



634660

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/14/2010	.	
	.	
	.	
	.	

---

---

The Committee on Community Affairs (Altman) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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

Section 2. 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:



634660

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

24           Section 3. Section 316.0076, Florida Statutes, is created  
25 to read:

26           316.0076 Regulation and use of cameras.—Regulation of the  
27 use of cameras for enforcing the provisions of this chapter is  
28 expressly preempted to the state. Chapter 493 does not apply to  
29 the regulation of the use of cameras for enforcing the  
30 provisions of this chapter.

31           Section 4. Subsection (7) is added to section 316.008,  
32 Florida Statutes, to read:

33           316.008 Powers of local authorities.—

34           (7) (a) Pursuant to s. 316.0083, a county or municipality  
35 may use traffic infraction detectors to enforce s. 316.074(1) or  
36 s. 316.075(1) (c)1. when a driver fails to stop at a traffic  
37 signal:

38           1. On streets and highways under the jurisdiction of the  
39 respective county or municipality; and

40           2. On state roads under the original jurisdiction of the  
41 Department of Transportation when permitted by the Department of



634660

42 Transportation.

43 (b) Pursuant to paragraph (a), a municipality may install  
44 or authorize the installation of any such detectors only within  
45 the incorporated area of the municipality, and a county may  
46 install or authorize the installation of any such detectors only  
47 within the unincorporated area of the county.

48 Section 5. Section 316.0083, Florida Statutes, is created  
49 to read:

50 316.0083 Mark Wandall Traffic Safety Program;  
51 administration; report.-

52 (1) (a) For purposes of administering this section, the  
53 department, a county, or a municipality may authorize a traffic  
54 infraction enforcement officer under s. 316.640 to issue a  
55 traffic citation for a violation of s. 316.074(1) or s.  
56 316.075(1)(c)1. This paragraph does not prohibit a review of  
57 information from a traffic infraction detector by an authorized  
58 employee or agent of the department, a county, or a municipality  
59 before issuance of the traffic citation by the traffic  
60 infraction enforcement officer. This paragraph does not prohibit  
61 the department, a county, or a municipality from issuing  
62 notification as provided in paragraph (b) to the registered  
63 owner of the motor vehicle involved in the violation of s.  
64 316.074(1) or s. 316.075(1)(c)1.

65 (b)1.a. Within 30 days after a violation, notification must  
66 be sent to the registered owner of the motor vehicle involved in  
67 the violation specifying the penalties that are imposed under s.  
68 318.18(15) and specifying that the violator must pay the penalty  
69 of \$158 to the department, county, or municipality within 30  
70 days following the date of the notification in order to avoid



634660

71 court fees, costs, and the issuance of a traffic citation. The  
72 notification shall be sent by first-class mail.

73 b. Included with the notification to the registered owner  
74 of the motor vehicle involved in the infraction must be a notice  
75 that the owner has the right to review the photographic or  
76 electronic images and the streaming video evidence that  
77 constitutes a rebuttable presumption against the owner of the  
78 vehicle. The notice must state the time and place where the  
79 evidence may be examined and observed.

80 2. Penalties assessed and collected by the department or by  
81 a county or municipality authorized to collect the penalties  
82 provided for in this paragraph shall be paid into the State  
83 Treasury weekly. Payment by the department, a county, or a  
84 municipality shall be made by means of electronic funds  
85 transfer. A county or municipality shall pay to the State  
86 Treasury only that portion of funds to be distributed to the  
87 General Revenue Fund, the Department of Health Administrative  
88 Trust Fund, the Brain and Spinal Cord Injury Trust Fund, and the  
89 Grants and Donations Trust Fund as required in this paragraph.

90 3. Penalties to be assessed and collected by the  
91 department, a county, or a municipality are as follows:

92 a. One hundred and fifty-eight dollars for a violation of  
93 s. 316.074(1) or s. 316.075(1)(c)1. when a driver fails to stop  
94 at a traffic signal and when enforced by the department's  
95 traffic infraction enforcement officer. Eighty dollars shall be  
96 distributed to the General Revenue Fund, \$45 shall be  
97 distributed to the county or municipality in which the  
98 infraction occurred, \$20 shall be remitted to the Department of  
99 Revenue for deposit into the Department of Health Administrative



634660

100 Trust Fund for distribution as provided in s. 395.4036(1), \$5  
101 shall be remitted to the Department of Revenue for deposit into  
102 the Brain and Spinal Cord Injury Trust Fund, and \$8 shall be  
103 deposited into the Grants and Donations Trust Fund of the Agency  
104 for Health Care Administration to provide enhanced Medicaid  
105 payments to nursing homes that serve residents who require  
106 ventilator care and are Medicaid recipients. Proceeds of the  
107 infractions in the Brain and Spinal Cord Injury Trust Fund shall  
108 be distributed quarterly to the Miami Project to Cure Paralysis  
109 and shall be used for brain and spinal cord research.

