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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/21/2009	.	
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The Policy and Steering Committee on Ways and Means (Altman) recommended the following:

1 **Senate Amendment to Substitute Amendment (177922) (with**
2 **title amendment)**

3
4 Delete lines 293 - 349
5 and insert:

6 (c) One hundred fifty dollars for a violation of s.
7 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
8 stop at a traffic signal and when enforced by a county or
9 municipality's traffic infraction enforcement officer. Ninety
10 dollars shall be distributed to the county or municipality
11 issuing the citation, \$40 shall be distributed to the General



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12 Revenue Fund, and the remaining \$20 shall be remitted to the
13 Department of Revenue for deposit into the Department of Health
14 Administrative Trust Fund.

15 (d) If a person who is cited for a violation of s.
16 316.074(1) or s. 316.075(1)(c)1., as enforced by a traffic
17 infraction enforcement officer under s. 316.0083, presents
18 documentation from the appropriate governmental entity that the
19 uniform traffic citation was in error, the clerk of court may
20 dismiss the case. The clerk of court shall not charge for this
21 service.

22
23 Funds deposited into the Department of Health Administrative
24 Trust Fund under this subsection shall be distributed as
25 provided in s. 395.4036(1).

26 Section 10. Paragraph (d) of subsection (3) of section
27 322.27, Florida Statutes, is amended to read:

28 322.27 Authority of department to suspend or revoke
29 license.—

30 (3) There is established a point system for evaluation of
31 convictions of violations of motor vehicle laws or ordinances,
32 and violations of applicable provisions of s. 403.413(6)(b) when
33 such violations involve the use of motor vehicles, for the
34 determination of the continuing qualification of any person to
35 operate a motor vehicle. The department is authorized to suspend
36 the license of any person upon showing of its records or other
37 good and sufficient evidence that the licensee has been
38 convicted of violation of motor vehicle laws or ordinances, or
39 applicable provisions of s. 403.413(6)(b), amounting to 12 or
40 more points as determined by the point system. The suspension



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41 shall be for a period of not more than 1 year.

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

45 1. Reckless driving, willful and wanton—4 points.

46 2. Leaving the scene of a crash resulting in property
47 damage of more than \$50—6 points.

48 3. Unlawful speed resulting in a crash—6 points.

49 4. Passing a stopped school bus—4 points.

50 5. Unlawful speed:

51 a. Not in excess of 15 miles per hour of lawful or posted
52 speed—3 points.

53 b. In excess of 15 miles per hour of lawful or posted
54 speed—4 points.

55 6. A violation of a traffic control signal device as
56 provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points.

57 However, no points shall be imposed for a violation of s.
58 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
59 stop at a traffic signal and when enforced by a traffic
60 infraction enforcement officer.

61 7. All other moving violations (including parking on a
62 highway outside the limits of a municipality)—3 points. However,
63 no points shall be imposed for a violation of s. 316.0741 or s.
64 316.2065(12).

65 8. Any moving violation covered above, excluding unlawful
66 speed, resulting in a crash—4 points.

67 9. Any conviction under s. 403.413(6)(b)—3 points.

68 10. Any conviction under s. 316.0775(2)—4 points.

69 Section 11. Subsection (1) of section 395.4036, Florida



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70 Statutes, is amended to read:

71 395.4036 Trauma payments.—

72 (1) Recognizing the Legislature's stated intent to provide
73 financial support to the current verified trauma centers and to
74 provide incentives for the establishment of additional trauma
75 centers as part of a system of state-sponsored trauma centers,
76 the department shall use ~~utilize~~ funds collected under ss.
77 316.0083 and ~~s.~~ 318.18(15)(a) and (c) and deposited into the
78 Administrative Trust Fund of the department to ensure the
79 availability and accessibility of trauma and emergency services
80 throughout the state as provided in this subsection.

