to trauma cases referred to them.~~

24 ~~(f) The availability of qualified health~~
25 ~~professionals, including physicians and surgeons, capable of~~
26 ~~staffing trauma centers to the level of current and future~~
27 ~~assessed needs.~~

28 ~~(g) Data collection regarding system operation and~~
29 ~~patient outcome, as well as the number, type, and generalized~~
30 ~~locations of state sponsored trauma centers needed to meet the~~
31 ~~needs of the population.~~

1 ~~(h) Periodic performance evaluation of the trauma~~
2 ~~system and its components.~~

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

5 ~~(j) Public information and education about the trauma~~
6 ~~system.~~

7 ~~(k) Emergency medical services communication system~~
8 ~~usage and dispatching.~~

9 ~~(l) The coordination and integration between the~~
10 ~~trauma centers and other health care facilities which may~~
11 ~~provide services to trauma victims.~~

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

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

14 ~~(2)(3)~~ The department shall consider the advice and
15 recommendations of any affected local or regional trauma
16 agency in developing the state trauma system ~~systems~~ plan.
17 ~~The department may, in lieu of specific regional components of~~
18 ~~its own plan, accept components developed by local or regional~~
19 ~~trauma agencies.~~

20 ~~(3)(4)~~ The department shall use the state trauma
21 system plan as the basis for establishing a statewide
22 inclusive trauma system.

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

25 395.402 Trauma service areas; number and location of
26 trauma centers.--

27 (1) The Legislature recognizes the need for a
28 statewide, cohesive, uniform, and integrated trauma system.
29 Within the trauma service areas, that Level I and Level II
30 trauma centers shall ~~should~~ each be capable of annually
31 treating a minimum of 1,000 and 500 patients, respectively,

1 with an injury severity score (ISS) of 9 or greater. Level II
2 trauma centers in counties with a population of more than
3 500,000 shall have the capacity to care for a minimum of 1,000
4 patients per year. ~~Further, the Legislature finds that, based~~
5 ~~on the numbers and locations of trauma victims with these~~
6 ~~injury severity scores, there should be 19 trauma service~~
7 ~~areas in the state, and, at a minimum, there should be at~~
8 ~~least one trauma center in each service area.~~

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

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

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

28 (b) Review the number and level of trauma centers
29 needed for each trauma service area to provide a statewide
30 integrated trauma system.

31

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

1 trauma centers. Revisions made by the department ~~shall~~ should
2 take into consideration the recommendations made as part of
3 the regional trauma system plans approved by the department,
4 ~~and as well as~~ the recommendations made as part of the state
5 trauma system plan. In cases where a trauma service area is
6 located within the boundaries of more than one trauma region,
7 the trauma service area's needs, response capability, and
8 system requirements shall be considered by each trauma region
9 served by that trauma service area in its regional system plan
10 ~~These areas must, at a minimum, be reviewed in the year 2000~~
11 ~~and every 5 years thereafter.~~ Until the department completes
12 the December 2004 assessment ~~its initial review,~~ the
13 assignment of counties shall remain as established in this
14 section ~~pursuant to chapter 90-284, Laws of Florida.~~

15 (a) The following trauma service areas are hereby
16 established:

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

19 2. Trauma service area 2 shall consist of Bay, Gulf,
20 Holmes, and Washington Counties.

21 3. Trauma service area 3 shall consist of Calhoun,
22 Franklin, Gadsden, Jackson, Jefferson, Leon, Liberty, Madison,
23 Taylor, and Wakulla Counties.

24 4. Trauma service area 4 shall consist of Alachua,
25 Bradford, Columbia, Dixie, Gilchrist, Hamilton, Lafayette,
26 Levy, Putnam, Suwannee, and Union Counties.

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

29 6. Trauma service area 6 shall consist of Citrus,
30 Hernando, and Marion Counties.

