

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Reagan offered the following:

2  
3 **Amendment to Senate Amendment (611714) as amended by Senate**  
4 **Amendments (706606, 480426, and 569104) (with title amendment)**

5 Remove lines 5-439 and insert:

6  
7 Section 1. This act may be cited as the "Mark Wandall  
8 Traffic Safety Act."

9 Section 2. Subsection (86) is added to section 316.003,  
10 Florida Statutes, to read:

11 316.003 Definitions.--The following words and phrases,  
12 when used in this chapter, shall have the meanings respectively  
13 ascribed to them in this section, except where the context  
14 otherwise requires:

15 (86) TRAFFIC INFRACTION DETECTOR.--A vehicle sensor  
16 installed to work in conjunction with a traffic control signal

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17 and a camera or cameras synchronized to automatically record two  
18 or more sequenced photographic or electronic images or streaming  
19 video of only the rear of a motor vehicle at the time the  
20 vehicle fails to stop behind the stop bar or clearly marked stop  
21 line when facing a traffic control signal steady red light. Any  
22 ticket issued by the use of a traffic infraction detector must  
23 include a photograph or other recorded image showing both the  
24 license tag of the offending vehicle and the traffic control  
25 device being violated.

26 Section 3. Section 316.0083, Florida Statutes, is created  
27 to read:

28 316.0083 Mark Wandall Traffic Safety Program;  
29 administration; report.--

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

34 (a) In order to use a traffic infraction detector, a  
35 county or municipality must enact an ordinance that provides for  
36 the use of a traffic infraction detector to enforce s.  
37 316.075(1)(c), which requires the driver of a vehicle to stop  
38 the vehicle when facing a traffic control signal steady red  
39 light on the streets and highways under the jurisdiction of the  
40 county or municipality. The traffic infraction detector must  
41 conform to the contract specifications adopted by the Department  
42 of Transportation under s. 316.0776. A county or municipality  
43 may install such detectors on state, county, or municipal  
44 rights-of-way within the boundaries of that county or

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45 municipality. Only a municipality may install or authorize the  
46 installation of any such detectors within the incorporated area  
47 of the municipality. A municipality may authorize the state or  
48 county to install such detectors within its incorporated area.  
49 Only a county may install or authorize the installation of any  
50 such detectors within the unincorporated area of the county. A  
51 county may authorize the state to install such detectors in the  
52 unincorporated area of the county. A county or municipality that  
53 operates a traffic infraction detector must authorize a traffic  
54 infraction enforcement officer or a code enforcement officer to  
55 issue a ticket for a violation of s. 316.075(1)(c) and to  
56 enforce the payment of the ticket for such violation. This  
57 paragraph does not authorize a traffic infraction enforcement  
58 officer or a code enforcement officer to carry a firearm or  
59 other weapon and does not authorize such an officer to make  
60 arrests. The ordinance must require signs to be posted at  
61 locations designated by the county or municipality providing  
62 notification that a traffic infraction detector may be in use.  
63 Such signage must conform to the specifications adopted by the  
64 Department of Transportation under s. 316.0745. The ordinance  
65 must provide for the county or municipality to install,  
66 maintain, and operate traffic infraction detectors on a right-  
67 of-way owned or maintained by the Department of Transportation  
68 or on a right-of-way owned or maintained by the county or  
69 municipality in which the traffic infraction detector is to be  
70 installed. The ordinance must also require that the county or  
71 municipality make a public announcement and conduct a public  
72 awareness campaign of the proposed use of traffic infraction

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73 detectors at least 30 days before commencing the enforcement  
74 program. In addition, the ordinance must establish a fine of  
75 \$150 to be assessed against the registered owner of a motor  
76 vehicle that fails to stop when facing a traffic control signal  
77 steady red light as determined through the use of a traffic  
78 infraction detector. Any other provision of law to the contrary  
79 notwithstanding, an additional surcharge, fee, or cost may not  
80 be added to the civil penalty authorized by this paragraph.

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

83 (c) A county or municipality must adopt an ordinance under  
84 this section that provides for the use of a traffic infraction  
85 detector in order to impose a fine on the registered owner of a  
86 motor vehicle for a violation of s. 316.075(1)(c). The fine  
87 shall be imposed in the same manner and is subject to the same  
88 limitations as provided for parking violations under s.  
89 316.1967. Except as specifically provided in this section,  
90 chapter 318 and s. 322.27 do not apply to a violation of s.  
91 316.075(1)(c) for which a ticket has been issued under an  
92 ordinance enacted pursuant to this section. Enforcement of a  
93 ticket issued under the ordinance is not a conviction of the  
94 operator of the motor vehicle, may not be made a part of the  
95 driving record of the operator, and may not be used for purposes  
96 of setting motor vehicle insurance rates. Points under s. 322.27  
97 may not be assessed based upon such enforcement.

