

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 1253 Civil Traffic Infractions/Trauma Preparedness Center Act  
**SPONSOR(S):** Gibson  
**TIED BILLS:** **IDEN./SIM. BILLS:** SB 2928

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Transportation	20 Y, 0 N	Garner	Miller
2) State Administration			
3) Finance & Tax			
4) Appropriations			
5)			

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### SUMMARY ANALYSIS

Under current law, 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 ranging from \$25 to \$250.

In addition, courts may impose costs up to \$30 in addition to the civil fine. Approximately 56 percent of civil fine revenue is distributed to local government, 20 percent is distributed to the General Revenue Fund, and 15 percent is distributed to the county Article V Trust Fund. The remainder is distributed to various state trust funds to be used for a variety of purposes.

There are twenty state-approved trauma centers in the state. There are four county and multi-county local trauma agencies approved by the Department of Health (DOH). In areas where local or regional agencies have not been formed, DOH is responsible for developing regional trauma system plans. Nineteen trauma service areas have been designated in Florida to facilitate trauma planning. 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.

HB 1253 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.

Estimated revenues generated by the bill are indeterminate. However, DHSMV estimates that approximately 2.3 million penalties were assessed state-wide in 2002 that would be eligible for assessment 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 in 2002, DHSMV estimates that approximately \$16.3 million would be raised to fund state approved trauma centers for un-reimbursed costs.

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

**STORAGE NAME:** h1253a.tr.doc  
**DATE:** March 23, 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:

#### Lower Taxes?

HB 1253 authorizes a board of county commissioners to require by ordinance the imposition of an additional amount of up to \$7 to be collected with each civil traffic penalty to fund state-improved trauma centers for un-reimbursed costs. To the extent that imposition of this additional amount can be considered a fee, the bill authorizes a fee increase.

#### B. EFFECT OF PROPOSED CHANGES:

#### Present Situation

Under current law, 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.

There are twenty state-approved trauma centers in the state. The Department of Health (DOH) regulates trauma centers and has developed minimum standards for trauma centers based on national trauma standards. The department also has statutory authority to develop an inclusive trauma system through the development of a state trauma system plan and coordination with local trauma agencies. There are four county and multi-county local trauma agencies approved by DOH. In areas where local or regional agencies have not been formed, DOH is responsible for developing regional trauma system plans.

There are six Level I trauma centers that are also pediatric trauma centers, thirteen Level II trauma centers, of which five are also pediatric centers, and one pediatric trauma center. Nineteen trauma service areas have been designated in Florida to facilitate trauma planning.

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 Proposed Changes

HB 1253 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 that the act shall take effect upon becoming law.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

##### 1. Revenues:

See FISCAL COMMENTS section, below.

##### 2. Expenditures:

None.

#### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

##### 1. Revenues:

See FISCAL COMMENTS section, below.

##### 2. Expenditures:

None.

#### 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.

However, DHSMV estimates that 2,329,636 penalties were assessed state-wide in 2002 that would be eligible 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:

It is unclear whether additional amounts collected with civil traffic penalties in a particular county will be used to fund only county trauma agencies or whether the funds may be used for un-reimbursed costs in multi-county or regional agencies.

**IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES**