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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 of  
4 provisions that require traffic to stop for a school bus,  
5 prohibit racing on highways, and prohibit reckless  
6 driving; providing for distribution of moneys collected;  
7 amending s. 318.21, F.S.; providing for distribution of  
8 specified civil penalties; amending s. 322.0261, F.S.;  
9 requiring the Department of Highway Safety and Motor  
10 Vehicles to identify a person who has committed a second  
11 violation of specified provisions within a specified time  
12 period and require such person to complete a driver  
13 improvement course; providing for cancellation of license  
14 for failure to complete such course within a specified  
15 time period; amending s. 395.4036, F.S.; providing for  
16 distribution of funds to trauma centers; providing an  
17 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

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29 | hearing, the alleged offender is found to have committed this  
 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, at a hearing, the alleged offender is found to have  
 47 | committed the offense, the court shall impose the civil penalty  
 48 | under paragraph (a) or paragraph (b) plus an additional \$65. The  
 49 | additional \$65 collected under this paragraph shall be remitted  
 50 | to the Department of Revenue for deposit into the Administrative  
 51 | Trust Fund of the Department of Health to be used as provided in  
 52 | s. 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

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57 for deposit into the Administrative Trust Fund of the Department  
58 of Health to be used as provided in s. 395.4036.

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  
62 courts.--All civil penalties received by a county court pursuant  
63 to the provisions of this chapter shall be distributed and paid  
64 monthly 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  
72 maintain driving privileges; failure to complete; department  
73 approval of course.--

74 (3) The department shall identify any operator convicted  
75 of, or who pleaded nolo contendere to, a second violation of s.  
76 316.074(1), ~~or~~ s. 316.075(1)(c)1., s. 316.172, s. 316.191, or s.  
77 316.192, which violation occurred within 12 months after the  
78 first violation, and shall require that operator, in addition to  
79 other applicable penalties, to attend a department-approved  
80 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.--

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

111 3.(c) Forty percent of the total funds collected ~~under~~  
 112 ~~this subsection~~ shall be distributed to verified trauma centers

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113 based on severity of trauma patients for the most recent  
114 calendar year available. The determination of severity for  
115 distribution of funds under this subparagraph ~~paragraph~~ shall be  
116 based on the department's International Classification Injury  
117 Severity Scores or another statistically valid and  
118 scientifically accepted method of stratifying a trauma patient's  
119 severity of injury, risk of mortality, and resource consumption  
120 as adopted by the department by rule, weighted based on the  
121 costs associated with and incurred by the trauma center in  
122 treating trauma patients. The weighting of scores shall be  
123 established by the department by rule.

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

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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  
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.