

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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 penalty for moving violation of traffic control signal 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 driver improvement course for a second moving violation of traffic control signal steady red indication within a specified time period; providing penalty for failure to complete said course within a specified time period; amending s. 322.27, F.S.; assigning point value for conviction of moving violation of traffic control signal 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:

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

29 (14) One hundred twenty-five dollars for a violation of s.
 30 316.075(1)(c)1., of which \$60 shall be distributed as provided
 31 in s. 318.21 and the remaining \$65 shall be remitted to the
 32 Department of Revenue for deposit into the Administrative Trust
 33 Fund of the Department of Health.

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

36 318.21 Disposition of civil penalties by county
 37 courts.--All civil penalties received by a county court pursuant
 38 to the provisions of this chapter shall be distributed and paid
 39 monthly as follows:

40 (13) Of the proceeds from the fine under s. 318.18(14),
 41 \$65 shall be remitted to the Department of Revenue for deposit
 42 into the Administrative Trust Fund of the Department of Health
 43 and the remaining \$60 shall be distributed pursuant to
 44 subsections (1) and (2).

45 Section 4. Section 322.0261, Florida Statutes, is amended
 46 to read:

47 322.0261 ~~Mandatory~~ Driver improvement course; requirement
 48 to maintain driving privileges; failure to complete; department
 49 approval of course ~~certain crashes~~.--

50 (1) The department shall screen crash reports received
 51 under s. 316.066 or s. 324.051 to identify crashes involving the
 52 following:

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

55 (b) A second crash by the same operator within the
 56 previous 2-year period involving property damage in an apparent

57 amount of at least \$500.

58 (2) With respect to an operator convicted of, or who
 59 pleaded nolo contendere to, a traffic offense giving rise to a
 60 crash identified pursuant to subsection (1), the department
 61 shall require that the operator, in addition to other applicable
 62 penalties, attend a department-approved ~~departmentally approved~~
 63 driver improvement course in order to maintain driving
 64 privileges. If the operator fails to complete the course within
 65 90 days of receiving notice from the department, the operator's
 66 driver's license shall be canceled by the department until the
 67 course is successfully completed.

68 (3) The department shall identify any operator convicted
 69 of, or who pleaded nolo contendere to, a second violation of s.
 70 316.075(1)(c)1., which violation occurred within 12 months after
 71 the first violation, and shall require that operator, in
 72 addition to other applicable penalties, to attend a department-
 73 approved driver improvement course in order to maintain driving
 74 privileges. If the operator fails to complete the course within
 75 90 days after receiving notice from the department, the
 76 operator's driver license shall be canceled by the department
 77 until the course is successfully completed.

78 ~~(4)~~(3) In determining whether to approve a driver
 79 improvement course for the purposes of this section, the
 80 department shall consider course content designed to promote
 81 safety, driver awareness, crash avoidance techniques, and other
 82 factors or criteria to improve driver performance from a safety
 83 viewpoint.

84 Section 5. Paragraph (d) of subsection (3) of section

85 322.27, Florida Statutes, is amended to read:

86 322.27 Authority of department to suspend or revoke
87 license.--

88 (3) There is established a point system for evaluation of
89 convictions of violations of motor vehicle laws or ordinances,
90 and violations of applicable provisions of s. 403.413(6)(b) when
91 such violations involve the use of motor vehicles, for the
92 determination of the continuing qualification of any person to
93 operate a motor vehicle. The department is authorized to suspend
94 the license of any person upon showing of its records or other
95 good and sufficient evidence that the licensee has been
96 convicted of violation of motor vehicle laws or ordinances, or
97 applicable provisions of s. 403.413(6)(b), amounting to 12 or
98 more points as determined by the point system. The suspension
99 shall be for a period of not more than 1 year.

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

- 103 1. Reckless driving, willful and wanton--4 points.
- 104 2. Leaving the scene of a crash resulting in property
105 damage of more than \$50--6 points.
- 106 3. Unlawful speed resulting in a crash--6 points.
- 107 4. Passing a stopped school bus--4 points.
- 108 5. Unlawful speed:
 - 109 a. Not in excess of 15 miles per hour of lawful or posted
110 speed--3 points.
 - 111 b. In excess of 15 miles per hour of lawful or posted
112 speed--4 points.

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

115 ~~7.6-~~ All other moving violations (including parking on a
 116 highway outside the limits of a municipality)--3 points.
 117 However, no points shall be imposed for a violation of s.
 118 316.0741 or s. 316.2065(12).

119 ~~8.7-~~ Any moving violation covered above, excluding
 120 unlawful speed, resulting in a crash--4 points.

121 ~~9.8-~~ Any conviction under s. 403.413(5)(b)--3 points.

122 Section 6. Section 395.4036, Florida Statutes, is created
 123 to read:

124 395.4036 Trauma payments.--

125 (1) Recognizing the Legislature's stated intent to provide
 126 financial support to the current verified trauma centers and to
 127 provide incentives for the establishment of additional trauma
 128 centers as part of a system of state-sponsored trauma centers,
 129 the department shall utilize funds collected under s. 318.18(14)
 130 and deposited into the Administrative Trust Fund of the
 131 department to ensure the availability and accessibility of
 132 trauma services throughout the state as provided in this
 133 subsection.

134 (a) Twenty percent of the total funds collected under this
 135 subsection shall be distributed to verified trauma centers
 136 located in a region that has a local funding contribution as of
 137 December 31. Distribution of funds under this paragraph shall be
 138 based on trauma caseload volume.

139 (b) Forty percent of the total funds collected under this
 140 subsection shall be distributed to verified trauma centers based

141 on trauma caseload volume of the previous calendar year. The
142 determination of caseload volume for distribution of funds under
143 this paragraph shall be based on the department's Trauma
144 Registry data.

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

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

156 (b) Any trauma center subject to audit pursuant to s.
157 215.97 shall submit an audit report in accordance with rules
158 adopted by the Auditor General. The annual attestation shall be
159 submitted to the department for review within 9 months after the
160 end of the organization's fiscal year.

161 (3) The department, working with the Agency for Health
162 Care Administration, shall maximize resources for trauma
163 services wherever possible.

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