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LEGISLATIVE ACTION

Senate	.	House
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	.	
Floor: 1/RR/RM	.	Floor: RC
05/01/2009 07:13 PM	.	05/01/2009 03:55 PM
	.	

Senator Altman moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (86) is added to section 316.003,
Florida Statutes, to read:

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

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



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

22 Section 2. Section 316.0076, Florida Statutes, is created
23 to read:

24 316.0076 Regulation and use of cameras.—Regulation and use
25 of cameras for enforcing the provisions of this chapter are
26 expressly preempted to the state.

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

29 316.0083 Mark Wandall Traffic Safety Program;
30 administration; report.—

31 (1) The department may use traffic infraction detectors to
32 enforce s. 316.074(1) or s. 316.075(1)(c)1. when a driver fails
33 to stop at a traffic signal on the State Highway System as
34 defined in s. 334.03.

35 (2) Counties and municipalities may use traffic infraction
36 detectors to enforce s. 316.074(1) or s. 316.075(1)(c)1. when a
37 driver fails to stop at a traffic signal on any highways,
38 streets, or roads located within their boundaries, except the
39 State Highway System.

40 (3) (a) For purposes of administering this section, the
41 department, counties, or municipalities may by rule or ordinance



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42 authorize a traffic infraction enforcement officer to issue a
43 uniform traffic citation for a violation of s. 316.074(1) or s.
44 316.075(1)(c)1. The term "traffic infraction enforcement
45 officer" means the designee of the department, county, or
46 municipality who is authorized to enforce s. 316.074(1) or s.
47 316.075(1)(c)1. when a driver fails to stop at a traffic signal.
48 The department, county, or municipality may designate traffic
49 infraction enforcement officers pursuant to s. 316.640(1).

50 (b) A citation issued under this section shall be issued by
51 mailing the citation by certified mail, return receipt
52 requested, to the address of the registered owner of the motor
53 vehicle involved in the violation. In the case of joint
54 ownership of a motor vehicle, the traffic citation shall be
55 mailed to the first name appearing on the registration, unless
56 the first name appearing on the registration is a business
57 organization, in which case the second name appearing on the
58 registration may be used. The citation must be mailed to the
59 registered owner of the motor vehicle involved in the violation
60 within 7 business days after the date of the violation. In
61 addition to the citation, notification must be sent to the
62 registered owner of the motor vehicle involved in the violation
63 specifying remedies available under s. 318.18(15).

64 (c)1. The owner of the motor vehicle involved in the
65 violation is responsible and liable for paying the citation
66 issued for a violation of s. 316.074(1) or s. 316.075(1)(c)1.
67 when the driver failed to stop at a traffic signal, unless the
68 owner can establish that:

69 a. The motor vehicle passed through the intersection in
70 order to yield right-of-way to an emergency vehicle or as part



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71 of a funeral procession;

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

74 c. The motor vehicle passed through the intersection due to
75 a medical emergency;

76 d. The motor vehicle was, at the time of the violation, in
77 the care, custody, or control of another person; or

78 e. A uniform traffic citation was issued by a law
79 enforcement officer to the driver of the motor vehicle for the
80 alleged violation of s. 316.074(1) or s. 316.075(1)(c)1.

81 2. In order to establish such facts, the owner of the motor
82 vehicle shall, within 30 days after the date of issuance of the
83 citation, furnish to the appropriate governmental entity an
84 affidavit setting forth detailed information supporting an
85 exemption as provided in this paragraph.

86 a. Affidavits supporting exemptions under sub-subparagraph
87 1.d. must include the name, address, date of birth, and, if
88 known, the driver's license number of the person who leased,
89 rented, or otherwise had care, custody, or control of the motor
90 vehicle at the time of the alleged violation. If the vehicle was
91 stolen at the time of the alleged offense, the affidavit must
92 include the police report indicating that the vehicle was
93 stolen.

94 b. If a citation for a violation of s. 316.074(1) or s.
95 316.075(1)(c)1. was issued at the location of the violation by a
96 law enforcement officer, the serial number of the uniform
97 traffic citation.

