

## House Bill No. 497

An act relating to highway safety; creating the Anjelica and Victoria Velez Memorial Traffic Safety Act; amending s. 316.650, F.S.; requiring traffic citation forms to include a check box indicating a failure to stop at a traffic signal; amending s. 318.18, F.S.; revising the penalty for a moving violation of a traffic control signal steady red indication and of a traffic control device when a driver fails to stop at a traffic signal; providing for distribution of moneys collected; amending s. 318.21, F.S.; providing for distribution of specified civil penalties; amending s. 322.0261, F.S.; requiring the Department of Highway Safety and Motor Vehicles to identify a person who has committed a second moving violation of a traffic control signal steady red indication or of a traffic control device within a specified time period and require such person to complete a driver improvement course; providing for cancellation of license for failure to complete said course within a specified time period; amending s. 322.27, F.S.; assigning a point value for the conviction of a moving violation of a traffic control signal steady red indication or of a traffic control device; creating s. 395.4036, F.S.; providing for distribution of funds to trauma centers; authorizing trauma centers to request that such funds be used as intergovernmental transfer funds in the Medicaid program; providing for audits and attestations; providing an appropriation; providing an effective date.

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

Section 1. This act may be cited as the “Anjelica and Victoria Velez Memorial Traffic Safety Act.”

Section 2. Paragraph (a) of subsection (1) of section 316.650, Florida Statutes, is amended to read:

316.650 Traffic citations.—

(1)(a) The department shall prepare, and supply to every traffic enforcement agency in this state, an appropriate form traffic citation containing a notice to appear (which shall be issued in prenumbered books with citations in quintuplicate) and meeting the requirements of this chapter or any laws of this state regulating traffic, which form shall be consistent with the state traffic court rules and the procedures established by the department. ~~Upon all future printings of the traffic citation,~~ The form shall include a special box which is to be checked by the law enforcement officer when the officer believes that the traffic violation or crash was due to aggressive careless driving as defined in s. 316.1923. The form shall also include a box which is to be checked by the law enforcement officer when the officer writes a uniform traffic citation for a violation of s. 316.074(1) or s. 316.075(1)(c)1. as a result of the driver failing to stop at a traffic signal.

Section 3. Subsection (14) is added to section 318.18, Florida Statutes, to read:

318.18 Amount of civil penalties.—The penalties required for a noncriminal disposition pursuant to s. 318.14 are as follows:

(14) One hundred twenty-five dollars for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to stop at a traffic signal. Sixty dollars shall be distributed as provided in s. 318.21, and the remaining \$65 shall be remitted to the Department of Revenue for deposit into the Administrative Trust Fund of the Department of Health.

Section 4. Subsection (13) is added to section 318.21, Florida Statutes, to read:

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

(13) Of the proceeds from the fine under s. 318.18(14), \$65 shall be remitted to the Department of Revenue for deposit into the Administrative Trust Fund of the Department of Health and the remaining \$60 shall be distributed pursuant to subsections (1) and (2).

Section 5. Section 322.0261, Florida Statutes, is amended to read:

~~322.0261 Mandatory Driver improvement course; requirement to maintain driving privileges; failure to complete; department approval of course certain crashes.—~~

(1) The department shall screen crash reports received under s. 316.066 or s. 324.051 to identify crashes involving the following:

(a) A crash involving death or a bodily injury requiring transport to a medical facility; or

(b) A second crash by the same operator within the previous 2-year period involving property damage in an apparent amount of at least \$500.

(2) With respect to an operator convicted of, or who pleaded nolo contendere to, a traffic offense giving rise to a crash identified pursuant to subsection (1), the department shall require that the operator, in addition to other applicable penalties, attend a department-approved departmentally approved driver improvement course in order to maintain driving privileges. If the operator fails to complete the course within 90 days of receiving notice from the department, the operator's driver's license shall be canceled by the department until the course is successfully completed.

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

(4)(3) In determining whether to approve a driver improvement course for the purposes of this section, the department shall consider course content designed to promote safety, driver awareness, crash avoidance techniques, and other factors or criteria to improve driver performance from a safety viewpoint.

Section 6. Paragraph (d) of subsection (3) of section 322.27, Florida Statutes, is amended to read:

322.27 Authority of department to suspend or revoke license.—

(3) There is established a point system for evaluation of convictions of violations of motor vehicle laws or ordinances, and violations of applicable provisions of s. 403.413(6)(b) when such violations involve the use of motor vehicles, for the determination of the continuing qualification of any person to operate a motor vehicle. The department is authorized to suspend the license of any person upon showing of its records or other good and sufficient evidence that the licensee has been convicted of violation of motor vehicle laws or ordinances, or applicable provisions of s. 403.413(6)(b), amounting to 12 or more points as determined by the point system. The suspension shall be for a period of not more than 1 year.

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

1. Reckless driving, willful and wanton—4 points.
2. Leaving the scene of a crash resulting in property damage of more than \$50—6 points.
3. Unlawful speed resulting in a crash—6 points.
4. Passing a stopped school bus—4 points.
5. Unlawful speed:
  - a. Not in excess of 15 miles per hour of lawful or posted speed—3 points.
  - b. In excess of 15 miles per hour of lawful or posted speed—4 points.
6. A violation of a traffic control signal device as provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points.
- ~~7.6.~~ All other moving violations (including parking on a highway outside the limits of a municipality)—3 points. However, no points shall be imposed for a violation of s. 316.0741 or s. 316.2065(12).
- ~~8.7.~~ Any moving violation covered above, excluding unlawful speed, resulting in a crash—4 points.
- 9.8. Any conviction under s. 403.413(5)(b)—3 points.

Section 7. Section 395.4036, Florida Statutes, is created to read:

395.4036 Trauma payments.—

(1) Recognizing the Legislature's stated intent to provide financial support to the current verified trauma centers and to provide incentives for the establishment of additional trauma centers as part of a system of state-sponsored trauma centers, the department shall utilize funds collected under s. 318.18(14) and deposited into the Administrative Trust Fund of the department to ensure the availability and accessibility of trauma services throughout the state as provided in this subsection.

(a) Twenty percent of the total funds collected under this subsection shall be distributed to verified trauma centers located in a region that has a local funding contribution as of December 31. Distribution of funds under this paragraph shall be based on trauma caseload volume.

(b) Forty percent of the total funds collected under this subsection shall be distributed to verified trauma centers based on trauma caseload volume of the previous calendar year. The determination of caseload volume for distribution of funds under this paragraph shall be based on the department's Trauma Registry data.

(c) Forty percent of the total funds collected under this subsection shall be distributed to verified trauma centers based on severity of trauma patients. The determination of severity for distribution of funds under this paragraph shall be based on the department's Injury Severity Scores, weighted based on scores of 1-14 and 15 plus.

Trauma centers may request that their distributions from the Administrative Trust Fund be used as intergovernmental transfer funds in the Medicaid program.

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

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

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

Section 8. There is hereby appropriated \$7.5 million to the Administrative Trust Fund in the Department of Health to provide funding for trauma centers in accordance with this act.

Section 9. This act shall take effect October 1, 2005.

Approved by the Governor June 10, 2005.

Filed in Office Secretary of State June 10, 2005.