

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 | creating s. 316.0776, F.S.; providing for placement and
 37 | installation of detectors on the State Highway System,
 38 | county roads, and city streets; amending s. 316.1967,
 39 | F.S.; providing for inclusion of persons with outstanding
 40 | violations in a list sent to the department for
 41 | enforcement purposes; amending s. 395.4036, F.S.;
 42 | providing for distribution of funds to trauma centers,
 43 | certain hospitals, and certain nursing homes; ratifying
 44 | prior enforcement actions; providing for severability;
 45 | providing an effective date.

46 |
 47 | Be It Enacted by the Legislature of the State of Florida:
 48 |

49 | Section 1. This act may be cited as the "Mark Wandall
 50 | Traffic Safety Act."

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

53 | 316.003 Definitions.--The following words and phrases,
 54 | when used in this chapter, shall have the meanings respectively
 55 | ascribed to them in this section, except where the context
 56 | otherwise requires:

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

68 Section 3. Section 316.0083, Florida Statutes, is created
 69 to read:

70 316.0083 Mark Wandall Traffic Safety Program;
 71 administration; report.--

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

76 (a) In order to use a traffic infraction detector, a
 77 county or municipality must enact an ordinance that provides for
 78 the use of a traffic infraction detector to enforce s.
 79 316.075(1)(c), which requires the driver of a vehicle to stop
 80 the vehicle when facing a traffic control signal steady red
 81 light on the streets and highways under the jurisdiction of the
 82 county or municipality. The traffic infraction detector must
 83 conform to the contract specifications adopted by the Department
 84 of Transportation under s. 316.0776. A county or municipality

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

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

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

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

140 (d) The procedures set forth in s. 316.1967(2)-(5) apply

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

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

167 (f)1. The registered owner of the motor vehicle involved
168 in a violation is responsible and liable for payment of the fine

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169 assessed pursuant to this section unless the owner can establish
170 that:

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

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

176 c. The motor vehicle was stolen at the time of the alleged
177 violation;

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

181 e. A medical emergency.

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

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

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

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

223 (2) Of the fine imposed pursuant to paragraph (1)(a) or
224 paragraph (1)(g), one-fifth shall be remitted by the county or

225 municipality to the county court for distribution as provided in
226 s. 318.21, one-fifth shall be remitted to the Department of
227 Revenue for deposit into the Department of Health Administrative
228 Trust Fund, and three-fifths shall be retained by the county or
229 municipality enforcing the ordinance enacted pursuant to this
230 section. Funds deposited into the Department of Health
231 Administrative Trust Fund under this subsection shall be
232 distributed as provided in s. 395.4036(1).

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

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

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

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

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

265 316.0745 Uniform signals and devices.--

266 (6) (a) Any system of traffic control devices controlled
 267 and operated from a remote location by electronic computers or
 268 similar devices must ~~shall~~ meet all requirements established for
 269 the uniform system, and, if where such a system affects ~~systems~~
 270 ~~affect~~ the movement of traffic on state roads, the design of the
 271 system must ~~shall~~ be reviewed and approved by the Department of
 272 Transportation; however, any such equipment acquired by
 273 purchase, lease, or other arrangement pursuant to an agreement
 274 entered into by a county or municipality prior to the effective
 275 date of this act or equipment used to enforce an ordinance
 276 enacted by a county or municipality prior to the effective date
 277 of this act shall not be required to meet the specifications
 278 established for the uniform system until September 30, 2010.

279 (b) Any traffic infraction detector deployed on the
 280 streets and highways of the state must meet the specifications

281 established by the Department of Transportation and must be
 282 tested at regular intervals according to procedures prescribed
 283 by that department.

284 Section 5. Section 316.0776, Florida Statutes, is created
 285 to read:

286 316.0776 Traffic infraction detectors; placement and
 287 installation.--Placement and installation of traffic infraction
 288 detectors is allowed on the State Highway System, county roads,
 289 and city streets pursuant to specifications developed by the
 290 Department of Transportation, so long as the safety and
 291 operation of the road facility is not impaired.

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

294 316.1967 Liability for payment of parking ticket
 295 violations and other ~~parking~~ violations.--

296 (6) Any county or municipality may provide by ordinance
 297 that the clerk of the court or the traffic violations bureau
 298 shall supply the department with a magnetically encoded computer
 299 tape reel or cartridge or send by other electronic means data
 300 which is machine readable by the installed computer system at
 301 the department, listing persons who have three or more
 302 outstanding parking violations, including violations of s.
 303 316.1955, or who have one or more outstanding tickets for a
 304 violation of a traffic control signal steady red light
 305 indication issued pursuant to an ordinance adopted under s.
 306 316.0083. Each county shall provide by ordinance that the clerk
 307 of the court or the traffic violations bureau shall supply the
 308 department with a magnetically encoded computer tape reel or

309 | cartridge or send by other electronic means data that is machine
 310 | readable by the installed computer system at the department,
 311 | listing persons who have any outstanding violations of s.
 312 | 316.1955 or any similar local ordinance that regulates parking
 313 | in spaces designated for use by persons who have disabilities.
 314 | The department shall mark the appropriate registration records
 315 | of persons who are so reported. Section 320.03(8) applies to
 316 | each person whose name appears on the list.

