

1 A bill to be entitled  
 2 An act relating to the Department of Health; amending s.  
 3 20.435, F.S.; revising provisions for administration and  
 4 use of funds in the Administrative Trust Fund and the  
 5 Emergency Medical Services Trust Fund; providing for such  
 6 administration and use under specified provisions;  
 7 amending ss. 318.14, 318.18, and 318.21, F.S.; providing  
 8 that funds collected from disposition of certain motor  
 9 vehicle infractions shall be deposited into the Emergency  
 10 Medical Services Trust Fund; removing provisions for  
 11 deposit of such funds into the Administrative Trust Fund;  
 12 providing for use of the funds; correcting a reference;  
 13 amending ss. 320.131, 327.35, 381.765, and 938.07, F.S.;  
 14 correcting references to the Brain and Spinal Cord Injury  
 15 Program Trust Fund; amending ss. 381.78 and 381.79, F.S.;  
 16 correcting references; amending s. 395.403, F.S., relating  
 17 to reimbursement of trauma centers; revising eligibility  
 18 provisions to remove provisional trauma centers and  
 19 certain hospitals; providing for payments to be made from  
 20 the Emergency Medical Services Trust Fund; removing  
 21 provisions for one-time payments from the Administrative  
 22 Trust Fund; amending s. 395.4036, F.S.; providing for use  
 23 of funds in the Emergency Medical Services Trust Fund for  
 24 verified trauma centers; removing provisions for such use  
 25 of funds in the Administrative Trust Fund; providing an  
 26 effective date.

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

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Section 1. Paragraph (a) of subsection (1) and paragraph (a) of subsection (14) of section 20.435, Florida Statutes, are amended to read:

20.435 Department of Health; trust funds.—The following trust funds shall be administered by the Department of Health:

(1) Administrative Trust Fund.

(a) Funds to be credited to and uses of the trust fund shall be administered in accordance with s. 215.32 ~~consist of regulatory fees such as those pertaining to the licensing, permitting, and inspection of septic tanks, food hygiene, onsite sewage, Superfund compliance, solid waste management, tanning facilities, mobile home and recreational vehicle park inspection, other departmental regulatory and health care programs, and indirect earnings from grants. Funds shall be used for the purpose of supporting the regulatory activities of the department and for other such purposes as may be appropriate and shall be expended only pursuant to legislative appropriation or an approved amendment to the department's operating budget pursuant to the provisions of chapter 216.~~

(14) Emergency Medical Services Trust Fund.

(a) Funds to be credited to and uses of the trust fund shall be administered in accordance with ss. 318.14, 318.18, 318.21, 395.403, and 395.4036 ~~and the provisions of parts I and II of chapter 401.~~

Section 2. Subsection (5) of section 318.14, Florida Statutes, is amended to read:

318.14 Noncriminal traffic infractions; exception;

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57 | procedures.—

58 |       (5) Any person electing to appear before the designated  
59 | official or who is required so to appear shall be deemed to have  
60 | waived his or her right to the civil penalty provisions of s.  
61 | 318.18. The official, after a hearing, shall make a  
62 | determination as to whether an infraction has been committed. If  
63 | the commission of an infraction has been proven, the official  
64 | may impose a civil penalty not to exceed \$500, except that in  
65 | cases involving unlawful speed in a school zone or involving  
66 | unlawful speed in a construction zone, the civil penalty may not  
67 | exceed \$1,000; or require attendance at a driver improvement  
68 | school, or both. If the person is required to appear before the  
69 | designated official pursuant to s. 318.19(1) and is found to  
70 | have committed the infraction, the designated official shall  
71 | impose a civil penalty of \$1,000 in addition to any other  
72 | penalties and the person's driver's license shall be suspended  
73 | for 6 months. If the person is required to appear before the  
74 | designated official pursuant to s. 318.19(2) and is found to  
75 | have committed the infraction, the designated official shall  
76 | impose a civil penalty of \$500 in addition to any other  
77 | penalties and the person's driver's license shall be suspended  
78 | for 3 months. If the official determines that no infraction has  
79 | been committed, no costs or penalties shall be imposed and any  
80 | costs or penalties that have been paid shall be returned. Moneys  
81 | received from the mandatory civil penalties imposed pursuant to  
82 | this subsection upon persons required to appear before a  
83 | designated official pursuant to s. 318.19(1) or (2) shall be  
84 | remitted to the Department of Revenue and deposited into the

