

By Senator Altman

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1 A bill to be entitled
2 An act relating to uniform traffic control; amending
3 s. 316.003, F.S.; defining the term "traffic
4 infraction detector"; creating s. 316.0076, F.S.;
5 preempting to the state the use of cameras to enforce
6 traffic laws; creating s. 316.0083, F.S.; creating the
7 Mark Wandall Traffic Safety Program; authorizing the
8 Department of Highway Safety and Motor Vehicles, a
9 county, or a municipality to use a traffic infraction
10 detector to identify a motor vehicle that fails to
11 stop at a traffic control signal steady red light;
12 requiring authorization of a traffic infraction
13 enforcement officer to issue and enforce a citation
14 for such violation; providing exemptions from
15 citations; providing procedures for disposition and
16 enforcement of citations; providing that certain
17 evidence is admissible for enforcement; providing
18 penalties for submission of a false affidavit;
19 providing that the act does not preclude the issuance
20 of citations by law enforcement officers; establishing
21 a fine of a certain amount; providing for disposition
22 of revenue collected; requiring reports from
23 participating municipalities and counties to the
24 department; requiring the department to make reports
25 to the Governor and Legislature; prohibiting certain
26 persons from being issued a license plate or
27 revalidation sticker; amending s. 316.0745, F.S.;
28 requiring that traffic infraction detectors meet
29 certain specifications; creating s. 316.0776, F.S.;

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30 providing for the placement and installation of
31 detectors on certain roads so long as safety and
32 operation of the road facility is not impaired;
33 requiring that if the state, a county, or a
34 municipality installs a traffic infraction detector at
35 an intersection, the state, county, or municipality
36 shall notify the public that a traffic infraction
37 device may be in use at that intersection; requiring
38 that such signage posted at the intersection meet the
39 specifications for uniform signals and devices adopted
40 by the Department of Transportation; requiring that
41 traffic infraction detectors meet specifications
42 established by the Department of Transportation;
43 providing that a traffic infraction detector acquired
44 by purchase, lease, or other arrangement under an
45 agreement entered into by a county or municipality on
46 or before a specified date is not required to meet the
47 established specifications until a specified date;
48 amending s. 316.640, F.S.; requiring the Department of
49 Transportation to develop training and qualification
50 standards for traffic infraction enforcement officers;
51 amending s. 316.650, F.S.; requiring a traffic
52 enforcement agency to provide to the court a replica
53 of the citation data by electronic transmission under
54 certain conditions; amending s. 318.14, F.S.;

55 providing an exception from provisions requiring a
56 person cited for an infraction for failing to stop at
57 a traffic control signal steady red light to sign and
58 accept a citation indicating a promise to appear;

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59 amending s. 318.18, F.S.; increasing certain fines;
60 providing for penalties for infractions enforced by a
61 traffic infraction enforcement officer; providing for
62 distribution of fines; allowing the clerk of court to
63 dismiss certain cases upon receiving documentation
64 that the uniform traffic citation was issued in error;
65 amending s. 322.27, F.S.; providing that no points may
66 be assessed against the driver's license for
67 infractions enforced by a traffic infraction
68 enforcement officer; amending s. 395.4036, F.S.;
69 providing for distribution of funds to trauma centers,
70 certain hospitals, and certain nursing homes;
71 providing for severability; providing an effective
72 date.

73
74 Be It Enacted by the Legislature of the State of Florida:

75
76 Section 1. Subsection (86) is added to section 316.003,
77 Florida Statutes, to read:

78 316.003 Definitions.—The following words and phrases, when
79 used in this chapter, shall have the meanings respectively
80 ascribed to them in this section, except where the context
81 otherwise requires:

82 (86) TRAFFIC INFRACTION DETECTOR.—A vehicle sensor
83 installed to work in conjunction with a traffic control signal
84 and a camera or cameras synchronized to automatically record
85 streaming video of only the rear of a motor vehicle at the time
86 the vehicle fails to stop behind the stop bar or clearly marked
87 stop line when facing a traffic control signal steady red light.