31

- 1 7. Trauma service area 7 shall consist of Flagler and
2 Volusia Counties.
- 3 8. Trauma service area 8 shall consist of Lake,
4 Orange, Osceola, Seminole, and Sumter Counties.
- 5 9. Trauma service area 9 shall consist of Pasco and
6 Pinellas Counties.
- 7 10. Trauma service area 10 shall consist of
8 Hillsborough County.
- 9 11. Trauma service area 11 shall consist of Hardee,
10 Highlands, and Polk Counties.
- 11 12. Trauma service area 12 shall consist of Brevard
12 and Indian River Counties.
- 13 13. Trauma service area 13 shall consist of DeSoto,
14 Manatee, and Sarasota Counties.
- 15 14. Trauma service area 14 shall consist of Martin,
16 Okeechobee, and St. Lucie Counties.
- 17 15. Trauma service area 15 shall consist of Charlotte,
18 Glades, Hendry, and Lee Counties.
- 19 16. Trauma service area 16 shall consist of Palm Beach
20 County.
- 21 17. Trauma service area 17 shall consist of Collier
22 County.
- 23 18. Trauma service area 18 shall consist of Broward
24 County.
- 25 19. Trauma service area 19 shall consist of Dade and
26 Monroe Counties.
- 27 (b) Each trauma service area should have at least one
28 Level I or Level II trauma center. The department shall
29 allocate, by rule, the number of trauma centers needed for
30 each trauma service area.
31

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

3 Section 8. Section 395.4025, Florida Statutes, is
4 amended to read:

5 395.4025 ~~State approved~~ Trauma centers; selection;
6 quality assurance; records.--

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

24 (2)(a) The department shall annually notify each acute
25 care general hospital and each local and each regional trauma
26 agency in the state that the department is accepting letters
27 of intent from hospitals that are interested in becoming
28 ~~state approved~~ trauma centers. In order to be considered by
29 the department, a hospital that operates within the geographic
30 area of a local or regional trauma agency must certify that
31 its intent to operate as a ~~state approved~~ trauma center is

1 consistent with the trauma services plan of the local or
2 regional trauma agency, as approved by the department, if such
3 agency exists. Letters of intent must be postmarked no later
4 than midnight October 1. ~~This paragraph does not apply to any~~
5 ~~hospital that is a provisional or verified trauma center on~~
6 ~~January 1, 1992.~~

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

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

29 1. Equipment and physical facilities necessary to
30 provide trauma services.

31

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

3 3. An effective quality assurance process.

4 4. Submitted written confirmation by the local or
5 regional trauma agency that ~~the verification of the hospital~~
6 applying to become as a ~~state approved~~ trauma center is
7 consistent with the plan of the local or regional trauma
8 agency, as approved by the department, if such agency exists.

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

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

30 2. Timeframes provided in subsections (1)-(8) shall be
31 stayed until the department determines that the application is

1 complete and that the hospital has the critical elements
2 required for a ~~state approved~~ trauma center.

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

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

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

1 be located in a trauma service area that has a need for such a
2 trauma center.

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

1 issuance and is renewable upon application for renewal as
2 prescribed by rule of the department. ~~After July 1, 1992, only~~
3 ~~those hospitals selected as state approved trauma centers may~~
4 ~~operate as trauma centers.~~

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

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

25 (9) Except as otherwise provided in this subsection,
26 the department or its agent may collect trauma care and
27 registry data, as prescribed by rule of the department, from
28 trauma centers, ~~pediatric trauma referral centers~~, hospitals,
29 emergency medical service providers, local or regional trauma
30 agencies, or medical examiners for the purposes of evaluating
31 trauma system effectiveness, ensuring compliance with the

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

25 (10) Out-of-state experts assembled by the department
26 to conduct onsite visits are agents of the department for the
27 purposes of s. 395.3025. An out-of-state expert who acts as an
28 agent of the department under this subsection is not liable
29 for any civil damages as a result of actions taken by him or
30 her, unless he or she is found to be operating outside the
31

1 scope of the authority and responsibility assigned by the
2 department.

