

Bill No. SB 2516

Barcode 455750

596-1973-05
Proposed Committee Substitute by the Committee on
Transportation

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A bill to be entitled

An act relating to highway safety; amending s. 316.650, F.S.; requiring the printed traffic citation form to have a box for failing to stop at a traffic signal; amending s. 318.18, F.S.; revising the penalty for a moving violation of a traffic control signal showing a steady red indication; 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 a driver improvement course for a second moving violation of a traffic control signal showing a steady red indication within a specified time period; providing a penalty for failure to complete such course within a specified time period; amending s. 322.27, F.S.; assigning a point value for conviction of a moving violation of a traffic control signal showing a steady red indication; correcting a cross-reference relating to assessment of points for litter violations; creating s. 395.4036, F.S.; providing for distribution of funds to trauma centers; providing for audits and attestations; providing an effective date.

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

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

316.650 Traffic citations.--

1 (1) (a) The department shall prepare, and supply to
2 every traffic enforcement agency in this state, an appropriate
3 form traffic citation containing a notice to appear (which
4 shall be issued in prenumbered books with citations in
5 quintuplicate) and meeting the requirements of this chapter or
6 any laws of this state regulating traffic, which form shall be
7 consistent with the state traffic court rules and the
8 procedures established by the department. Upon all future
9 printings of the traffic citation, the form shall include a
10 special box which is to be checked by the law enforcement
11 officer when the officer believes that the traffic violation
12 or crash was due to aggressive careless driving as defined in
13 s. 316.1923. The form shall also include a special box that is
14 to be checked by the law enforcement officer when the officer
15 writes a uniform traffic citation for a violation of s.
16 316.074(1) as a result of the driver failing to stop at a
17 traffic signal.

18 Section 2. Subsection (14) is added to section 318.18,
19 Florida Statutes, to read:

20 318.18 Amount of civil penalties.--The penalties
21 required for a noncriminal disposition pursuant to s. 318.14
22 are as follows:

23 (14) One hundred twenty-five dollars for a violation
24 of s. 316.074(1) or s. 316.075(1)(c)1., when a driver has
25 failed to stop at a traffic signal, of which \$60 shall be
26 distributed as provided in s. 318.21 and the remaining \$65
27 shall be remitted to the Department of Revenue for deposit
28 into the Administrative Trust Fund of the Department of
29 Health.

30 Section 3. Subsection (13) is added to section 318.21,
31 Florida Statutes, to read:

1 318.21 Disposition of civil penalties by county
 2 courts.--All civil penalties received by a county court
 3 pursuant to the provisions of this chapter shall be
 4 distributed and paid monthly as follows:

5 (13) Of the proceeds from the fine under s.
 6 318.18(14), \$65 shall be remitted to the Department of Revenue
 7 for deposit into the Administrative Trust Fund of the
 8 Department of Health and the remaining \$60 shall be
 9 distributed under subsections (1) and (2).

10 Section 4. Section 322.0261, Florida Statutes, is
 11 amended to read:

12 322.0261 ~~Mandatory~~ Driver improvement course;
 13 requirement to maintain driving privileges; failure to
 14 complete; department approval of course ~~certain crashes~~---

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

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

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

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

1 by the department until the course is successfully completed.

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

13 ~~(4)~~ (3) In determining whether to approve a driver
14 improvement course for the purposes of this section, the
15 department shall consider course content designed to promote
16 safety, driver awareness, crash avoidance techniques, and
17 other factors or criteria to improve driver performance from a
18 safety viewpoint.

19 Section 5. Paragraph (d) of subsection (3) of section
20 322.27, Florida Statutes, is amended to read:

21 322.27 Authority of department to suspend or revoke
22 license.--

23 (3) There is established a point system for evaluation
24 of convictions of violations of motor vehicle laws or
25 ordinances, and violations of applicable provisions of s.
26 403.413(6)(b) when such violations involve the use of motor
27 vehicles, for the determination of the continuing
28 qualification of any person to operate a motor vehicle. The
29 department is authorized to suspend the license of any person
30 upon showing of its records or other good and sufficient
31 evidence that the licensee has been convicted of violation of

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1 motor vehicle laws or ordinances, or applicable provisions of
 2 s. 403.413(6)(b), amounting to 12 or more points as determined
 3 by the point system. The suspension shall be for a period of
 4 not more than 1 year.

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

8 1. Reckless driving, willful and wanton--4 points.
 9 2. Leaving the scene of a crash resulting in property
 10 damage of more than \$50--6 points.

11 3. Unlawful speed resulting in a crash--6 points.

12 4. Passing a stopped school bus--4 points.

13 5. Unlawful speed:

14 a. Not in excess of 15 miles per hour of lawful or
 15 posted speed--3 points.

16 b. In excess of 15 miles per hour of lawful or posted
 17 speed--4 points.

18 6. A violation of a traffic control signal device as
 19 provided in s. 316.074(1) or s. 316.075(1)(c)1.--4 points.

20 ~~7.6.~~ All other moving violations (including parking on
 21 a highway outside the limits of a municipality)--3 points.
 22 However, no points shall be imposed for a violation of s.
 23 316.0741 or s. 316.2065(12).

24 ~~8.7.~~ Any moving violation covered above, excluding
 25 unlawful speed, resulting in a crash--4 points.

26 ~~9.8.~~ Any conviction under s. 403.413(6)(b) ~~s.~~
 27 ~~403.413(5)(b)~~--3 points.

28 Section 6. Section 395.4036, Florida Statutes, is
 29 created to read:

30 395.4036 Trauma payments.--

31 (1) Recognizing the Legislature's stated intent to

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1 provide financial support to the current verified trauma
2 centers and to provide incentives for the establishment of
3 additional trauma centers as part of a system of
4 state-sponsored trauma centers, the department shall use funds
5 collected under s. 318.18(14) and deposited into the
6 Administrative Trust Fund of the department to ensure the
7 availability and accessibility of trauma services throughout
8 the state as provided in this subsection.

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

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

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

26 (2) (a) Any trauma center not subject to audit under s.
27 215.97 shall annually attest, under penalties of perjury, that
28 such proceeds were used in compliance with law. The annual
29 attestation shall be made in a form and format determined by
30 the department. The annual attestation shall be submitted to
31 the department for review within 9 months after the end of the

1 organization's fiscal year.

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

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

8 Section 7. This act shall take effect upon becoming a
9 law.

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