

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, county, or municipality; prohibiting  
21          additional charges; exempting emergency vehicles;  
22          providing that the registered owner of the motor vehicle  
23          involved in the violation is responsible and liable for  
24          payment of the fine assessed; providing exceptions;  
25          providing procedures for disposition and enforcement of  
26          tickets; providing for a person to contest such ticket;  
27          providing for disposition of revenue collected; providing  
28          complaint procedures; providing for the Legislature to

29 | exclude a county or municipality from the program;  
30 | requiring reports from participating municipalities and  
31 | counties to the department; requiring the department to  
32 | make reports to the Governor and the Legislature; amending  
33 | s. 316.0745, F.S.; providing that traffic infraction  
34 | detectors must meet certain specifications; creating s.  
35 | 316.07456, F.S.; providing for preexisting equipment;  
36 | requiring counties and municipalities that enacted an  
37 | ordinance to enforce red light violations or entered into  
38 | a contract to purchase or lease equipment to enforce red  
39 | light violations before the effective date of this act to  
40 | charge a certain penalty amount; requiring counties or  
41 | municipalities that have acquired such equipment pursuant  
42 | to an agreement entered into before the effective date of  
43 | this act to make certain payments to the state; providing  
44 | for future expiration of such provisions; creating s.  
45 | 316.0776, F.S.; providing for placement and installation  
46 | of detectors on the State Highway System, county roads,  
47 | and city streets; amending s. 316.1967, F.S.; providing  
48 | for inclusion of persons with outstanding violations in a  
49 | list sent to the Department of Highway Safety and Motor  
50 | Vehicles for enforcement purposes; amending s. 395.4036,  
51 | F.S.; providing for distribution of funds to trauma  
52 | centers, certain hospitals, certain nursing homes, and  
53 | certain health units and programs, to be used for  
54 | specified purposes; correcting a cross-reference;  
55 | ratifying prior enforcement actions; providing for  
56 | severability; providing an effective date.

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Be It Enacted by the Legislature of the State of Florida:

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:

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

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

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

(1) There is created the Mark Wandall Traffic Safety Program governing the operation of traffic infraction detectors.

HB 325

2010

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

113 arrests. The ordinance must require signs to be posted at  
114 locations designated by the county or municipality providing  
115 notification that a traffic infraction detector may be in use.  
116 Such signage must conform to the specifications adopted by the  
117 Department of Transportation under s. 316.0745 or must be in  
118 accordance with all applicable provisions of the latest edition  
119 of the Manual on Uniform Traffic Control Devices, part 2, signs.  
120 The ordinance must provide for the county or municipality to  
121 install, maintain, and operate traffic infraction detectors on a  
122 right-of-way owned or maintained by the Department of  
123 Transportation or on a right-of-way owned or maintained by the  
124 county or municipality in which the traffic infraction detector  
125 is to be installed. The ordinance must also require that the  
126 county or municipality make a public announcement and conduct a  
127 public awareness campaign of the proposed use of traffic  
128 infraction detectors at least 30 days before commencing the  
129 enforcement program. In addition, the ordinance must establish a  
130 fine of \$150 to be assessed against the registered owner of a  
131 motor vehicle that fails to stop when facing a traffic control  
132 signal steady red light as determined through the use of a  
133 traffic infraction detector. Any other provision of law to the  
134 contrary notwithstanding, an additional surcharge, fee, or cost  
135 may not be added to the civil penalty authorized by this  
136 paragraph, except as provided in paragraph (g).

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

139 (c) A county or municipality must adopt an ordinance under  
140 this section that provides for the use of a traffic infraction

141 detector in order to impose a fine on the registered owner of a  
142 motor vehicle for a violation of s. 316.075(1)(c). The fine  
143 shall be imposed in the same manner and is subject to the same  
144 limitations as provided for parking violations under s.  
145 316.1967. Except as specifically provided in this section,  
146 chapter 318 and s. 322.27 do not apply to a violation of s.  
147 316.075(1)(c) for which a ticket has been issued under an  
148 ordinance enacted pursuant to this section. Enforcement of a  
149 ticket issued under the ordinance is not a conviction of the  
150 operator of the motor vehicle, may not be made a part of the  
151 driving record of the operator, and may not be used for purposes  
152 of setting motor vehicle insurance rates. Points under s. 322.27  
153 may not be assessed based upon such enforcement.

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

HB 325

2010

169 alleged in the ticket. The ticket must contain a warning that  
170 failure to contest the violation in the manner and time provided  
171 is deemed an admission of the liability and that a default may  
172 be entered thereon. The violation shall be processed by the  
173 county or municipality that has jurisdiction over the street or  
174 highway where the violation occurred or by any entity authorized  
175 by the county or municipality to prepare and mail the ticket.

176 (e) The ticket shall be sent by first-class or certified  
177 mail, addressed to the registered owner of the motor vehicle,  
178 and postmarked no later than 30 days after obtaining the name  
179 and address of the registered owner of the vehicle, but in no  
180 event later than 60 days after the date of the violation.

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

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

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

190 c. The motor vehicle was stolen at the time of the alleged  
191 violation;

192 d. The motor vehicle passed through the intersection  
193 because the driver was responding to a medical emergency; or

194 e. A uniform traffic citation was issued to the driver of  
195 the motor vehicle for the alleged violation of s. 316.075(1)(c).

196 2. In order to establish any such fact pursuant to

197 subparagraph 1., the registered owner of the vehicle must,  
198 within 60 days after receipt of notification of the alleged  
199 violation, furnish to the county or municipality, as  
200 appropriate, an affidavit that sets forth detailed information  
201 supporting an exemption under subparagraph 1. For an exemption  
202 under sub-subparagraph 1.c., the affidavit must set forth that  
203 the vehicle was stolen and be accompanied by a copy of the  
204 police report indicating that the vehicle was stolen at the time  
205 of the alleged violation. For an exemption under sub-  
206 subparagraph 1.d, the affidavit must be accompanied by a  
207 supporting document from a health care facility or a medical  
208 doctor licensed to practice medicine in the state indicating  
209 that the citation was issued en route to a facility for  
210 emergency medical care. For an exemption under sub-subparagraph  
211 1.e., the affidavit must set forth that a citation was issued  
212 and be accompanied by a copy of the citation indicating the time  
213 of the alleged violation and the location of the intersection  
214 where it occurred.

215 (g) A person may contest the determination that such  
216 person failed to stop at a traffic control signal steady red  
217 light as evidenced by a traffic infraction detector by electing  
218 to appear before any judge or locally designated official  
219 authorized by law to preside over an administrative hearing that  
220 adjudicates traffic infractions. If a hearing is requested by  
221 the registered owner, the notification by the issuing authority  
222 of a hearing date, time, and location shall be made by first  
223 class mail. A person who elects to appear before the judge or  
224 designated official to present evidence is deemed to have waived



225 the limitation of civil penalties imposed for the violation. The  
 226 judge or designated official, after hearing, shall determine  
 227 whether the violation was committed and may impose a civil  
 228 penalty of \$150, plus court costs. The judge or designated  
 229 official shall make a determination as to whether a red light  
 230 violation has been committed and may impose a civil penalty of  
 231 \$150, plus court costs. Any person who fails to pay the civil  
 232 penalty within the time allowed by the county, municipality, or  
 233 court is deemed to have been convicted of a violation and the  
 234 court shall take appropriate measures to enforce collection of  
 235 the fine.

236 (h) A certificate sworn to or affirmed by a person  
 237 authorized under this section who is employed by or under  
 238 contract with the county or municipality where the infraction  
 239 occurred, or a facsimile thereof that is based upon inspection  
 240 of photographs or other recorded images produced by a traffic  
 241 infraction detector, is prima facie evidence of the facts  
 242 contained in the certificate. A photograph or other recorded  
 243 image evidencing a violation of s. 316.075(1)(c) must be  
 244 available for inspection in any proceeding to adjudicate  
 245 liability under an ordinance enacted pursuant to this section.

