

1                   A bill to be entitled  
2           An act relating to uniform traffic control; creating the  
3           "Mark Wandall Traffic Safety Act"; amending s. 316.003,  
4           F.S.; defining the term "traffic infraction detector";  
5           creating s. 316.0083, F.S.; creating the Mark Wandall  
6           Traffic Safety Program to be administered by the  
7           Department of Transportation; requiring a county or  
8           municipality to enact an ordinance in order to use a  
9           traffic infraction detector to identify a motor vehicle  
10          that fails to stop at a traffic control signal steady red  
11          light; requiring such detectors to meet department  
12          contract specifications; requiring authorization of a  
13          traffic infraction enforcement officer or a code  
14          enforcement officer to issue and enforce a ticket for such  
15          violation; requiring signage; requiring certain public  
16          awareness procedures; requiring the ordinance to establish  
17          a fine of a certain amount; requiring the ordinance to  
18          provide for installing, maintaining, and operating such  
19          detectors on rights-of-way owned or maintained by the  
20          Department of Transportation, county, or municipality;  
21          prohibiting additional charges; exempting emergency  
22          vehicles; providing that the registered owner of the motor  
23          vehicle involved in the violation is responsible and  
24          liable for payment of the fine assessed; providing  
25          exceptions; providing procedures for disposition and  
26          enforcement of tickets; providing for a person to contest  
27          such ticket; providing for disposition of revenue  
28          collected; providing complaint procedures; providing for

29 | the Legislature to exclude a county or municipality from  
 30 | the program; requiring reports from participating  
 31 | municipalities and counties to the department; requiring  
 32 | the department to make reports to the Governor and the  
 33 | Legislature; amending s. 316.0745, F.S.; providing that  
 34 | traffic infraction detectors must meet certain  
 35 | specifications; providing for preexisting equipment;  
 36 | requiring counties or municipalities that have acquired  
 37 | such equipment pursuant to an agreement entered into prior  
 38 | to the effective date of this act to make certain payments  
 39 | to the state; creating s. 316.0776, F.S.; providing for  
 40 | placement and installation of detectors on the State  
 41 | Highway System, county roads, and city streets; amending  
 42 | s. 316.1967, F.S.; providing for inclusion of persons with  
 43 | outstanding violations in a list sent to the department  
 44 | for enforcement purposes; amending s. 395.4036, F.S.;  
 45 | providing for distribution of funds to trauma centers,  
 46 | certain hospitals, and certain nursing homes; ratifying  
 47 | prior enforcement actions; providing for severability;  
 48 | providing an effective date.

49 |  
 50 | Be It Enacted by the Legislature of the State of Florida:

51 |  
 52 | Section 1. This act may be cited as the "Mark Wandall  
 53 | Traffic Safety Act."

54 | Section 2. Subsection (86) is added to section 316.003,  
 55 | Florida Statutes, to read:

56 | 316.003 Definitions.--The following words and phrases,

57 when used in this chapter, shall have the meanings respectively  
 58 ascribed to them in this section, except where the context  
 59 otherwise requires:

60 (86) TRAFFIC INFRACTION DETECTOR.--A vehicle sensor  
 61 installed to work in conjunction with a traffic control signal  
 62 and a camera or cameras synchronized to automatically record two  
 63 or more sequenced photographic or electronic images or streaming  
 64 video of only the rear of a motor vehicle at the time the  
 65 vehicle fails to stop behind the stop bar or clearly marked stop  
 66 line when facing a traffic control signal steady red light. Any  
 67 ticket issued by the use of a traffic infraction detector must  
 68 include a photograph or other recorded image showing both the  
 69 license tag of the offending vehicle and the traffic control  
 70 device being violated.

71 Section 3. Section 316.0083, Florida Statutes, is created  
 72 to read:

73 316.0083 Mark Wandall Traffic Safety Program;  
 74 administration; report.--

75 (1) There is created the Mark Wandall Traffic Safety  
 76 Program governing the operation of traffic infraction detectors.  
 77 The program shall be administered by the Department of  
 78 Transportation and shall include the following provisions:

79 (a) In order to use a traffic infraction detector, a  
 80 county or municipality must enact an ordinance that provides for  
 81 the use of a traffic infraction detector to enforce s.  
 82 316.075(1)(c), which requires the driver of a vehicle to stop  
 83 the vehicle when facing a traffic control signal steady red  
 84 light on the streets and highways under the jurisdiction of the

