

By Senator Saunders

37-1141-05

See HB 497

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A bill to be entitled  
An act relating to highway safety; creating the  
Anjelica and Victoria Velez Memorial Traffic  
Safety Act; amending s. 318.18, F.S.; revising  
the penalty for a moving violation of a traffic  
control signal showing a steady red indication;  
providing for distribution of moneys collected;  
amending s. 318.21, F.S.; providing for  
distribution of specified civil penalties;  
amending s. 322.0261, F.S.; requiring a driver  
improvement course for a second moving  
violation of a traffic control signal showing a  
steady red indication within a specified time  
period; providing a penalty for failure to  
complete such course within a specified time  
period; amending s. 322.27, F.S.; assigning a  
point value for conviction of a moving  
violation of a traffic control signal showing a  
steady red indication; creating s. 395.4036,  
F.S.; providing for distribution of funds to  
trauma centers; providing for audits and  
attestations; providing an effective date.

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

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

Section 2. Subsection (14) is added to section 318.18,  
Florida Statutes, to read:

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

1           318.18 Amount of civil penalties.--The penalties  
2 required for a noncriminal disposition pursuant to s. 318.14  
3 are as follows:

4           (14) One hundred twenty-five dollars for a violation  
5 of s. 316.075(1)(c)1., of which \$60 shall be distributed as  
6 provided in s. 318.21 and the remaining \$65 shall be remitted  
7 to the Department of Revenue for deposit into the  
8 Administrative Trust Fund of the Department of Health.

9           Section 3. Subsection (13) is added to section 318.21,  
10 Florida Statutes, to read:

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

15           (13) Of the proceeds from the fine under s.  
16 318.18(14), \$65 shall be remitted to the Department of Revenue  
17 for deposit into the Administrative Trust Fund of the  
18 Department of Health and the remaining \$60 shall be  
19 distributed pursuant to subsections (1) and (2).

20           Section 4. Section 322.0261, Florida Statutes, is  
21 amended to read:

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

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

28           (a) A crash involving death or a bodily injury  
29 requiring transport to a medical facility; or  
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1 (b) A second crash by the same operator within the  
2 previous 2-year period involving property damage in an  
3 apparent amount of at least \$500.

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

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

25 ~~(4)(3)~~ In determining whether to approve a driver  
26 improvement course for the purposes of this section, the  
27 department shall consider course content designed to promote  
28 safety, driver awareness, crash avoidance techniques, and  
29 other factors or criteria to improve driver performance from a  
30 safety viewpoint.  
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1           Section 5. Paragraph (d) of subsection (3) of section  
2 322.27, Florida Statutes, is amended to read:

3           322.27 Authority of department to suspend or revoke  
4 license.--

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

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

- 21           1. Reckless driving, willful and wanton--4 points.
- 22           2. Leaving the scene of a crash resulting in property  
23 damage of more than \$50--6 points.
- 24           3. Unlawful speed resulting in a crash--6 points.
- 25           4. Passing a stopped school bus--4 points.
- 26           5. Unlawful speed:
  - 27           a. Not in excess of 15 miles per hour of lawful or  
28 posted speed--3 points.
  - 29           b. In excess of 15 miles per hour of lawful or posted  
30 speed--4 points.

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

3           ~~7.6.~~ All other moving violations (including parking on  
4 a highway outside the limits of a municipality)--3 points.  
5 However, no points shall be imposed for a violation of s.  
6 316.0741 or s. 316.2065(12).

7           ~~8.7.~~ Any moving violation covered above, excluding  
8 unlawful speed, resulting in a crash--4 points.

9           ~~9.8.~~ Any conviction under s. 403.413(5)(b)--3 points.

10           Section 6. Section 395.4036, Florida Statutes, is  
11 created to read:

12           395.4036 Trauma payments.--

13           (1) Recognizing the Legislature's stated intent to  
14 provide financial support to the current verified trauma  
15 centers and to provide incentives for the establishment of  
16 additional trauma centers as part of a system of  
17 state-sponsored trauma centers, the department shall use funds  
18 collected under s. 318.18(14) and deposited into the  
19 Administrative Trust Fund of the department to ensure the  
20 availability and accessibility of trauma services throughout  
21 the state as provided in this subsection.

22           (a) Twenty percent of the total funds collected under  
23 this subsection shall be distributed to verified trauma  
24 centers located in a region that has a local funding  
25 contribution as of December 31. Distribution of funds under  
26 this paragraph shall be based on trauma caseload volume.

27           (b) Forty percent of the total funds collected under  
28 this subsection shall be distributed to verified trauma  
29 centers based on trauma caseload volume of the previous  
30 calendar year. The determination of caseload volume for  
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1 distribution of funds under this paragraph shall be based on  
2 the department's Trauma Registry data.

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

9 (2)(a) Any trauma center not subject to audit pursuant  
10 to s. 215.97 shall annually attest, under penalties of  
11 perjury, that such proceeds were used in compliance with law.  
12 The annual attestation shall be made in a form and format  
13 determined by the department.

14 (b) Any trauma center subject to audit pursuant to s.  
15 215.97 shall submit an audit report in accordance with rules  
16 adopted by the Auditor General. The annual attestation shall  
17 be submitted to the department for review within 9 months  
18 after the end of the organization's fiscal year.

19 (3) The department, working with the Agency for Health  
20 Care Administration, shall maximize resources for trauma  
21 services wherever possible.

22 Section 7. This act shall take effect upon becoming a  
23 law.

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