

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; creating s. 316.07456, F.S.; providing for  
36 | preexisting equipment; requiring counties and  
37 | municipalities that enacted an ordinance to enforce red  
38 | light violations or entered into a contract to purchase or  
39 | lease equipment to enforce red light violations prior to  
40 | the effective date of this act to charge a certain penalty  
41 | amount; requiring counties or municipalities that have  
42 | acquired such equipment pursuant to an agreement entered  
43 | into prior to the effective date of this act to make  
44 | certain payments to the state; creating s. 316.0776, F.S.;;  
45 | providing for placement and installation of detectors on  
46 | the State Highway System, county roads, and city streets;  
47 | amending s. 316.1967, F.S.; providing for inclusion of  
48 | persons with outstanding violations in a list sent to the  
49 | department for enforcement purposes; amending s. 395.4036,  
50 | F.S.; providing for distribution of funds to trauma  
51 | centers, certain hospitals, certain nursing homes, and  
52 | certain health units and programs; ratifying prior  
53 | enforcement actions; providing for severability; providing  
54 | an effective date.

55 |  
56 | Be It Enacted by the Legislature of the State of Florida:

57  
58 Section 1. This act may be cited as the "Mark Wandall  
59 Traffic Safety Act."

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

62 316.003 Definitions.--The following words and phrases,  
63 when used in this chapter, shall have the meanings respectively  
64 ascribed to them in this section, except where the context  
65 otherwise requires:

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

77 Section 3. Section 316.0083, Florida Statutes, is created  
78 to read:

79 316.0083 Mark Wandall Traffic Safety Program;  
80 administration; report.--

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

85        (a) In order to use a traffic infraction detector, a  
86 county or municipality must enact an ordinance that provides for  
87 the use of a traffic infraction detector to enforce s.  
88 316.075(1)(c), which requires the driver of a vehicle to stop  
89 the vehicle when facing a traffic control signal steady red  
90 light on the streets and highways under the jurisdiction of the  
91 county or municipality. The traffic infraction detector must  
92 conform to the contract specifications adopted by the Department  
93 of Transportation under s. 316.0776. A county or municipality  
94 may install such detectors on state, county, or municipal  
95 rights-of-way within the boundaries of that county or  
96 municipality. Only a municipality may install or authorize the  
97 installation of any such detectors within the incorporated area  
98 of the municipality. A municipality may authorize the state or  
99 county to install such detectors within its incorporated area.  
100 Only a county may install or authorize the installation of any  
101 such detectors within the unincorporated area of the county. A  
102 county may authorize the state to install such detectors in the  
103 unincorporated area of the county. A county or municipality that  
104 operates a traffic infraction detector must authorize a traffic  
105 infraction enforcement officer or a code enforcement officer to  
106 issue a ticket for a violation of s. 316.075(1)(c) and to  
107 enforce the payment of the ticket for such violation. This  
108 paragraph does not authorize a traffic infraction enforcement  
109 officer or a code enforcement officer to carry a firearm or  
110 other weapon and does not authorize such an officer to make  
111 arrests. The ordinance must require signs to be posted at  
112 locations designated by the county or municipality providing

113 notification that a traffic infraction detector may be in use.  
114 Such signage must conform to the specifications adopted by the  
115 Department of Transportation under s. 316.0745. The ordinance  
116 must provide for the county or municipality to install,  
117 maintain, and operate traffic infraction detectors on a right-  
118 of-way owned or maintained by the Department of Transportation  
119 or on a right-of-way owned or maintained by the county or  
120 municipality in which the traffic infraction detector is to be  
121 installed. The ordinance must also require that the county or  
122 municipality make a public announcement and conduct a public  
123 awareness campaign of the proposed use of traffic infraction  
124 detectors at least 30 days before commencing the enforcement  
125 program. In addition, the ordinance must establish a fine of  
126 \$150 to be assessed against the registered owner of a motor  
127 vehicle that fails to stop when facing a traffic control signal  
128 steady red light as determined through the use of a traffic  
129 infraction detector. Any other provision of law to the contrary  
130 notwithstanding, an additional surcharge, fee, or cost may not  
131 be added to the civil penalty authorized by this paragraph.