98
99 Upon receipt of an affidavit, the person designated as having



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100 care, custody, and control of the motor vehicle at the time of
101 the violation may be issued a citation for a violation of s.
102 316.074(1) or s. 316.075(1)(c)1. when the driver failed to stop
103 at a traffic signal. The affidavit is admissible in a proceeding
104 pursuant to this section for the purpose of providing proof that
105 the person identified in the affidavit was in actual care,
106 custody, or control of the motor vehicle. The owner of a leased
107 vehicle for which a citation is issued for a violation of s.
108 316.074(1) or s. 316.075(1)(c)1. when the driver failed to stop
109 at a traffic signal is not responsible for paying the citation
110 and is not required to submit an affidavit as specified in this
111 subsection if the motor vehicle involved in the violation is
112 registered in the name of the lessee of such motor vehicle.

113 (d) A written report of a traffic infraction enforcement
114 officer, along with photographic or electronic images or
115 streaming video evidence that a violation of s. 316.074(1) or s.
116 316.075(1)(c)1. when the driver failed to stop at a traffic
117 signal has occurred, is admissible in any proceeding to enforce
118 this section and raises a rebuttable presumption that the motor
119 vehicle named in the report or shown in the photographic or
120 electronic images or streaming video evidence was used in
121 violation of s. 316.074(1) or s. 316.075(1)(c)1. when the driver
122 failed to stop at a traffic signal.

123 (4) The submission of a false affidavit is a misdemeanor of
124 the second degree, punishable as provided in s. 775.082 or s.
125 775.083.

126 (5) This section supplements the enforcement of s.
127 316.074(1) or s. 316.075(1)(c)1. by law enforcement officers
128 when a driver fails to stop at a traffic signal, and this



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129 section does not prohibit a law enforcement officer from issuing
130 a citation for a violation of s. 316.074(1) or s.
131 316.075(1)(c)1. when a driver fails to stop at a traffic signal
132 in accordance with normal traffic-enforcement techniques.

133 (6) (a) Each county or municipality that operates a traffic
134 infraction detector shall submit an annual report to the
135 department which details the results of using the traffic
136 infraction detector and the procedures for enforcement. The
137 information submitted by the counties and municipalities must
138 include statistical data and information required by the
139 department to complete the report and be submitted no later than
140 90 days prior to the due date of the annual report.

141 (b) The department shall provide an annual summary report
142 to the Governor, the President of the Senate, and the Speaker of
143 the House of Representatives regarding the use and operation of
144 traffic infraction detectors under this section. The summary
145 report must include a review of the information submitted to the
146 department by the counties and municipalities and must describe
147 the enhancement of the traffic safety and enforcement programs.
148 The department shall report its recommendations, including any
149 necessary legislation, on or before December 1, 2010, to the
150 Governor, the President of the Senate, and the Speaker of the
151 House of Representatives.

152 (7) Any governmental entity may supply the department with
153 data that is machine readable by the department's computer
154 system, listing persons who have one or more outstanding
155 violations of this section. Pursuant to s. 320.03(8), those
156 persons may not be issued a license plate or revalidation
157 sticker for any motor vehicle.



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

160 316.0745 Uniform signals and devices.—

161 (6) (a) Any system of traffic control devices controlled and
162 operated from a remote location by electronic computers or
163 similar devices must ~~shall~~ meet all requirements established for
164 the uniform system, and, if where such a system affects ~~systems~~
165 ~~affect~~ the movement of traffic on state roads, the design of the
166 system must ~~shall~~ be reviewed and approved by the Department of
167 Transportation.

168 (b) Any traffic infraction detector deployed on the
169 highways, streets, and roads of the state must meet
170 specifications established by the Department of Transportation
171 and must be tested at regular intervals according to procedures
172 prescribed by that department. However, any such equipment
173 acquired by purchase, lease, or other arrangement under an
174 agreement entered into by a county or municipality before the
175 effective date of this act or equipment used to enforce an
176 ordinance enacted by a county or municipality before the
177 effective date of this act is not required to meet the
178 specifications established by the Department of Transportation
179 until September 30, 2010.

180 Section 5. Section 316.0776, Florida Statutes, is created
181 to read:

182 316.0776 Traffic infraction detectors; placement and
183 installation.—Placement and installation of traffic infraction
184 detectors is allowed on the State Highway System, county roads,
185 and municipal streets under specifications developed by the
186 Department of Transportation, so long as safety and operation of



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187 the road facility is not impaired.

188 Section 6. Paragraph (b) of subsection (1) of section
189 316.640, Florida Statutes, is amended to read:

190 316.640 Enforcement.—The enforcement of the traffic laws of
191 this state is vested as follows:

192 (1) STATE.—

193 (b)1. The Department of Transportation has authority to
194 enforce on all the streets and highways of this state all laws
195 applicable within its authority.

196 2.a. The Department of Transportation shall develop
197 training and qualifications standards for toll enforcement
198 officers whose sole authority is to enforce the payment of tolls
199 pursuant to s. 316.1001. Nothing in this subparagraph shall be
200 construed to permit the carrying of firearms or other weapons,
201 nor shall a toll enforcement officer have arrest authority.

202 b. For the purpose of enforcing s. 316.1001, governmental
203 entities, as defined in s. 334.03, which own or operate a toll
204 facility may employ independent contractors or designate
205 employees as toll enforcement officers; however, any such toll
206 enforcement officer must successfully meet the training and
207 qualifications standards for toll enforcement officers
208 established by the Department of Transportation.

209 3.a. The department shall develop training and
210 qualifications standards for traffic infraction enforcement
211 officers whose sole authority is to enforce s. 316.074(1) or s.
212 316.075(1)(c)1. when a driver fails to stop at a traffic signal
213 pursuant to s. 316.0083. This sub-subparagraph does not
214 authorize the carrying of firearms or other weapons by a traffic
215 infraction enforcement officer and does not authorize a traffic



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216 infraction enforcement officer to make arrests.

217 b. For the purpose of enforcing s. 316.0083, the
218 department, counties, or municipalities may employ independent
219 contractors or designate employees as traffic infraction
220 enforcement officers; however, any such traffic infraction
221 enforcement officer must successfully meet the training and
222 qualifications standards for traffic infraction enforcement
223 officers established by the department.

224 Section 7. Subsection (3) of section 316.650, Florida
225 Statutes, is amended to read:

226 316.650 Traffic citations.—

227 (3) (a) Except for a traffic citation issued pursuant to s.
228 316.1001 and s. 316.0083, each traffic enforcement officer, upon
229 issuing a traffic citation to an alleged violator of any
230 provision of the motor vehicle laws of this state or of any
231 traffic ordinance of any municipality or town, shall deposit the
232 original traffic citation or, in the case of a traffic
233 enforcement agency that has an automated citation issuance
234 system, the chief administrative officer shall provide by an
235 electronic transmission a replica of the citation data to a
236 court having jurisdiction over the alleged offense or with its
237 traffic violations bureau within 5 days after issuance to the
238 violator.

239 (b) If a traffic citation is issued pursuant to s.
240 316.1001, a traffic enforcement officer may deposit the original
241 traffic citation or, in the case of a traffic enforcement agency
242 that has an automated citation system, may provide by an
243 electronic transmission a replica of the citation data to a
244 court having jurisdiction over the alleged offense or with its



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245 traffic violations bureau within 45 days after the date of
246 issuance of the citation to the violator. If the person cited
247 for the violation of s. 316.1001 makes the election provided by
248 s. 318.14(12) and pays the \$25 fine, or such other amount as
249 imposed by the governmental entity owning the applicable toll
250 facility, plus the amount of the unpaid toll that is shown on
251 the traffic citation directly to the governmental entity that
252 issued the citation, or on whose behalf the citation was issued,
253 in accordance with s. 318.14(12), the traffic citation will not
254 be submitted to the court, the disposition will be reported to
255 the department by the governmental entity that issued the
256 citation, or on whose behalf the citation was issued, and no
257 points will be assessed against the person's driver's license.