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

250 (2) Of the fine imposed pursuant to paragraph (1)(a) or  
 251 paragraph (1)(g), \$55 shall be remitted by the county or  
 252 municipality to the Department of Revenue for deposit into the

253 General Revenue Fund, \$20 shall be remitted to the Department of  
 254 Revenue for deposit into the Department of Health Administrative  
 255 Trust Fund, and \$75 shall be retained by the county or  
 256 municipality enforcing the ordinance enacted pursuant to this  
 257 section. Funds deposited into the Department of Health  
 258 Administrative Trust Fund under this subsection shall be  
 259 distributed as provided in s. 395.4036(1).

260 (3) A complaint that a county or municipality is employing  
 261 traffic infraction detectors for purposes other than the  
 262 promotion of public health, welfare, and safety or in a manner  
 263 inconsistent with this section may be submitted to the governing  
 264 body of such county or municipality. Such complaints, along with  
 265 any investigation and corrective action taken by the county or  
 266 municipal governing body, shall be included in the annual report  
 267 to the Department of Transportation and in that department's  
 268 annual summary report to the Governor, the President of the  
 269 Senate, and the Speaker of the House Representatives, as  
 270 required by this section. Based on its review of the report, the  
 271 Legislature may exclude a county or municipality from further  
 272 participation in the program.

273 (4) (a) Each county or municipality that operates a traffic  
 274 infraction detector shall submit a biannual report to the  
 275 Department of Transportation that details the results of using  
 276 the traffic infraction detector and the procedures for  
 277 enforcement.

278 (b) The Department of Transportation shall provide a  
 279 biannual summary report to the Governor, the President of the  
 280 Senate, and the Speaker of the House of Representatives

281 regarding the use and operation of traffic infraction detectors  
 282 under this section. The summary report must include a review of  
 283 the information submitted to the Department of Transportation by  
 284 the counties and municipalities and must describe the  
 285 enhancement of the traffic safety and enforcement programs. The  
 286 Department of Transportation shall report its recommendations,  
 287 including any necessary legislation, on or before December 1 of  
 288 each even-numbered year to the Governor, the President of the  
 289 Senate, and the Speaker of the House of Representatives.

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

292 316.0745 Uniform signals and devices.--

293 (6) Any system of traffic control devices controlled and  
 294 operated from a remote location by electronic computers or  
 295 similar devices must ~~shall~~ meet all requirements established for  
 296 the uniform system, and, if where such a system affects ~~systems~~  
 297 ~~affect~~ the movement of traffic on state roads, the design of the  
 298 system must ~~shall~~ be reviewed and approved by the Department of  
 299 Transportation.

300 Section 5. Section 316.07456, Florida Statutes, is created  
 301 to read:

302 316.07456 Grandfather clause.--

303 (1) Any traffic infraction detector deployed on the  
 304 streets and highways of the state must meet the contract  
 305 specifications established by the Department of Transportation  
 306 and must be tested at regular intervals according to procedures  
 307 prescribed by that department.

308 (2) Notwithstanding any provision of law to the contrary,

HB 325

2010

309 nothing in this act shall prohibit any county or municipality  
 310 from using red light traffic enforcement devices of any type or  
 311 from enforcing violations of s. 316.074(1) or s. 316.075(1) (c)  
 312 or other red light traffic enforcement ordinances if such county  
 313 or municipality has enacted an ordinance to enforce red light  
 314 violations or has entered into a contract to purchase or lease  
 315 equipment to enforce red light violations before the effective  
 316 date of this act.

317 (3) Of the fine imposed pursuant to s. 316.0083(1) (a) or  
 318 (g), \$55 shall be remitted by the county or municipality to the  
 319 Department of Revenue for deposit into the General Revenue Fund,  
 320 \$20 shall be remitted to the Department of Revenue for deposit  
 321 into the Department of Health Administrative Trust Fund, and \$75  
 322 shall be retained by the county or municipality enforcing the  
 323 ordinance enacted pursuant to this section. Funds deposited into  
 324 the Department of Health Administrative Trust Fund under this  
 325 subsection shall be distributed as provided in s. 395.4036(1).

