



352748

CHAMBER ACTION

Senate

.

House

.

.

.

.

1 Senator Baker moved the following **amendment to amendment**
2 **(844108)** :

3
4 **Senate Amendment (with title amendment)**

5 Delete line(s) 2741 and 2742

6 and insert:

7 Section 66. Subsection (86) is added to section 316.003, Florida
8 Statutes, to read:

9 316.003 Definitions.--The following words and phrases, when
10 used in this chapter, shall have the meanings respectively
11 ascribed to them in this section, except where the context
12 otherwise requires:

13 (86) TRAFFIC INFRACTION DETECTOR.--A device using a vehicle
14 sensor or sensors installed to work in conjunction with a traffic
15 control signal and a camera or cameras that are synchronized to
16 automatically record two or more sequenced photographic or
17 electronic images or streaming video of only the rear of a motor



352748

18 vehicle at the time the vehicle fails to stop behind the stop bar
19 or clearly marked stop line when facing a traffic control signal
20 steady red light.

21 Section 67. Section 316.0083, Florida Statutes, as created
22 by this act, may be cited as the "Mark Wandall Traffic Safety
23 Program."

24 Section 68. Section 316.0083, Florida Statutes, is created
25 to read:

26 316.0083 .-- Regulation and use of cameras for enforcement
27 of provisions of this chapter.--

28 (1) The regulation and use of cameras for enforcing the
29 provisions of this chapter are expressly preempted to the state.

30 (2) The department, the Department of Transportation,
31 counties, and municipalities may use traffic infraction detectors
32 to enforce s. 316.074(1) or s. 316.075(1)(c)1. when a driver
33 fails to stop at a traffic signal.

34 (3)(a) For purposes of administering this section, the
35 department, the Department of Transportation, counties, and
36 municipalities may by rule or ordinance authorize a traffic
37 infraction detector enforcement officer or a law enforcement
38 officer as defined in s. 943.10(1) to issue a uniform traffic
39 citation for a violation of s. 316.074(1) or s. 316.075(1)(c)1.
40 If the driver of the motor vehicle receives a uniform traffic
41 citation for a violation of s. 316.074(1) or s. 316.075(1)(c)1.
42 issued by a law enforcement officer, then a uniform traffic
43 citation may not be issued by a traffic infraction detector
44 enforcement officer. The term "traffic infraction detector
45 enforcement officer" means the designee of the department, the
46 Department of Transportation, a county, or a municipality who is



352748

47 authorized to enforce s. 316.074(1) or s. 316.075(1)(c)1. when a
48 driver fails to stop at a traffic signal. The department, the
49 Department of Transportation, counties, and municipalities may
50 designate traffic infraction detector enforcement officers
51 pursuant to s. 316.640(1).

52 (b) A citation issued under this section shall be issued by
53 mailing the citation by first-class mail or certified mail,
54 return receipt requested, to the address of the registered owner
55 of the motor vehicle involved in the violation. Mailing the
56 citation to this address constitutes notification. In the case of
57 joint ownership of a motor vehicle, the traffic citation shall be
58 mailed to the first name appearing on the registration, unless
59 the first name appearing on the registration is a business
60 organization, in which case the second name appearing on the
61 registration may be used. The citation must be mailed to the
62 registered owner of the motor vehicle involved in the violation
63 within 7 days after the date of the violation. Notice of and
64 instructions for accessing a secure website displaying a 10-
65 second video of the violation shall be provided with the
66 citation.