258 (c) If a traffic citation is issued under s. 316.0083, the
259 traffic infraction enforcement officer shall provide by
260 electronic transmission a replica of the citation data to the
261 court having jurisdiction over the alleged offense or its
262 traffic violations bureau within 5 business days after the date
263 of issuance of the citation to the violator.

264 Section 8. Subsection (2) of section 318.14, Florida
265 Statutes, is amended to read:

266 318.14 Noncriminal traffic infractions; exception;
267 procedures.—

268 (2) Except as provided in s. 316.1001(2) and s.
269 316.0083(3), any person cited for an infraction under this
270 section must sign and accept a citation indicating a promise to
271 appear. The officer may indicate on the traffic citation the
272 time and location of the scheduled hearing and must indicate the
273 applicable civil penalty established in s. 318.18.



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274 Section 9. Subsection (15) of section 318.18, Florida
275 Statutes, is amended to read:

276 318.18 Amount of penalties.—The penalties required for a
277 noncriminal disposition pursuant to s. 318.14 or a criminal
278 offense listed in s. 318.17 are as follows:

279 (15) (a) One hundred ~~fifty~~ ~~twenty-five~~ dollars for a
280 violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver
281 has failed to stop at a traffic signal and when enforced by a
282 law enforcement officer. Sixty dollars shall be distributed as
283 provided in s. 318.21, \$25 shall be distributed to the General
284 Revenue Fund, and the remaining \$65 shall be remitted to the
285 Department of Revenue for deposit into the Administrative Trust
286 Fund of the Department of Health.

287 (b) One hundred fifty dollars for a violation of s.
288 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
289 stop at a traffic signal and when enforced by the department's
290 traffic infraction enforcement officer shall be distributed to
291 the General Revenue Fund.

292 (c) One hundred fifty dollars for a violation of s.
293 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
294 stop at a traffic signal and when enforced by a county or
295 municipality's traffic infraction enforcement officer. Ninety
296 dollars shall be distributed to the county or municipality
297 issuing the citation, \$40 shall be distributed to the General
298 Revenue Fund, and the remaining \$20 shall be remitted to the
299 Department of Revenue for deposit into the Department of Health
300 Administrative Trust Fund.

301 (d) If a person who is cited for a violation of s.
302 316.074(1) or s. 316.075(1)(c)1., as enforced by a traffic



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303 infraction enforcement officer under s. 316.0083, presents
304 documentation from the appropriate governmental entity that the
305 uniform traffic citation was in error, the clerk of court may
306 dismiss the case. The clerk of court shall not charge for this
307 service.

308
309 Funds deposited into the Department of Health Administrative
310 Trust Fund under this subsection shall be distributed as
311 provided in s. 395.4036(1).

312 Section 10. Paragraph (d) of subsection (3) of section
313 322.27, Florida Statutes, is amended to read:

314 322.27 Authority of department to suspend or revoke
315 license.—

316 (3) There is established a point system for evaluation of
317 convictions of violations of motor vehicle laws or ordinances,
318 and violations of applicable provisions of s. 403.413(6) (b) when
319 such violations involve the use of motor vehicles, for the
320 determination of the continuing qualification of any person to
321 operate a motor vehicle. The department is authorized to suspend
322 the license of any person upon showing of its records or other
323 good and sufficient evidence that the licensee has been
324 convicted of violation of motor vehicle laws or ordinances, or
325 applicable provisions of s. 403.413(6) (b), amounting to 12 or
326 more points as determined by the point system. The suspension
327 shall be for a period of not more than 1 year.

328 (d) The point system shall have as its basic element a
329 graduated scale of points assigning relative values to
330 convictions of the following violations:

331 1. Reckless driving, willful and wanton—4 points.