110 b. One hundred and fifty-eight dollars for a violation of  
111 s. 316.074(1) or s. 316.075(1)(c)1. when a driver fails to stop  
112 at a traffic signal and when enforced by a county or municipal  
113 traffic infraction enforcement officer. Eighty dollars shall be  
114 retained by the county or municipality issuing the notification,  
115 \$45 shall be distributed to the General Revenue Fund, \$20 shall  
116 be remitted to the Department of Revenue for deposit into the  
117 Department of Health Administrative Trust Fund for distribution  
118 as provided in s. 395.4036(1), \$5 shall be remitted into the  
119 Department of Revenue for deposit into the Brain and Spinal Cord  
120 Injury Trust Fund, and \$8 shall be deposited into the Grants and  
121 Donations Trust Fund of the Agency for Health Care  
122 Administration to provide enhanced Medicaid payments to nursing  
123 homes that serve residents who require ventilator care and are  
124 Medicaid recipients. Proceeds of the infractions in the Brain  
125 and Spinal Cord Injury Trust Fund shall be distributed quarterly  
126 to the Miami Project to Cure Paralysis and shall be used for  
127 brain and spinal cord research.

128 4. A person may not receive a commission from any revenue



634660

129 collected from violations detected through the use of a traffic  
130 infraction detector. A manufacturer or vendor may not receive a  
131 fee or remuneration based upon the number of citations issued  
132 due to a traffic infraction detector enforcement system.

133 (c)1.a. If payment under subparagraph (1)(b)1. is not made  
134 within 30 days, a traffic citation shall be issued by mailing  
135 the traffic citation by certified mail to the address of the  
136 registered owner of the motor vehicle involved in the violation  
137 of s. 316.074(1) or s. 316.075(1)(c)1.

138 b. Delivery of the traffic citation constitutes  
139 notification.

140 c. In the case of joint ownership of a motor vehicle, the  
141 traffic citation shall be mailed to the first name appearing on  
142 the registration, unless the first name appearing on the  
143 registration is a business organization, in which case the  
144 second name appearing on the registration may be used.

145 d. The traffic citation shall be mailed to the registered  
146 owner of the motor vehicle involved in the violation no later  
147 than 60 days after the date of the violation.

148 2. Included with the traffic citation to the registered  
149 owner of the motor vehicle involved in the infraction must be a  
150 notice that the owner has the right to review the photographic  
151 or electronic images and the streaming video evidence that  
152 constitutes a rebuttable presumption against the owner of the  
153 vehicle. The notice must state the time and place where the  
154 evidence may be examined and observed.

155 (d)1. The owner of the motor vehicle involved in the  
156 violation is responsible and liable for paying the uniform  
157 traffic citation issued for a violation of s. 316.074(1) or s.



634660

158 316.075(1)(c)1. when the driver fails to stop at a traffic  
159 signal, unless the owner can establish that:

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

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

165 c. The motor vehicle passed through the intersection due to  
166 a medical emergency as evidenced by a separate affidavit from a  
167 licensed health care practitioner;

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

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

173 f. Stopping at the red light would place the vehicle or  
174 vehicle passengers in imminent danger.

175 2. In order to establish such facts, the owner of the motor  
176 vehicle shall, within 30 days after the date of issuance of the  
177 traffic citation, furnish to the appropriate governmental entity  
178 an affidavit setting forth detailed information supporting an  
179 exemption as provided in this paragraph.

180 a.(I) An affidavit supporting an exemption under sub-  
181 paragraph 1.d. must include the name, address, date of birth,  
182 and, if known, the driver's license number of the person who  
183 leased, rented, or otherwise had care, custody, or control of  
184 the motor vehicle at the time of the alleged violation. If the  
185 vehicle was stolen at the time of the alleged offense, the  
186 affidavit must include the police report indicating that the



634660

187 vehicle was stolen.