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

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

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

29 (14) Notwithstanding any other provision of this
30 section and rules adopted pursuant to this section that impose
31 time limits on the applications by hospitals seeking approval

1 and verification to operate as a trauma center, any acute care
 2 general or pediatric hospital that is located in a trauma
 3 service area where there is no existing trauma center and that
 4 has not already been previously approved may apply beginning
 5 on July 1, 2004, to the Department of Health for approval and
 6 verification to operate as a provisional trauma center or
 7 trauma center within the framework and substantive
 8 requirements under this part. Likewise, until the department
 9 has conducted the review provided under s. 395.402, only
 10 hospitals located in trauma service areas where there is no
 11 existing trauma center may apply.

12 Section 9. Section 395.403, Florida Statutes, is
 13 amended to read:

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

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

28 (2) All provisional trauma centers and ~~state approved~~
 29 trauma centers shall be considered eligible to receive state
 30 funding ~~state sponsored trauma centers~~ when state revenues
 31 dedicated for trauma centers funds are specifically

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

16 (3) For fiscal year 2005-2006 and thereafter, the
17 department shall allocate funds not disbursed under subsection
18 (1) for trauma readiness and preparedness to provisional
19 trauma centers and trauma centers based on volume, acuity, and
20 levels of uncompensated trauma care. Distribution to a
21 provisional trauma center or trauma center shall be in an
22 amount that bears the same ratio to the total amount of such
23 distributions as the volume, acuity, and uncompensated trauma
24 care provided by the center bears to the total volume, acuity,
25 and uncompensated trauma care provided by all trauma centers
26 and provisional trauma centers in the state, as indicated in
27 the most recent year for which data is available.

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

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:~~

$$21 \quad \text{SAAA} = \frac{\text{SATD}}{\text{TTD}} \times \text{TA}$$

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 (c). 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. The Department of Health shall establish a
20 task force by August 1, 2004 for the purpose of studying and
21 making recommendations regarding the formula for the
22 distribution of funds deposited in the Administrative Trust
23 Fund in the Department of Health for distribution pursuant to
24 section 395.403, Florida Statutes, and alternative financing
25 options. The task force shall include representatives of the
26 Governor's Office, the Department of Health, the Agency for
27 Health Care Administration, and representatives from Level I,
28 Level II, and pediatric trauma centers, and at least two
29 surgeons. The report of the task force shall be submitted to
30 the Governor, the President of the Senate, and the Speaker of
31 the House of Representatives by January 15, 2005.

1 Section 13. Trauma Center Matching Grant Program.--It
2 is the intent of the Legislature to promote the development of
3 at least one trauma center in every trauma service area. The
4 Trauma Center matching grant program shall be established and
5 administered by the Department of Health. The purpose of the
6 program is to provide start-up funds as an incentive to
7 encourage development of new trauma centers. The grant
8 program shall function as a partnership between state and
9 local governments and private-sector health care providers.
10 Private providers shall provide \$1 in local matching funds for
11 each \$1 grant payment made by the state. Hospitals may apply
12 for matching grant funds by submitting a grant application to
13 the department. Applications shall be competitively reviewed
14 by an independent panel appointed by the secretary of the
15 department. The department may use up to \$2 million annually
16 from the Administrative Trust Fund for this program.

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

19 318.14 Noncriminal traffic infractions; exception;
20 procedures.--

21 (5) Any person electing to appear before the
22 designated official or who is required so to appear shall be
23 deemed to have waived his or her right to the civil penalty
24 provisions of s. 318.18. The official, after a hearing, shall
25 make a determination as to whether an infraction has been
26 committed. If the commission of an infraction has been proven,
27 the official may impose a civil penalty not to exceed \$500,
28 except that in cases involving unlawful speed in a school zone
29 or, involving unlawful speed in a construction zone, ~~or~~
30 ~~involving a death~~, the civil penalty may not exceed \$1,000; or
31 require attendance at a driver improvement school, or both. If