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88 Any citation issued by the use of a traffic infraction detector
89 must include a photograph or other recorded image showing both
90 the license tag of the offending vehicle and the traffic control
91 device being violated.

92 Section 2. Section 316.0076, Florida Statutes, is created
93 to read:

94 316.0076 Regulation and use of cameras.—Regulation and use
95 of cameras for enforcing the provisions of this chapter are
96 expressly preempted to the state.

97 Section 3. Section 316.0083, Florida Statutes, is created
98 to read:

99 316.0083 Mark Wandall Traffic Safety Program;
100 administration; report.—

101 (1) The department may use traffic infraction detectors to
102 enforce s. 316.074(1) or s. 316.075(1)(c)1. when a driver fails
103 to stop at a traffic signal on the State Highway System as
104 defined in s. 334.03. The department may, by memorandum of
105 understanding, contract with counties and municipalities to
106 allow the use of traffic infraction detectors to enforce s.
107 316.074(1) or s. 316.075(1)(c)1. on the State Highway System and
108 funds from the fines shall be distributed as provided in s.
109 318.18(15)(c).

110 (2) A county or municipality may use traffic infraction
111 detectors to enforce s. 316.074(1) or s. 316.075(1)(c)1. when a
112 driver fails to stop at a traffic signal on any highway, street,
113 or road located within their boundaries, except the State
114 Highway System.

115 (3) (a) For purposes of administering this section, the
116 department may by rule, and counties or municipalities may by

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117 ordinance, authorize a traffic infraction enforcement officer to
118 issue a uniform traffic citation for a violation of s.
119 316.074(1) or s. 316.075(1)(c)1. The term "traffic infraction
120 enforcement officer" means the designee of the department,
121 county, or municipality who is authorized to enforce s.
122 316.074(1) or s. 316.075(1)(c)1. when a driver fails to stop at
123 a traffic signal. The department, county, or municipality may
124 designate traffic infraction enforcement officers pursuant to s.
125 316.640(1). Any traffic infraction enforcement officer employed
126 by the state, county, or municipality, or under contract with
127 the state, county, or municipality, must be physically located
128 in the county in which the infraction occurred.

129 (b)1.a. A citation issued under this section shall be
130 issued by mailing the citation by first-class mail to the
131 address of the registered owner of the motor vehicle involved in
132 the violation. If the registered owner of the motor vehicle does
133 not respond to the citation within 30 days after the citation
134 was issued, a second citation shall be sent by first-class mail,
135 return receipt requested, to the address of the registered owner
136 of the motor vehicle involved in the violation.

137 b. Receipt of the citation constitutes notification.

138 c. In the case of joint ownership of a motor vehicle, the
139 traffic citation shall be mailed to the first name appearing on
140 the registration, unless the first name appearing on the
141 registration is a business organization, in which case the
142 second name appearing on the registration may be used.

143 d. The citation shall be mailed to the registered owner of
144 the motor vehicle involved in the violation within 7 business
145 days after the date of the violation. In addition to the

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146 citation, notification must be sent to the registered owner of
147 the motor vehicle involved in the violation specifying the
148 remedies available under s. 318.18(15).

149 2. Included with the notification to the registered owner
150 of the motor vehicle involved in the infraction shall be a
151 notice that the owner has the right to review the photographic
152 or electronic images or the streaming video evidence that
153 constitutes a rebuttable presumption against the owner of the
154 vehicle. The notice must state the time and place where the
155 evidence may be examined and observed.