317 | Section 7. Subsection (1) of section 395.4036, Florida
 318 | Statutes, is amended to read:

319 | 395.4036 Trauma payments.--

320 | (1) Recognizing the Legislature's stated intent to provide
 321 | financial support to the current verified trauma centers and to
 322 | provide incentives for the establishment of additional trauma
 323 | centers as part of a system of state-sponsored trauma centers,
 324 | the department shall use ~~utilize~~ funds collected under ss.
 325 | 316.0083 and ~~s.~~ 318.18(15) and deposited into the Administrative
 326 | Trust Fund of the department to ensure the availability and
 327 | accessibility of trauma and emergency services throughout the
 328 | state as provided in this subsection.

329 | (a) Funds collected under ss. 316.0083 and 318.18(15)
 330 | shall be distributed as follows:

331 | 1. ~~(a)~~ Twenty percent of the total funds collected under s.
 332 | 316.0083 and 20 percent of the total funds collected under s.
 333 | 318.18(15) ~~this subsection~~ during the state fiscal year shall be
 334 | distributed to verified trauma centers that have a local funding
 335 | contribution as of December 31. Distribution of funds under this
 336 | paragraph shall be based on trauma caseload volume for the most

337 recent calendar year available.

338 2.(b) Thirty-eight percent of the total funds collected
 339 under s. 316.0083 and 40 ~~forty~~ percent of the total funds
 340 collected under s. 318.18(15) ~~this subsection~~ shall be
 341 distributed to verified trauma centers based on trauma caseload
 342 volume for the most recent calendar year available. The
 343 determination of caseload volume for distribution of funds under
 344 this paragraph shall be based on the department's Trauma
 345 Registry data.

346 3.(e) Thirty-eight percent of the total funds collected
 347 under s. 316.0083 and 40 ~~forty~~ percent of the total funds
 348 collected under s. 318.18(15) ~~this subsection~~ shall be
 349 distributed to verified trauma centers based on severity of
 350 trauma patients for the most recent calendar year available. The
 351 determination of severity for distribution of funds under this
 352 paragraph shall be based on the department's International
 353 Classification Injury Severity Scores or another statistically
 354 valid and scientifically accepted method of stratifying a trauma
 355 patient's severity of injury, risk of mortality, and resource
 356 consumption as adopted by the department by rule, weighted based
 357 on the costs associated with and incurred by the trauma center
 358 in treating trauma patients. The weighting of scores shall be
 359 established by the department by rule.

360 4. Two percent of the total funds collected under s.
 361 316.0083 shall be distributed to public hospitals that qualify
 362 for distributions under s. 409.911(4), that are not verified
 363 trauma centers but are located in trauma service areas, as
 364 defined under s. 395.402, and that do not have a verified trauma

365 center based on their proportionate number of emergency room
 366 visits on an annual basis. The Agency for Health Care
 367 Administration shall provide the department with a list of
 368 public hospitals and emergency room visits.

369 5. Two percent of the total funds collected under s.
 370 316.0083 shall be distributed to provide an enhanced Medicaid
 371 payment to nursing homes that serve residents with brain and
 372 spinal cord injuries who are Medicaid recipients.

373 (b) Funds deposited in the department's Administrative
 374 Trust Fund for verified trauma centers may be used to maximize
 375 the receipt of federal funds that may be available for such
 376 trauma centers and nontrauma center public hospitals.
 377 Notwithstanding this section and s. 318.14, distributions to
 378 trauma centers may be adjusted in a manner to ensure that total
 379 payments to trauma centers represent the same proportional
 380 allocation as set forth in this section and s. 318.14. For
 381 purposes of this section and s. 318.14, total funds distributed
 382 to trauma centers may include revenue from the Administrative
 383 Trust Fund and federal funds for which revenue from the
 384 Administrative Trust Fund is used to meet state or local
 385 matching requirements. Funds collected under ss. 318.14,
 386 316.0083, and 318.18(15) and deposited in the Administrative
 387 Trust Fund of the department shall be distributed to trauma
 388 centers and nontrauma center public hospitals on a quarterly
 389 basis using the most recent calendar year data available. Such
 390 data shall not be used for more than four quarterly
 391 distributions unless there are extenuating circumstances as
 392 determined by the department, in which case the most recent

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393 | calendar year data available shall continue to be used and
394 | appropriate adjustments shall be made as soon as the more recent
395 | data becomes available.

396 | Section 8. This act recognizes and ratifies any
397 | enforcement action taken by a county or municipality using a
398 | traffic infraction detector that was installed before the
399 | effective date of this act.

400 | Section 9. If any provision of this act or its application
401 | to any person or circumstance is held invalid, the invalidity
402 | shall not affect other provisions or applications of this act
403 | which can be given effect without the invalid provision or
404 | application, and to this end the provisions of this act are
405 | declared severable.

406 | Section 10. This act shall take effect upon becoming a
407 | law.