85 county or municipality. The traffic infraction detector must  
86 conform to the contract specifications adopted by the Department  
87 of Transportation under s. 316.0776. A county or municipality  
88 may install such detectors on state, county, or municipal  
89 rights-of-way within the boundaries of that county or  
90 municipality. Only a municipality may install or authorize the  
91 installation of any such detectors within the incorporated area  
92 of the municipality. A municipality may authorize the state or  
93 county to install such detectors within its incorporated area.  
94 Only a county may install or authorize the installation of any  
95 such detectors within the unincorporated area of the county. A  
96 county may authorize the state to install such detectors in the  
97 unincorporated area of the county. A county or municipality that  
98 operates a traffic infraction detector must authorize a traffic  
99 infraction enforcement officer or a code enforcement officer to  
100 issue a ticket for a violation of s. 316.075(1)(c) and to  
101 enforce the payment of the ticket for such violation. This  
102 paragraph does not authorize a traffic infraction enforcement  
103 officer or a code enforcement officer to carry a firearm or  
104 other weapon and does not authorize such an officer to make  
105 arrests. The ordinance must require signs to be posted at  
106 locations designated by the county or municipality providing  
107 notification that a traffic infraction detector may be in use.  
108 Such signage must conform to the specifications adopted by the  
109 Department of Transportation under s. 316.0745. The ordinance  
110 must provide for the county or municipality to install,  
111 maintain, and operate traffic infraction detectors on a right-  
112 of-way owned or maintained by the Department of Transportation

113 or on a right-of-way owned or maintained by the county or  
114 municipality in which the traffic infraction detector is to be  
115 installed. The ordinance must also require that the county or  
116 municipality make a public announcement and conduct a public  
117 awareness campaign of the proposed use of traffic infraction  
118 detectors at least 30 days before commencing the enforcement  
119 program. In addition, the ordinance must establish a fine of  
120 \$150 to be assessed against the registered owner of a motor  
121 vehicle that fails to stop when facing a traffic control signal  
122 steady red light as determined through the use of a traffic  
123 infraction detector. Any other provision of law to the contrary  
124 notwithstanding, an additional surcharge, fee, or cost may not  
125 be added to the civil penalty authorized by this paragraph.

126 (b) When responding to an emergency call, an emergency  
127 vehicle is exempt from any ordinance enacted under this section.

128 (c) A county or municipality must adopt an ordinance under  
129 this section that provides for the use of a traffic infraction  
130 detector in order to impose a fine on the registered owner of a  
131 motor vehicle for a violation of s. 316.075(1)(c). The fine  
132 shall be imposed in the same manner and is subject to the same  
133 limitations as provided for parking violations under s.  
134 316.1967. Except as specifically provided in this section,  
135 chapter 318 and s. 322.27 do not apply to a violation of s.  
136 316.075(1)(c) for which a ticket has been issued under an  
137 ordinance enacted pursuant to this section. Enforcement of a  
138 ticket issued under the ordinance is not a conviction of the  
139 operator of the motor vehicle, may not be made a part of the  
140 driving record of the operator, and may not be used for purposes

141 of setting motor vehicle insurance rates. Points under s. 322.27  
142 may not be assessed based upon such enforcement.

143 (d) The procedures set forth in s. 316.1967(2)-(5) apply  
144 to an ordinance enacted pursuant to this section, except that  
145 the ticket must contain the name and address of the person  
146 alleged to be liable as the registered owner of the motor  
147 vehicle involved in the violation, the tag number of the motor  
148 vehicle, the violation charged, a copy of the photographic image  
149 or images evidencing the violation, the location where the  
150 violation occurred, the date and time of the violation,  
151 information that identifies the device that recorded the  
152 violation, and a signed statement by a specifically trained  
153 technician employed by the agency or its contractor that, based  
154 on inspection of photographs or other recorded images, the motor  
155 vehicle was being operated in violation of s. 316.075(1)(c). The  
156 ticket must advise the registered owner of the motor vehicle  
157 involved in the violation of the amount of the fine, the date by  
158 which the fine must be paid, and the procedure for contesting  
159 the violation alleged in the ticket. The ticket must contain a  
160 warning that failure to contest the violation in the manner and  
161 time provided is deemed an admission of the liability and that a  
162 default may be entered thereon. The violation shall be processed  
163 by the county or municipality that has jurisdiction over the  
164 street or highway where the violation occurred or by any entity  
165 authorized by the county or municipality to prepare and mail the  
166 ticket.