156 (c)1. The owner of the motor vehicle involved in the
157 violation is responsible and liable for paying the citation
158 issued for a violation of s. 316.074(1) or s. 316.075(1)(c)1.
159 when the driver failed to stop at a traffic signal, unless the
160 owner can establish that:

161 a. The motor vehicle passed through the intersection in
162 order to yield right-of-way to an emergency vehicle or as part
163 of a funeral procession;

164 b. The motor vehicle passed through the intersection at the
165 direction of a law enforcement officer;

166 c. The motor vehicle passed through the intersection due to
167 a medical emergency;

168 d. The motor vehicle was, at the time of the violation, in
169 the care, custody, or control of another person;

170 e. The motor vehicle passed through the intersection
171 because the operator, under the circumstances at the time of the
172 infraction, feared for his or her safety; or

173 f. A uniform traffic citation was issued by a law
174 enforcement officer to the driver of the motor vehicle for the

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175 alleged violation of s. 316.074(1) or s. 316.075(1)(c)1.

176 2. In order to establish such facts, the owner of the motor
177 vehicle shall, within 30 days after the date of issuance of the
178 citation, furnish to the appropriate governmental entity an
179 affidavit setting forth detailed information supporting an
180 exemption as provided in this paragraph.

181 a. An affidavit supporting an exemption under sub-
182 paragraph 1.d. must include the name, address, date of birth,
183 and, if known, the driver's license number of the person who
184 leased, rented, or otherwise had care, custody, or control of
185 the motor vehicle at the time of the alleged violation. If the
186 vehicle was stolen at the time of the alleged offense, the
187 affidavit must include the police report indicating that the
188 vehicle was stolen.

189 b. If a citation for a violation of s. 316.074(1) or s.
190 316.075(1)(c)1. was issued at the location of the violation by a
191 law enforcement officer, the affidavit must include the serial
192 number of the uniform traffic citation.

193
194 Upon receipt of an affidavit, the person designated as having
195 care, custody, and control of the motor vehicle at the time of
196 the violation may be issued a citation for a violation of s.
197 316.074(1) or s. 316.075(1)(c)1. when the driver failed to stop
198 at a traffic signal. The affidavit is admissible in a proceeding
199 pursuant to this section for the purpose of providing proof that
200 the person identified in the affidavit was in actual care,
201 custody, or control of the motor vehicle. The owner of a leased
202 vehicle for which a citation is issued for a violation of s.
203 316.074(1) or s. 316.075(1)(c)1. when the driver failed to stop

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204 at a traffic signal is not responsible for paying the citation
205 and is not required to submit an affidavit as specified in this
206 subsection if the motor vehicle involved in the violation is
207 registered in the name of the lessee of such motor vehicle.

208 (d) A written report of a traffic infraction enforcement
209 officer, along with photographic or electronic images or
210 streaming video evidence that a violation of s. 316.074(1) or s.
211 316.075(1)(c)1. when the driver failed to stop at a traffic
212 signal has occurred, is admissible in any proceeding to enforce
213 this section and raises a rebuttable presumption that the motor
214 vehicle named in the report or shown in the photographic or
215 electronic images or streaming video evidence was used in
216 violation of s. 316.074(1) or s. 316.075(1)(c)1. when the driver
217 failed to stop at a traffic signal.

218 (e) The owner or operator of the vehicle involved in the
219 infraction may not be charged a higher fine because he or she
220 exercised his or her right to contest the issuance of the
221 citation in court.

222 (4) The submission of a false affidavit is a misdemeanor of
223 the second degree, punishable as provided in s. 775.082 or s.
224 775.083.

225 (5) This section supplements the enforcement of s.
226 316.074(1) or s. 316.075(1)(c)1. by law enforcement officers
227 when a driver fails to stop at a traffic signal, and this
228 section does not prohibit a law enforcement officer from issuing
229 a citation for a violation of s. 316.074(1) or s.
230 316.075(1)(c)1. when a driver fails to stop at a traffic signal
231 in accordance with normal traffic-enforcement techniques.

232 (6) (a) Each county or municipality that operates a traffic

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233 infraction detector shall submit an annual report to the
234 department which details the results of using the traffic
235 infraction detector and the procedures for enforcement. The
236 information submitted by the counties and municipalities must
237 include statistical data and information required by the
238 department to complete the report and be submitted no later than
239 90 days before the due date of the annual report.

