

CS/HB 481

2009

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 appropriation; 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

CS/HB 481

2009

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

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), ~~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

CS/HB 481

2009

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.

CS/HB 481

2009

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. The sum of \$2.5 million is appropriated in
183 fiscal year 2009-2010 from recurring general revenue to the
184 Administrative Trust Fund of the Department of Health to provide
185 funding for trauma centers in accordance with this act.

186 Section 6. This act shall take effect July 1, 2009.