167 (e) The ticket shall be sent by first-class mail addressed  
168 to the registered owner of the motor vehicle and postmarked no

169 later than 30 days after the date of the violation.

170 (f)1. The registered owner of the motor vehicle involved  
171 in a violation is responsible and liable for payment of the fine  
172 assessed pursuant to this section unless the owner can establish  
173 that:

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

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

179 c. The motor vehicle was stolen at the time of the alleged  
180 violation;

181 d. A uniform traffic citation was issued to the driver of  
182 the motor vehicle for the alleged violation of s. 316.075(1)(c);  
183 or

184 e. A medical emergency.

185 2. In order to establish any such fact, the registered  
186 owner of the vehicle must, within 30 days after receipt of  
187 notification of the alleged violation, furnish to the county or  
188 municipality, as appropriate, an affidavit that sets forth  
189 detailed information supporting an exemption as provided in sub-  
190 subparagraph 1.a., sub-subparagraph 1.b., sub-subparagraph 1.c.,  
191 or sub-subparagraph 1.d. For an exemption under sub-subparagraph  
192 1.c., the affidavit must set forth that the vehicle was stolen  
193 and be accompanied by a copy of the police report indicating  
194 that the vehicle was stolen at the time of the alleged  
195 violation. For an exemption under sub-subparagraph 1.d., the  
196 affidavit must set forth that a citation was issued and be

197 accompanied by a copy of the citation indicating the time of the  
198 alleged violation and the location of the intersection where it  
199 occurred.

200 (g) A person may contest the determination that such  
201 person failed to stop at a traffic control signal steady red  
202 light as evidenced by a traffic infraction detector by electing  
203 to appear before any judge authorized by law to preside over a  
204 court hearing that adjudicates traffic infractions. A person who  
205 elects to appear before the court to present evidence is deemed  
206 to have waived the limitation of civil penalties imposed for the  
207 violation. The court, after hearing, shall determine whether the  
208 violation was committed and may impose a civil penalty not to  
209 exceed \$150 plus costs. The court may take appropriate measures  
210 to enforce the collection of any penalty not paid within the  
211 time permitted by the court.

212 (h) A certificate sworn to or affirmed by a person  
213 authorized under this section who is employed by or under  
214 contract with the county or municipality where the infraction  
215 occurred, or a facsimile thereof that is based upon inspection  
216 of photographs or other recorded images produced by a traffic  
217 infraction detector, is prima facie evidence of the facts  
218 contained in the certificate. A photograph or other recorded  
219 image evidencing a violation of s. 316.075(1)(c) must be  
220 available for inspection in any proceeding to adjudicate  
221 liability under an ordinance enacted pursuant to this section.

222 (i) In any county or municipality in which tickets are  
223 issued as provided in this section, the names of persons who  
224 have one or more outstanding violations may be included on the



225 list authorized under s. 316.1967(6).

226 (2) Of the fine imposed pursuant to paragraph (1)(a) or  
227 paragraph (1)(g), one-fifth shall be remitted by the county or  
228 municipality to the Department of Revenue for deposit into the  
229 State Transportation Trust Fund, one-fifth shall be remitted to  
230 the Department of Revenue for deposit into the Department of  
231 Health Administrative Trust Fund, and three-fifths shall be  
232 retained by the county or municipality enforcing the ordinance  
233 enacted pursuant to this section. Funds deposited into the  
234 Department of Health Administrative Trust Fund under this  
235 subsection shall be distributed as provided in s. 395.4036(1).

236 (3) A complaint that a county or municipality is employing  
237 traffic infraction detectors for purposes other than the  
238 promotion of public health, welfare, and safety or in a manner  
239 inconsistent with this section may be submitted to the governing  
240 body of such county or municipality. Such complaints, along with  
241 any investigation and corrective action taken by the county or  
242 municipal governing body, shall be included in the annual report  
243 to the Department of Transportation and in that department's  
244 annual summary report to the Governor, the President of the  
245 Senate, and the Speaker of the House Representatives, as  
246 required by this section. Based on its review of the report, the  
247 Legislature may exclude a county or municipality from further  
248 participation in the program.

249 (4)(a) Each county or municipality that operates a traffic  
250 infraction detector shall submit an annual report to the  
251 Department of Transportation that details the results of using  
252 the traffic infraction detector and the procedures for

253 enforcement.