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- 332 2. Leaving the scene of a crash resulting in property
333 damage of more than \$50—6 points.
- 334 3. Unlawful speed resulting in a crash—6 points.
- 335 4. Passing a stopped school bus—4 points.
- 336 5. Unlawful speed:
- 337 a. Not in excess of 15 miles per hour of lawful or posted
338 speed—3 points.
- 339 b. In excess of 15 miles per hour of lawful or posted
340 speed—4 points.
- 341 6. A violation of a traffic control signal device as
342 provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points.
343 However, no points shall be imposed for a violation of s.
344 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
345 stop at a traffic signal and when enforced by a traffic
346 infraction enforcement officer.
- 347 7. All other moving violations (including parking on a
348 highway outside the limits of a municipality)—3 points. However,
349 no points shall be imposed for a violation of s. 316.0741 or s.
350 316.2065(12).
- 351 8. Any moving violation covered above, excluding unlawful
352 speed, resulting in a crash—4 points.
- 353 9. Any conviction under s. 403.413(6)(b)—3 points.
- 354 10. Any conviction under s. 316.0775(2)—4 points.
- 355 Section 11. Subsection (1) of section 395.4036, Florida
356 Statutes, is amended to read:
- 357 395.4036 Trauma payments.—
- 358 (1) Recognizing the Legislature's stated intent to provide
359 financial support to the current verified trauma centers and to
360 provide incentives for the establishment of additional trauma



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361 centers as part of a system of state-sponsored trauma centers,
362 the department shall use ~~utilize~~ funds collected under s.
363 318.18(15) (a) and (c) and deposited into the Administrative
364 Trust Fund of the department to ensure the availability and
365 accessibility of trauma and emergency services throughout the
366 state as provided in this subsection.

367 (a) Funds collected under s. 318.18(15) (a) and (c) shall be
368 distributed as follows:

369 1. ~~(a)~~ Eighteen ~~Twenty~~ percent of the total funds collected
370 under s. 318.18(15) (a) and (c) ~~this subsection~~ during the state
371 fiscal year shall be distributed to verified trauma centers that
372 have a local funding contribution as of December 31.
373 Distribution of funds under this paragraph shall be based on
374 trauma caseload volume for the most recent calendar year
375 available.

376 2. ~~(b)~~ Thirty-nine ~~Forty~~ percent of the total funds
377 collected under s. 318.18(15) (a) and (c) ~~this subsection~~ shall
378 be distributed to verified trauma centers based on trauma
379 caseload volume for the most recent calendar year available. The
380 determination of caseload volume for distribution of funds under
381 this paragraph shall be based on the department's Trauma
382 Registry data.

383 3. ~~(c)~~ Thirty-nine ~~Forty~~ percent of the total funds
384 collected under s. 318.18(15) (a) and (c) ~~this subsection~~ shall
385 be distributed to verified trauma centers based on severity of
386 trauma patients for the most recent calendar year available. The
387 determination of severity for distribution of funds under this
388 paragraph shall be based on the department's International
389 Classification Injury Severity Scores or another statistically



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390 valid and scientifically accepted method of stratifying a trauma
391 patient's severity of injury, risk of mortality, and resource
392 consumption as adopted by the department by rule, weighted based
393 on the costs associated with and incurred by the trauma center
394 in treating trauma patients. The weighting of scores shall be
395 established by the department by rule.

396 4. Two percent of the total funds collected under s.
397 318.18(15)(a) and (c) shall be distributed to public hospitals
398 that qualify for distributions under s. 409.911(4), that are not
399 verified trauma centers but are located in trauma services areas
400 defined under s. 395.402, and that do not have a verified trauma
401 center based on their proportionate number of emergency room
402 visits on an annual basis. The Agency for Health Care
403 Administration shall provide the department with a list of
404 public hospitals and emergency room visits.

405 5. Two percent of the total funds collected under s.
406 318.18(15)(a) and (c) shall be distributed to provide an
407 enhanced Medicaid payment to nursing homes that serve residents
408 who have brain and spinal cord injuries and are Medicaid
409 recipients.