85 Department of Health Emergency Medical Services ~~Administrative~~  
 86 Trust Fund to provide financial support to certified trauma  
 87 centers to assure the availability and accessibility of trauma  
 88 services throughout the state. Funds deposited into the  
 89 Emergency Medical Services ~~Administrative~~ Trust Fund under this  
 90 section shall be allocated as follows:

91 (a) Fifty percent shall be allocated equally among all  
 92 Level I, Level II, and pediatric trauma centers in recognition  
 93 of readiness costs for maintaining trauma services.

94 (b) Fifty percent shall be allocated among Level I, Level  
 95 II, and pediatric trauma centers based on each center's relative  
 96 volume of trauma cases as reported in the Department of Health  
 97 Trauma Registry.

98 Section 3. Paragraph (h) of subsection (3), paragraph (c)  
 99 of subsection (5), and subsection (20) of section 318.18,  
 100 Florida Statutes, are amended to read:

101 318.18 Amount of penalties.—The penalties required for a  
 102 noncriminal disposition pursuant to s. 318.14 or a criminal  
 103 offense listed in s. 318.17 are as follows:

104 (3)

105 (h) A person cited for a second or subsequent conviction  
 106 of speed exceeding the limit by 30 miles per hour and above  
 107 within a 12-month period shall pay a fine that is double the  
 108 amount listed in paragraph (b). For purposes of this paragraph,  
 109 the term "conviction" means a finding of guilt as a result of a  
 110 jury verdict, nonjury trial, or entry of a plea of guilty.

111 Moneys received from the increased fine imposed by this  
 112 paragraph shall be remitted to the Department of Revenue and

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113 deposited into the Department of Health Emergency Medical  
 114 Services ~~Administrative~~ Trust Fund to provide financial support  
 115 to certified trauma centers to assure the availability and  
 116 accessibility of trauma services throughout the state. Funds  
 117 deposited into the Emergency Medical Services ~~Administrative~~  
 118 Trust Fund under this section shall be allocated as follows:

119 1. Fifty percent shall be allocated equally among all  
 120 Level I, Level II, and pediatric trauma centers in recognition  
 121 of readiness costs for maintaining trauma services.

122 2. Fifty percent shall be allocated among Level I, Level  
 123 II, and pediatric trauma centers based on each center's relative  
 124 volume of trauma cases as reported in the Department of Health  
 125 Trauma Registry.

126 (5)

127 (c) In addition to the penalty under paragraph (a) or  
 128 paragraph (b), \$65 for a violation of s. 316.172(1)(a) or (b).  
 129 If the alleged offender is found to have committed the offense,  
 130 the court shall impose the civil penalty under paragraph (a) or  
 131 paragraph (b) plus an additional \$65. The additional \$65  
 132 collected under this paragraph shall be remitted to the  
 133 Department of Revenue for deposit into the Emergency Medical  
 134 Services ~~Administrative~~ Trust Fund of the Department of Health  
 135 to be used as provided in s. 395.4036.

136 (20) In addition to any other penalty, \$65 for a violation  
 137 of s. 316.191, prohibiting racing on highways, or s. 316.192,  
 138 prohibiting reckless driving. The additional \$65 collected under  
 139 this subsection shall be remitted to the Department of Revenue  
 140 for deposit into the Emergency Medical Services ~~Administrative~~

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141 Trust Fund of the Department of Health to be used as provided in  
 142 s. 395.4036.

143 Section 4. Paragraph (d) of subsection (2) and subsection  
 144 (15) of section 318.21, Florida Statutes, are amended to read:

145 318.21 Disposition of civil penalties by county courts.—  
 146 All civil penalties received by a county court pursuant to the  
 147 provisions of this chapter shall be distributed and paid monthly  
 148 as follows:

149 (2) Of the remainder:

150 (d) Eight and two-tenths percent shall be remitted to the  
 151 Department of Revenue for deposit in the Brain and Spinal Cord  
 152 Injury Program ~~Rehabilitation~~ Trust Fund for the purposes set  
 153 forth in s. 381.79.