254 (b) The Department of Transportation shall provide an  
 255 annual summary report to the Governor, the President of the  
 256 Senate, and the Speaker of the House of Representatives  
 257 regarding the use and operation of traffic infraction detectors  
 258 under this section. The summary report must include a review of  
 259 the information submitted to the Department of Transportation by  
 260 the counties and municipalities and must describe the  
 261 enhancement of the traffic safety and enforcement programs. The  
 262 Department of Transportation shall report its recommendations,  
 263 including any necessary legislation, on or before December 1,  
 264 2010, to the Governor, the President of the Senate, and the  
 265 Speaker of the House of Representatives.

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

268 316.0745 Uniform signals and devices.--

269 (6) (a) Any system of traffic control devices controlled  
 270 and operated from a remote location by electronic computers or  
 271 similar devices must ~~shall~~ meet all requirements established for  
 272 the uniform system, and, if where such a system affects ~~systems~~  
 273 ~~affect~~ the movement of traffic on state roads, the design of the  
 274 system must ~~shall~~ be reviewed and approved by the Department of  
 275 Transportation.

276 (b) Any traffic infraction detector deployed on the  
 277 streets and highways of the state must meet the specifications  
 278 established by the Department of Transportation and must be  
 279 tested at regular intervals according to procedures prescribed  
 280 by that department.

281        (c) Any such equipment acquired by purchase, lease, or  
 282 other arrangement pursuant to an agreement entered into by a  
 283 county or municipality prior to the effective date of this act  
 284 or equipment used to enforce an ordinance enacted by a county or  
 285 municipality prior to the effective date of this act shall not  
 286 be required to meet the specifications established for the  
 287 uniform system until September 30, 2010. Any county or  
 288 municipality that has acquired such equipment pursuant to an  
 289 agreement entered into prior to the effective date of this act  
 290 shall remit \$30 to the Department of Revenue for each citation  
 291 or ticket for which payment is collected by that county or  
 292 municipality between the effective date of this act and  
 293 September 30, 2010. The Department of Revenue shall deposit such  
 294 funds into the State Transportation Trust Fund as provided in s.  
 295 316.0083(2).

296        Section 5. Section 316.0776, Florida Statutes, is created  
 297 to read:

298        316.0776 Traffic infraction detectors; placement and  
 299 installation.--Placement and installation of traffic infraction  
 300 detectors is allowed on the State Highway System, county roads,  
 301 and city streets pursuant to specifications developed by the  
 302 Department of Transportation, so long as the safety and  
 303 operation of the road facility is not impaired.

304        Section 6. Subsection (6) of section 316.1967, Florida  
 305 Statutes, is amended to read:

306        316.1967 Liability for payment of parking ticket  
 307 violations and other ~~parking~~ violations.--

308        (6) Any county or municipality may provide by ordinance

309 that the clerk of the court or the traffic violations bureau  
 310 shall supply the department with a magnetically encoded computer  
 311 tape reel or cartridge or send by other electronic means data  
 312 which is machine readable by the installed computer system at  
 313 the department, listing persons who have three or more  
 314 outstanding parking violations, including violations of s.  
 315 316.1955, or who have one or more outstanding tickets for a  
 316 violation of a traffic control signal steady red light  
 317 indication issued pursuant to an ordinance adopted under s.  
 318 316.0083. Each county shall provide by ordinance that the clerk  
 319 of the court or the traffic violations bureau shall supply the  
 320 department with a magnetically encoded computer tape reel or  
 321 cartridge or send by other electronic means data that is machine  
 322 readable by the installed computer system at the department,  
 323 listing persons who have any outstanding violations of s.  
 324 316.1955 or any similar local ordinance that regulates parking  
 325 in spaces designated for use by persons who have disabilities.  
 326 The department shall mark the appropriate registration records  
 327 of persons who are so reported. Section 320.03(8) applies to  
 328 each person whose name appears on the list.

329 Section 7. Subsection (1) of section 395.4036, Florida  
 330 Statutes, is amended to read:

331 395.4036 Trauma payments.--

332 (1) Recognizing the Legislature's stated intent to provide  
 333 financial support to the current verified trauma centers and to  
 334 provide incentives for the establishment of additional trauma  
 335 centers as part of a system of state-sponsored trauma centers,  
 336 the department shall use ~~utilize~~ funds collected under ss.