98 (d) The procedures set forth in s. 316.1967(2)-(5) apply  
99 to an ordinance enacted pursuant to this section, except that  
100 the ticket must contain the name and address of the person

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101 alleged to be liable as the registered owner of the motor  
102 vehicle involved in the violation, the tag number of the motor  
103 vehicle, the violation charged, a copy of the photographic image  
104 or images evidencing the violation, the location where the  
105 violation occurred, the date and time of the violation,  
106 information that identifies the device that recorded the  
107 violation, and a signed statement by a specifically trained  
108 technician employed by the agency or its contractor that, based  
109 on inspection of photographs or other recorded images, the motor  
110 vehicle was being operated in violation of s. 316.075(1)(c). The  
111 ticket must advise the registered owner of the motor vehicle  
112 involved in the violation of the amount of the fine, the date by  
113 which the fine must be paid, and the procedure for contesting  
114 the violation alleged in the ticket. The ticket must contain a  
115 warning that failure to contest the violation in the manner and  
116 time provided is deemed an admission of the liability and that a  
117 default may be entered thereon. The violation shall be processed  
118 by the county or municipality that has jurisdiction over the  
119 street or highway where the violation occurred or by any entity  
120 authorized by the county or municipality to prepare and mail the  
121 ticket.

122 (e) The ticket shall be sent by first-class mail addressed  
123 to the registered owner of the motor vehicle and postmarked no  
124 later than 30 days after the date of the violation.

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

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

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

134 c. The motor vehicle was stolen at the time of the alleged  
135 violation;

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

139 e. A medical emergency.

140 2. In order to establish any such fact, the registered  
141 owner of the vehicle must, within 30 days after receipt of  
142 notification of the alleged violation, furnish to the county or  
143 municipality, as appropriate, an affidavit that sets forth  
144 detailed information supporting an exemption as provided in sub-  
145 subparagraph 1.a., sub-subparagraph 1.b., sub-subparagraph 1.c.,  
146 or sub-subparagraph 1.d. For an exemption under sub-subparagraph  
147 1.c., the affidavit must set forth that the vehicle was stolen  
148 and be accompanied by a copy of the police report indicating  
149 that the vehicle was stolen at the time of the alleged  
150 violation. For an exemption under sub-subparagraph 1.d., the  
151 affidavit must set forth that a citation was issued and be  
152 accompanied by a copy of the citation indicating the time of the  
153 alleged violation and the location of the intersection where it  
154 occurred.

155 (g) A person may contest the determination that such  
156 person failed to stop at a traffic control signal steady red

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157 light as evidenced by a traffic infraction detector by electing  
158 to appear before any judge or hearing officer authorized by law  
159 to preside over a hearing that adjudicates traffic infractions.  
160 A person who elects to appear before the judge or hearing  
161 officer to present evidence is deemed to have waived the  
162 limitation of civil penalties imposed for the violation. The  
163 judge or hearing officer, after hearing, shall determine whether  
164 the violation was committed and may impose a civil penalty not  
165 to exceed \$150 plus costs. The judge or hearing officer may take  
166 appropriate measures to enforce the collection of any penalty  
167 not paid within the time permitted by the county, municipality,  
168 or court.

169 (h) A certificate sworn to or affirmed by a person  
170 authorized under this section who is employed by or under  
171 contract with the county or municipality where the infraction  
172 occurred, or a facsimile thereof that is based upon inspection  
173 of photographs or other recorded images produced by a traffic  
174 infraction detector, is prima facie evidence of the facts  
175 contained in the certificate. A photograph or other recorded  
176 image evidencing a violation of s. 316.075(1)(c) must be  
177 available for inspection in any proceeding to adjudicate  
178 liability under an ordinance enacted pursuant to this section.

179 (i) In any county or municipality in which tickets are  
180 issued as provided in this section, the names of persons who  
181 have one or more outstanding violations may be included on the  
182 list authorized under s. 316.1967(6).

183 (2) Of the \$150 fine imposed pursuant to paragraph (1)(a)  
184 or paragraph (1)(g), \$40 shall be remitted by the county or  
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185 municipality to the Department of Revenue for deposit into the  
186 General Revenue Fund, \$25 shall be remitted to the Department of  
187 Revenue for deposit into the Department of Health Administrative  
188 Trust Fund, and \$85 shall be retained by the county or  
189 municipality enforcing the ordinance enacted pursuant to this  
190 section. Funds deposited into the Department of Health  
191 Administrative Trust Fund under this subsection shall be  
192 distributed as provided in s. 395.4036(1).

193 (3) A complaint that a county or municipality is employing  
194 traffic infraction detectors for purposes other than the  
195 promotion of public health, welfare, and safety or in a manner  
196 inconsistent with this section may be submitted to the governing  
197 body of such county or municipality. Such complaints, along with  
198 any investigation and corrective action taken by the county or  
199 municipal governing body, shall be included in the annual report  
200 to the Department of Transportation and in that department's  
201 annual summary report to the Governor, the President of the  
202 Senate, and the Speaker of the House Representatives, as  
203 required by this section. Based on its review of the report, the  
204 Legislature may exclude a county or municipality from further  
205 participation in the program.

206 (4) (a) Each county or municipality that operates a traffic  
207 infraction detector shall submit an annual report to the  
208 Department of Transportation that details the results of using  
209 the traffic infraction detector and the procedures for  
210 enforcement.

211 (b) The Department of Transportation shall provide an  
212 annual summary report to the Governor, the President of the

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213 Senate, and the Speaker of the House of Representatives  
214 regarding the use and operation of traffic infraction detectors  
215 under this section. The summary report must include a review of  
216 the information submitted to the Department of Transportation by  
217 the counties and municipalities and must describe the  
218 enhancement of the traffic safety and enforcement programs. The  
219 Department of Transportation shall report its recommendations,  
220 including any necessary legislation, on or before December 1,  
221 2010, to the Governor, the President of the Senate, and the  
222 Speaker of the House of Representatives.

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

225 316.0745 Uniform signals and devices.--

226 (6) Any system of traffic control devices controlled and  
227 operated from a remote location by electronic computers or  
228 similar devices must ~~shall~~ meet all requirements established for  
229 the uniform system, and, if where such a system affects ~~systems~~  
230 ~~affect~~ the movement of traffic on state roads, the design of the  
231 system must ~~shall~~ be reviewed and approved by the Department of  
232 Transportation.

233 Section 5. Section 316.07456, Florida Statutes, is created  
234 to read:

235 316.07456 Grandfather clause.--

236 (1) Any traffic infraction detector deployed on the  
237 streets and highways of the state must meet the contract  
238 specifications established by the Department of Transportation  
239 and must be tested at regular intervals according to procedures  
240 prescribed by that department.

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241 (2) Notwithstanding any provision of law to the contrary,  
242 prior to September 30, 2010, nothing in this act shall prohibit  
243 any county or municipality from utilizing red light traffic  
244 enforcement devices of any type or from enforcing violations of  
245 s. 316.074(1) or s. 316.075(1)(c) or other red light traffic  
246 enforcement ordinances if such county or municipality has  
247 enacted an ordinance to enforce red light violations or has  
248 entered into a contract to purchase or lease equipment to  
249 enforce red light violations prior to the effective date of this  
250 act.

251 (3) Counties and municipalities using grandfathered  
252 equipment pursuant to subsection (2) shall charge violators a  
253 \$150 penalty. Of the \$150 fine imposed pursuant to paragraph  
254 (1)(a) or paragraph (1)(g), \$40 shall be remitted by the county  
255 or municipality to the Department of Revenue for deposit into  
256 the General Revenue Fund, \$25 shall be remitted to the  
257 Department of Revenue for deposit into the Department of Health  
258 Administrative Trust Fund, and \$85 shall be retained by the  
259 county or municipality enforcing the ordinance enacted pursuant  
260 to this section. Funds deposited into the Department of Health  
261 Administrative Trust Fund under this subsection shall be  
262 distributed as provided in s. 395.4036(1).

263 (4) This section expires October 1, 2010.

264 Section 6. Section 316.0776, Florida Statutes, is created  
265 to read:

266 316.0776 Traffic infraction detectors; placement and  
267 installation.--Placement and installation of traffic infraction  
268 detectors is allowed on the State Highway System, county roads,  
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269 and city streets pursuant to specifications developed by the  
270 Department of Transportation, so long as the safety and  
271 operation of the road facility is not impaired.

