

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 497 CS Highway Safety  
**SPONSOR(S):** Cannon and others  
**TIED BILLS:** **IDEN./SIM. BILLS:** SB 1264

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Transportation Committee	14 Y, 0 N, w/CS	Thompson	Miller
2) Judiciary Committee	12 Y, 0 N, w/CS	Hogge	Hogge
3) Finance & Tax Committee	(W/D)		
4) Fiscal Council	18 Y, 1 N, w/CS	Diez-Arguelles	Kelly
5) State Infrastructure Council	9 Y, 1 N, w/CS	Thompson	Havlicak

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### SUMMARY ANALYSIS

Presently, a driver failing to obey a red traffic signal is subject to a civil penalty of \$60 and, under certain circumstances, is required to complete a driver improvement course. The bill makes the following changes:

- Increases the civil penalty for a driver failing to obey a red traffic signal from \$60 to \$125, and assesses 4 points against a driver failing to obey a traffic control signal device.
- Requires an operator to complete a driver improvement course for a second violation occurring within 12 months of the first violation.
- Distributes moneys collected from the increased civil penalty to trauma centers based on trauma caseload and severity of trauma patients.
- Subjects trauma centers provided funding under the bill to audit and attestation requirements regarding use of the funds.

The Revenue Estimating Conference has estimated that the increase in the amount of the traffic fines will generate \$0.6 million in FY 05-06 and \$1.2 million in 06-07 to the General Revenue Fund, and \$7.5 million in FY 05-06 and \$15.1 million in 06-07 to the Administrative Trust Fund in the Department of Health.

The bill provides an appropriation of \$7.5 million to the Administrative Trust Fund in the Department of Health to provide funding for trauma centers.

The bill takes effect October 1, 2005.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government—The bill requires mandatory driver improvement courses where none is required presently. The bill also increases civil and license penalties for certain civil traffic infractions. The bill creates auditing and attestation responsibilities for certain trauma centers and for the DOH.

#### B. EFFECT OF PROPOSED CHANGES:

Chapter 316, F.S., provides for Florida's Uniform Traffic Control laws.

Section 316.074(1), F.S. provides that the driver of a vehicle must obey instructions of any official traffic control device.

Section 316.075(1)(c)1., F.S., provides that vehicles must stop for steady red lights until the signal turns green.

A violation of s. 316.074(1) or s. 316.075(1)(c)1, F.S., is a noncriminal traffic infraction, punishable as a moving violation pursuant to ch. 318, F.S.,<sup>1</sup> and a civil penalty of \$60.<sup>2</sup>

#### Penalties and Distributions

The bill would increase the civil penalty for a violation of s. 316.074(1) or 316.075(1)(c) 1., F.S., for a driver failing to obey a red traffic signal from \$60 to \$125, of which \$60 would be distributed as currently provided in s. 318.21 F.S. and the remaining \$65 would be remitted to the Department of Revenue for deposit into the DOH Administrative Trust Fund.

#### Required Driver Improvement Course

The bill would require the Department of Highway Safety and Motor Vehicles (DHSMV) to identify any operator convicted of, or who pleaded nolo contendere to, a second violation of s. 316.074(1) or s. 316.075(1)(c)1, F.S., within 12 months of the first violation, and require that operator to attend a department-approved driver improvement course. If the operator fails to complete the course within 90 days after receiving notice from the DHSMV, then the DHSMV must cancel the operator's driver license until the operator successfully completes the course.

*[Currently, the DHSMV screens crash reports to identify crashes involving the following:*

- *A crash involving death or a bodily injury requiring transport to a medical facility; or a second crash by the same operator within the previous 2-year period involving property damage in an apparent amount of at least \$500.*
- *With respect to an operator convicted of, or who pleaded nolo contendere to, a traffic offense giving rise to a crash, the department requires that the operator, in addition to other applicable penalties, attend a driver improvement course approved by the DHSMV in order to maintain driving privileges. If the operator fails to complete the course within 90 days of receiving notice from the DHSMV, then the operator's driver's license is canceled by the DHSMV until the operator successfully completes the course.*
- *In determining whether or not to approve a driver improvement course, the DHSMV considers course content designed to promote safety, driver awareness, crash avoidance techniques, and other factors or criteria to improve driver performance from a safety viewpoint.*

<sup>1</sup> See ss. 316.074(6) and 316.075(4), F.S., respectively.

<sup>2</sup> See s. 318.18(3)(a), F.S.

*The DHSMV does not require a driver to attend a department-approved driver improvement course in order to maintain driving privileges if the driver has been convicted of, or who pleaded nolo contendere to, a second violation of a traffic control device.]*

### Point System

The bill would assign 4 points for a violation of a traffic control signal device pursuant to s. 316.074(1) or s.316.075 (1) (c)1, F.S.