337 316.0083 and ~~s.~~ 318.18(15) and deposited into the Administrative  
 338 Trust Fund of the department to ensure the availability and  
 339 accessibility of trauma and emergency services throughout the  
 340 state as provided in this subsection.

341 (a) Funds collected under ss. 316.0083 and 318.18(15)  
 342 shall be distributed as follows:

343 1.(a) Twenty percent of the total funds collected under s.  
 344 316.0083 and 20 percent of the total funds collected under s.  
 345 318.18(15) ~~this subsection~~ during the state fiscal year shall be  
 346 distributed to verified trauma centers that have a local funding  
 347 contribution as of December 31. Distribution of funds under this  
 348 paragraph shall be based on trauma caseload volume for the most  
 349 recent calendar year available.

350 2.(b) Thirty-eight percent of the total funds collected  
 351 under s. 316.0083 and 40 ~~forty~~ percent of the total funds  
 352 collected under s. 318.18(15) ~~this subsection~~ shall be  
 353 distributed to verified trauma centers based on trauma caseload  
 354 volume for the most recent calendar year available. The  
 355 determination of caseload volume for distribution of funds under  
 356 this paragraph shall be based on the department's Trauma  
 357 Registry data.

358 3.(c) Thirty-eight percent of the total funds collected  
 359 under s. 316.0083 and 40 ~~forty~~ percent of the total funds  
 360 collected under s. 318.18(15) ~~this subsection~~ shall be  
 361 distributed to verified trauma centers based on severity of  
 362 trauma patients for the most recent calendar year available. The  
 363 determination of severity for distribution of funds under this  
 364 paragraph shall be based on the department's International

365 Classification Injury Severity Scores or another statistically  
366 valid and scientifically accepted method of stratifying a trauma  
367 patient's severity of injury, risk of mortality, and resource  
368 consumption as adopted by the department by rule, weighted based  
369 on the costs associated with and incurred by the trauma center  
370 in treating trauma patients. The weighting of scores shall be  
371 established by the department by rule.

372 4. Two percent of the total funds collected under s.  
373 316.0083 shall be distributed to public hospitals that qualify  
374 for distributions under s. 409.911(4), that are not verified  
375 trauma centers but are located in trauma service areas, as  
376 defined under s. 395.402, and that do not have a verified trauma  
377 center based on their proportionate number of emergency room  
378 visits on an annual basis. The Agency for Health Care  
379 Administration shall provide the department with a list of  
380 public hospitals and emergency room visits.

381 5. Two percent of the total funds collected under s.  
382 316.0083 shall be distributed to provide an enhanced Medicaid  
383 payment to nursing homes that serve residents with brain and  
384 spinal cord injuries who are Medicaid recipients.

385 (b) Funds deposited in the department's Administrative  
386 Trust Fund for verified trauma centers may be used to maximize  
387 the receipt of federal funds that may be available for such  
388 trauma centers and nontrauma center public hospitals.  
389 Notwithstanding this section and s. 318.14, distributions to  
390 trauma centers may be adjusted in a manner to ensure that total  
391 payments to trauma centers represent the same proportional  
392 allocation as set forth in this section and s. 318.14. For

393 purposes of this section and s. 318.14, total funds distributed  
394 to trauma centers may include revenue from the Administrative  
395 Trust Fund and federal funds for which revenue from the  
396 Administrative Trust Fund is used to meet state or local  
397 matching requirements. Funds collected under ss. 318.14,  
398 316.0083, and 318.18(15) and deposited in the Administrative  
399 Trust Fund of the department shall be distributed to trauma  
400 centers and nontrauma center public hospitals on a quarterly  
401 basis using the most recent calendar year data available. Such  
402 data shall not be used for more than four quarterly  
403 distributions unless there are extenuating circumstances as  
404 determined by the department, in which case the most recent  
405 calendar year data available shall continue to be used and  
406 appropriate adjustments shall be made as soon as the more recent  
407 data becomes available.

408 Section 8. This act recognizes and ratifies any  
409 enforcement action taken by a county or municipality using a  
410 traffic infraction detector that was installed before the  
411 effective date of this act.

412 Section 9. If any provision of this act or its application  
413 to any person or circumstance is held invalid, the invalidity  
414 shall not affect other provisions or applications of this act  
415 which can be given effect without the invalid provision or  
416 application, and to this end the provisions of this act are  
417 declared severable.

418 Section 10. This act shall take effect upon becoming a  
419 law.