188 (II) Upon receipt of the affidavit, the person designated  
189 as having care, custody, and control of the motor vehicle at the  
190 time of the violation may be issued a traffic citation for a  
191 violation of s. 316.074(1) or s. 316.075(1)(c)1. when the driver  
192 failed to stop at a traffic signal. The affidavit is admissible  
193 in a proceeding pursuant to this section for the purpose of  
194 providing proof that the person identified in the affidavit was  
195 in actual care, custody, or control of the motor vehicle. The  
196 owner of a leased vehicle for which a traffic citation is issued  
197 for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when the  
198 driver failed to stop at a traffic signal is not responsible for  
199 paying the traffic citation and is not required to submit an  
200 affidavit as specified in this subsection if the motor vehicle  
201 involved in the violation is registered in the name of the  
202 lessee of such motor vehicle.

203 b. If a traffic citation for a violation of s. 316.074(1)  
204 or s. 316.075(1)(c)1. was issued at the location of the  
205 violation by a law enforcement officer, the affidavit must  
206 include the serial number of the uniform traffic citation.

207  
208 The submission of a false affidavit is a misdemeanor of the  
209 second degree, punishable as provided in s. 775.082 or s.  
210 775.083.

211 (2) The photographic or electronic images or streaming  
212 video attached to the traffic citation is evidence that a  
213 violation of s. 316.074(1) or s. 316.075(1)(c)1. when the driver  
214 fails to stop at a traffic signal has occurred and is admissible  
215 in any proceeding to enforce this section and raises a





634660

216 rebuttable presumption that the motor vehicle named in the  
217 report or shown in the photographic or electronic images or  
218 streaming video evidence was used in violation of s. 316.074(1)  
219 or s. 316.075(1)(c)1. when the driver fails to stop at a traffic  
220 signal.

221 (3) This section supplements the enforcement of s.  
222 316.074(1) or s. 316.075(1)(c)1. by law enforcement officers  
223 when a driver fails to stop at a traffic signal, and this  
224 section does not prohibit a law enforcement officer from issuing  
225 a traffic citation for a violation of s. 316.074(1) or s.  
226 316.075(1)(c)1. when a driver fails to stop at a traffic signal  
227 in accordance with normal traffic-enforcement techniques.

228 (4) (a) Each county or municipality that operates a traffic  
229 infraction detector shall submit a report by October 1 to the  
230 department which details the results of using the traffic  
231 infraction detector and the procedures for enforcement for the  
232 preceding state fiscal year. The information submitted by the  
233 counties and municipalities must include statistical data and  
234 information required by the department to complete the report  
235 required under paragraph (b).

236 (b) On or before December 31, 2012, and annually  
237 thereafter, the department shall provide a summary report to the  
238 Governor, the President of the Senate, and the Speaker of the  
239 House of Representatives regarding the use and operation of  
240 traffic infraction detectors under this section, along with the  
241 department's recommendations and any necessary legislation. The  
242 summary report must include a review of the information  
243 submitted to the department by the counties and municipalities  
244 and must describe the enhancement of the traffic safety and



634660

245 enforcement programs.

246 Section 6. Subsection (6) of section 316.0745, Florida  
247 Statutes, is amended to read:

248 316.0745 Uniform signals and devices.-

249 (6) Any system of traffic control devices controlled and  
250 operated from a remote location by electronic computers or  
251 similar devices must ~~shall~~ meet all requirements established for  
252 the uniform system, and, if where such a system affects systems  
253 ~~affect~~ the movement of traffic on state roads, the design of the  
254 system shall be reviewed and approved by the Department of  
255 Transportation.

256 Section 7. Section 316.07456, Florida Statutes, is created  
257 to read:

258 316.07456 Transitional implementation.-Any traffic  
259 infraction detector deployed on the highways, streets, and roads  
260 of this state must meet specifications established by the  
261 Department of Transportation on or before December 31, 2010, and  
262 must be tested at regular intervals according to specifications  
263 prescribed by the Department of Transportation. However, any  
264 such equipment acquired by purchase, lease, or other arrangement  
265 under an agreement entered into by a county or municipality on  
266 or before July 1, 2011, or equipment used to enforce an  
267 ordinance enacted by a county or municipality on or before July  
268 1, 2010, is not required to meet the specifications established  
269 by the Department of Transportation until July 1, 2011.

270 Section 8. Section 316.0776, Florida Statutes, is created  
271 to read:

272 316.0776 Traffic infraction detectors; placement and  
273 installation.-



634660

274       (1) Traffic infraction detectors are allowed on state roads  
275 when permitted by the Department of Transportation and under  
276 placement and installation specifications developed by the  
277 Department of Transportation. Traffic infraction detectors are  
278 allowed on streets and highways under the jurisdiction of  
279 counties or municipalities and under placement and installation  
280 specifications developed by the Department of Transportation.