1 the person is required to appear before the designated
2 official pursuant to s. 318.19(1) and is found to have
3 committed the infraction, the designated official shall impose
4 a civil penalty of \$1,000 in addition to any other penalties.
5 If the person is required to appear before the designated
6 official pursuant to s. 318.19(2) and is found to have
7 committed the infraction, the designated official shall impose
8 a civil penalty of \$500 in addition to any other penalties. If
9 the official determines that no infraction has been committed,
10 no costs or penalties shall be imposed and any costs or
11 penalties that have been paid shall be returned. Moneys
12 received from the mandatory civil penalties imposed pursuant
13 to this subsection upon persons required to appear before a
14 designated official pursuant to s. 318.19(1) or (2) shall be
15 remitted to the Department of Revenue and distributed into the
16 Administrative Trust Fund created under s. 20.435 to be used
17 by the Department of Health as required under s. 395.403.

18 Section 15. Subsection (13) is added to section
19 318.21, Florida Statutes, to read:

20 318.21 Disposition of civil penalties by county
21 courts.--All civil penalties received by a county court
22 pursuant to the provisions of this chapter shall be
23 distributed and paid monthly as follows:

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

28 (b) Notwithstanding subsections (1) and (2), the
29 proceeds from the fines imposed under s. 318.18(13) and (14)
30 shall be distributed as provided in that section.
31

1 Section 16. Section 322.0261, Florida Statutes, is
2 amended to read:

3 322.0261 ~~Mandatory~~ Driver improvement course;
4 requirement to maintain driving privileges; failure to
5 complete; department approval of course ~~certain crashes.--~~

6 (1) The department shall screen crash reports received
7 under s. 316.066 or s. 324.051 to identify crashes involving
8 the following:

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

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

14 (2) With respect to an operator convicted of, or who
15 pleaded nolo contendere to, a traffic offense giving rise to a
16 crash identified pursuant to subsection (1), the department
17 shall require that the operator, in addition to other
18 applicable penalties, attend a department-approved
19 ~~departmentally approved~~ driver improvement course in order to
20 maintain driving privileges. If the operator fails to complete
21 the course within 90 days of receiving notice from the
22 department, the operator's driver's license shall be canceled
23 by the department until the course is successfully completed.

24 (3) The department shall identify any operator
25 convicted of, or who pleaded nolo contendere to, a second
26 violation of s. 316.075(1)(c)1. or convicted of, or who
27 pleaded nolo contendere to, a second steady red signal
28 violation as provided in s. 316.074(1), which violation
29 occurred within 12 months after the first violation, and shall
30 require that operator, in addition to other applicable
31 penalties, to attend a department-approved driver improvement

1 course in order to maintain driving privileges. If the
2 operator fails to complete the course within 90 days after
3 receiving notice from the department, the operator's driver's
4 license shall be canceled by the department until the course
5 is successfully completed.

6 ~~(4)(3)~~ In determining whether to approve a driver
7 improvement course for the purposes of this section, the
8 department shall consider course content designed to promote
9 safety, driver awareness, crash avoidance techniques, and
10 other factors or criteria to improve driver performance from a
11 safety viewpoint.

12 Section 17. Paragraph (d) of subsection (3) of section
13 322.27, Florida Statutes, is amended to read:

14 322.27 Authority of department to suspend or revoke
15 license.--

16 (3) There is established a point system for evaluation
17 of convictions of violations of motor vehicle laws or
18 ordinances, and violations of applicable provisions of s.
19 403.413(6)(b) when such violations involve the use of motor
20 vehicles, for the determination of the continuing
21 qualification of any person to operate a motor vehicle. The
22 department is authorized to suspend the license of any person
23 upon showing of its records or other good and sufficient
24 evidence that the licensee has been convicted of violation of
25 motor vehicle laws or ordinances, or applicable provisions of
26 s. 403.413(6)(b), amounting to 12 or more points as determined
27 by the point system. The suspension shall be for a period of
28 not more than 1 year.