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

134 (c) A county or municipality must adopt an ordinance under  
135 this section that provides for the use of a traffic infraction  
136 detector in order to impose a fine on the registered owner of a  
137 motor vehicle for a violation of s. 316.075(1)(c). The fine  
138 shall be imposed in the same manner and is subject to the same  
139 limitations as provided for parking violations under s.  
140 316.1967. Except as specifically provided in this section,

141 chapter 318 and s. 322.27 do not apply to a violation of s.  
142 316.075(1)(c) for which a ticket has been issued under an  
143 ordinance enacted pursuant to this section. Enforcement of a  
144 ticket issued under the ordinance is not a conviction of the  
145 operator of the motor vehicle, may not be made a part of the  
146 driving record of the operator, and may not be used for purposes  
147 of setting motor vehicle insurance rates. Points under s. 322.27  
148 may not be assessed based upon such enforcement.

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

169 by the county or municipality that has jurisdiction over the  
170 street or highway where the violation occurred or by any entity  
171 authorized by the county or municipality to prepare and mail the  
172 ticket.

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

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

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

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

185 c. The motor vehicle was stolen at the time of the alleged  
186 violation;

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

190 e. A medical emergency.

191 2. In order to establish any such fact, the registered  
192 owner of the vehicle must, within 30 days after receipt of  
193 notification of the alleged violation, furnish to the county or  
194 municipality, as appropriate, an affidavit that sets forth  
195 detailed information supporting an exemption as provided in sub-  
196 subparagraph 1.a., sub-subparagraph 1.b., sub-subparagraph 1.c.,

197 or sub-subparagraph 1.d. For an exemption under sub-subparagraph  
198 1.c., the affidavit must set forth that the vehicle was stolen  
199 and be accompanied by a copy of the police report indicating  
200 that the vehicle was stolen at the time of the alleged  
201 violation. For an exemption under sub-subparagraph 1.d., the  
202 affidavit must set forth that a citation was issued and be  
203 accompanied by a copy of the citation indicating the time of the  
204 alleged violation and the location of the intersection where it  
205 occurred.

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

220 (h) A certificate sworn to or affirmed by a person  
221 authorized under this section who is employed by or under  
222 contract with the county or municipality where the infraction  
223 occurred, or a facsimile thereof that is based upon inspection  
224 of photographs or other recorded images produced by a traffic



225 infraction detector, is prima facie evidence of the facts  
 226 contained in the certificate. A photograph or other recorded  
 227 image evidencing a violation of s. 316.075(1)(c) must be  
 228 available for inspection in any proceeding to adjudicate  
 229 liability under an ordinance enacted pursuant to this section.

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

234 (2) Of the fine imposed pursuant to paragraph (1)(a) or  
 235 paragraph (1)(g), one-fifth shall be remitted by the county or  
 236 municipality to the Department of Revenue for deposit into the  
 237 State Transportation Trust Fund, one-fifth shall be remitted to  
 238 the Department of Revenue for deposit into the Department of  
 239 Health Administrative Trust Fund, and three-fifths shall be  
 240 retained by the county or municipality enforcing the ordinance  
 241 enacted pursuant to this section. Funds deposited into the  
 242 Department of Health Administrative Trust Fund under this  
 243 subsection shall be distributed as provided in s. 395.4036(1).

244 (3) A complaint that a county or municipality is employing  
 245 traffic infraction detectors for purposes other than the  
 246 promotion of public health, welfare, and safety or in a manner  
 247 inconsistent with this section may be submitted to the governing  
 248 body of such county or municipality. Such complaints, along with  
 249 any investigation and corrective action taken by the county or  
 250 municipal governing body, shall be included in the annual report  
 251 to the Department of Transportation and in that department's  
 252 annual summary report to the Governor, the President of the

253 Senate, and the Speaker of the House Representatives, as  
 254 required by this section. Based on its review of the report, the  
 255 Legislature may exclude a county or municipality from further  
 256 participation in the program.

257 (4) (a) Each county or municipality that operates a traffic  
 258 infraction detector shall submit an annual report to the  
 259 Department of Transportation that details the results of using  
 260 the traffic infraction detector and the procedures for  
 261 enforcement.

262 (b) The Department of Transportation shall provide an  
 263 annual summary report to the Governor, the President of the  
 264 Senate, and the Speaker of the House of Representatives  
 265 regarding the use and operation of traffic infraction detectors  
 266 under this section. The summary report must include a review of  
 267 the information submitted to the Department of Transportation by  
 268 the counties and municipalities and must describe the  
 269 enhancement of the traffic safety and enforcement programs. The  
 270 Department of Transportation shall report its recommendations,  
 271 including any necessary legislation, on or before December 1,  
 272 2010, to the Governor, the President of the Senate, and the  
 273 Speaker of the House of Representatives.

