

By the Committee on Criminal Justice; and Senator Richter

591-05189-09

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1 A bill to be entitled
2 An act relating to highway safety; amending s. 318.18,
3 F.S.; providing an additional penalty for violations
4 of provisions that require traffic to stop for a
5 school bus, prohibit racing on highways, and prohibit
6 reckless driving; providing for distribution of moneys
7 collected; amending s. 318.21, F.S.; providing for
8 distribution of specified civil penalties; amending s.
9 322.0261, F.S.; requiring the Department of Highway
10 Safety and Motor Vehicles to identify a person who has
11 committed a first violation of specified provisions
12 and require such person to complete a driver
13 improvement course; providing for cancellation of
14 license for failure to complete such course within a
15 specified time period; amending s. 395.4036, F.S.;
16 providing for distribution of funds to trauma centers;
17 providing an effective date.

18
19 Be It Enacted by the Legislature of the State of Florida:
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21 Section 1. Subsection (5) of section 318.18, Florida
22 Statutes, is amended, and subsection (19) is added to that
23 section, to read:

24 318.18 Amount of penalties.—The penalties required for a
25 noncriminal disposition pursuant to s. 318.14 or a criminal
26 offense listed in s. 318.17 are as follows:

27 (5) (a) One hundred dollars for a violation of s.
28 316.172(1)(a), failure to stop for a school bus. If, at a
29 hearing, the alleged offender is found to have committed this

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30 offense, the court shall impose a minimum civil penalty of \$100.
31 In addition to this penalty, for a second or subsequent offense
32 within a period of 5 years, the department shall suspend the
33 driver's license of the person for not less than 90 days and not
34 more than 6 months.

35 (b) Two hundred dollars for a violation of s.
36 316.172(1)(b), passing a school bus on the side that children
37 enter and exit when the school bus displays a stop signal. If,
38 at a hearing, the alleged offender is found to have committed
39 this offense, the court shall impose a minimum civil penalty of
40 \$200. In addition to this penalty, for a second or subsequent
41 offense within a period of 5 years, the department shall suspend
42 the driver's license of the person for not less than 180 days
43 and not more than 1 year.

44 (c) In addition to the penalty under paragraph (a) or
45 paragraph (b), \$65 for a violation of s. 316.172(1)(a) or (b).
46 If the alleged offender is found to have committed the offense,
47 the court shall impose the civil penalty under paragraph (a) or
48 paragraph (b) plus an additional \$65. The additional \$65
49 collected under this paragraph shall be remitted to the
50 Department of Revenue for deposit into the Administrative Trust
51 Fund of the Department of Health to be used as provided in s.
52 395.4036.

53 (19) In addition to any other penalty, \$65 for a violation
54 of s. 316.191, prohibiting racing on highways, or s. 316.192,
55 prohibiting reckless driving. The additional \$65 collected under
56 this subsection shall be remitted to the Department of Revenue
57 for deposit into the Administrative Trust Fund of the Department
58 of Health to be used as provided in s. 395.4036.

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59 Section 2. Subsection (18) is added to section 318.21,
60 Florida Statutes, to read:

61 318.21 Disposition of civil penalties by county courts.—All
62 civil penalties received by a county court pursuant to the
63 provisions of this chapter shall be distributed and paid monthly
64 as follows:

65 (18) Notwithstanding subsections (1) and (2), the proceeds
66 from the additional penalties imposed pursuant to s.
67 318.18(5)(c) and (19) shall be distributed as provided in that
68 section.

69 Section 3. Subsection (3) of section 322.0261, Florida
70 Statutes, is amended to read:

71 322.0261 Driver improvement course; requirement to maintain
72 driving privileges; failure to complete; department approval of
73 course.—

74 (3) The department shall identify any operator convicted
75 of, or who pleaded nolo contendere to, a first ~~second~~ violation
76 of s. 316.074(1), ~~or~~ s. 316.075(1)(c)1., s. 316.172, s. 316.191,
77 or s. 316.192, ~~which violation occurred within 12 months after~~
78 ~~the first violation,~~ and shall require that operator, in
79 addition to other applicable penalties, to attend a department-
80 approved driver improvement course in order to maintain driving
81 privileges. If the operator fails to complete the course within
82 90 days after receiving notice from the department, the
83 operator's driver license shall be canceled by the department
84 until the course is successfully completed.

85 Section 4. Section 395.4036, Florida Statutes, is amended
86 to read:

87 395.4036 Trauma payments.—

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88 (1) Recognizing the Legislature's stated intent to provide
89 financial support to the current verified trauma centers and to
90 provide incentives for the establishment of additional trauma
91 centers as part of a system of state-sponsored trauma centers,
92 the department shall utilize funds collected under s. 318.18~~(15)~~
93 and deposited into the Administrative Trust Fund of the
94 department to ensure the availability and accessibility of
95 trauma services throughout the state as provided in this
96 subsection.