154 (15) Of the additional fine assessed under s. 318.18(3)(e)  
 155 for a violation of s. 316.1893, 50 percent of the moneys  
 156 received from the fines shall be appropriated to the Agency for  
 157 Health Care Administration as general revenue to provide an  
 158 enhanced Medicaid payment to nursing homes that serve Medicaid  
 159 recipients with brain and spinal cord injuries. The remaining 50  
 160 percent of the moneys received from the enhanced fine imposed  
 161 under s. 318.18(3)(e) shall be remitted to the Department of  
 162 Revenue and deposited into the Department of Health Emergency  
 163 Medical Services ~~Administrative~~ Trust Fund to provide financial  
 164 support to certified trauma centers in the counties where  
 165 enhanced penalty zones are established to ensure the  
 166 availability and accessibility of trauma services. Funds  
 167 deposited into the Emergency Medical Services ~~Administrative~~  
 168 Trust Fund under this subsection shall be allocated as follows:

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169 (a) Fifty percent shall be allocated equally among all  
 170 Level I, Level II, and pediatric trauma centers in recognition  
 171 of readiness costs for maintaining trauma services.

172 (b) Fifty percent shall be allocated among Level I, Level  
 173 II, and pediatric trauma centers based on each center's relative  
 174 volume of trauma cases as reported in the Department of Health  
 175 Trauma Registry.

176 Section 5. Subsection (2) of section 320.131, Florida  
 177 Statutes, is amended to read:

178 320.131 Temporary tags.—

179 (2) The department is authorized to sell temporary tags,  
 180 in addition to those listed above, to their agents and where  
 181 need is demonstrated by a consumer complainant. The fee shall be  
 182 \$2 each. One dollar from each tag sold shall be deposited into  
 183 the Brain and Spinal Cord Injury Program ~~Rehabilitation~~ Trust  
 184 Fund, with the remaining proceeds being deposited into the  
 185 Highway Safety Operating Trust Fund. Agents of the department  
 186 shall sell temporary tags for \$2 each and shall charge the  
 187 service charge authorized by s. 320.04 per transaction,  
 188 regardless of the quantity sold. Requests for purchase of  
 189 temporary tags to the department or its agents shall be made,  
 190 where applicable, on letterhead stationery and notarized. Except  
 191 as specifically provided otherwise, a temporary tag shall be  
 192 valid for 30 days, and no more than two shall be issued to the  
 193 same person for the same vehicle.

194 Section 6. Subsection (9) of section 327.35, Florida  
 195 Statutes, is amended to read:

196 327.35 Boating under the influence; penalties; "designated

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197 drivers".-

198 (9) Notwithstanding any other provision of this section,  
 199 for any person convicted of a violation of subsection (1), in  
 200 addition to the fines set forth in subsections (2) and (4), an  
 201 additional fine of \$60 shall be assessed and collected in the  
 202 same manner as the fines set forth in subsections (2) and (4).  
 203 All fines collected under this subsection shall be remitted by  
 204 the clerk of the court to the Department of Revenue for deposit  
 205 into the Brain and Spinal Cord Injury Program ~~Rehabilitation~~  
 206 Trust Fund and used for the purposes set forth in s. 381.79,  
 207 after 5 percent is deducted therefrom by the clerk of the court  
 208 for administrative costs.

