

ENROLLED

HB 497, Engrossed 1

2005 Legislature

1 A bill to be entitled

2 An act relating to highway safety; creating the Anjelica
3 and Victoria Velez Memorial Traffic Safety Act; amending
4 s. 316.650, F.S.; requiring traffic citation forms to
5 include a check box indicating a failure to stop at a
6 traffic signal; amending s. 318.18, F.S.; revising the
7 penalty for a moving violation of a traffic control signal
8 steady red indication and of a traffic control device when
9 a driver fails to stop at a traffic signal; providing for
10 distribution of moneys collected; amending s. 318.21,
11 F.S.; providing for distribution of specified civil
12 penalties; amending s. 322.0261, F.S.; requiring the
13 Department of Highway Safety and Motor Vehicles to
14 identify a person who has committed a second moving
15 violation of a traffic control signal steady red
16 indication or of a traffic control device within a
17 specified time period and require such person to complete
18 a driver improvement course; providing for cancellation of
19 license for failure to complete said course within a
20 specified time period; amending s. 322.27, F.S.; assigning
21 a point value for the conviction of a moving violation of
22 a traffic control signal steady red indication or of a
23 traffic control device; creating s. 395.4036, F.S.;
24 providing for distribution of funds to trauma centers;
25 authorizing trauma centers to request that such funds be
26 used as intergovernmental transfer funds in the Medicaid
27 program; providing for audits and attestations; providing
28 an appropriation; providing an effective date.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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

316.650 Traffic citations.--

(1)(a) The department shall prepare, and supply to every traffic enforcement agency in this state, an appropriate form traffic citation containing a notice to appear (which shall be issued in prenumbered books with citations in quintuplicate) and meeting the requirements of this chapter or any laws of this state regulating traffic, which form shall be consistent with the state traffic court rules and the procedures established by the department. ~~Upon all future printings of the traffic citation,~~ The form shall include a ~~special~~ box which is to be checked by the law enforcement officer when the officer believes that the traffic violation or crash was due to aggressive careless driving as defined in s. 316.1923. The form shall also include a box which is to be checked by the law enforcement officer when the officer writes a uniform traffic citation for a violation of s. 316.074(1) or s. 316.075(1)(c)1. as a result of the driver failing to stop at a traffic signal.

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

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55 | 318.18 Amount of civil penalties.--The penalties required
 56 | for a noncriminal disposition pursuant to s. 318.14 are as
 57 | follows:

58 | (14) One hundred twenty-five dollars for a violation of s.
 59 | 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
 60 | stop at a traffic signal. Sixty dollars shall be distributed as
 61 | provided in s. 318.21, and the remaining \$65 shall be remitted
 62 | to the Department of Revenue for deposit into the Administrative
 63 | Trust Fund of the Department of Health.

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

66 | 318.21 Disposition of civil penalties by county
 67 | courts.--All civil penalties received by a county court pursuant
 68 | to the provisions of this chapter shall be distributed and paid
 69 | monthly as follows:

70 | (13) Of the proceeds from the fine under s. 318.18(14),
 71 | \$65 shall be remitted to the Department of Revenue for deposit
 72 | into the Administrative Trust Fund of the Department of Health
 73 | and the remaining \$60 shall be distributed pursuant to
 74 | subsections (1) and (2).

75 | Section 5. Section 322.0261, Florida Statutes, is amended
 76 | to read:

77 | 322.0261 ~~Mandatory~~ Driver improvement course; requirement
 78 | to maintain driving privileges; failure to complete; department
 79 | approval of course ~~certain crashes~~.--

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

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

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

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

98 (3) The department shall identify any operator convicted
 99 of, or who pleaded nolo contendere to, a second violation of s.
 100 316.074(1) or s. 316.075(1)(c)1., which violation occurred
 101 within 12 months after the first violation, and shall require
 102 that operator, in addition to other applicable penalties, to
 103 attend a department-approved driver improvement course in order
 104 to maintain driving privileges. If the operator fails to
 105 complete the course within 90 days after receiving notice from
 106 the department, the operator's driver license shall be canceled
 107 by the department until the course is successfully completed.

108 (4)~~(3)~~ In determining whether to approve a driver
 109 improvement course for the purposes of this section, the
 110 department shall consider course content designed to promote

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111 safety, driver awareness, crash avoidance techniques, and other
 112 factors or criteria to improve driver performance from a safety
 113 viewpoint.

114 Section 6. Paragraph (d) of subsection (3) of section
 115 322.27, Florida Statutes, is amended to read:

116 322.27 Authority of department to suspend or revoke
 117 license.--

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

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

- 133 1. Reckless driving, willful and wanton--4 points.
- 134 2. Leaving the scene of a crash resulting in property
 135 damage of more than \$50--6 points.
- 136 3. Unlawful speed resulting in a crash--6 points.
- 137 4. Passing a stopped school bus--4 points.
- 138 5. Unlawful speed:

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139 a. Not in excess of 15 miles per hour of lawful or posted
 140 speed--3 points.

141 b. In excess of 15 miles per hour of lawful or posted
 142 speed--4 points.

143 6. A violation of a traffic control signal device as
 144 provided in s. 316.074(1) or s. 316.075(1)(c)1.--4 points.

145 ~~7.6-~~ All other moving violations (including parking on a
 146 highway outside the limits of a municipality)--3 points.
 147 However, no points shall be imposed for a violation of s.
 148 316.0741 or s. 316.2065(12).

149 ~~8.7-~~ Any moving violation covered above, excluding
 150 unlawful speed, resulting in a crash--4 points.

151 ~~9.8-~~ Any conviction under s. 403.413(5)(b)--3 points.

152 Section 7. Section 395.4036, Florida Statutes, is created
 153 to read:

154 395.4036 Trauma payments.--

155 (1) Recognizing the Legislature's stated intent to provide
 156 financial support to the current verified trauma centers and to
 157 provide incentives for the establishment of additional trauma
 158 centers as part of a system of state-sponsored trauma centers,
 159 the department shall utilize funds collected under s. 318.18(14)
 160 and deposited into the Administrative Trust Fund of the
 161 department to ensure the availability and accessibility of
 162 trauma services throughout the state as provided in this
 163 subsection.

164 (a) Twenty percent of the total funds collected under this
 165 subsection shall be distributed to verified trauma centers
 166 located in a region that has a local funding contribution as of

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167 December 31. Distribution of funds under this paragraph shall be
168 based on trauma caseload volume.

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

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

181
182 Trauma centers may request that their distributions from the
183 Administrative Trust Fund be used as intergovernmental transfer
184 funds in the Medicaid program.

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

192 (b) Any trauma center subject to audit pursuant to s.
193 215.97 shall submit an audit report in accordance with rules
194 adopted by the Auditor General.

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

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

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