

CHAMBER ACTION

1 The Fiscal Council recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to highway safety; creating the Anjelica
7 and Victoria Velez Memorial Traffic Safety Act; amending
8 s. 316.650, F.S.; requiring traffic citation forms to
9 include a check box indicating a failure to stop at a
10 traffic signal; amending s. 318.18, F.S.; revising the
11 penalty for a moving violation of a traffic control signal
12 steady red indication and of a traffic control device when
13 a driver fails to stop at a traffic signal; providing for
14 distribution of moneys collected; amending s. 318.21,
15 F.S.; providing for distribution of specified civil
16 penalties; amending s. 322.0261, F.S.; requiring the
17 Department of Highway Safety and Motor Vehicles to
18 identify a person who has committed a second moving
19 violation of a traffic control signal steady red
20 indication or of a traffic control device within a
21 specified time period and require such person to complete
22 a driver improvement course; providing for cancellation of
23 license for failure to complete said course within a

24 | specified time period; amending s. 322.27, F.S.; assigning
 25 | a point value for the conviction of a moving violation of
 26 | a traffic control signal steady red indication or of a
 27 | traffic control device; creating s. 395.4036, F.S.;
 28 | providing for distribution of funds to trauma centers;
 29 | providing for audits and attestations; providing an
 30 | appropriation; providing an effective date.

31 |

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

33 |

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

36 | Section 2. Paragraph (a) of subsection (1) of section
 37 | 316.650, Florida Statutes, is amended to read:

38 | 316.650 Traffic citations.--

39 | (1)(a) The department shall prepare, and supply to every
 40 | traffic enforcement agency in this state, an appropriate form
 41 | traffic citation containing a notice to appear (which shall be
 42 | issued in prenumbered books with citations in quintuplicate) and
 43 | meeting the requirements of this chapter or any laws of this
 44 | state regulating traffic, which form shall be consistent with
 45 | the state traffic court rules and the procedures established by
 46 | the department. ~~Upon all future printings of the traffic~~
 47 | ~~citation,~~ The form shall include a ~~special~~ box which is to be
 48 | checked by the law enforcement officer when the officer believes
 49 | that the traffic violation or crash was due to aggressive
 50 | careless driving as defined in s. 316.1923. The form shall also
 51 | include a box which is to be checked by the law enforcement

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52 officer when the officer writes a uniform traffic citation for a
 53 violation of s. 316.074(1) or s. 316.075(1)(c)1. as a result of
 54 the driver failing to stop at a traffic signal.

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

57 318.18 Amount of civil penalties.--The penalties required
 58 for a noncriminal disposition pursuant to s. 318.14 are as
 59 follows:

60 (14) One hundred twenty-five dollars for a violation of s.
 61 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
 62 stop at a traffic signal. Sixty dollars shall be distributed as
 63 provided in s. 318.21, and the remaining \$65 shall be remitted
 64 to the Department of Revenue for deposit into the Administrative
 65 Trust Fund of the Department of Health.

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

68 318.21 Disposition of civil penalties by county
 69 courts.--All civil penalties received by a county court pursuant
 70 to the provisions of this chapter shall be distributed and paid
 71 monthly as follows:

72 (13) Of the proceeds from the fine under s. 318.18(14),
 73 \$65 shall be remitted to the Department of Revenue for deposit
 74 into the Administrative Trust Fund of the Department of Health
 75 and the remaining \$60 shall be distributed pursuant to
 76 subsections (1) and (2).

77 Section 5. Section 322.0261, Florida Statutes, is amended
 78 to read:

79 | 322.0261 ~~Mandatory~~ Driver improvement course; requirement
 80 | to maintain driving privileges; failure to complete; department
 81 | approval of course ~~certain crashes~~.--

82 | (1) The department shall screen crash reports received
 83 | under s. 316.066 or s. 324.051 to identify crashes involving the
 84 | following:

85 | (a) A crash involving death or a bodily injury requiring
 86 | transport to a medical facility; or

87 | (b) A second crash by the same operator within the
 88 | previous 2-year period involving property damage in an apparent
 89 | amount of at least \$500.

90 | (2) With respect to an operator convicted of, or who
 91 | pleaded nolo contendere to, a traffic offense giving rise to a
 92 | crash identified pursuant to subsection (1), the department
 93 | shall require that the operator, in addition to other applicable
 94 | penalties, attend a department-approved ~~departmentally approved~~
 95 | driver improvement course in order to maintain driving
 96 | privileges. If the operator fails to complete the course within
 97 | 90 days of receiving notice from the department, the operator's
 98 | driver's license shall be canceled by the department until the
 99 | course is successfully completed.