97 (a) Funds collected under s. 318.18(15) shall be
98 distributed as follows:

99 1.(a) Twenty percent of the total funds collected ~~under~~
100 ~~this subsection~~ during the state fiscal year shall be
101 distributed to verified trauma centers that have a local funding
102 contribution as of December 31. Distribution of funds under this
103 subparagraph ~~paragraph~~ shall be based on trauma caseload volume
104 for the most recent calendar year available.

105 2.(b) Forty percent of the total funds collected ~~under this~~
106 ~~subsection~~ shall be distributed to verified trauma centers based
107 on trauma caseload volume for the most recent calendar year
108 available. The determination of caseload volume for distribution
109 of funds under this subparagraph ~~paragraph~~ shall be based on the
110 department's Trauma Registry data.

111 3.(c) Forty percent of the total funds collected ~~under this~~
112 ~~subsection~~ shall be distributed to verified trauma centers based
113 on severity of trauma patients for the most recent calendar year
114 available. The determination of severity for distribution of
115 funds under this subparagraph ~~paragraph~~ shall be based on the
116 department's International Classification Injury Severity Scores

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117 or another statistically valid and scientifically accepted
118 method of stratifying a trauma patient's severity of injury,
119 risk of mortality, and resource consumption as adopted by the
120 department by rule, weighted based on the costs associated with
121 and incurred by the trauma center in treating trauma patients.
122 The weighting of scores shall be established by the department
123 by rule.

124 (b) Funds collected under s. 318.18(5)(c) and (19) shall be
125 distributed as follows:

126 1. Thirty percent of the total funds collected shall be
127 distributed to Level II trauma centers operated by a public
128 hospital governed by an elected board of directors as of
129 December 31, 2008.

130 2. Thirty-five percent of the total funds collected shall
131 be distributed to verified trauma centers based on trauma
132 caseload volume for the most recent calendar year available. The
133 determination of caseload volume for distribution of funds under
134 this subparagraph shall be based on the department's Trauma
135 Registry data.

136 3. Thirty-five percent of the total funds collected shall
137 be distributed to verified trauma centers based on severity of
138 trauma patients for the most recent calendar year available. The
139 determination of severity for distribution of funds under this
140 subparagraph shall be based on the department's International
141 Classification Injury Severity Scores or another statistically
142 valid and scientifically accepted method of stratifying a trauma
143 patient's severity of injury, risk of mortality, and resource
144 consumption as adopted by the department by rule, weighted based
145 on the costs associated with and incurred by the trauma center

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146 in treating trauma patients. The weighting of scores shall be
147 established by the department by rule.

148 (2) Funds deposited in the department's Administrative
149 Trust Fund for verified trauma centers may be used to maximize
150 the receipt of federal funds that may be available for such
151 trauma centers. Notwithstanding this section and s. 318.14,
152 distributions to trauma centers may be adjusted in a manner to
153 ensure that total payments to trauma centers represent the same
154 proportional allocation as set forth in this section and s.
155 318.14. For purposes of this section and s. 318.14, total funds
156 distributed to trauma centers may include revenue from the
157 Administrative Trust Fund and federal funds for which revenue
158 from the Administrative Trust Fund is used to meet state or
159 local matching requirements. Funds collected under ss. 318.14
160 and 318.18~~(15)~~ and deposited in the Administrative Trust Fund of
161 the department shall be distributed to trauma centers on a
162 quarterly basis using the most recent calendar year data
163 available. Such data shall not be used for more than four
164 quarterly distributions unless there are extenuating
165 circumstances as determined by the department, in which case the
166 most recent calendar year data available shall continue to be
167 used and appropriate adjustments shall be made as soon as the
168 more recent data becomes available.

169 (3)~~(2)~~(a) Any trauma center not subject to audit pursuant
170 to s. 215.97 shall annually attest, under penalties of perjury,
171 that such proceeds were used in compliance with law. The annual
172 attestation shall be made in a form and format determined by the
173 department. The annual attestation shall be submitted to the
174 department for review within 9 months after the end of the

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175 organization's fiscal year.

176 (b) Any trauma center subject to audit pursuant to s.
177 215.97 shall submit an audit report in accordance with rules
178 adopted by the Auditor General.

179 (4)~~(3)~~ The department, working with the Agency for Health
180 Care Administration, shall maximize resources for trauma
181 services wherever possible.

182 Section 5. This act shall take effect July 1, 2009.