240 (b) On or before December 31, 2011, and annually
241 thereafter, the department shall provide a summary report to the
242 Governor, the President of the Senate, and the Speaker of the
243 House of Representatives regarding the use and operation of
244 traffic infraction detectors under this section, along with the
245 department's recommendations and any necessary legislation. The
246 summary report must include a review of the information
247 submitted to the department by the counties and municipalities
248 and must describe the enhancement of the traffic safety and
249 enforcement programs.

250 (7) Any governmental entity, including, but not limited to,
251 the clerk of court, may supply the department with data, which
252 is machine readable by the department's computer system, listing
253 persons who have one or more outstanding violations of this
254 section, with reference to the person's driver's license number
255 or vehicle registration for a business entity. Pursuant to s.
256 320.03(8), those persons may not be issued a license plate or
257 revalidation sticker for any motor vehicle.

258 Section 4. Subsection (6) of section 316.0745, Florida
259 Statutes, is amended to read:

260 316.0745 Uniform signals and devices.—

261 (6) Any system of traffic control devices controlled and

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262 operated from a remote location by electronic computers or
263 similar devices must ~~shall~~ meet all requirements established for
264 the uniform system, and, if a system affects where such systems
265 ~~affect~~ the movement of traffic on state roads, the design of the
266 system must ~~shall~~ be reviewed and approved by the Department of
267 Transportation.

268 Section 5. Section 316.0776, Florida Statutes, is created
269 to read:

270 316.0776 Traffic infraction detectors; placement and
271 installation.-

272 (1) Placement and installation of traffic infraction
273 detectors is allowed on the State Highway System, county roads,
274 and municipal streets under specifications developed by the
275 Department of Transportation, so long as safety and operation of
276 the road facility is not impaired.

277 (2) If the state, a county, or a municipality installs a
278 traffic infraction detector at an intersection, the state,
279 county, or municipality shall notify the public that a traffic
280 infraction device may be in use at that intersection. Such
281 signage used to notify the public must meet the specifications
282 for uniform signals and devices adopted by the Department of
283 Transportation pursuant to s. 316.0745.

284 (3) Any traffic infraction detector deployed on the
285 highways, streets, and roads of this state must meet
286 specifications established by the Department of Transportation
287 and must be tested at regular intervals according to procedures
288 prescribed by the Department of Transportation. However, any
289 such equipment acquired by purchase, lease, or other arrangement
290 under an agreement entered into by a county or municipality on

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291 or before July 1, 2011, or equipment used to enforce an
292 ordinance enacted by a county or municipality on or before July
293 1, 2010, is not required to meet the specifications established
294 by the Department of Transportation until July 1, 2011.

295 Section 6. Paragraph (b) of subsection (1) of section
296 316.640, Florida Statutes, is amended to read:

297 316.640 Enforcement.—The enforcement of the traffic laws of
298 this state is vested as follows:

299 (1) STATE.—

300 (b)1. The Department of Transportation has authority to
301 enforce on all the streets and highways of this state all laws
302 applicable within its authority.

303 2.a. The Department of Transportation shall develop
304 training and qualifications standards for toll enforcement
305 officers whose sole authority is to enforce the payment of tolls
306 pursuant to s. 316.1001. Nothing in this subparagraph shall be
307 construed to permit the carrying of firearms or other weapons,
308 nor shall a toll enforcement officer have arrest authority.

309 b. For the purpose of enforcing s. 316.1001, governmental
310 entities, as defined in s. 334.03, which own or operate a toll
311 facility may employ independent contractors or designate
312 employees as toll enforcement officers; however, any such toll
313 enforcement officer must successfully meet the training and
314 qualifications standards for toll enforcement officers
315 established by the Department of Transportation.