326 (4) This section expires 1 year after the Department of  
 327 Transportation's final adoption of specifications or on July 1,  
 328 2015, whichever occurs first.

329 Section 6. Section 316.0776, Florida Statutes, is created  
 330 to read:

331 316.0776 Traffic infraction detectors; placement and  
 332 installation.--Placement and installation of traffic infraction  
 333 detectors is allowed on the State Highway System, county roads,  
 334 and city streets pursuant to specifications developed by the  
 335 Department of Transportation included in the handbook addressing  
 336 material and equipment connections to the state electrical

337 signal boxes and placement of signs on state equipment to  
 338 protect the safety and operation of the traffic along roadways.

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

341 316.1967 Liability for payment of parking ticket  
 342 violations and other ~~parking~~ violations.--

343 (6) Any county or municipality may provide by ordinance  
 344 that the clerk of the court or the traffic violations bureau  
 345 shall supply the department with a magnetically encoded computer  
 346 tape reel or cartridge or send by other electronic means data  
 347 which is machine readable by the installed computer system at  
 348 the department, listing persons who have three or more  
 349 outstanding parking violations, including violations of s.  
 350 316.1955, or who have one or more outstanding tickets for a  
 351 violation of a traffic control signal steady red light  
 352 indication issued pursuant to an ordinance adopted under s.  
 353 316.0083. Each county shall provide by ordinance that the clerk  
 354 of the court or the traffic violations bureau shall supply the  
 355 department with a magnetically encoded computer tape reel or  
 356 cartridge or send by other electronic means data that is machine  
 357 readable by the installed computer system at the department,  
 358 listing persons who have any outstanding violations of s.  
 359 316.0083 or s. 316.1955 or any similar local ordinance that  
 360 regulates parking in spaces designated for use by persons who  
 361 have disabilities. The department shall mark the appropriate  
 362 registration records of persons who are so reported. Section  
 363 320.03(8) applies to each person whose name appears on the list.

364 Section 8. Subsections (1) and (2) of section 395.4036,

365 Florida Statutes, are amended to read:

366 395.4036 Trauma payments.--

367 (1) Recognizing the Legislature's stated intent to provide  
 368 financial support to the current verified trauma centers and to  
 369 provide incentives for the establishment of additional trauma  
 370 centers as part of a system of state-sponsored trauma centers,  
 371 the department shall use ~~utilize~~ funds collected under ss.  
 372 316.0083 and ~~s.~~ 318.18 and deposited into the Administrative  
 373 Trust Fund of the department to ensure the availability and  
 374 accessibility of trauma and emergency services throughout the  
 375 state as provided in this subsection.

376 (a) Funds collected under ss. 316.0083 and ~~s.~~ 318.18(15)  
 377 shall be distributed as follows:

378 1. Eighteen percent of the total funds collected under s.  
 379 316.0083 and 20 ~~Twenty~~ percent of the total funds collected  
 380 under s. 318.18(15) during the state fiscal year shall be  
 381 distributed to verified trauma centers that have a local funding  
 382 contribution as of December 31. Distribution of funds under this  
 383 subparagraph shall be based on trauma caseload volume for the  
 384 most recent calendar year available.

385 2. Thirty-eight percent of the total funds collected under  
 386 s. 316.0083 and 40 ~~Forty~~ percent of the total funds collected  
 387 under s. 318.18(15) shall be distributed to verified trauma  
 388 centers based on trauma caseload volume for the most recent  
 389 calendar year available. The determination of caseload volume  
 390 for distribution of funds under this subparagraph shall be based  
 391 on the department's Trauma Registry data.

392           3. Thirty-eight percent of the total funds collected under  
393 s. 316.0083 and 40 ~~Forty~~ percent of the total funds collected  
394 under s. 318.18(15) shall be distributed to verified trauma  
395 centers based on severity of trauma patients for the most recent  
396 calendar year available. The determination of severity for  
397 distribution of funds under this subparagraph shall be based on  
398 the department's International Classification Injury Severity  
399 Scores or another statistically valid and scientifically  
400 accepted method of stratifying a trauma patient's severity of  
401 injury, risk of mortality, and resource consumption as adopted  
402 by the department by rule, weighted based on the costs  
403 associated with and incurred by the trauma center in treating  
404 trauma patients. The weighting of scores shall be established by  
405 the department by rule.