81 (a) Funds collected under ss. 316.0083 and 318.18(15)(a)
82 and (c) shall be distributed as follows:

83 1. ~~(a)~~ Twenty percent of the total funds collected under s.
84 316.0083 and 18 percent of the total funds collected under s.
85 318.18(15)(a) and (c) ~~this subsection~~ during the state fiscal
86 year shall be distributed to verified trauma centers that have a
87 local funding contribution as of December 31. Distribution of
88 funds under this paragraph shall be based on trauma caseload
89 volume for the most recent calendar year available.

90 2. ~~(b)~~ Thirty-nine percent of the total funds collected
91 under s. 316.0083 and 40 ~~Forty~~ percent of the total funds
92 collected under s. 318.18(15)(a) and (c) ~~this subsection~~ shall
93 be distributed to verified trauma centers based on trauma
94 caseload volume for the most recent calendar year available. The
95 determination of caseload volume for distribution of funds under
96 this paragraph shall be based on the department's Trauma
97 Registry data.

98 3. ~~(c)~~ Thirty-nine percent of the total funds collected



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99 under s. 316.0083 and 40 ~~Forty~~ percent of the total funds
100 collected under s. 318.18(15)(a) and (c) ~~this subsection~~ shall
101 be distributed to verified trauma centers based on severity of
102 trauma patients for the most recent calendar year available. The
103 determination of severity for distribution of funds under this
104 paragraph shall be based on the department's International
105 Classification Injury Severity Scores or another statistically
106 valid and scientifically accepted method of stratifying a trauma
107 patient's severity of injury, risk of mortality, and resource
108 consumption as adopted by the department by rule, weighted based
109 on the costs associated with and incurred by the trauma center
110 in treating trauma patients. The weighting of scores shall be
111 established by the department by rule.

112 4. Two percent of the total funds collected under s.
113 316.0083 shall be distributed to public hospitals that qualify
114 for distributions under s. 409.911(4), that are not verified
115 trauma centers but are located in trauma services areas defined
116 under s. 395.402, and that do not have a verified trauma center
117 based on their proportionate number of emergency room visits on
118 an annual basis. The Agency for Health Care Administration shall
119 provide the department with a list of public hospitals and
120 emergency room visits.

121 5. Two percent of the total funds collected under s.
122 318.18(15)(a) and (c) shall be distributed to provide an enhanced
123 Medicaid payment to nursing homes that serve residents who have
124 brain and spinal cord injuries and are Medicaid recipients.

125 (b) Funds deposited in the department's Administrative
126 Trust Fund for verified trauma centers may be used to maximize
127 the receipt of federal funds that may be available for such



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128 trauma centers and public hospitals eligible for nontrauma funds
129 under (a)4. Notwithstanding this section and s. 318.14,
130 distributions to trauma centers may be adjusted in a manner to
131 ensure that total payments to trauma centers represent the same
132 proportional allocation as set forth in this section and s.
133 318.14. For purposes of this section and s. 318.14, total funds
134 distributed to trauma centers may include revenue from the
135 Administrative Trust Fund and federal funds for which revenue
136 from the Administrative Trust Fund is used to meet state or
137 local matching requirements. Funds collected under ss. 318.14,
138 316.0083, and 318.18(15) (a) and (c) and deposited in the
139 Administrative Trust Fund of the department shall be distributed
140 to trauma centers and public hospitals eligible for nontrauma
141 funds under (a)4. on a quarterly basis using the most recent
142 calendar year data available. Such data shall not be used for
143 more than four quarterly distributions unless there are
144 extenuating circumstances as determined by the department, in
145 which case the most recent calendar year data available shall
146 continue to be used and appropriate adjustments shall be made as
147 soon as the more recent data becomes available.

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149

150 ===== T I T L E A M E N D M E N T =====

151 And the title is amended as follows:

152 Delete lines 402 - 407

153 and insert:

154 distribution of fines; allowing the clerk of court to
155 dismiss certain cases upon receiving documentation the uniform
156 traffic citation was issued in error; amending s. 322.27, F.S.;



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157 providing no points may be assessed against the drivers license
158 for infractions enforced by a traffic violation enforcement by
159 detector officer; amending s. 395.4036, F.S.; providing for
160 distribution of funds to trauma centers, certain hospitals, and
161 certain nursing homes; providing for severability; providing an
162 effective
163