67 (c) The owner of the motor vehicle involved in the
68 violation is responsible and liable for paying the citation
69 issued for a violation of s. 316.074(1) or s. 316.075(1)(c)1.
70 when the driver failed to stop at a traffic signal, unless the
71 owner can establish that the motor vehicle was, at the time of
72 the violation, in the care, custody, or control of another
73 person. In order to establish such facts, the owner of the motor
74 vehicle shall, within 14 days after the date of issuance of the
75 citation, furnish to the appropriate governmental entity an
76 affidavit setting forth:



352748

77 1. The name, address, date of birth, and, if known, the
78 driver's license number of the person who leased, rented, or
79 otherwise had care, custody, or control of the motor vehicle at
80 the time of the alleged violation;

81 2. If the vehicle was stolen at the time of the alleged
82 offense, the police report indicating that the vehicle was
83 stolen; or

84 3. If a citation for a violation of s. 316.074(1) or s.
85 316.075(1)(c)1. was issued at the location of the violation by a
86 law enforcement officer, the serial number of the uniform traffic
87 citation.

88
89 Upon receipt of an affidavit, the person designated as having
90 care, custody, and control of the motor vehicle at the time of
91 the violation may be issued a citation for a violation of s.
92 316.074(1) or s. 316.075(1)(c)1. when the driver failed to stop
93 at a traffic signal. The affidavit is admissible in a proceeding
94 pursuant to this section for the purpose of providing proof that
95 the person identified in the affidavit was in actual care,
96 custody, or control of the motor vehicle. The owner of a leased
97 vehicle for which a citation is issued for a violation of s.
98 316.074(1) or s. 316.075(1)(c)1. when the driver failed to stop
99 at a traffic signal is not responsible for paying the citation
100 and is not required to submit an affidavit as specified in this
101 subsection if the motor vehicle involved in the violation is
102 registered in the name of the lessee of such motor vehicle.

103 (d) A written report of a traffic infraction detector
104 enforcement officer, along with photographic or electronic images
105 or streaming video evidence that a violation of s. 316.074(1) or
106 s. 316.075(1)(c)1. when the driver failed to stop at a traffic



352748

107 signal has occurred, is admissible in any proceeding to enforce
108 this section and raises a rebuttable presumption that the motor
109 vehicle named in the report or shown in the photographic or
110 electronic images or streaming video evidence was used in
111 violation of s. 316.074(1) or s. 316.075(1)(c)1. when the driver
112 failed to stop at a traffic signal.

113 (4) The submission of a false affidavit is a misdemeanor of
114 the second degree, punishable as provided in s. 775.082 or s.
115 775.083.

116 (5) This section supplements the enforcement of s.
117 316.074(1) or s. 316.075(1)(c)1. by law enforcement officers when
118 a driver fails to stop at a traffic signal, and this section does
119 not prohibit a law enforcement officer from issuing a citation
120 for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when a
121 driver fails to stop at a traffic signal in accordance with
122 normal traffic-enforcement techniques.

123 (6) (a) The Department of Transportation shall, on or before
124 October 1, 2008, adopt and publish minimum specifications for the
125 operation and implementation of traffic infraction detectors on
126 the streets and highways of the state. The minimum specifications
127 shall, insofar as is practicable, conform to the Traffic
128 Engineering Manual of the Department of Transportation and shall
129 be revised from time to time to include changes necessary to
130 conform to any uniform national system or to meet local or state
131 needs. The specifications shall include, but need not be limited
132 to, the size and purpose of stop bars, the duration time of
133 signal phases, signage and other public awareness requirements,
134 the amount of before and after photographic or electronic imaging
135 or streaming video needed, yellow light duration time, and
136 location of the rear tires in relation to the stop bar. The



352748

137 Department of Transportation shall require mandatory reporting of
138 all accidents at the intersections using traffic infraction
139 detectors and shall provide information relating to those
140 accidents to the Legislature by March 1, 2010. The Department of
141 Transportation may call upon representatives of local authorities
142 to assist in preparing or revising the uniform specifications of
143 traffic infraction detectors.

144 (b) All traffic infraction detectors operated or
145 implemented in this state by any public body or official must
146 conform to the specifications for operation and implementation of
147 traffic infraction detectors published by the Department of
148 Transportation pursuant to this subsection.

149 (c) A public body or official may not operate or implement
150 a traffic infraction detector in this state unless it conforms to
151 the specifications published by the Department of Transportation.
152 A public body may not sell a traffic infraction detector to any
153 nongovernmental entity or person.

