

CHAMBER ACTION

1 The State Infrastructure 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

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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 authorizing trauma centers to request that such funds be  
 30 used as intergovernmental transfer funds in the Medicaid  
 31 program; providing for audits and attestations; providing  
 32 an appropriation; providing an effective date.

33

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

35

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

38 Section 2. Paragraph (a) of subsection (1) of section  
 39 316.650, Florida Statutes, is amended to read:

40 316.650 Traffic citations.--

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

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52 | careless driving as defined in s. 316.1923. The form shall also  
 53 | include a box which is to be checked by the law enforcement  
 54 | officer when the officer writes a uniform traffic citation for a  
 55 | violation of s. 316.074(1) or s. 316.075(1)(c)1. as a result of  
 56 | the driver failing to stop at a traffic signal.

57 | Section 3. Subsection (14) is added to section 318.18,  
 58 | Florida Statutes, to read:

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

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

68 | Section 4. Subsection (13) is added to section 318.21,  
 69 | Florida Statutes, to read:

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

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

79 Section 5. Section 322.0261, Florida Statutes, is amended  
80 to read:

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

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

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

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

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

102 (3) The department shall identify any operator convicted  
103 of, or who pleaded nolo contendere to, a second violation of s.  
104 316.074(1) or s. 316.075(1)(c)1., which violation occurred  
105 within 12 months after the first violation, and shall require  
106 that operator, in addition to other applicable penalties, to

107 attend a department-approved driver improvement course in order  
 108 to maintain driving privileges. If the operator fails to  
 109 complete the course within 90 days after receiving notice from  
 110 the department, the operator's driver license shall be canceled  
 111 by the department until the course is successfully completed.

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

118 Section 6. Paragraph (d) of subsection (3) of section  
 119 322.27, Florida Statutes, is amended to read:

120 322.27 Authority of department to suspend or revoke  
 121 license.--

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

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

- 137 1. Reckless driving, willful and wanton--4 points.
- 138 2. Leaving the scene of a crash resulting in property  
139 damage of more than \$50--6 points.
- 140 3. Unlawful speed resulting in a crash--6 points.
- 141 4. Passing a stopped school bus--4 points.
- 142 5. Unlawful speed:
- 143 a. Not in excess of 15 miles per hour of lawful or posted  
144 speed--3 points.
- 145 b. In excess of 15 miles per hour of lawful or posted  
146 speed--4 points.
- 147 6. A violation of a traffic control signal device as  
148 provided in s. 316.074(1) or s. 316.075(1)(c)1.--4 points.

149 ~~7.6-~~ All other moving violations (including parking on a  
150 highway outside the limits of a municipality)--3 points.  
151 However, no points shall be imposed for a violation of s.  
152 316.0741 or s. 316.2065(12).

153 ~~8.7-~~ Any moving violation covered above, excluding  
154 unlawful speed, resulting in a crash--4 points.

155 ~~9.8-~~ Any conviction under s. 403.413(5)(b)--3 points.

156 Section 7. Section 395.4036, Florida Statutes, is created  
157 to read:

158 395.4036 Trauma payments.--

159 (1) Recognizing the Legislature's stated intent to provide  
160 financial support to the current verified trauma centers and to  
161 provide incentives for the establishment of additional trauma

162 centers as part of a system of state-sponsored trauma centers,  
163 the department shall utilize funds collected under s. 318.18(14)  
164 and deposited into the Administrative Trust Fund of the  
165 department to ensure the availability and accessibility of  
166 trauma services throughout the state as provided in this  
167 subsection.

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

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

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

185  
186 Trauma centers may request that their distributions from the  
187 Administrative Trust Fund be used as intergovernmental transfer  
188 funds in the Medicaid program.

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

196        (b) Any trauma center subject to audit pursuant to s.  
 197 215.97 shall submit an audit report in accordance with rules  
 198 adopted by the Auditor General.

199        (3) The department, working with the Agency for Health  
 200 Care Administration, shall maximize resources for trauma  
 201 services wherever possible.

202        Section 8. There is hereby appropriated \$7.5 million to  
 203 the Administrative Trust Fund in the Department of Health to  
 204 provide funding for trauma centers in accordance with this act.

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