281       (2) (a) If the department, a county, or a municipality  
282 installs a traffic infraction detector at an intersection, the  
283 department, county, or municipality shall notify the public that  
284 a traffic infraction device may be in use at that intersection  
285 and must specifically include notification of camera enforcement  
286 of violations concerning right turns. Such signage used to  
287 notify the public must meet the specifications for uniform  
288 signals and devices adopted by the Department of Transportation  
289 pursuant to s. 316.0745.

290       (b) If the department, a county, or a municipality begins a  
291 traffic infraction detector program in a county or municipality  
292 that has never conducted such a program, the respective  
293 department, county, or municipality shall also make a public  
294 announcement and conduct a public awareness campaign of the  
295 proposed use of traffic infraction detectors at least 30 days  
296 before commencing the enforcement program.

297       Section 9. Paragraph (b) of subsection (1) and subsection  
298 (5) of section 316.640, Florida Statutes, are amended to read:  
299       316.640 Enforcement.—The enforcement of the traffic laws of  
300 this state is vested as follows:

301       (1) STATE.—

302       (b)1. The Department of Transportation has authority to



634660

303 enforce on all the streets and highways of this state all laws  
304 applicable within its authority.

305       2.a. The Department of Transportation shall develop  
306 training and qualifications standards for toll enforcement  
307 officers whose sole authority is to enforce the payment of tolls  
308 pursuant to s. 316.1001. Nothing in this subparagraph shall be  
309 construed to permit the carrying of firearms or other weapons,  
310 nor shall a toll enforcement officer have arrest authority.

311       b. For the purpose of enforcing s. 316.1001, governmental  
312 entities, as defined in s. 334.03, which own or operate a toll  
313 facility may employ independent contractors or designate  
314 employees as toll enforcement officers; however, any such toll  
315 enforcement officer must successfully meet the training and  
316 qualifications standards for toll enforcement officers  
317 established by the Department of Transportation.

318       3. For the purpose of enforcing s. 316.0083, the department  
319 may employ independent contractors or designate employees as  
320 traffic infraction enforcement officers. A traffic infraction  
321 enforcement officer must successfully complete instruction in  
322 traffic enforcement procedures and court presentation through  
323 the Selective Traffic Enforcement Program as approved by the  
324 Division of Criminal Justice Standards and Training of the  
325 Department of Law Enforcement, or through a similar program, but  
326 the traffic infraction enforcement officer need not otherwise  
327 meet the uniform minimum standards established by the Criminal  
328 Justice Standards and Training Commission for law enforcement  
329 officers or auxiliary law enforcement officers under s. 943.13.  
330 This subparagraph does not authorize the carrying of firearms or  
331 other weapons by a traffic infraction enforcement officer and



634660

332 does not authorize a traffic infraction enforcement officer to  
333 make arrests. The department's traffic infraction enforcement  
334 officers must be physically located in the jurisdiction of the  
335 circuit court in which the violation occurred.

336 (5) (a) Any sheriff's department or police department of a  
337 municipality may employ, as a traffic infraction enforcement  
338 officer, any individual who successfully completes instruction  
339 in traffic enforcement procedures and court presentation through  
340 the Selective Traffic Enforcement Program as approved by the  
341 Division of Criminal Justice Standards and Training of the  
342 Department of Law Enforcement, or through a similar program, but  
343 who does not necessarily otherwise meet the uniform minimum  
344 standards established by the Criminal Justice Standards and  
345 Training Commission for law enforcement officers or auxiliary  
346 law enforcement officers under s. 943.13. Any such traffic  
347 infraction enforcement officer who observes the commission of a  
348 traffic infraction or, in the case of a parking infraction, who  
349 observes an illegally parked vehicle may issue a traffic  
350 citation for the infraction when, based upon personal  
351 investigation, he or she has reasonable and probable grounds to  
352 believe that an offense has been committed which constitutes a  
353 noncriminal traffic infraction as defined in s. 318.14. In  
354 addition, any such traffic enforcement officer may issue a  
355 traffic citation under s. 316.0083.

356 (b) For purposes of enforcing s. 316.0083, any sheriff's  
357 department or police department of a municipality may employ  
358 independent contractors or designate employees as traffic  
359 infraction enforcement officers. The traffic infraction  
360 enforcement officers must be physically located in the county of



634660

361 the respective sheriff or police department.

362 (c)~~(b)~~ The traffic enforcement officer shall be employed in  
363 relationship to a selective traffic enforcement program at a  
364 fixed location or as part of a crash investigation team at the  
365 scene of a vehicle crash or in other types of traffic infraction  
366 enforcement under the direction of a fully qualified law  
367 enforcement officer; however, it is not necessary that the  
368 traffic infraction enforcement officer's duties be performed  
369 under the immediate supervision of a fully qualified law  
370 enforcement officer.