154 (d) Before installing a traffic infraction detector at an
155 intersection, a municipality, county, or Department of
156 Transportation traffic engineer must review and certify that all
157 other applicable safety-related engineering measures have been
158 considered. Unless the manufacturer or vendor is furnishing the
159 traffic infraction detectors to a county or municipality pursuant
160 to a contract entered into on or before April 1, 2008, any
161 manufacturer or vendor that operates or implements a traffic
162 infraction detector without such certification is ineligible to
163 bid or furnish traffic infraction detectors to any public body or
164 official for such period of time as may be established by the
165 Department of Transportation; however, such period of time may



352748

166 not be less than 1 year following the date of notification of
167 ineligibility.

168 (e) The Department of Transportation may, after a hearing
169 pursuant to 14 days' notice, direct the removal of any traffic
170 infraction detector wherever located which purportedly fails to
171 meet the specifications of this subsection. The public agency
172 operating or implementing a traffic infraction detector shall
173 immediately remove the traffic infraction detector upon the
174 direction of the Department of Transportation and may not, for a
175 period of 5 years, install any replacement traffic infraction
176 detector unless written prior approval is received from the
177 Department of Transportation. Any additional violation by a
178 public body or official is cause for withholding state funds for
179 traffic control purposes until such public body or official
180 demonstrates to the Department of Transportation that it is
181 complying with this subsection.

182 (f) The Department of Transportation may authorize the
183 installation of traffic infraction detectors that are not in
184 conformity with the published specifications upon a showing of
185 good cause.

186 (g) Any traffic infraction detector acquired under a
187 contract entered into by a county or municipality on or before
188 April 1, 2008, is not required to meet the specifications for
189 operation and implementation of traffic infraction detectors
190 published by the Department of Transportation pursuant to this
191 subsection until July 1, 2013.

192 (7) Any manufacturer or vendor desiring to bid for the
193 performance of operating or implementing a traffic infraction
194 detector must first be qualified by the Department of
195 Transportation and without such qualification is ineligible to



352748

196 bid or furnish traffic infraction detectors to any public body or
197 official in this state unless the manufacturer or vendor is
198 furnishing the traffic infraction detectors to a county or
199 municipality pursuant to a contract entered into on or before
200 April 1, 2008. A manufacturer or vendor may not receive a fee
201 based upon the number of citations issued unless the manufacturer
202 or vendor entered into a contract with a municipality or county
203 to furnish traffic infraction detectors prior to April 1, 2008.
204 As of July 1, 2013, no contract in effect on or before April 1,
205 2008, relating to the operation or implementation of traffic
206 infraction detectors, may authorize a vendor or manufacturer to
207 receive a fee based upon the number of citations issued.

208 Section 69. Paragraph (b) of subsection (1) of section
209 316.640, Florida Statutes, is amended to read:

210 316.640 Enforcement.--The enforcement of the traffic laws
211 of this state is vested as follows:

212 (1) STATE.--

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

216 2.a. The Department of Transportation shall develop
217 training and qualifications standards for toll enforcement
218 officers whose sole authority is to enforce the payment of tolls
219 pursuant to s. 316.1001. Nothing in this subparagraph shall be
220 construed to permit the carrying of firearms or other weapons,
221 nor shall a toll enforcement officer have arrest authority.

222 b. For the purpose of enforcing s. 316.1001, governmental
223 entities, as defined in s. 334.03, which own or operate a toll
224 facility may employ independent contractors or designate
225 employees as toll enforcement officers; however, any such toll



352748

226 enforcement officer must successfully meet the training and
227 qualifications standards for toll enforcement officers
228 established by the Department of Transportation.