272 Section 7. Subsection (6) of section 316.1967, Florida  
273 Statutes, is amended to read:

274 316.1967 Liability for payment of parking ticket  
275 violations and other ~~parking~~ violations.--

276 (6) Any county or municipality may provide by ordinance  
277 that the clerk of the court or the traffic violations bureau  
278 shall supply the department with a magnetically encoded computer  
279 tape reel or cartridge or send by other electronic means data  
280 which is machine readable by the installed computer system at  
281 the department, listing persons who have three or more  
282 outstanding parking violations, including violations of s.  
283 316.1955, or who have one or more outstanding tickets for a  
284 violation of a traffic control signal steady red light  
285 indication issued pursuant to an ordinance adopted under s.  
286 316.0083. Each county shall provide by ordinance that the clerk  
287 of the court or the traffic violations bureau shall supply the  
288 department with a magnetically encoded computer tape reel or  
289 cartridge or send by other electronic means data that is machine  
290 readable by the installed computer system at the department,  
291 listing persons who have any outstanding violations of s.  
292 316.1955 or any similar local ordinance that regulates parking  
293 in spaces designated for use by persons who have disabilities.  
294 The department shall mark the appropriate registration records  
295 of persons who are so reported. Section 320.03(8) applies to  
296 each person whose name appears on the list.

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297 Section 8. Subsection (1) of section 395.4036, Florida  
298 Statutes, is amended to read:

299 395.4036 Trauma payments.--

300 (1) Recognizing the Legislature's stated intent to provide  
301 financial support to the current verified trauma centers and to  
302 provide incentives for the establishment of additional trauma  
303 centers as part of a system of state-sponsored trauma centers,  
304 the department shall use ~~utilize~~ funds collected under ss.  
305 316.0083 and ~~s.~~ 318.18(15) and deposited into the Administrative  
306 Trust Fund of the department to ensure the availability and  
307 accessibility of trauma and emergency services throughout the  
308 state as provided in this subsection.

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

311 1.(a) Eighteen ~~Twenty~~ percent of the total funds collected  
312 under s. 316.0083 and 20 percent of the total funds collected  
313 under s. 318.18(15) ~~this subsection~~ during the state fiscal year  
314 shall be distributed to verified trauma centers that have a  
315 local funding contribution as of December 31. Distribution of  
316 funds under this paragraph shall be based on trauma caseload  
317 volume for the most recent calendar year available.

318 2.(b) Thirty-eight percent of the total funds collected  
319 under s. 316.0083 and 40 ~~forty~~ percent of the total funds  
320 collected under s. 318.18(15) ~~this subsection~~ shall be  
321 distributed to verified trauma centers based on trauma caseload  
322 volume for the most recent calendar year available. The  
323 determination of caseload volume for distribution of funds under

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324 this paragraph shall be based on the department's Trauma  
325 Registry data.

326 3.(e) Thirty-eight percent of the total funds collected  
327 under s. 316.0083 and 40 forty percent of the total funds  
328 collected under s. 318.18(15) ~~this subsection~~ shall be  
329 distributed to verified trauma centers based on severity of  
330 trauma patients for the most recent calendar year available. The  
331 determination of severity for distribution of funds under this  
332 paragraph shall be based on the department's International  
333 Classification Injury Severity Scores or another statistically  
334 valid and scientifically accepted method of stratifying a trauma  
335 patient's severity of injury, risk of mortality, and resource  
336 consumption as adopted by the department by rule, weighted based  
337 on the costs associated with and incurred by the trauma center  
338 in treating trauma patients. The weighting of scores shall be  
339 established by the department by rule.

340 4. Two percent of the total funds collected under s.  
341 316.0083 shall be distributed to public hospitals that qualify  
342 for distributions under s. 409.911(4), that are not verified  
343 trauma centers but are located in trauma service areas, as  
344 defined under s. 395.402, and that do not have a verified trauma  
345 center based on their proportionate number of emergency room  
346 visits on an annual basis. The Agency for Health Care  
347 Administration shall provide the department with a list of  
348 public hospitals and emergency room visits.

349 5. Two percent of the total funds collected under s.  
350 316.0083 shall be distributed to provide an enhanced Medicaid

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351 payment to nursing homes that serve residents with brain and  
352 spinal cord injuries who are Medicaid recipients.

353 6. Two percent of the total funds collected under s.  
354 316.0083 shall be distributed equally to crisis stabilization  
355 units, rural health initiatives, and community-based support  
356 programs that provide supports and services for individuals who  
357 have sustained a traumatic brain injury.

