

By Senator Lynn

7-176-05

1                                    A bill to be entitled  
 2             An act relating to trauma care centers and rape  
 3             crisis centers; amending s. 395.405, F.S.;  
 4             authorizing the Department of Health to adopt  
 5             and enforce rules necessary to administer part  
 6             II of ch. 395, F.S., relating to trauma  
 7             services; establishing a task force on the  
 8             distribution of funds for trauma centers;  
 9             requiring a report to the Governor and the  
 10            Legislature; providing for a trauma center  
 11            matching grant program; amending s. 318.14,  
 12            F.S.; providing additional civil penalties for  
 13            certain traffic infractions; providing for such  
 14            penalties to be used to fund trauma services;  
 15            amending s. 318.21, F.S.; providing for certain  
 16            mandatory civil traffic penalties to be used to  
 17            fund trauma services; amending s. 318.18, F.S.;  
 18            providing penalties for a specified violation  
 19            of traffic control signal devices or for an  
 20            infraction that causes bodily injury; providing  
 21            for such penalties to be used to fund trauma  
 22            services; directing the clerk of court to  
 23            collect a fee for each civil and criminal  
 24            violation of ch. 316, F.S., to be used to fund  
 25            trauma services; amending s. 316.193, F.S.;  
 26            directing the Department of Highway Safety and  
 27            Motor Vehicles to assess specified annual  
 28            surcharges against motor vehicle licensees who  
 29            have a final conviction within the previous 36  
 30            months for a DUI offense; directing the  
 31            department to remit a portion of such penalties

1 to the Administrative Trust Fund in the  
2 Department of Health to be used to fund trauma  
3 services; amending s. 794.056, F.S.; requiring  
4 that funds credited to the Rape Crisis Program  
5 Trust Fund include moneys appropriated by the  
6 Legislature and grants from public and private  
7 entities; revising a requirement relating to  
8 the distribution of moneys from the trust fund  
9 pursuant to a rule by the Department of Health;  
10 creating s. 322.751, F.S.; directing the  
11 Department of Highway Safety and Motor Vehicles  
12 to assess specified annual surcharges against a  
13 motor vehicle licensee who accumulates eight or  
14 more points against his or her license within  
15 the previous 36 months; requiring the  
16 department to notify a licensee by first-class  
17 mail upon receipt of four points against his or  
18 her license; directing the department to remit  
19 all such penalties to the Administrative Trust  
20 Fund in the Department of Health to be used to  
21 fund trauma services; creating s. 322.7525,  
22 F.S.; requiring the department to notify  
23 licensees of the surcharges and the time period  
24 in which to pay the surcharges; creating s.  
25 322.753, F.S.; requiring the department to  
26 accept installment payments for the surcharges;  
27 providing sanctions for a licensee's failure to  
28 pay an installment; allowing the department to  
29 permit licensees to pay assessed surcharges  
30 using credit cards; requiring the department to  
31 suspend a driver's license if the licensee does

1 not pay the surcharge or arrange for  
2 installment payments within a specified time  
3 after the notice of surcharge is sent;  
4 repealing s. 395.4035, F.S., relating to the  
5 Trauma Services Trust Fund; requiring the  
6 Department of Highway Safety and Motor Vehicles  
7 to determine the costs of implementing the  
8 requirements for a surcharge against motor  
9 vehicle licensees; authorizing the department  
10 to outsource implementation services; providing  
11 an appropriation; providing for the  
12 distribution of collections in the  
13 Administrative Trust Fund in the Department of  
14 Health; providing an appropriation; providing  
15 an effective date.

16  
17 Be It Enacted by the Legislature of the State of Florida:

18  
19 Section 1. Section 395.405, Florida Statutes, is  
20 amended to read:

21 395.405 Rulemaking.--The department shall adopt and  
22 enforce all rules necessary to administer this part ~~ss.~~  
23 ~~395.0199, 395.401, 395.4015, 395.402, 395.4025, 395.403,~~  
24 ~~395.404, and 395.4045.~~

25 Section 2. The Department of Health shall establish a  
26 task force by August 1, 2005, for the purpose of studying and  
27 making recommendations regarding the formula for distributing  
28 funds deposited in the Administrative Trust Fund in the  
29 Department of Health for distribution to trauma centers  
30 pursuant to section 395.403, Florida Statutes, and alternative  
31 financing options. The task force shall include

1 representatives of the Executive Office of the Governor, the  
2 Department of Health, the Agency for Health Care  
3 Administration, and representatives from Level I, Level II,  
4 and pediatric trauma centers and at least two surgeons. The  
5 report of the task force shall be submitted to the Governor,  
6 the President of the Senate, and the Speaker of the House of  
7 Representatives by January 15, 2006.