316 3.a. The department shall develop training and
317 qualifications standards for traffic infraction enforcement
318 officers whose sole authority is to enforce s. 316.074(1) or s.
319 316.075(1)(c)1. when a driver fails to stop at a traffic signal

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320 pursuant to s. 316.0083. This sub-subparagraph does not
321 authorize the carrying of firearms or other weapons by a traffic
322 infraction enforcement officer and does not authorize a traffic
323 infraction enforcement officer to make arrests.

324 b. For the purpose of enforcing s. 316.0083, the
325 department, counties, or municipalities may employ independent
326 contractors or designate employees as traffic infraction
327 enforcement officers; however, any such traffic infraction
328 enforcement officer must successfully meet the training and
329 qualifications standards for traffic infraction enforcement
330 officers established by the department.

331 Section 7. Subsection (3) of section 316.650, Florida
332 Statutes, is amended to read:

333 316.650 Traffic citations.—

334 (3) (a) Except for a traffic citation issued pursuant to s.
335 316.1001 or s. 316.0083, each traffic enforcement officer, upon
336 issuing a traffic citation to an alleged violator of any
337 provision of the motor vehicle laws of this state or of any
338 traffic ordinance of any municipality or town, shall deposit the
339 original traffic citation or, in the case of a traffic
340 enforcement agency that has an automated citation issuance
341 system, the chief administrative officer shall provide by an
342 electronic transmission a replica of the citation data to a
343 court having jurisdiction over the alleged offense or with its
344 traffic violations bureau within 5 days after issuance to the
345 violator.

346 (b) If a traffic citation is issued pursuant to s.
347 316.1001, a traffic enforcement officer may deposit the original
348 traffic citation or, in the case of a traffic enforcement agency

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349 that has an automated citation system, may provide by an
350 electronic transmission a replica of the citation data to a
351 court having jurisdiction over the alleged offense or with its
352 traffic violations bureau within 45 days after the date of
353 issuance of the citation to the violator. If the person cited
354 for the violation of s. 316.1001 makes the election provided by
355 s. 318.14(12) and pays the \$25 fine, or such other amount as
356 imposed by the governmental entity owning the applicable toll
357 facility, plus the amount of the unpaid toll that is shown on
358 the traffic citation directly to the governmental entity that
359 issued the citation, or on whose behalf the citation was issued,
360 in accordance with s. 318.14(12), the traffic citation will not
361 be submitted to the court, the disposition will be reported to
362 the department by the governmental entity that issued the
363 citation, or on whose behalf the citation was issued, and no
364 points will be assessed against the person's driver's license.

365 (c) If a traffic citation is issued under s. 316.0083, the
366 traffic infraction enforcement officer shall provide by
367 electronic transmission a replica of the citation data to the
368 court having jurisdiction over the alleged offense or its
369 traffic violations bureau within 30 days after the date of
370 issuance of the citation to the violator.

371 Section 8. Subsection (2) of section 318.14, Florida
372 Statutes, is amended to read:

373 318.14 Noncriminal traffic infractions; exception;
374 procedures.—

375 (2) Except as provided in ss. s. 316.1001(2) and
376 316.0083(3), any person cited for an infraction under this
377 section must sign and accept a citation indicating a promise to

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378 appear. The officer may indicate on the traffic citation the
379 time and location of the scheduled hearing and must indicate the
380 applicable civil penalty established in s. 318.18.

381 Section 9. Subsection (15) of section 318.18, Florida
382 Statutes, is amended to read:

383 318.18 Amount of penalties.—The penalties required for a
384 noncriminal disposition pursuant to s. 318.14 or a criminal
385 offense listed in s. 318.17 are as follows:

386 (15) (a) One hundred and fifty-eight ~~twenty-five~~ dollars for
387 a violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver
388 has failed to stop at a traffic signal and when enforced by a
389 law enforcement officer. Sixty dollars shall be distributed as
390 provided in s. 318.21, \$30 shall be distributed to the General
391 Revenue Fund, and the remaining \$68 ~~\$65~~ shall be remitted to the
392 Department of Revenue for deposit into the Administrative Trust
393 Fund of the Department of Health.