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

- 1 1. Reckless driving, willful and wanton--4 points.
- 2 2. Leaving the scene of a crash resulting in property
- 3 damage of more than \$50--6 points.
- 4 3. Unlawful speed resulting in a crash--6 points.
- 5 4. Passing a stopped school bus--4 points.
- 6 5. Unlawful speed:
- 7 a. Not in excess of 15 miles per hour of lawful or
- 8 posted speed--3 points.
- 9 b. In excess of 15 miles per hour of lawful or posted
- 10 speed--4 points.
- 11 6. A violation of a traffic control signal device as
- 12 provided in s. 316.075(1)(c)1.--4 points.
- 13 ~~7.6-~~ All other moving violations (including parking on
- 14 a highway outside the limits of a municipality)--3 points.
- 15 However, no points shall be imposed for a violation of s.
- 16 316.0741 or s. 316.2065(12).
- 17 ~~8.7-~~ Any moving violation covered above, excluding
- 18 unlawful speed, resulting in a crash--4 points.
- 19 ~~9.8-~~ Any conviction under s. 403.413(5)(b)--3 points.
- 20 Section 18. Subsections (13), (14), and (15) are added
- 21 to section 318.18, Florida Statutes, to read:
- 22 318.18 Amount of civil penalties.--The penalties
- 23 required for a noncriminal disposition pursuant to s. 318.14
- 24 are as follows:
- 25 (13) One hundred ten dollars for a violation of s.
- 26 316.075(1)(c)1. or for a steady red signal violation as
- 27 provided in s. 316.074(1), of which \$60 shall be distributed
- 28 as provided in s. 318.21 and the remaining \$50 shall be
- 29 remitted to the Department of Revenue for deposit into the
- 30 Administrative Trust Fund created under s. 20.435 to be used
- 31 by the Department of Health as required under s. 395.403.

1 (14) Two hundred sixty dollars for any infraction that
2 results in a crash that causes any bodily injury other than
3 "serious bodily injury" as defined in s. 316.1933(1), of which
4 \$60 shall be distributed as provided in s. 318.21 and the
5 remaining \$200 shall be remitted to the Department of Revenue
6 for deposit into the Administrative Trust Fund created under
7 s. 20.435 to be used by the Department of Health as required
8 under s. 395.403.

9 (15) Notwithstanding any law to the contrary, the
10 clerk of the court shall collect an additional \$10 for each
11 civil violation of chapter 316; \$20 for each offense
12 specifically enumerated in s. 318.17; and \$20 for any other
13 offense in chapter 316 which is classified as a criminal
14 violation. The fines collected under this subsection shall be
15 remitted to the Department of Revenue for deposit in the
16 Administrative Trust Fund under s. 20.435 to be used by the
17 Department of Health as required under s. 395.403.

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

20 322.751 Annual surcharge for points.--

21 (1) Each year the department shall assess a surcharge
22 on each person who has accumulated eight or more points
23 against his or her driver's license during the preceding
24 36-month period.

25 (2) The amount of a surcharge under this section is
26 \$100 for the first eight points and \$25 for each additional
27 point.

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

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

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

12 Section 20. Paragraph (a) of subsection (2) of section
13 316.193, Florida Statutes, is amended to read:

14 316.193 Driving under the influence; penalties.--

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

18 1. By a fine of:

19 a. Not less than \$250 or more than \$500 for a first
20 conviction.

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

23 2. By imprisonment for:

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

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

26 3. For a second conviction, by mandatory placement for
27 a period of at least 1 year, at the convicted person's sole
28 expense, of an ignition interlock device approved by the
29 department in accordance with s. 316.1938 upon all vehicles
30 that are individually or jointly leased or owned and routinely
31 operated by the convicted person, when the convicted person

1 | qualifies for a permanent or restricted license. The
2 | installation of such device may not occur before July 1, 2003.

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

7 | a. Each year the department shall assess a surcharge
8 | on each person who has a final conviction during the preceding
9 | 36-month period for an offense relating to s. 316.193.