209 Section 7. Subsection (2) of section 381.765, Florida  
 210 Statutes, is amended to read:

211 381.765 Retention of title to and disposal of equipment.-

212 (2) The department may offer for sale any surplus items  
 213 acquired in operating the brain and spinal cord injury program  
 214 when they are no longer necessary or exchange them for necessary  
 215 items that may be used to greater advantage. When any such  
 216 surplus equipment is sold or exchanged, a receipt for the  
 217 equipment shall be taken from the purchaser showing the  
 218 consideration given for such equipment and forwarded to the  
 219 Chief Financial Officer, and any funds received by the brain and  
 220 spinal cord injury program pursuant to any such transaction  
 221 shall be deposited in the Brain and Spinal Cord Injury Program  
 222 ~~Rehabilitation~~ Trust Fund and shall be available for expenditure  
 223 for any purpose consistent with ss. 381.739-381.79 ~~this part.~~



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224 Section 8. Subsection (7) of section 381.78, Florida  
 225 Statutes, is amended to read:

226 381.78 Advisory council on brain and spinal cord  
 227 injuries.—

228 (7) A member of the advisory council may be removed from  
 229 office by the State Surgeon General for malfeasance,  
 230 misfeasance, neglect of duty, incompetence, or permanent  
 231 inability to perform official duties or for pleading nolo  
 232 contendere to, or being found guilty of, a crime. Malfeasance  
 233 includes, but is not limited to, a violation of any specific  
 234 prohibition within ss. 381.739-381.79 ~~this part~~.

235 Section 9. Subsection (6) of section 381.79, Florida  
 236 Statutes, is amended to read:

237 381.79 Brain and Spinal Cord Injury Program Trust Fund.—

238 (6) The department may accept, deposit into the trust  
 239 fund, and use for carrying out the purposes of ss. 381.739-  
 240 381.79 ~~this part~~ gifts made unconditionally by will or  
 241 otherwise. Any gift made under conditions that, in the judgment  
 242 of the department, are proper and consistent with this section,  
 243 the laws of the United States, and the laws of this state may be  
 244 accepted and shall be held, invested, reinvested, and used in  
 245 accordance with the conditions of the gift.

246 Section 10. Subsections (1) and (2) of section 395.403,  
 247 Florida Statutes, are amended to read:

248 395.403 Reimbursement of trauma centers.—

249 (1) All ~~provisional trauma centers and~~ trauma centers  
 250 shall be considered eligible to receive state funding when state  
 251 funds are specifically appropriated for state-sponsored trauma

252 centers in the General Appropriations Act. Effective July 1,  
 253 2010 ~~2004~~, the department shall make ~~one-time~~ payments from the  
 254 Emergency Medical Services Administrative Trust Fund under s.  
 255 20.435 to the trauma centers ~~and a hospital with a pending~~  
 256 ~~application for a Level I trauma center in recognition of the~~  
 257 ~~capital investment made by the hospital to establish the trauma~~  
 258 ~~service~~. Payments shall be in equal amounts for the trauma  
 259 centers approved by the department as of July 1 of the fiscal  
 260 year in which funding is appropriated, ~~with lesser amounts for~~  
 261 ~~the hospital with an application pending for a Level I trauma~~  
 262 ~~center at the department as of April 1, 2004~~. In the event a  
 263 trauma center does not maintain its status as a trauma center  
 264 for any state fiscal year in which such funding is appropriated,  
 265 the ~~provisional trauma center or~~ trauma center shall repay the  
 266 state for the portion of the year during which it was not a  
 267 trauma center.

268 (2) ~~Provisional trauma centers and~~ Trauma centers eligible  
 269 to receive distributions from the Emergency Medical Services  
 270 ~~Administrative~~ Trust Fund under s. 20.435 in accordance with  
 271 subsection (1) may request that such funds be used as  
 272 intergovernmental transfer funds in the Medicaid program.

273 Section 11. Subsections (1) and (2) of section 395.4036,  
 274 Florida Statutes, are amended to read:

275 395.4036 Trauma payments.—

276 (1) Recognizing the Legislature's stated intent to provide  
 277 financial support to the current verified trauma centers and to  
 278 provide incentives for the establishment of additional trauma  
 279 centers as part of a system of state-sponsored trauma centers,

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280 the department shall utilize funds collected under s. 318.18 and  
 281 deposited into the Emergency Medical Services ~~Administrative~~  
 282 Trust Fund of the department to ensure the availability and  
 283 accessibility of trauma services throughout the state as  
 284 provided in this subsection.

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

287 1. Twenty percent of the total funds collected during the  
 288 state fiscal year shall be distributed to verified trauma  
 289 centers that have a local funding contribution as of December  
 290 31. Distribution of funds under this subparagraph shall be based  
 291 on trauma caseload volume for the most recent calendar year  
 292 available.