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

276 316.0745 Uniform signals and devices.--

277 (6) Any system of traffic control devices controlled and  
 278 operated from a remote location by electronic computers or  
 279 similar devices must ~~shall~~ meet all requirements established for  
 280 the uniform system, and, if where such a system affects systems

281 ~~affected~~ the movement of traffic on state roads, the design of the  
282 system must ~~shall~~ be reviewed and approved by the Department of  
283 Transportation.

284 Section 5. Section 316.07456, Florida Statutes, is created  
285 to read:

286 316.07456 Grandfather clause.--

287 (1) Any traffic infraction detector deployed on the  
288 streets and highways of the state must meet the contract  
289 specifications established by the Department of Transportation  
290 and must be tested at regular intervals according to procedures  
291 prescribed by that department.

292 (2) Notwithstanding any provision of law to the contrary,  
293 prior to September 30, 2010, nothing in this act shall prohibit  
294 any county or municipality from utilizing red light traffic  
295 enforcement devices of any type or from enforcing violations of  
296 s. 316.074(1) or s. 316.075(1)(c) or other red light traffic  
297 enforcement ordinances if such county or municipality has  
298 enacted an ordinance to enforce red light violations or has  
299 entered into a contract to purchase or lease equipment to  
300 enforce red light violations prior to the effective date of this  
301 act.

302 (3) Counties and municipalities using grandfathered  
303 equipment pursuant to subsection (2) shall charge violators a  
304 \$150 penalty. One-fifth of the penalty shall be remitted by the  
305 county or municipality to the Department of Revenue for deposit  
306 into the State Transportation Trust Fund, one-fifth shall be  
307 remitted to the Department of Revenue for deposit into the  
308 Department of Health Administrative Trust Fund, and three-fifths

309 shall be retained by the county or municipality. Funds deposited  
 310 into the Department of Health Administrative Trust Fund under  
 311 this subsection shall be distributed as provided in s.  
 312 395.4036(1) (a) as if such funds had been collected under s.  
 313 316.0083.

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

315 Section 6. Section 316.0776, Florida Statutes, is created  
 316 to read:

317 316.0776 Traffic infraction detectors; placement and  
 318 installation.--Placement and installation of traffic infraction  
 319 detectors is allowed on the State Highway System, county roads,  
 320 and city streets pursuant to specifications developed by the  
 321 Department of Transportation, so long as the safety and  
 322 operation of the road facility is not impaired.

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

325 316.1967 Liability for payment of parking ticket  
 326 violations and other ~~parking~~ violations.--

327 (6) Any county or municipality may provide by ordinance  
 328 that the clerk of the court or the traffic violations bureau  
 329 shall supply the department with a magnetically encoded computer  
 330 tape reel or cartridge or send by other electronic means data  
 331 which is machine readable by the installed computer system at  
 332 the department, listing persons who have three or more  
 333 outstanding parking violations, including violations of s.  
 334 316.1955, or who have one or more outstanding tickets for a  
 335 violation of a traffic control signal steady red light  
 336 indication issued pursuant to an ordinance adopted under s.

337 316.0083. Each county shall provide by ordinance that the clerk  
 338 of the court or the traffic violations bureau shall supply the  
 339 department with a magnetically encoded computer tape reel or  
 340 cartridge or send by other electronic means data that is machine  
 341 readable by the installed computer system at the department,  
 342 listing persons who have any outstanding violations of s.  
 343 316.1955 or any similar local ordinance that regulates parking  
 344 in spaces designated for use by persons who have disabilities.  
 345 The department shall mark the appropriate registration records  
 346 of persons who are so reported. Section 320.03(8) applies to  
 347 each person whose name appears on the list.

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

350 395.4036 Trauma payments.--

351 (1) Recognizing the Legislature's stated intent to provide  
 352 financial support to the current verified trauma centers and to  
 353 provide incentives for the establishment of additional trauma  
 354 centers as part of a system of state-sponsored trauma centers,  
 355 the department shall use ~~utilize~~ funds collected under ss.  
 356 316.0083 and ~~s.~~ 318.18(15) and deposited into the Administrative  
 357 Trust Fund of the department to ensure the availability and  
 358 accessibility of trauma and emergency services throughout the  
 359 state as provided in this subsection.