358 (b) Funds deposited in the department's Administrative  
359 Trust Fund for verified trauma centers may be used to maximize  
360 the receipt of federal funds that may be available for such  
361 trauma centers and nontrauma center public hospitals.  
362 Notwithstanding this section and s. 318.14, distributions to  
363 trauma centers may be adjusted in a manner to ensure that total  
364 payments to trauma centers represent the same proportional  
365 allocation as set forth in this section and s. 318.14. For  
366 purposes of this section and s. 318.14, total funds distributed  
367 to trauma centers may include revenue from the Administrative  
368 Trust Fund and federal funds for which revenue from the  
369 Administrative Trust Fund is used to meet state or local  
370 matching requirements. Funds collected under ss. 318.14,  
371 316.0083, and 318.18(15) and deposited in the Administrative  
372 Trust Fund of the department shall be distributed to trauma  
373 centers and nontrauma center public hospitals on a quarterly  
374 basis using the most recent calendar year data available. Such  
375 data shall not be used for more than four quarterly  
376 distributions unless there are extenuating circumstances as  
377 determined by the department, in which case the most recent  
378 calendar year data available shall continue to be used and  
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379 appropriate adjustments shall be made as soon as the more recent  
380 data becomes available.

381 Section 9. This act recognizes and ratifies any  
382 enforcement action taken by a county or municipality using a  
383 traffic infraction detector that was installed before the  
384 effective date of this act.

385 Section 10. If any provision of this act or its  
386 application to any person or circumstance is held invalid, the  
387 invalidity shall not affect other provisions or applications of  
388 this act which can be given effect without the invalid provision  
389 or application, and to this end the provisions of this act are  
390 declared severable.

391 Section 11. This act shall take effect upon becoming a  
392 law.

393  
394 -----

**T I T L E A M E N D M E N T**

395 Remove lines 445-500 and insert:

396 A bill to be entitled

397 An act relating to uniform traffic control; creating the  
398 "Mark Wandall Traffic Safety Act"; amending s. 316.003,  
399 F.S.; defining the term "traffic infraction detector";  
400 creating s. 316.0083, F.S.; creating the Mark Wandall  
401 Traffic Safety Program to be administered by the  
402 Department of Transportation; requiring a county or  
403 municipality to enact an ordinance in order to use a  
404 traffic infraction detector to identify a motor vehicle  
405 that fails to stop at a traffic control signal steady red  
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407 light; requiring such detectors to meet department  
408 contract specifications; requiring authorization of a  
409 traffic infraction enforcement officer or a code  
410 enforcement officer to issue and enforce a ticket for such  
411 violation; requiring signage; requiring certain public  
412 awareness procedures; requiring the ordinance to establish  
413 a fine of a certain amount; requiring the ordinance to  
414 provide for installing, maintaining, and operating such  
415 detectors on rights-of-way owned or maintained by the  
416 Department of Transportation, county, or municipality;  
417 prohibiting additional charges; exempting emergency  
418 vehicles; providing that the registered owner of the motor  
419 vehicle involved in the violation is responsible and  
420 liable for payment of the fine assessed; providing  
421 exceptions; providing procedures for disposition and  
422 enforcement of tickets; providing for a person to contest  
423 such ticket; providing for disposition of revenue  
424 collected; providing complaint procedures; providing for  
425 the Legislature to exclude a county or municipality from  
426 the program; requiring reports from participating  
427 municipalities and counties to the department; requiring  
428 the department to make reports to the Governor and the  
429 Legislature; amending s. 316.0745, F.S.; providing that  
430 traffic infraction detectors must meet certain  
431 specifications; creating s. 316.07456, F.S.; providing for  
432 preexisting equipment; requiring counties and  
433 municipalities that enacted an ordinance to enforce red  
434 light violations or entered into a contract to purchase or

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HOUSE AMENDMENT

Bill No. CS/CS/CS/HB 439

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435 lease equipment to enforce red light violations prior to  
436 the effective date of this act to charge a certain penalty  
437 amount; requiring counties or municipalities that have  
438 acquired such equipment pursuant to an agreement entered  
439 into prior to the effective date of this act to make  
440 certain payments to the state; creating s. 316.0776, F.S.;  
441 providing for placement and installation of detectors on  
442 the State Highway System, county roads, and city streets;  
443 amending s. 316.1967, F.S.; providing for inclusion of  
444 persons with outstanding violations in a list sent to the  
445 department for enforcement purposes; amending s. 395.4036,  
446 F.S.; providing for distribution of funds to trauma  
447 centers, certain hospitals, certain nursing homes, and  
448 certain health units and programs; ratifying prior  
449 enforcement actions; providing for severability; providing  
450 an effective date.

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