

Bill No. SB 1264

Barcode 985290

CHAMBER ACTION

Senate

House

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The Committee on Transportation (Sebesta) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. This act may be cited as the "Anjelica and Victoria Velez Memorial Traffic Safety Act."

Section 2. Paragraph (a) of subsection (1) of section 316.650, Florida Statutes, is amended to read:

316.650 Traffic citations.--

(1)(a) The department shall prepare, and supply to every traffic enforcement agency in this state, an appropriate form traffic citation containing a notice to appear (which shall be issued in prenumbered books with citations in quintuplicate) and meeting the requirements of this chapter or any laws of this state regulating traffic, which form shall be consistent with the state traffic court rules and the procedures established by the department. Upon all future printings of the traffic citation, the form shall include a

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1 special box which is to be checked by the law enforcement
 2 officer when the officer believes that the traffic violation
 3 or crash was due to aggressive careless driving as defined in
 4 s. 316.1923. The form shall also include a special box that is
 5 to be checked by the law enforcement officer when the officer
 6 writes a uniform traffic citation for a violation of s.
 7 316.074(1) as a result of the driver failing to stop at a
 8 traffic signal.

9 Section 3. Subsection (14) is added to section 318.18,
 10 Florida Statutes, to read:

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

14 (14) One hundred twenty-five dollars for a violation
 15 of s. 316.074(1) or s. 316.075(1)(c)1., when a driver has
 16 failed to stop at a traffic signal, of which \$60 shall be
 17 distributed as provided in s. 318.21 and the remaining \$65
 18 shall be remitted to the Department of Revenue for deposit
 19 into the Administrative Trust Fund of the Department of
 20 Health.

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

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

27 (13) Of the proceeds from the fine under s.
 28 318.18(14), \$65 shall be remitted to the Department of Revenue
 29 for deposit into the Administrative Trust Fund of the
 30 Department of Health and the remaining \$60 shall be
 31 distributed under subsections (1) and (2).

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1 Section 5. 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 has pleaded nolo contendere to, a second
26 violation of s. 316.074(1) or s. 316.075(1)(c)1., which
27 violation occurred within 12 months after the first violation,
28 and shall require that operator, in addition to other
29 applicable penalties, to attend a department-approved driver
30 improvement course in order to maintain driving privileges. If
31 the operator fails to complete the course within 90 days after

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1 receiving notice from the department, the operator's driver's
2 license shall be canceled by the department until the course
3 is successfully completed.

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

10 Section 6. Paragraph (d) of subsection (3) of section
11 322.27, Florida Statutes, is amended to read:

12 322.27 Authority of department to suspend or revoke
13 license.--

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

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

- 30 1. Reckless driving, willful and wanton--4 points.
- 31 2. Leaving the scene of a crash resulting in property

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1 damage of more than \$50--6 points.

2 3. Unlawful speed resulting in a crash--6 points.

3 4. Passing a stopped school bus--4 points.

4 5. Unlawful speed:

5 a. Not in excess of 15 miles per hour of lawful or
6 posted speed--3 points.

7 b. In excess of 15 miles per hour of lawful or posted
8 speed--4 points.

9 6. A violation of a traffic control signal device as
10 provided in s. 316.074(1) or s. 316.075(1)(c)1.--4 points.

11 ~~7.6-~~ All other moving violations (including parking on
12 a highway outside the limits of a municipality)--3 points.
13 However, no points shall be imposed for a violation of s.
14 316.0741 or s. 316.2065(12).

15 ~~8.7-~~ Any moving violation covered above, excluding
16 unlawful speed, resulting in a crash--4 points.

17 ~~9.8-~~ Any conviction under s. 403.413(5)(b)--3 points.

18 Section 7. Section 395.4036, Florida Statutes, is
19 created to read:

20 395.4036 Trauma payments.--

21 (1) Recognizing the Legislature's stated intent to
22 provide financial support to the current verified trauma
23 centers and to provide incentives for the establishment of
24 additional trauma centers as part of a system of
25 state-sponsored trauma centers, the department shall use funds
26 collected under s. 318.18(14) and deposited into the
27 Administrative Trust Fund of the department to ensure the
28 availability and accessibility of trauma services throughout
29 the state as provided in this subsection.

30 (a) Twenty percent of the total funds collected under
31 this subsection shall be distributed to verified trauma

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1 centers located in a region that has a local funding
2 contribution as of December 31. Distribution of funds under
3 this paragraph shall be based on trauma caseload volume.

4 (b) Forty percent of the total funds collected under
5 this subsection shall be distributed to verified trauma
6 centers based on trauma caseload volume of the previous
7 calendar year. The determination of caseload volume for
8 distribution of funds under this paragraph shall be based on
9 the department's Trauma Registry data.

10 (c) Forty percent of the total funds collected under
11 this subsection shall be distributed to verified trauma
12 centers based on severity of trauma patients. The
13 determination of severity for distribution of funds under this
14 paragraph shall be based on the department's Injury Severity
15 Scores, weighted based on scores of 1-14 and 15 plus.

16 (2)(a) Any trauma center not subject to audit under s.
17 215.97 shall annually attest, under penalties of perjury, that
18 such proceeds were used in compliance with law. The annual
19 attestation shall be made in a form and format determined by
20 the department. The annual attestation shall be submitted to
21 the department for review within 9 months after the end of the
22 organization's fiscal year.

23 (b) Any trauma center subject to audit under s. 215.97
24 shall submit an audit report in accordance with rules adopted
25 by the Auditor General.

26 (3) The department, working with the Agency for Health
27 Care Administration, shall maximize resources for trauma
28 services wherever possible.

29 Section 8. This act shall take effect upon becoming a
30 law.

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

2 And the title is amended as follows:

3 Delete everything before the enacting clause

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5 and insert:

6 A bill to be entitled

7 An act relating to highway safety; creating the
8 Anjelica and Victoria Velez Memorial Traffic
9 Safety Act; amending s. 316.650, F.S.;
10 requiring the printed traffic citation form to
11 have a box for failing to stop at a traffic
12 signal; amending s. 318.18, F.S.; revising the
13 penalty for a moving violation of a traffic
14 control signal showing a steady red indication;
15 providing for distribution of moneys collected;
16 amending s. 318.21, F.S.; providing for
17 distribution of specified civil penalties;
18 amending s. 322.0261, F.S.; requiring a driver
19 improvement course for a second moving
20 violation of a traffic control signal showing a
21 steady red indication within a specified time
22 period; providing a penalty for failure to
23 complete such course within a specified time
24 period; amending s. 322.27, F.S.; assigning a
25 point value for conviction of a moving
26 violation of a traffic control signal showing a
27 steady red indication; creating s. 395.4036,
28 F.S.; providing for distribution of funds to
29 trauma centers; providing for audits and
30 attestations; providing an effective date.

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