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

362 1. ~~(a)~~ Eighteen ~~Twenty~~ percent of the total funds collected  
 363 under s. 316.0083 and 20 percent of the total funds collected  
 364 under s. 318.18(15) ~~this subsection~~ during the state fiscal year

365 shall be distributed to verified trauma centers that have a  
 366 local funding contribution as of December 31. Distribution of  
 367 funds under this paragraph shall be based on trauma caseload  
 368 volume for the most recent calendar year available.

369 2.(b) Thirty-eight percent of the total funds collected  
 370 under s. 316.0083 and 40 ~~forty~~ percent of the total funds  
 371 collected under s. 318.18(15) ~~this subsection~~ shall be  
 372 distributed to verified trauma centers based on trauma caseload  
 373 volume for the most recent calendar year available. The  
 374 determination of caseload volume for distribution of funds under  
 375 this paragraph shall be based on the department's Trauma  
 376 Registry data.

377 3.(e) Thirty-eight percent of the total funds collected  
 378 under s. 316.0083 and 40 ~~forty~~ percent of the total funds  
 379 collected under s. 318.18(15) ~~this subsection~~ shall be  
 380 distributed to verified trauma centers based on severity of  
 381 trauma patients for the most recent calendar year available. The  
 382 determination of severity for distribution of funds under this  
 383 paragraph shall be based on the department's International  
 384 Classification Injury Severity Scores or another statistically  
 385 valid and scientifically accepted method of stratifying a trauma  
 386 patient's severity of injury, risk of mortality, and resource  
 387 consumption as adopted by the department by rule, weighted based  
 388 on the costs associated with and incurred by the trauma center  
 389 in treating trauma patients. The weighting of scores shall be  
 390 established by the department by rule.

391 4. Two percent of the total funds collected under s.  
 392 316.0083 shall be distributed to public hospitals that qualify

393 for distributions under s. 409.911(4), that are not verified  
394 trauma centers but are located in trauma service areas, as  
395 defined under s. 395.402, and that do not have a verified trauma  
396 center based on their proportionate number of emergency room  
397 visits on an annual basis. The Agency for Health Care  
398 Administration shall provide the department with a list of  
399 public hospitals and emergency room visits.

400 5. Two percent of the total funds collected under s.  
401 316.0083 shall be distributed to provide an enhanced Medicaid  
402 payment to nursing homes that serve residents with brain and  
403 spinal cord injuries who are Medicaid recipients.

404 6. Two percent of the total funds collected under s.  
405 316.0083 shall be distributed equally to crisis stabilization  
406 units, rural health initiatives, and community-based support  
407 programs that provide supports and services for individuals who  
408 have sustained a traumatic brain injury.

409 (b) Funds deposited in the department's Administrative  
410 Trust Fund for verified trauma centers may be used to maximize  
411 the receipt of federal funds that may be available for such  
412 trauma centers and nontrauma center public hospitals.  
413 Notwithstanding this section and s. 318.14, distributions to  
414 trauma centers may be adjusted in a manner to ensure that total  
415 payments to trauma centers represent the same proportional  
416 allocation as set forth in this section and s. 318.14. For  
417 purposes of this section and s. 318.14, total funds distributed  
418 to trauma centers may include revenue from the Administrative  
419 Trust Fund and federal funds for which revenue from the  
420 Administrative Trust Fund is used to meet state or local

421 matching requirements. Funds collected under ss. 318.14,  
422 316.0083, and 318.18(15) and deposited in the Administrative  
423 Trust Fund of the department shall be distributed to trauma  
424 centers and nontrauma center public hospitals on a quarterly  
425 basis using the most recent calendar year data available. Such  
426 data shall not be used for more than four quarterly  
427 distributions unless there are extenuating circumstances as  
428 determined by the department, in which case the most recent  
429 calendar year data available shall continue to be used and  
430 appropriate adjustments shall be made as soon as the more recent  
431 data becomes available.

432 Section 9. This act recognizes and ratifies any  
433 enforcement action taken by a county or municipality using a  
434 traffic infraction detector that was installed before the  
435 effective date of this act.

436 Section 10. If any provision of this act or its  
437 application to any person or circumstance is held invalid, the  
438 invalidity shall not affect other provisions or applications of  
439 this act which can be given effect without the invalid provision  
440 or application, and to this end the provisions of this act are  
441 declared severable.

442 Section 11. This act shall take effect upon becoming a  
443 law.