406           4. Three percent of the total funds collected under s.  
407 316.0083 shall be distributed to public hospitals that qualify  
408 for distributions under s. 409.911(4), that are not verified  
409 trauma centers but are located in trauma service areas, as  
410 defined under s. 395.402, and that do not have a verified trauma  
411 center based on their proportionate number of emergency room  
412 visits on an annual basis. The Agency for Health Care  
413 Administration shall provide the department with a list of  
414 public hospitals and emergency room visits.

415           5. Three percent of the total funds collected under s.  
416 316.0083 shall be distributed equally to crisis stabilization  
417 units, rural health initiatives, and community-based support  
418 programs that provide support and services for individuals who  
419 have sustained a traumatic brain injury.

420 (b) Funds collected under s. 318.18(5)(c) and (20) ~~(19)~~  
 421 shall be distributed as follows:

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

426 2. Thirty-five percent of the total funds collected shall  
 427 be distributed to verified trauma centers based on trauma  
 428 caseload volume for the most recent calendar year available. The  
 429 determination of caseload volume for distribution of funds under  
 430 this subparagraph shall be based on the department's Trauma  
 431 Registry data.

432 3. Thirty-five percent of the total funds collected shall  
 433 be distributed to verified trauma centers based on severity of  
 434 trauma patients for the most recent calendar year available. The  
 435 determination of severity for distribution of funds under this  
 436 subparagraph shall be based on the department's International  
 437 Classification Injury Severity Scores or another statistically  
 438 valid and scientifically accepted method of stratifying a trauma  
 439 patient's severity of injury, risk of mortality, and resource  
 440 consumption as adopted by the department by rule, weighted based  
 441 on the costs associated with and incurred by the trauma center  
 442 in treating trauma patients. The weighting of scores shall be  
 443 established by the department by rule.

444 (2) Funds deposited in the department's Administrative  
 445 Trust Fund for verified trauma centers may be used to maximize  
 446 the receipt of federal funds that may be available for such  
 447 trauma centers and nontrauma center public hospitals.



448 Notwithstanding this section and s. 318.14, distributions to  
 449 trauma centers may be adjusted in a manner to ensure that total  
 450 payments to trauma centers represent the same proportional  
 451 allocation as set forth in this section and s. 318.14. For  
 452 purposes of this section and s. 318.14, total funds distributed  
 453 to trauma centers may include revenue from the Administrative  
 454 Trust Fund and federal funds for which revenue from the  
 455 Administrative Trust Fund is used to meet state or local  
 456 matching requirements. Funds collected under ss. 318.14,  
 457 316.0083, and 318.18 and deposited in the Administrative Trust  
 458 Fund of the department shall be distributed to trauma centers  
 459 and nontrauma center public hospitals on a quarterly basis using  
 460 the most recent calendar year data available. Such data shall  
 461 not be used for more than four quarterly distributions unless  
 462 there are extenuating circumstances as determined by the  
 463 department, in which case the most recent calendar year data  
 464 available shall continue to be used and appropriate adjustments  
 465 shall be made as soon as the more recent data becomes available.

466 Section 9. This act recognizes, validates, and ratifies  
 467 any enforcement action taken by a county or municipality using a  
 468 traffic infraction detector that is installed until 1 year after  
 469 the Department of Transportation's final specifications are  
 470 adopted, including any and all civil fines, penalties, fees, and  
 471 costs collected pursuant to such enforcement action.

472 Section 10. If any provision of this act or its  
 473 application to any person or circumstance is held invalid, the  
 474 invalidity shall not affect other provisions or applications of  
 475 this act which can be given effect without the invalid provision

HB 325

2010

476 | or application, and to this end the provisions of this act are  
477 | declared severable.

478 |       Section 11. This act shall take effect upon becoming a  
479 | law.