394 (b) One hundred and fifty-eight dollars for a violation of
395 s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
396 stop at a traffic signal and when enforced by the department's
397 traffic infraction enforcement officer. Eighty dollars shall be
398 distributed to the General Revenue Fund, \$45 shall be
399 distributed to the county or municipality in which the
400 infraction occurred, \$20 shall be remitted to the Department of
401 Revenue for deposit into the Department of Health Administrative
402 Trust Fund, \$5 shall be remitted to the Department of Revenue
403 for deposit into the Brain and Spinal Cord Injury Trust Fund,
404 and \$8 shall be deposited into the Grants and Donations Trust
405 Fund of the Agency for Health Care Administration to provide
406 enhanced Medicaid payments to nursing homes that serve residents

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407 who require ventilator care and are Medicaid recipients.
408 Proceeds of the infractions in the Brain and Spinal Cord Injury
409 Trust Fund shall be distributed quarterly to the Miami Project
410 to Cure Paralysis and shall be used for brain and spinal cord
411 research.

412 (c) One hundred and fifty-eight dollars for a violation of
413 s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
414 stop at a traffic signal and when enforced by a county or
415 municipality's traffic infraction enforcement officer. Eighty
416 dollars shall be distributed to the county or municipality
417 issuing the citation, \$45 shall be distributed to the General
418 Revenue Fund, \$20 shall be remitted to the Department of Revenue
419 for deposit into the Department of Health Administrative Trust
420 Fund, \$5 shall be remitted into the Department of Revenue for
421 deposit into the Brain and Spinal Cord Injury Trust Fund, and \$8
422 shall be deposited into the Grants and Donations Trust Fund of
423 the Agency for Health Care Administration to provide enhanced
424 Medicaid payments to nursing homes that serve residents who
425 require ventilator care and are Medicaid recipients. Proceeds of
426 the infractions in the Brain and Spinal Cord Injury Trust Fund
427 shall be distributed quarterly to the Miami Project to Cure
428 Paralysis and shall be used for brain and spinal cord research.

429 (d) If a person who is cited for a violation of s.
430 316.074(1) or s. 316.075(1)(c)1., as enforced by a traffic
431 infraction enforcement officer under s. 316.0083, presents
432 documentation from the appropriate governmental entity that the
433 uniform traffic citation was in error, the clerk of court may
434 dismiss the case. The clerk of court shall not charge for this
435 service.

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436 (e) A person may not receive a commission from any revenue
437 collected from violations of a traffic infraction detector.

438
439 Funds deposited into the Department of Health Administrative
440 Trust Fund under this subsection shall be distributed as
441 provided in s. 395.4036(1).

442 Section 10. Paragraph (d) of subsection (3) of section
443 322.27, Florida Statutes, is amended to read:

444 322.27 Authority of department to suspend or revoke
445 license.—

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

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

- 461 1. Reckless driving, willful and wanton—4 points.
462 2. Leaving the scene of a crash resulting in property
463 damage of more than \$50—6 points.
464 3. Unlawful speed resulting in a crash—6 points.

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- 465 4. Passing a stopped school bus—4 points.
- 466 5. Unlawful speed:
- 467 a. Not in excess of 15 miles per hour of lawful or posted
- 468 speed—3 points.
- 469 b. In excess of 15 miles per hour of lawful or posted
- 470 speed—4 points.
- 471 6. A violation of a traffic control signal device as
- 472 provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points.
- 473 However, no points shall be imposed for a violation of s.
- 474 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
- 475 stop at a traffic signal and when enforced by a traffic
- 476 infraction enforcement officer.
- 477 7. All other moving violations (including parking on a
- 478 highway outside the limits of a municipality)—3 points. However,
- 479 no points shall be imposed for a violation of s. 316.0741 or s.
- 480 316.2065(12).
- 481 8. Any moving violation covered above, excluding unlawful
- 482 speed, resulting in a crash—4 points.
- 483 9. Any conviction under s. 403.413(6)(b)—3 points.
- 484 10. Any conviction under s. 316.0775(2)—4 points.
- 485 Section 11. Subsection (1) of section 395.4036, Florida
- 486 Statutes, is amended to read:
- 487 395.4036 Trauma payments.—
- 488 (1) Recognizing the Legislature's stated intent to provide
- 489 financial support to the current verified trauma centers and to
- 490 provide incentives for the establishment of additional trauma
- 491 centers as part of a system of state-sponsored trauma centers,
- 492 the department shall use ~~utilize~~ funds collected under s. 318.18
- 493 and deposited into the Administrative Trust Fund of the