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

24       Section 4. Subsection (5) of section 318.14, Florida  
25 Statutes, is amended to read:

26       318.14 Noncriminal traffic infractions; exception;  
27 procedures.--

28       (5) Any person electing to appear before the  
29 designated official or who is required so to appear shall be  
30 deemed to have waived his or her right to the civil penalty  
31 provisions of s. 318.18. The official, after a hearing, shall

1 | make a determination as to whether an infraction has been  
2 | committed. If the commission of an infraction has been proven,  
3 | the official may impose a civil penalty not to exceed \$500,  
4 | except that in cases involving unlawful speed in a school zone  
5 | or, involving unlawful speed in a construction zone, ~~or~~  
6 | ~~involving a death~~, the civil penalty may not exceed \$1,000; or  
7 | require attendance at a driver improvement school, or both. If  
8 | the person is required to appear before the designated  
9 | official pursuant to s. 318.19(1) and is found to have  
10 | committed the infraction, the designated official shall impose  
11 | a civil penalty of \$1,000 in addition to any other penalties.  
12 | If the person is required to appear before the designated  
13 | official pursuant to s. 318.19(2) and is found to have  
14 | committed the infraction, the designated official shall impose  
15 | a civil penalty of \$500 in addition to any other penalties. If  
16 | the official determines that no infraction has been committed,  
17 | no costs or penalties shall be imposed and any costs or  
18 | penalties that have been paid shall be returned. Moneys  
19 | received from the mandatory civil penalties imposed pursuant  
20 | to this subsection upon persons required to appear before a  
21 | designated official pursuant to s. 318.19(1) or (2) shall be  
22 | remitted to the Department of Revenue and distributed into the  
23 | Administrative Trust Fund created under s. 20.435 to be used  
24 | by the Department of Health as required under s. 395.403.

25 |         Section 5. Subsection (13) is added to section 318.21,  
26 | Florida Statutes, to read:

27 |         318.21 Disposition of civil penalties by county  
28 | courts.--All civil penalties received by a county court  
29 | pursuant to the provisions of this chapter shall be  
30 | distributed and paid monthly as follows:  
31 |

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

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

8            Section 6. Present subsection (13) of section 318.18,  
9 Florida Statutes, is redesignated as subsection (16) and  
10 subsections (13), (14), and (15) are added to that section, to  
11 read:

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

15            (13) One hundred ten dollars for a violation of s.  
16 316.075(1)(c)1. or for a steady red signal violation as  
17 provided in s. 316.074(1), of which \$60 shall be distributed  
18 as provided in s. 318.21 and the remaining \$50 shall be  
19 remitted to the Department of Revenue for deposit into the  
20 Administrative Trust Fund created under s. 20.435 to be used  
21 by the Department of Health as required under s. 395.403.

22            (14) Two hundred sixty dollars for any infraction that  
23 results in a crash that causes any bodily injury other than  
24 "serious bodily injury" as defined in s. 316.1933(1), of which  
25 \$60 shall be distributed as provided in s. 318.21 and the  
26 remaining \$200 shall be remitted to the Department of Revenue  
27 for deposit into the Administrative Trust Fund created under  
28 s. 20.435 to be used by the Department of Health as required  
29 under s. 395.403.

30            (15) Notwithstanding any law to the contrary, the  
31 clerk of the court shall collect an additional \$10 for each

1 civil violation of chapter 316; \$20 for each offense  
2 specifically enumerated in s. 318.17; and \$20 for any other  
3 offense in chapter 316 which is classified as a criminal  
4 violation. The fines collected under this subsection shall be  
5 remitted to the Department of Revenue for deposit in the  
6 Administrative Trust Fund under s. 20.435 to be used by the  
7 Department of Health as required under s. 395.403.

8 Section 7. Paragraph (a) of subsection (2) of section  
9 316.193, Florida Statutes, is amended to read:

10 316.193 Driving under the influence; penalties.--

11 (2)(a)1. Except as provided in paragraph (b),  
12 subsection (3), or subsection (4), any person who is convicted  
13 of a violation of subsection (1) shall be punished:

14 ~~a.1.~~ By a fine of:

15 ~~(I)a.~~ Not less than \$250 or more than \$500 for a first  
16 conviction.

17 ~~(II)b.~~ Not less than \$500 or more than \$1,000 for a  
18 second conviction; and

19 ~~b.2.~~ By imprisonment for:

20 ~~(I)a.~~ Not more than 6 months for a first conviction.

21 ~~(II)b.~~ Not more than 9 months for a second conviction.

22 ~~c.3.~~ For a second conviction, by mandatory placement  
23 for a period of at least 1 year, at the convicted person's  
24 sole expense, of an ignition interlock device approved by the  
25 department in accordance with s. 316.1938 upon all vehicles  
26 that are individually or jointly leased or owned and routinely  
27 operated by the convicted person, when the convicted person  
28 qualifies for a permanent or restricted license. The  
29 installation of such device may not occur before July 1, 2003.

30 2. In addition to the fines and penalties established  
31 in this subsection, the court shall impose a surcharge, to be

1 collected by the department and subject to a court's  
2 determination of financial ability to pay, as follows:

3 a. Each year the department shall assess a surcharge  
4 on each person who has a final conviction during the preceding  
5 36-month period for an offense relating to s. 316.193.