371 (d)~~(e)~~ This subsection does not permit the carrying of  
372 firearms or other weapons, nor do traffic infraction enforcement  
373 officers have arrest authority other than the authority to issue  
374 a traffic citation as provided in this subsection.

375 Section 10. Subsection (3) of section 316.650, Florida  
376 Statutes, is amended to read:

377 316.650 Traffic citations.—

378 (3) (a) Except for a traffic citation issued pursuant to s.  
379 316.1001 or s. 316.0083, each traffic enforcement officer, upon  
380 issuing a traffic citation to an alleged violator of any  
381 provision of the motor vehicle laws of this state or of any  
382 traffic ordinance of any municipality or town, shall deposit the  
383 original traffic citation or, in the case of a traffic  
384 enforcement agency that has an automated citation issuance  
385 system, the chief administrative officer shall provide by an  
386 electronic transmission a replica of the citation data to a  
387 court having jurisdiction over the alleged offense or with its  
388 traffic violations bureau within 5 days after issuance to the  
389 violator.



634660

390 (b) If a traffic citation is issued pursuant to s.  
391 316.1001, a traffic enforcement officer may deposit the original  
392 traffic citation or, in the case of a traffic enforcement agency  
393 that has an automated citation system, may provide by an  
394 electronic transmission a replica of the citation data to a  
395 court having jurisdiction over the alleged offense or with its  
396 traffic violations bureau within 45 days after the date of  
397 issuance of the citation to the violator. If the person cited  
398 for the violation of s. 316.1001 makes the election provided by  
399 s. 318.14(12) and pays the \$25 fine, or such other amount as  
400 imposed by the governmental entity owning the applicable toll  
401 facility, plus the amount of the unpaid toll that is shown on  
402 the traffic citation directly to the governmental entity that  
403 issued the citation, or on whose behalf the citation was issued,  
404 in accordance with s. 318.14(12), the traffic citation will not  
405 be submitted to the court, the disposition will be reported to  
406 the department by the governmental entity that issued the  
407 citation, or on whose behalf the citation was issued, and no  
408 points will be assessed against the person's driver's license.

409 (c) If a traffic citation is issued under s. 316.0083, the  
410 traffic infraction enforcement officer shall provide by  
411 electronic transmission a replica of the traffic citation data  
412 to the court having jurisdiction over the alleged offense or its  
413 traffic violations bureau within 5 days after the date of  
414 issuance of the traffic citation to the violator.

415 Section 11. Subsection (2) of section 318.14, Florida  
416 Statutes, is amended to read:

417 318.14 Noncriminal traffic infractions; exception;  
418 procedures.—



634660

419 (2) Except as provided in ss. ~~s.~~ 316.1001(2) and  
420 316.0083(3), any person cited for an infraction under this  
421 section must sign and accept a citation indicating a promise to  
422 appear. The officer may indicate on the traffic citation the  
423 time and location of the scheduled hearing and must indicate the  
424 applicable civil penalty established in s. 318.18.

425 Section 12. Subsection (15) of section 318.18, Florida  
426 Statutes, is amended to read:

427 318.18 Amount of penalties.—The penalties required for a  
428 noncriminal disposition pursuant to s. 318.14 or a criminal  
429 offense listed in s. 318.17 are as follows:

430 (15) (a)1. One hundred and fifty-eight ~~twenty-five~~ dollars  
431 for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when a  
432 driver has failed to stop at a traffic signal and when enforced  
433 by a law enforcement officer. Sixty dollars shall be distributed  
434 as provided in s. 318.21, \$30 shall be distributed to the  
435 General Revenue Fund, and the remaining \$68 ~~\$65~~ shall be  
436 remitted to the Department of Revenue for deposit into the  
437 Administrative Trust Fund of the Department of Health.

438 2. One hundred and fifty-eight dollars for a violation of  
439 s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to  
440 stop at a traffic signal and when enforced by the department's  
441 traffic infraction enforcement officer. Eighty dollars shall be  
442 distributed to the General Revenue Fund, \$45 shall be  
443 distributed to the county or municipality in which the  
444 infraction occurred, \$20 shall be remitted to the Department of  
445 Revenue for deposit into the Department of Health Administrative  
446 Trust Fund for distribution as provided in s. 395.4036(1), \$5  
447 shall be remitted to the Department of Revenue for deposit into





634660

448 the Brain and Spinal Cord Injury Trust Fund, and \$8 shall be  
449 deposited into the Grants and Donations Trust Fund of the Agency  
450 for Health Care Administration to provide enhanced Medicaid  
451 payments to nursing homes that serve residents who require  
452 ventilator care and are Medicaid recipients. Proceeds of the  
453 infractions in the Brain and Spinal Cord Injury Trust Fund shall  
454 be distributed quarterly to the Miami Project to Cure Paralysis  
455 and shall be used for brain and spinal cord research.