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494 department to ensure the availability and accessibility of
495 trauma and emergency services throughout the state as provided
496 in this subsection.

497 (a) Funds collected under s. 318.18(15) (a) and (c) shall be
498 distributed as follows:

499 1. Eighteen ~~Twenty~~ percent of the total funds collected
500 during the state fiscal year shall be distributed to verified
501 trauma centers that have a local funding contribution as of
502 December 31. Distribution of funds under this subparagraph shall
503 be based on trauma caseload volume for the most recent calendar
504 year available.

505 2. Thirty-nine ~~Forty~~ percent of the total funds collected
506 shall be distributed to verified trauma centers based on trauma
507 caseload volume for the most recent calendar year available. The
508 determination of caseload volume for distribution of funds under
509 this subparagraph shall be based on the department's Trauma
510 Registry data.

511 3. Thirty-nine ~~Forty~~ percent of the total funds collected
512 shall be distributed to verified trauma centers based on
513 severity of trauma patients for the most recent calendar year
514 available. The determination of severity for distribution of
515 funds under this subparagraph shall be based on the department's
516 International Classification Injury Severity Scores or another
517 statistically valid and scientifically accepted method of
518 stratifying a trauma patient's severity of injury, risk of
519 mortality, and resource consumption as adopted by the department
520 by rule, weighted based on the costs associated with and
521 incurred by the trauma center in treating trauma patients. The
522 weighting of scores shall be established by the department by

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523 rule.

524 4. Two percent of the total funds collected shall be
525 distributed to hospitals that qualify for distributions under s.
526 409.911(4), that are not verified trauma centers but are located
527 in trauma services areas defined under s. 395.402, and that do
528 not have a verified trauma center based on their proportionate
529 number of emergency room visits on an annual basis. The Agency
530 for Health Care Administration shall provide the department with
531 a list of hospitals and emergency room visits.

532 5. Two percent of the total funds collected shall be
533 distributed to provide an enhanced Medicaid payment to nursing
534 homes that serve residents who require ventilator care and are
535 Medicaid recipients.

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

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

542 2. Thirty-five percent of the total funds collected shall
543 be distributed to verified trauma centers based on trauma
544 caseload volume for the most recent calendar year available. The
545 determination of caseload volume for distribution of funds under
546 this subparagraph shall be based on the department's Trauma
547 Registry data.

548 3. Thirty-five percent of the total funds collected shall
549 be distributed to verified trauma centers based on severity of
550 trauma patients for the most recent calendar year available. The
551 determination of severity for distribution of funds under this

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552 subparagraph shall be based on the department's International
553 Classification Injury Severity Scores or another statistically
554 valid and scientifically accepted method of stratifying a trauma
555 patient's severity of injury, risk of mortality, and resource
556 consumption as adopted by the department by rule, weighted based
557 on the costs associated with and incurred by the trauma center
558 in treating trauma patients. The weighting of scores shall be
559 established by the department by rule.

560 Section 12. If any provision of this act or its application
561 to any person or circumstance is held invalid, the invalidity
562 does not affect other provisions or applications of this act
563 which can be given effect without the invalid provision or
564 application, and to this end the provisions of this act are
565 severable.

566 Section 13. This act shall take effect July 1, 2010.