100 | (3) The department shall identify any operator convicted
 101 | of, or who pleaded nolo contendere to, a second violation of s.
 102 | 316.074(1) or s. 316.075(1)(c)1., which violation occurred
 103 | within 12 months after the first violation, and shall require
 104 | that operator, in addition to other applicable penalties, to
 105 | attend a department-approved driver improvement course in order
 106 | to maintain driving privileges. If the operator fails to

107 | complete the course within 90 days after receiving notice from
 108 | the department, the operator's driver license shall be canceled
 109 | by the department until the course is successfully completed.

110 | ~~(4)~~(3) In determining whether to approve a driver
 111 | improvement course for the purposes of this section, the
 112 | department shall consider course content designed to promote
 113 | safety, driver awareness, crash avoidance techniques, and other
 114 | factors or criteria to improve driver performance from a safety
 115 | viewpoint.

116 | Section 6. Paragraph (d) of subsection (3) of section
 117 | 322.27, Florida Statutes, is amended to read:

118 | 322.27 Authority of department to suspend or revoke
 119 | license.--

120 | (3) There is established a point system for evaluation of
 121 | convictions of violations of motor vehicle laws or ordinances,
 122 | and violations of applicable provisions of s. 403.413(6)(b) when
 123 | such violations involve the use of motor vehicles, for the
 124 | determination of the continuing qualification of any person to
 125 | operate a motor vehicle. The department is authorized to suspend
 126 | the license of any person upon showing of its records or other
 127 | good and sufficient evidence that the licensee has been
 128 | convicted of violation of motor vehicle laws or ordinances, or
 129 | applicable provisions of s. 403.413(6)(b), amounting to 12 or
 130 | more points as determined by the point system. The suspension
 131 | shall be for a period of not more than 1 year.

132 | (d) The point system shall have as its basic element a
 133 | graduated scale of points assigning relative values to
 134 | convictions of the following violations:

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- 135 1. Reckless driving, willful and wanton--4 points.
- 136 2. Leaving the scene of a crash resulting in property
137 damage of more than \$50--6 points.
- 138 3. Unlawful speed resulting in a crash--6 points.
- 139 4. Passing a stopped school bus--4 points.
- 140 5. Unlawful speed:
- 141 a. Not in excess of 15 miles per hour of lawful or posted
142 speed--3 points.
- 143 b. In excess of 15 miles per hour of lawful or posted
144 speed--4 points.
- 145 6. A violation of a traffic control signal device as
146 provided in s. 316.074(1) or s. 316.075(1)(c)1.--4 points.
- 147 ~~7.6-~~ All other moving violations (including parking on a
148 highway outside the limits of a municipality)--3 points.
149 However, no points shall be imposed for a violation of s.
150 316.0741 or s. 316.2065(12).
- 151 ~~8.7-~~ Any moving violation covered above, excluding
152 unlawful speed, resulting in a crash--4 points.
- 153 ~~9.8-~~ Any conviction under s. 403.413(5)(b)--3 points.
- 154 Section 7. Section 395.4036, Florida Statutes, is created
155 to read:
- 156 395.4036 Trauma payments.--
- 157 (1) Recognizing the Legislature's stated intent to provide
158 financial support to the current verified trauma centers and to
159 provide incentives for the establishment of additional trauma
160 centers as part of a system of state-sponsored trauma centers,
161 the department shall utilize funds collected under s. 318.18(14)
162 and deposited into the Administrative Trust Fund of the

163 department to ensure the availability and accessibility of
164 trauma services throughout the state as provided in this
165 subsection.

166 (a) Twenty percent of the total funds collected under this
167 subsection shall be distributed to verified trauma centers
168 located in a region that has a local funding contribution as of
169 December 31. Distribution of funds under this paragraph shall be
170 based on trauma caseload volume.

171 (b) Forty percent of the total funds collected under this
172 subsection shall be distributed to verified trauma centers based
173 on trauma caseload volume of the previous calendar year. The
174 determination of caseload volume for distribution of funds under
175 this paragraph shall be based on the department's Trauma
176 Registry data.

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

183 (2)(a) Any trauma center not subject to audit pursuant to
184 s. 215.97 shall annually attest, under penalties of perjury,
185 that such proceeds were used in compliance with law. The annual
186 attestation shall be made in a form and format determined by the
187 department. The annual attestation shall be submitted to the
188 department for review within 9 months after the end of the
189 organization's fiscal year.

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190 (b) Any trauma center subject to audit pursuant to s.
 191 215.97 shall submit an audit report in accordance with rules
 192 adopted by the Auditor General.

193 (3) The department, working with the Agency for Health
 194 Care Administration, shall maximize resources for trauma
 195 services wherever possible.

196 Section 8. There is hereby appropriated \$9.4 million to
 197 the Administrative Trust Fund in the Department of Health to
 198 provide funding for trauma centers in accordance with this act.

199 Section 9. This act shall take effect October 1, 2005.