

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1253 Civil Traffic Infractions
SPONSOR(S): Gibson, H.; and others
TIED BILLS: none **IDEN./SIM. BILLS:** SB 2928 (i)

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR |
|--------------------------------|------------------|---------------|-----------------|
| 1) <u>Transportation</u> | <u>20 Y, 0 N</u> | <u>Garner</u> | <u>Miller</u> |
| 2) <u>State Administration</u> | <u>4 Y, 1 N</u> | <u>Bond</u> | <u>Everhart</u> |
| 3) <u>Finance & Tax</u> | _____ | _____ | _____ |
| 4) <u>Appropriations</u> | _____ | _____ | _____ |
| 5) _____ | _____ | _____ | _____ |

SUMMARY ANALYSIS

This bill authorizes a board of county commissioners to impose a \$7 surcharge on each civil traffic penalty, payable to state-approved trauma centers.

This bill does not appear to have a fiscal impact on state or local governments, except to the extent that a local government may operate a hospital that includes a trauma center. If implemented in all counties, this bill would generate approximately \$16.3 million annually for trauma centers.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h1253c.sa.doc
DATE: April 14, 2004

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|----------------------------------------|-----------------------------------------|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a “no” above, please explain:

This bill authorizes counties to increase traffic penalties.

B. EFFECT OF PROPOSED CHANGES:

Background

Civil traffic infraction penalties are divided into nonmoving and moving violations. Generally, nonmoving violations are punishable by a civil fine of \$30, while most moving violations are punishable by a civil fine of \$60. While speeding infractions are moving violations, they are punishable by a scale of civil fines. These fines are:

- 1-5 mph over – Warning.
- 6-9 mph over -- \$25.
- 10-14 mph over -- \$100.
- 15-19 mph over -- \$125.
- 20-29 mph over -- \$150.
- 30 mph over and above -- \$250.

Of the civil fines collected, approximately 20 percent is distributed to the General Revenue Fund, 56 percent to local governments, and 15 percent is distributed to the county Article V Trust Fund, while the remainder is distributed to various state trust funds to be used for a variety of purposes. In addition, courts may impose costs up to \$30 in addition to the civil fine, and boards of county commissioners are already authorized to impose an additional amount of \$3 to be collected with each civil traffic penalty to fund traffic education programs in schools.

The Department of Health (DOH) regulates trauma centers and has developed minimum standards for trauma centers based on national trauma standards. Section 395.4025, F.S., provides a means by which the Department of Health may certify a trauma center as a “state-approved trauma center”. Currently, the state-approved trauma centers are¹:

- All Children’s Hospital
- Baptist Hospital
- Bayfront Medical Center
- Broward General Medical Center
- Delray Medical Center
- Halifax Medical Center
- Holmes Regional Medical Center
- Jackson Memorial Hospital/Ryder Trauma Center

¹ From <http://www.doh.state.fl.us/workforce/verification.html>

- Lakeland Regional Medical Center
- Lee Memorial Hospital
- Memorial Regional Hospital
- Miami Children's Hospital
- North Broward Medical Center
- Orlando Regional Medical Center
- Sacred Heart Hospital
- Shands Jacksonville
- St. Joseph's Hospital
- St. Mary's Medical Center
- Tampa General Healthcare
- West Florida Regional Medical Center

According to a DOH report entitled *The Costs of Trauma Center Preparedness*, June 1, 2002, trauma center hospitals are not fully reimbursed through regular billing and payment for the services they provide to trauma patients. The report explains that while trauma patients are billed for the actual care and services they receive, like regular patients, such payment is not adequate to cover the costs generated by the staffing and supplies required to be prepared at all times for emergent trauma events.

Effect of Bill

This bill authorizes a board of county commissioners, by ordinance, to require the clerk of the court to collect with each civil traffic penalty an additional amount of up to \$7, which shall be used to fund state-approved trauma centers for un-reimbursed costs. The ordinance must provide for administration of the funds by the board of county commissioners, however, the funds must be used for the un-reimbursed costs incurred by state-approved trauma centers.

C. SECTION DIRECTORY:

Section 1 creates s. 318.1216, F.S., authorizing boards of county commissioners to require by ordinance the collection of up to an additional \$7 with every civil traffic penalty to fund the un-reimbursed costs of state-approved trauma centers.

Section 2 provides an effective date of upon becoming law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None. This bill does not affect a state revenue source.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

Indeterminate. This bill may increase revenues to hospitals that are operated by a local government and operate one of the state-approved trauma centers.

2. Expenditures:

Indeterminate. Clerks of court directed to collect and pay over these charges incur administrative and collection costs that are not addressed by this bill.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

In a county where the board of county commissioners requires an additional \$7 to be collected with every civil traffic penalty, persons who violate traffic laws will be required to pay the additional amount.

To the extent that an effected state-approved trauma center is a private entity, that center may experience an indeterminate positive fiscal impact.

D. FISCAL COMMENTS:

Estimated revenues generated by the bill are indeterminate because it is unknown how many counties may adopt the ordinance authorized by the bill, it is unknown what amount a particular county may impose since the bill authorizes an additional amount *up to* \$7, and it is unclear how many approved trauma centers may be eligible to receive funds generated by the imposition of additional penalties and what are their locations. To the extent that the bill is implemented by counties, the funds generated may free other state or local funds currently used to pay for trauma center services.

2,329,636 penalties were assessed state-wide in 2002 that would have qualified for application of the additional \$7 amount. If all counties adopted an ordinance assessing the full additional amount of \$7 that is authorized by the bill, and a similar number of penalties were assessed annually as were assessed in 2002, DHSMV estimates that approximately \$16.3 million would be raised to fund state approved trauma centers for un-reimbursed costs.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to: require cities or counties to spend funds or take actions requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

No exercise of rulemaking authority is required to implement the provisions of this bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The reference to s. 395.4001, F.S., should perhaps instead refer to s. 395.4025, F.S.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

None.