10 | b. The amount of a surcharge under this section is
11 | \$500 per year, except that the amount of the surcharge is:

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

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

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

19 | d. This section only applies to a violation that
20 | occurs on or after July 1, 2004.

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

30 | Section 21. Section 794.056, Florida Statutes, is
31 | amended to read:

1 794.056 Rape Crisis Program Trust Fund.--

2 (1) The Rape Crisis Program Trust Fund is created
3 within the Department of Health for the purpose of providing
4 funds for rape crisis centers in this state. Trust fund moneys
5 shall be used exclusively for the purpose of providing
6 services for victims of sexual assault. Funds deposited in the
7 trust fund shall include revenues as provided by law, moneys
8 as appropriated by the Legislature, and grants from public or
9 private entities. Funds credited to the trust fund consist of
10 those funds collected as an additional court assessment in
11 each case in which a defendant pleads guilty or nolo
12 contendere to, or is found guilty of, regardless of
13 adjudication, an offense defined in s. 784.011, s. 784.021, s.
14 784.03, s. 784.041, s. 784.045, s. 784.048, s. 784.07, s.
15 784.08, s. 784.081, s. 784.082, s. 784.083, s. 785.085, or s.
16 794.011.

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

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

28 Section 22. Section 322.7525, Florida Statutes, is
29 created to read:

30 322.7525 Notice of surcharge.--

31

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

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

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

16 Section 23. Section 322.753, Florida Statutes, is
17 created to read:

18 322.753 Installment payment of surcharges.--

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

21 (2) A rule under this section:

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

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

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

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

30 (3) The department may by rule authorize the payment
31 of a surcharge by use of a credit card. The rules shall

1 require the person to pay all costs incurred by the department
2 in connection with the acceptance of the credit card.

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

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

10 Section 24. Section 395.4035, Florida Statutes, is
11 repealed.

12 Section 25. The Department of Highway Safety and Motor
13 Vehicles shall determine the level of funding necessary to
14 implement sections 19 and 20 of this act with department
15 resources. If the department determines that such services
16 could be provided more effectively or efficiently, the
17 department may consider outsourcing proposals through
18 competitive processes. Notwithstanding the provisions of
19 chapter 287, Florida Statutes, in the event that less than
20 four responsive bids are received, the department shall seek
21 approval by the Legislative Budget Commission.

22 Section 26. There is appropriated \$250,000 from the
23 Highway Safety Operating Trust Fund for initial development
24 start-up costs related to sections 19 and 20 of this act. The
25 Department of Highway Safety and Motor Vehicles shall submit a
26 budget amendment for approval by the Legislative Budget
27 Commission, pursuant to chapter 216, Florida Statutes, upon
28 determination of the additional budget amounts by
29 appropriation category that are necessary for full
30 implementation.

31

1 Section 27. Of the funds received in the
2 Administrative Trust Fund, the Department of Health shall
3 retain 91.67 percent of monthly collections in the
4 Administrative Trust Fund. The remaining 8.33 percent of
5 monthly collections shall be distributed to the Rape Crisis
6 Program Trust Fund, up to a maximum annual distribution of \$4
7 million. Once the \$4 million cap is reached for the Rape
8 Crisis Program Trust Fund, 100 percent of collections shall be
9 retained in the Administrative Trust Fund in the Department of
10 Health. Annual collections in excess of \$55 million shall be
11 transferred as follows: \$5 million to the Brain and Spinal
12 Cord Injury Program Trust Fund for the purpose set forth in
13 section 381.79, Florida Statutes, and the remainder to the
14 General Revenue Fund.

15 Section 28. There is appropriated from the
16 Administrative Trust Fund in the Department of Health the sum
17 of \$31,591,454 to provide funding for verified and provisional
18 trauma centers pursuant to section 395.403, Florida Statutes,
19 and \$4 million from the Rape Crisis Program Trust Fund in the
20 Department of Health for the purpose of providing services for
21 victims of sexual assault.

22 Section 29. This act shall take effect July 1, 2004.
23
24
25
26
27
28
29
30
31