456 3. One hundred and fifty-eight dollars for a violation of  
457 s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to  
458 stop at a traffic signal and when enforced by a county's or  
459 municipality's traffic infraction enforcement officer. Eighty  
460 dollars shall be distributed to the county or municipality  
461 issuing the traffic citation, \$45 shall be distributed to the  
462 General Revenue Fund, \$20 shall be remitted to the Department of  
463 Revenue for deposit into the Department of Health Administrative  
464 Trust Fund for distribution as provided in s. 395.4036(1), \$5  
465 shall be remitted into the Department of Revenue for deposit  
466 into the Brain and Spinal Cord Injury Trust Fund, and \$8 shall  
467 be deposited into the Grants and Donations Trust Fund of the  
468 Agency for Health Care Administration to provide enhanced  
469 Medicaid payments to nursing homes that serve residents who  
470 require ventilator care and are Medicaid recipients. Proceeds of  
471 the infractions in the Brain and Spinal Cord Injury Trust Fund  
472 shall be distributed quarterly to the Miami Project to Cure  
473 Paralysis and shall be used for brain and spinal cord research.

474 (b) If a person who is cited for a violation of s.  
475 316.074(1) or s. 316.075(1)(c)1., as enforced by a traffic  
476 infraction enforcement officer under s. 316.0083, presents



634660

477 documentation from the appropriate governmental entity that the  
478 traffic citation was in error, the clerk of court may dismiss  
479 the case. The clerk of court shall not charge for this service.

480 (c) A person may not receive a commission from any revenue  
481 collected from violations detected through the use of a traffic  
482 infraction detector. A manufacturer or vendor may not receive a  
483 fee or remuneration based upon the number of citations issued  
484 due to a traffic infraction detector enforcement system.

485  
486 Section 13. Section 321.50, Florida Statutes, is created to  
487 read:

488 321.50 Authorization to use traffic infraction detectors.-  
489 The Department of Highway Safety and Motor Vehicles is  
490 authorized to use traffic infraction detectors to enforce s.  
491 316.074(1) or s. 316.075(1)(c)1. when a driver fails to stop at  
492 a traffic signal on state roads as defined in chapter 316 which  
493 are under the original jurisdiction of the Department of  
494 Transportation, when permitted by the Department of  
495 Transportation and as provided under s. 316.0083.

496 Section 14. Paragraph (d) of subsection (3) of section  
497 322.27, Florida Statutes, is amended to read:

498 322.27 Authority of department to suspend or revoke  
499 license.-

500 (3) There is established a point system for evaluation of  
501 convictions of violations of motor vehicle laws or ordinances,  
502 and violations of applicable provisions of s. 403.413(6)(b) when  
503 such violations involve the use of motor vehicles, for the  
504 determination of the continuing qualification of any person to  
505 operate a motor vehicle. The department is authorized to suspend



634660

506 the license of any person upon showing of its records or other  
507 good and sufficient evidence that the licensee has been  
508 convicted of violation of motor vehicle laws or ordinances, or  
509 applicable provisions of s. 403.413(6)(b), amounting to 12 or  
510 more points as determined by the point system. The suspension  
511 shall be for a period of not more than 1 year.

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

- 515 1. Reckless driving, willful and wanton—4 points.
- 516 2. Leaving the scene of a crash resulting in property  
517 damage of more than \$50—6 points.
- 518 3. Unlawful speed resulting in a crash—6 points.
- 519 4. Passing a stopped school bus—4 points.
- 520 5. Unlawful speed:
  - 521 a. Not in excess of 15 miles per hour of lawful or posted  
522 speed—3 points.
  - 523 b. In excess of 15 miles per hour of lawful or posted  
524 speed—4 points.
- 525 6. A violation of a traffic control signal device as  
526 provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points.  
527 However, no points shall be imposed for a violation of s.  
528 316.074(1) or s. 316.075(1)(c)1. when a driver fails to stop at  
529 a traffic signal and when enforced by a traffic infraction  
530 enforcement officer. In addition, a violation of s. 316.074(1)  
531 or s. 316.075(1)(c)1. when a driver fails to stop at a traffic  
532 signal and when enforced by a traffic infraction enforcement  
533 officer may not be used for purposes of setting motor vehicle  
534 insurance rates.