*[Points are assessed against a person's driver's license upon violation of certain traffic laws so that DHSMV may determine the continuing qualification of any person to operate a motor vehicle. The DHSMV may suspend the license of any person who accumulates 12 or more points against a license in a 12-month period. The point system is a graduated scale of points assigning relative values to convictions of the following violations:*

- *Reckless driving, willful and wanton – 4 points.*
- *Leaving the scene of a crash resulting in property damage of more than \$50 – 6 points.*
- *Unlawful speed resulting in a crash – 6 points.*
- *Passing a stopped school bus – 4 points.*
- *Excessive speed, 15 mph over or less – 3 points.*
- *Excessive speed, more than 15 mph over – 4 points.*
- *All other moving violations – 3 points.*
- *Any moving violation covered above, excluding unlawful speed, resulting in a crash – 4 points.*
- *Any conviction of the Florida Litter Law – 3 points.]*

### Trauma Centers

The bill provides funding in support of trauma services throughout the state. The DOH would deposit the additional funds generated by the bill into the DOH Administrative Trust Fund to be used as follows:

- Twenty percent of the total funds collected would be distributed to verified trauma centers located in a region that has a local funding contribution as of December 31. Distribution of funds under this paragraph would be based on trauma caseload volume.
- Forty percent of the total funds collected would be distributed to verified trauma centers based on trauma caseload volume of the previous calendar year. The determination of caseload volume would be based on the DOH Trauma Registry data.
- Forty percent of the total funds would be distributed to verified trauma centers based on severity of trauma patients. The determination of severity would be based on the DOH Injury Severity Scores.

The bill appropriates \$7.5 million to the Administrative Trust Fund in the Department of Health for trauma center funding. HB 497 w/CS also allows trauma centers to request that their distributions from the Administrative Trust Fund be used as intergovernmental transfer funds in the Medicaid program.

Any trauma center not subject to audit would be required to annually attest, under penalties of perjury, that the proceeds were used in compliance with law. The annual attestation must be made in a form and format determined by the DOH. Trauma centers that are subject to audit would be required to submit an audit report in accordance with rules adopted by the Auditor General. The annual attestation would be submitted to the DOH for review within nine months after the end of the organization's fiscal year. The DOH, working with the Agency for Health Care Administration, must maximize resources for trauma services wherever possible.

C. SECTION DIRECTORY:

Section 1. Names the Act the “Angelica and Victoria Velez Memorial Traffic Safety Act.”

Section 2. Amends s. 316.650, F.S., to require that traffic citation forms contain a check box to indicate when a violation of s. 316.074(1) or s. 316.075(1)(c), F.S., is the result of the driver failing to stop at a traffic signal.

Section 3. Amends s. 318.18, F.S., to revise penalty for moving violations of red traffic signals.

Section 4. Amends s. 318.21, F.S., to provide for distribution of penalties collected under s. 318.18 (14), F.S.

Section 5 Amends s. 322.0261, F.S., requiring driver improvement course for a second moving violation of red traffic signals.

Section 6. Amends s. 322.27, F.S., assigning point value for conviction of a violation of a traffic control signal device.

Section 7. Creates s. 395.4036, F.S., to provide for distribution of funds to trauma centers and for audits and attestations.

Section 8. Provides an appropriation.

Section 9. Provides an effective date of October 1, 2005.

**II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

General Revenue	<u>FY 05-06</u> \$0.6m	<u>FY 06-07</u> \$1.2m
DOH Administrative Trust Fund	<u>\$7.5m</u>	<u>\$15.1m</u>
Total	\$8.1m	\$16.3m

2. Expenditures:

This bill would require 120 hours, at \$135 per hour, of contracted programming to modify the Driver License Information Systems. According to the DHSMV, the total expenditures from the Highway Safety and Motor Vehicles General Highway Fund will be \$16,200.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

The bill may have a positive fiscal impact on local governments to the extent that some funds may be directed to trauma centers which currently receive local government funding.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The civil penalty for a driver failing to obey a red traffic signal is increased from \$60 to \$125.

D. FISCAL COMMENTS:

The bill appropriates \$7.5 million to the Administrative Trust Fund in the Department of Health for trauma center funding.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to: require cities or counties to spend funds or take actions requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On **April 12, 2005**, the State Infrastructure Council adopted 2 amendments to HB 497 w/CS. Amendment #1 allows trauma centers to request that their distributions for the Administrative Trust Fund be used as intergovernmental transfer funds in the Medicaid program. Amendment #2 reduces the amount of money that is appropriated to the Administrative Trust Fund in the Department of Health to provide funding to trauma centers from \$9.4 million to \$7.5 million.

HB 497 w/CS was then reported favorably as amended with a council substitute.

On **April 1, 2005**, the Fiscal Council adopted five amendments. One amendment removed the change in the definition of an "official traffic control device," adopted in the Judiciary Committee and replaced it with a requirement that a check box be placed in the traffic citation form to indicate when a violation of s. 316.074(1), F.S., or s. 316.075(1)(c)1, F.S., is the result of a driver failing to stop at a traffic signal. Three amendments are intended to conform the other provisions of the bill to the addition of violations of s. 316.074(1), F.S., to the bill. The fifth amendment added an appropriation.

On **March 10, 2005**, the Judiciary Committee adopted two amendments to HB 497 CS. The Judiciary Committee Substitute differs from the Committee Substitute by the Transportation Committee in that it:

- Removes references to a violation of s. 316.074(1), F.S., to capture only violations red light violations rather than all violations of official traffic control devices as provided in the CS by the Transportation Committee; and
- Amends the definition of "official traffic control devices" in s. 316.003(23), F.S., to exclude "official traffic control signals." By doing so, violations of traffic control signals would be a violation of 316.075(1)(c)1., F.S., and no longer a violation of s. 316.074(1), F.S..

On **February 22, 2005**, the Committee on Transportation adopted 3 amendments to HB 497. The Committee Substitute differs from the original bill in that the Committee Substitute:

- Corrects a statutory cross reference relating to traffic control devices;
- Changes the bill's effective date from "upon becoming law" to October 1, 2005; and
- Reorganizes the placement of trauma center attestation submission language in the bill.