293 2. Forty percent of the total funds collected shall be  
 294 distributed to verified trauma centers based on trauma caseload  
 295 volume for the most recent calendar year available. The  
 296 determination of caseload volume for distribution of funds under  
 297 this subparagraph shall be based on the department's Trauma  
 298 Registry data.

299 3. Forty percent of the total funds collected shall be  
 300 distributed to verified trauma centers based on severity of  
 301 trauma patients for the most recent calendar year available. The  
 302 determination of severity for distribution of funds under this  
 303 subparagraph shall be based on the department's International  
 304 Classification Injury Severity Scores or another statistically  
 305 valid and scientifically accepted method of stratifying a trauma  
 306 patient's severity of injury, risk of mortality, and resource  
 307 consumption as adopted by the department by rule, weighted based

308 on the costs associated with and incurred by the trauma center  
 309 in treating trauma patients. The weighting of scores shall be  
 310 established by the department by rule.

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

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

317 2. Thirty-five percent of the total funds collected shall  
 318 be distributed to verified trauma centers based on trauma  
 319 caseload volume for the most recent calendar year available. The  
 320 determination of caseload volume for distribution of funds under  
 321 this subparagraph shall be based on the department's Trauma  
 322 Registry data.

323 3. Thirty-five percent of the total funds collected shall  
 324 be distributed to verified trauma centers based on severity of  
 325 trauma patients for the most recent calendar year available. The  
 326 determination of severity for distribution of funds under this  
 327 subparagraph shall be based on the department's International  
 328 Classification Injury Severity Scores or another statistically  
 329 valid and scientifically accepted method of stratifying a trauma  
 330 patient's severity of injury, risk of mortality, and resource  
 331 consumption as adopted by the department by rule, weighted based  
 332 on the costs associated with and incurred by the trauma center  
 333 in treating trauma patients. The weighting of scores shall be  
 334 established by the department by rule.

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335 (2) Funds deposited in the department's Emergency Medical  
336 Services ~~Administrative~~ Trust Fund for verified trauma centers  
337 may be used to maximize the receipt of federal funds that may be  
338 available for such trauma centers. Notwithstanding this section  
339 and s. 318.14, distributions to trauma centers may be adjusted  
340 in a manner to ensure that total payments to trauma centers  
341 represent the same proportional allocation as set forth in this  
342 section and s. 318.14. For purposes of this section and s.  
343 318.14, total funds distributed to trauma centers may include  
344 revenue from the Emergency Medical Services ~~Administrative~~ Trust  
345 Fund and federal funds for which revenue from the Administrative  
346 Trust Fund is used to meet state or local matching requirements.  
347 Funds collected under ss. 318.14 and 318.18 and deposited in the  
348 Emergency Medical Services ~~Administrative~~ Trust Fund of the  
349 department shall be distributed to trauma centers on a quarterly  
350 basis using the most recent calendar year data available. Such  
351 data shall not be used for more than four quarterly  
352 distributions unless there are extenuating circumstances as  
353 determined by the department, in which case the most recent  
354 calendar year data available shall continue to be used and  
355 appropriate adjustments shall be made as soon as the more recent  
356 data becomes available.

357 Section 12. Section 938.07, Florida Statutes, is amended  
358 to read:

359 938.07 Driving or boating under the influence.—  
360 Notwithstanding any other provision of s. 316.193 or s. 327.35,  
361 a court cost of \$135 shall be added to any fine imposed pursuant  
362 to s. 316.193 or s. 327.35. The clerks shall remit the funds to

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363 the Department of Revenue, \$25 of which shall be deposited in  
364 the Emergency Medical Services Trust Fund, \$50 shall be  
365 deposited in the Operating Trust Fund of the Department of Law  
366 Enforcement to be used for operational expenses in conducting  
367 the statewide criminal analysis laboratory system established in  
368 s. 943.32, and \$60 shall be deposited in the Brain and Spinal  
369 Cord Injury Program ~~Rehabilitation~~ Trust Fund created in s.  
370 381.79.

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