

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; amending s. 316.193, F.S.; requiring a  
17          court to order a defendant, after a first conviction for  
18          driving under the influence, to participate in a minimum  
19          of 50 hours of community service as a condition of  
20          probation; authorizing a court to impose a specified fine  
21          under certain conditions; providing an effective date.

22  
23   Be It Enacted by the Legislature of the State of Florida:

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25           Section 1. Subsection (5) of section 318.18, Florida  
26           Statutes, is amended, and subsection (19) is added to that  
27           section, to read:

28 |           318.18 Amount of penalties.--The penalties required for a  
29 | noncriminal disposition pursuant to s. 318.14 or a criminal  
30 | offense listed in s. 318.17 are as follows:

31 |           (5) (a) One hundred dollars for a violation of s.  
32 | 316.172(1) (a), failure to stop for a school bus. If, at a  
33 | hearing, the alleged offender is found to have committed this  
34 | offense, the court shall impose a minimum civil penalty of \$100.  
35 | In addition to this penalty, for a second or subsequent offense  
36 | within a period of 5 years, the department shall suspend the  
37 | driver's license of the person for not less than 90 days and not  
38 | more than 6 months.

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

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

56 395.4036.

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

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

65 318.21 Disposition of civil penalties by county  
 66 courts.--All civil penalties received by a county court pursuant  
 67 to the provisions of this chapter shall be distributed and paid  
 68 monthly as follows:

69 (18) Notwithstanding subsections (1) and (2), the proceeds  
 70 from the additional penalties imposed pursuant to s.  
 71 318.18(5)(c) and (19) shall be distributed as provided in that  
 72 section.

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

75 322.0261 Driver improvement course; requirement to  
 76 maintain driving privileges; failure to complete; department  
 77 approval of course.--

78 (3) The department shall identify any operator convicted  
 79 of, or who pleaded nolo contendere to, a ~~second~~ violation of s.  
 80 316.074(1), ~~or~~ s. 316.075(1)(c)1., s. 316.172, s. 316.191, or s.  
 81 316.192 ~~which violation occurred within 12 months after the~~  
 82 ~~first violation,~~ and shall require that operator, in addition to  
 83 other applicable penalties, to attend a department-approved

84 driver improvement course in order to maintain driving  
 85 privileges. If the operator fails to complete the course within  
 86 90 days after receiving notice from the department, the  
 87 operator's driver license shall be canceled by the department  
 88 until the course is successfully completed.

89 Section 4. Section 395.4036, Florida Statutes, is amended  
 90 to read:

91 395.4036 Trauma payments.--

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

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

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

109 2.(b) Forty percent of the total funds collected ~~under~~  
 110 ~~this subsection~~ shall be distributed to verified trauma centers  
 111 based on trauma caseload volume for the most recent calendar

112 year available. The determination of caseload volume for  
113 distribution of funds under this subparagraph ~~paragraph~~ shall be  
114 based on the department's Trauma Registry data.

115 3. ~~(e)~~ Forty percent of the total funds collected ~~under~~  
116 ~~this subsection~~ shall be distributed to verified trauma centers  
117 based on severity of trauma patients for the most recent  
118 calendar year available. The determination of severity for  
119 distribution of funds under this subparagraph ~~paragraph~~ shall be  
120 based on the department's International Classification Injury  
121 Severity Scores or another statistically valid and  
122 scientifically accepted method of stratifying a trauma patient's  
123 severity of injury, risk of mortality, and resource consumption  
124 as adopted by the department by rule, weighted based on the  
125 costs associated with and incurred by the trauma center in  
126 treating trauma patients. The weighting of scores shall be  
127 established by the department by rule.

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

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

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

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

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

168 quarterly distributions unless there are extenuating  
169 circumstances as determined by the department, in which case the  
170 most recent calendar year data available shall continue to be  
171 used and appropriate adjustments shall be made as soon as the  
172 more recent data becomes available.

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

180 (b) Any trauma center subject to audit pursuant to s.  
181 215.97 shall submit an audit report in accordance with rules  
182 adopted by the Auditor General.

183 (4)~~(3)~~ The department, working with the Agency for Health  
184 Care Administration, shall maximize resources for trauma  
185 services wherever possible.

186 Section 5. Paragraph (a) of subsection (6) of section  
187 316.193, Florida Statutes, is amended to read:

188 316.193 Driving under the influence; penalties.--

189 (6) With respect to any person convicted of a violation of  
190 subsection (1), regardless of any penalty imposed pursuant to  
191 subsection (2), subsection (3), or subsection (4):

192 (a) For the first conviction, the court shall place the  
193 defendant on probation for a period not to exceed 1 year and, as  
194 a condition of such probation, shall order the defendant to  
195 participate in public service or a community work project for a

196 minimum of 50 hours.~~;~~ ~~or~~ The court may order a ~~instead,~~ ~~that any~~  
197 defendant to pay a ~~an additional~~ fine of \$10 for each hour of  
198 public service or community work otherwise required only, ~~if the~~  
199 court finds that, ~~after consideration of~~ the residence or  
200 location of the defendant at the time public service or  
201 community work is required or the defendant's employment  
202 obligations would create an undue hardship for the defendant,  
203 ~~payment of the fine is in the best interests of the state.~~  
204 However, the total period of probation and incarceration may not  
205 exceed 1 year. The court must also, as a condition of probation,  
206 order the impoundment or immobilization of the vehicle that was  
207 operated by or in the actual control of the defendant or any one  
208 vehicle registered in the defendant's name at the time of  
209 impoundment or immobilization, for a period of 10 days or for  
210 the unexpired term of any lease or rental agreement that expires  
211 within 10 days. The impoundment or immobilization must not occur  
212 concurrently with the incarceration of the defendant. The  
213 impoundment or immobilization order may be dismissed in  
214 accordance with paragraph (e), paragraph (f), paragraph (g), or  
215 paragraph (h).

216  
217 For the purposes of this section, any conviction for a violation  
218 of s. 327.35; a previous conviction for the violation of former  
219 s. 316.1931, former s. 860.01, or former s. 316.028; or a  
220 previous conviction outside this state for driving under the  
221 influence, driving while intoxicated, driving with an unlawful  
222 blood-alcohol level, driving with an unlawful breath-alcohol  
223 level, or any other similar alcohol-related or drug-related



224 traffic offense, is also considered a previous conviction for  
225 violation of this section. However, in satisfaction of the fine  
226 imposed pursuant to this section, the court may, upon a finding  
227 that the defendant is financially unable to pay either all or  
228 part of the fine, order that the defendant participate for a  
229 specified additional period of time in public service or a  
230 community work project in lieu of payment of that portion of the  
231 fine which the court determines the defendant is unable to pay.  
232 In determining such additional sentence, the court shall  
233 consider the amount of the unpaid portion of the fine and the  
234 reasonable value of the services to be ordered; however, the  
235 court may not compute the reasonable value of services at a rate  
236 less than the federal minimum wage at the time of sentencing.

237 Section 6. This act shall take effect October 1, 2009.