

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  
 11          violation of specified provisions and require such person  
 12          to complete a driver improvement course; providing for  
 13          cancellation of license for failure to complete such  
 14          course within a specified time period; amending s.  
 15          395.4036, F.S.; providing for distribution of funds to  
 16          trauma centers; providing an effective date.

17  
 18   Be It Enacted by the Legislature of the State of Florida:  
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20           Section 1. Subsection (5) of section 318.18, Florida  
 21   Statutes, is amended, and subsection (19) is added to that  
 22   section, to read:

23           318.18 Amount of penalties.--The penalties required for a  
 24   noncriminal disposition pursuant to s. 318.14 or a criminal  
 25   offense listed in s. 318.17 are as follows:

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

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

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

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

52 | (19) In addition to any other penalty, \$65 for a violation  
 53 | of s. 316.191, prohibiting racing on highways, or s. 316.192,  
 54 | prohibiting reckless driving. The additional \$65 collected under  
 55 | this subsection shall be remitted to the Department of Revenue

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

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

60 318.21 Disposition of civil penalties by county  
 61 courts.--All civil penalties received by a county court pursuant  
 62 to the provisions of this chapter shall be distributed and paid  
 63 monthly as follows:

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

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

70 322.0261 Driver improvement course; requirement to  
 71 maintain driving privileges; failure to complete; department  
 72 approval of course.--

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

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

86 395.4036 Trauma payments.--

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

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

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

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

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

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

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

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

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

135 3. Thirty-five percent of the total funds collected shall  
136 be distributed to verified trauma centers based on severity of  
137 trauma patients for the most recent calendar year available. The  
138 determination of severity for distribution of funds under this  
139 subparagraph shall be based on the department's International

140 Classification Injury Severity Scores or another statistically  
141 valid and scientifically accepted method of stratifying a trauma  
142 patient's severity of injury, risk of mortality, and resource  
143 consumption as adopted by the department by rule, weighted based  
144 on the costs associated with and incurred by the trauma center  
145 in treating trauma patients. The weighting of scores shall be  
146 established by the department by rule.

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

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168        (3)~~(2)~~ (a) Any trauma center not subject to audit pursuant  
169 to s. 215.97 shall annually attest, under penalties of perjury,  
170 that such proceeds were used in compliance with law. The annual  
171 attestation shall be made in a form and format determined by the  
172 department. The annual attestation shall be submitted to the  
173 department for review within 9 months after the end of the  
174 organization's fiscal year.

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

178        (4)~~(3)~~ The department, working with the Agency for Health  
179 Care Administration, shall maximize resources for trauma  
180 services wherever possible.

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