634660

535           7. All other moving violations (including parking on a  
536 highway outside the limits of a municipality)—3 points. However,  
537 no points shall be imposed for a violation of s. 316.0741 or s.  
538 316.2065(12).

539           8. Any moving violation covered above, excluding unlawful  
540 speed, resulting in a crash—4 points.

541           9. Any conviction under s. 403.413(6) (b)—3 points.

542           10. Any conviction under s. 316.0775(2)—4 points.

543           Section 15. Subsection (1) of section 395.4036, Florida  
544 Statutes, is amended to read:

545           395.4036 Trauma payments.—

546           (1) Recognizing the Legislature's stated intent to provide  
547 financial support to the current verified trauma centers and to  
548 provide incentives for the establishment of additional trauma  
549 centers as part of a system of state-sponsored trauma centers,  
550 the department shall use ~~utilize~~ funds collected under s. 318.18  
551 and deposited into the Administrative Trust Fund of the  
552 department to ensure the availability and accessibility of  
553 trauma and emergency services throughout the state as provided  
554 in this subsection.

555           (a) Funds collected under s. 318.18(15) shall be distributed  
556 as follows:

557           1. Eighteen ~~Twenty~~ percent of the total funds collected  
558 during the state fiscal year shall be distributed to verified  
559 trauma centers that have a local funding contribution as of  
560 December 31. Distribution of funds under this subparagraph shall  
561 be based on trauma caseload volume for the most recent calendar  
562 year available.

563           2. Thirty-nine ~~Forty~~ percent of the total funds collected



634660

564 shall be distributed to verified trauma centers based on trauma  
565 caseload volume for the most recent calendar year available. The  
566 determination of caseload volume for distribution of funds under  
567 this subparagraph shall be based on the department's Trauma  
568 Registry data.

569 3. Thirty-nine ~~Forty~~ percent of the total funds collected  
570 shall be distributed to verified trauma centers based on  
571 severity of trauma patients for the most recent calendar year  
572 available. The determination of severity for distribution of  
573 funds under this subparagraph shall be based on the department's  
574 International Classification Injury Severity Scores or another  
575 statistically valid and scientifically accepted method of  
576 stratifying a trauma patient's severity of injury, risk of  
577 mortality, and resource consumption as adopted by the department  
578 by rule, weighted based on the costs associated with and  
579 incurred by the trauma center in treating trauma patients. The  
580 weighting of scores shall be established by the department by  
581 rule.

582 4. Two percent of the total funds collected shall be  
583 distributed to hospitals that qualify for distributions under s.  
584 409.911(4), that are not verified trauma centers but are located  
585 in trauma services areas defined under s. 395.402, and that do  
586 not have a verified trauma center based on their proportionate  
587 number of emergency room visits on an annual basis. The Agency  
588 for Health Care Administration shall provide the department with  
589 a list of hospitals and emergency room visits.

590 5. Two percent of the total funds collected shall be  
591 distributed to provide an enhanced Medicaid payment to nursing  
592 homes that serve residents who require ventilator care and are



634660

593 Medicaid recipients.

594 (b) Funds collected under s. 318.18(5)(c) and (19) shall be  
595 distributed as follows:

596 1. Thirty percent of the total funds collected shall be  
597 distributed to Level II trauma centers operated by a public  
598 hospital governed by an elected board of directors as of  
599 December 31, 2008.

600 2. Thirty-five percent of the total funds collected shall  
601 be distributed to verified trauma centers based on trauma  
602 caseload volume for the most recent calendar year available. The  
603 determination of caseload volume for distribution of funds under  
604 this subparagraph shall be based on the department's Trauma  
605 Registry data.

606 3. Thirty-five percent of the total funds collected shall  
607 be distributed to verified trauma centers based on severity of  
608 trauma patients for the most recent calendar year available. The  
609 determination of severity for distribution of funds under this  
610 subparagraph shall be based on the department's International  
611 Classification Injury Severity Scores or another statistically  
612 valid and scientifically accepted method of stratifying a trauma  
613 patient's severity of injury, risk of mortality, and resource  
614 consumption as adopted by the department by rule, weighted based  
615 on the costs associated with and incurred by the trauma center  
616 in treating trauma patients. The weighting of scores shall be  
617 established by the department by rule.

618 Section 16. If any provision of this act or its application  
619 to any person or circumstance is held invalid, the invalidity  
620 does not affect other provisions or applications of this act  
621 which can be given effect without the invalid provision or



634660

622 application, and to this end the provisions of this act are  
623 severable.