410 (b) Funds deposited in the department's Administrative
411 Trust Fund for verified trauma centers may be used to maximize
412 the receipt of federal funds that may be available for such
413 trauma centers and public hospitals eligible for nontrauma funds
414 under subparagraph (a)4. Notwithstanding this section and s.
415 318.14, distributions to trauma centers may be adjusted in a
416 manner to ensure that total payments to trauma centers represent
417 the same proportional allocation as set forth in this section
418 and s. 318.14. For purposes of this section and s. 318.14, total



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419 funds distributed to trauma centers may include revenue from the
420 Administrative Trust Fund and federal funds for which revenue
421 from the Administrative Trust Fund is used to meet state or
422 local matching requirements. Funds collected under ss. 318.14
423 and 318.18(15) (a) and (c) and deposited in the Administrative
424 Trust Fund of the department shall be distributed to trauma
425 centers and public hospitals eligible for nontrauma funds under
426 subparagraph (a)4. on a quarterly basis using the most recent
427 calendar year data available. Such data shall not be used for
428 more than four quarterly distributions unless there are
429 extenuating circumstances as determined by the department, in
430 which case the most recent calendar year data available shall
431 continue to be used and appropriate adjustments shall be made as
432 soon as the more recent data becomes available.

433 Section 12. If any provision of this act or its application
434 to any person or circumstance is held invalid, the invalidity
435 does not affect other provisions or applications of this act
436 which can be given effect without the invalid provision or
437 application, and to this end the provisions of this act are
438 severable.

439 Section 13. This act shall take effect upon becoming a law.

440
441 ===== T I T L E A M E N D M E N T =====

442 And the title is amended as follows:

443 Delete everything before the enacting clause
444 and insert:

445 A bill to be entitled
446 An act relating to uniform traffic control; amending
447 s. 316.003, F.S.; defining the term "traffic



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448 infraction detector"; creating s. 316.0076, F.S.;

449 preempting to the state the use of cameras to enforce

450 traffic laws; creating s. 316.0083, F.S.; creating the

451 Mark Wandall Traffic Safety Program; authorizing the

452 Department of Highway Safety and Motor Vehicles, a

453 county, or municipality to use a traffic infraction

454 detector to identify a motor vehicle that fails to

455 stop at a traffic control signal steady red light;

456 requiring authorization of a traffic infraction

457 enforcement officer to issue and enforce a citation

458 for such violation; providing exemptions from

459 citations; providing procedures for disposition and

460 enforcement of citations; providing that certain

461 evidence is admissible for enforcement; providing

462 penalties for submission of a false affidavit;

463 providing that the act does not preclude the issuance

464 of citations by law enforcement officers; establishing

465 a fine of a certain amount; providing for disposition

466 of revenue collected; requiring reports from

467 participating municipalities and counties to the

468 department; requiring the department to make reports

469 to the Governor and the Legislature; providing that

470 certain persons may not be issued a license plate or

471 revalidation sticker; amending s. 316.0745, F.S.;

472 providing that traffic infraction detectors must meet

473 certain specifications; providing for preexisting

474 equipment; creating s. 316.0776, F.S.; providing for

475 placement and installation of detectors on certain

476 roads; amending s. 316.640, F.S.; requiring the



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477 Department of Highway Safety and Motor Vehicles to
478 develop training and qualification standards for
479 traffic infraction enforcement officers; amending s.
480 316.650, F.S.; requiring a traffic enforcement agency
481 to provide a replica of the citation data by
482 electronic transmission under certain conditions;
483 amending s. 318.14, F.S.; providing an exception from
484 provisions requiring a person cited for an infraction
485 for failing to stop at a traffic control signal steady
486 red light to sign and accept a citation indicating a
487 promise to appear; amending s. 318.18, F.S.;
488 increasing certain fines; providing for penalties for
489 infractions enforced by a traffic infraction
490 enforcement officer; providing for distribution of
491 fines; allowing the clerk of court to dismiss certain
492 cases upon receiving documentation that the uniform
493 traffic citation was issued in error; amending s.
494 322.27, F.S.; providing that no points may be assessed
495 against the drivers license for infractions enforced
496 by a traffic infraction enforcement officer; amending
497 s. 395.4036, F.S.; providing for distribution of funds
498 to trauma centers, certain hospitals, and certain
499 nursing homes; providing for severability; providing
500 an effective date.