6 b. The amount of a surcharge under this section is  
7 \$500 per year, except that the amount of the surcharge is:

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

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

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

15 d. This section applies only to a violation that  
16 occurs on or after July 1, 2005.

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

26 Section 8. Section 794.056, Florida Statutes, is  
27 amended to read:

28 794.056 Rape Crisis Program Trust Fund.--

29 (1) The Rape Crisis Program Trust Fund is created  
30 within the Department of Health for the purpose of providing  
31 funds for rape crisis centers in this state. Trust fund moneys



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

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

19 Section 9. Section 322.751, Florida Statutes, is  
20 created to read:

21 322.751 Annual surcharge for points.--

22 (1) Each year the department shall assess a surcharge  
23 on each person who has accumulated eight or more points  
24 against his or her driver's license during the preceding  
25 36-month period.

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

29 (3) The department shall notify the holder of a  
30 driver's license of the assignment of a fourth point on that  
31

1 license by first-class mail sent to the person's most recent  
2 address as shown on the records of the department.

3 (4) This section applies only to a violation that  
4 occurs on or after July 1, 2005.

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

14 Section 10. Section 322.7525, Florida Statutes, is  
15 created to read:

16 322.7525 Notice of surcharge.--

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

23 (2) If, before the 30th day after the date the  
24 department sends a notice under s. 322.751, s. 322.7515, s.  
25 322.7516, or s. 327.732, the person fails to pay the surcharge  
26 on the person's license or fails to enter into an  
27 installment-payment agreement with the department, the license  
28 of the person is automatically suspended.

29 (3) A license suspended under this section remains  
30 suspended until the person pays the surcharge and any related  
31 costs.

1           Section 11. Section 322.753, Florida Statutes, is  
2 created to read:

3           322.753 Installment payment of surcharges.--

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

6           (2) A rule under this section:

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

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

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

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

15           (3) The department may by rule authorize the payment  
16 of a surcharge by use of a credit card. The rules may require  
17 the person to pay all costs incurred by the department in  
18 connection with the acceptance of the credit card.

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

23           (5) A license suspended under this section remains  
24 suspended until the person pays the amount of the surcharge  
25 and any related costs.

26           Section 12. Section 395.4035, Florida Statutes, is  
27 repealed.

28           Section 13. The Department of Highway Safety and Motor  
29 Vehicles shall determine the level of funding necessary to  
30 implement the annual surcharge requirements of this act with  
31 department resources. If the department determines that such

1 services could be provided more effectively or efficiently,  
2 the department may consider outsourcing proposals through  
3 competitive processes. Notwithstanding chapter 287, Florida  
4 Statutes, if fewer than four responsive bids are received, the  
5 department shall seek approval by the Legislative Budget  
6 Commission.

7       Section 14. The sum of \$250,000 is appropriated from  
8 the Highway Safety Operating Trust Fund for initial  
9 development startup costs related to implementing the annual  
10 surcharge requirements of this act. The Department of Highway  
11 Safety and Motor Vehicles shall submit a budget amendment for  
12 approval by the Legislative Budget Commission under chapter  
13 216, Florida Statutes, upon determination of the additional  
14 budget amounts by appropriation category which are necessary  
15 for full implementation.

16       Section 15. Of the funds received in the  
17 Administrative Trust Fund, the Department of Health shall  
18 retain 91.67 percent of monthly collections in the  
19 Administrative Trust Fund. The remaining 8.33 percent of  
20 monthly collections shall be distributed to the Rape Crisis  
21 Program Trust Fund, up to a maximum annual distribution of \$4  
22 million. Once the \$4 million cap is reached for the Rape  
23 Crisis Program Trust Fund, 100 percent of collections shall be  
24 retained in the Administrative Trust Fund in the Department of  
25 Health. Annual collections in excess of \$55 million shall be  
26 transferred as follows: \$5 million to the Brain and Spinal  
27 Cord Injury Program Trust Fund for the purpose set forth in  
28 section 381.79, Florida Statutes, and the remainder to the  
29 General Revenue Fund.

30       Section 16. The sum of \$31,591,454 is appropriated  
31 from the Administrative Trust Fund in the Department of Health

1 to provide funding for verified and provisional trauma centers  
2 under section 395.403, Florida Statutes, and the sum of \$4  
3 million is appropriated from the Rape Crisis Program Trust  
4 Fund in the Department of Health for the purpose of providing  
5 services for victims of sexual assault.

6 Section 17. This act shall take effect July 1, 2005.

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9 SENATE SUMMARY

10 Provides for a trauma center matching grant program.  
11 Provides for additional civil penalties for certain  
12 traffic infractions. Directs the Department of Highway  
13 Safety and Motor Vehicles to assess specified annual  
14 surcharges against a motor vehicle licensee who  
15 accumulates points against his or her license. Directs  
16 the department to remit all such penalties and surcharges  
17 to the Administrative Trust Fund in the Department of  
18 Health for the purpose of funding trauma services.  
19 Authorizes the department to accept installment payments  
20 for surcharges. (See bill for details.)  
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