624 Section 17. This act shall take effect July 1, 2010.

625  
626 ===== T I T L E A M E N D M E N T =====

627 And the title is amended as follows:

628 Delete everything before the enacting clause  
629 and insert:

630 A bill to be entitled

631 An act relating to uniform traffic control; providing a  
632 short title; amending s. 316.003, F.S.; defining the term  
633 "traffic infraction detector"; creating s. 316.0076, F.S.;  
634 preempting to the state the use of cameras to enforce traffic  
635 laws; clarifying the inapplicability of ch. 493, F.S., to laws  
636 governing the use cameras as provided by the act; amending s.  
637 316.008, F.S.; authorizing a county or municipality to use  
638 traffic infraction detectors; creating s. 316.0083, F.S.;  
639 creating the Mark Wandall Traffic Safety Program; authorizing  
640 the Department of Highway Safety and Motor Vehicles, a county,  
641 or a municipality to use a traffic infraction detector to  
642 identify a motor vehicle that fails to stop at a traffic control  
643 signal steady red light; requiring that notification be sent to  
644 the registered owner of the motor vehicle involved in the  
645 violation; providing requirements for the notification;  
646 requiring that the department, county, or municipality remit  
647 payment weekly to the State Treasury of penalties collected  
648 through the use of a traffic infraction detector; specifying the  
649 amount of penalties and the required distribution; prohibiting a  
650 person from receiving a commission from any revenue collected



634660

651 from violations detected through the use of a traffic infraction  
652 detector; requiring issuance of a traffic citation if the driver  
653 fails to pay the penalty within a specified period following  
654 issuance of the notification; specifying circumstances under  
655 which a driver may be exempt from paying the citation; providing  
656 penalties for submission of a false affidavit; providing that  
657 certain evidence is admissible for enforcement; providing that  
658 the act does not preclude the issuance of citations by law  
659 enforcement officers; requiring reports from participating  
660 municipalities and counties to the department; requiring the  
661 department to make reports to the Governor and Legislature;  
662 amending s. 316.0745, F.S.; requiring that traffic infraction  
663 detectors meet certain specifications; creating s. 316.07465,  
664 F.S.; requiring that traffic infraction detectors meet  
665 specifications established by the Department of Transportation;  
666 providing that a traffic infraction detector acquired by  
667 purchase, lease, or other arrangement under an agreement entered  
668 into by a county or municipality on or before a specified date  
669 is not required to meet the established specifications until a  
670 specified date; creating s. 316.0776, F.S.; providing for the  
671 placement and installation of detectors on certain roads;  
672 requiring that if the state, a county, or a municipality  
673 installs a traffic infraction detector at an intersection, the  
674 state, county, or municipality shall notify the public that a  
675 traffic infraction device may be in use at that intersection;  
676 requiring that such signage meet the specifications for uniform  
677 signals and devices adopted by the Department of Transportation;  
678 amending s. 316.640, F.S.; requiring the Department of  
679 Transportation to develop training and qualification standards





634660

680 for traffic infraction enforcement officers; authorizing  
681 counties and municipalities to use independent contractors as  
682 traffic infraction enforcement officers; amending s. 316.650,  
683 F.S.; requiring a traffic enforcement agency to provide to the  
684 court a replica of the citation data by electronic transmission  
685 for citations issued pursuant to the act; amending s. 318.14,  
686 F.S.; providing an exception from provisions requiring a person  
687 cited for an infraction for failing to stop at a traffic control  
688 signal steady red light to sign and accept a citation indicating  
689 a promise to appear; amending s. 318.18, F.S.; increasing  
690 certain fines; providing for penalties for infractions enforced  
691 by a traffic infraction enforcement officer; providing for  
692 distribution of fines; allowing the clerk of court to dismiss  
693 certain cases upon receiving documentation that the uniform  
694 traffic citation was issued in error; creating s. 321.50, F.S.;  
695 authorizing the Department of Highway Safety and Motor Vehicles  
696 to use traffic infraction detectors; amending s. 322.27, F.S.;  
697 prohibiting the assessment of points against a person's driver's  
698 license for infractions enforced by a traffic infraction  
699 enforcement officer; providing that such violations may not be  
700 used for purposes of setting motor vehicle insurance rates;  
701 amending s. 395.4036, F.S.; providing for the proceeds of  
702 penalties for failure to stop at a traffic signal be distributed  
703 to trauma centers, certain hospitals, and certain nursing homes;  
704 providing for severability; providing an effective date.