229 3.a. The Department of Transportation shall develop
230 training and qualifications standards for traffic infraction
231 detector enforcement officers whose sole authority is to enforce
232 s. 316.074(1) or s. 316.075(1)(c)1. when a driver fails to stop
233 at a traffic signal pursuant to s. 316.0083. This subparagraph
234 does not authorize the carrying of firearms or other weapons by a
235 traffic infraction enforcement officer and does not authorize a
236 traffic infraction detector enforcement officer to make arrests.

237 b. For the purpose of enforcing s. 316.0083, the
238 department, the Department of Transportation, counties, and
239 municipalities may designate employees as traffic infraction
240 detector enforcement officers; however, any such traffic
241 infraction detector enforcement officer must successfully meet
242 the training and qualifications standards for traffic infraction
243 detector enforcement officers established by the Department of
244 Transportation.

245 Section 70. Subsection (15) of section 318.18, Florida
246 Statutes, is amended to read:

247 318.18 Amount of penalties.--The penalties required for a
248 noncriminal disposition pursuant to s. 318.14 or a criminal
249 offense listed in s. 318.17 are as follows:

250 (15) (a) One hundred twenty-five dollars for a violation of
251 s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
252 stop at a traffic signal and when enforced by a law enforcement
253 officer. Sixty dollars shall be distributed as provided in s.
254 318.21, and the remaining \$65 shall be remitted to the Department



352748

255 of Revenue for deposit into the Administrative Trust Fund of the
256 Department of Health.

257 (b) Seventy dollars for each violation of s. 316.074(1) or
258 s. 316.075(1)(c)1. when a driver has failed to stop at a traffic
259 signal and when enforced by a traffic infraction detector
260 enforcement officer and, notwithstanding any other provision of
261 law, \$60 shall be distributed in the same manner as the
262 applicable municipal or county parking ordinance, and the
263 remaining \$10 shall be remitted to the Department of Revenue for
264 deposit into the Administrative Trust Fund of the Department of
265 Health and distributed pursuant to s. 395.4036.

266
267 Except for s. 318.121 and 318.1215, no other fees may be charged
268 by any entity for a violation of s. 316.074(1) or s.
269 316.075(1)(c)1. when enforced by a traffic infraction detector
270 enforcement officer.

271 Section 71. Paragraph (d) of subsection (3) of section
272 322.27, Florida Statutes, is amended to read:

273 322.27 Authority of department to suspend or revoke
274 license.--

275 (3) There is established a point system for evaluation of
276 convictions of violations of motor vehicle laws or ordinances,
277 and violations of applicable provisions of s. 403.413(6)(b) when
278 such violations involve the use of motor vehicles, for the
279 determination of the continuing qualification of any person to
280 operate a motor vehicle. The department is authorized to suspend
281 the license of any person upon showing of its records or other
282 good and sufficient evidence that the licensee has been convicted
283 of violation of motor vehicle laws or ordinances, or applicable
284 provisions of s. 403.413(6)(b), amounting to 12 or more points as



352748

285 | determined by the point system. The suspension shall be for a
286 | period of not more than 1 year.

287 | (d) The point system shall have as its basic element a
288 | graduated scale of points assigning relative values to
289 | convictions of the following violations:

290 | 1. Reckless driving, willful and wanton--4 points.

291 | 2. Leaving the scene of a crash resulting in property
292 | damage of more than \$50--6 points.

293 | 3. Unlawful speed resulting in a crash--6 points.

294 | 4. Passing a stopped school bus--4 points.

295 | 5. Unlawful speed:

296 | a. Not in excess of 15 miles per hour of lawful or posted
297 | speed--3 points.

298 | b. In excess of 15 miles per hour of lawful or posted
299 | speed--4 points.

300 | 6. A violation of a traffic control signal device as
301 | provided in s. 316.074(1) or s. 316.075(1)(c)1.--4 points.

302 | However, no points shall be imposed for a violation of s.
303 | 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to stop
304 | at a traffic signal and when enforced by a traffic infraction
305 | detector enforcement officer.

306 | 7. All other moving violations (including parking on a
307 | highway outside the limits of a municipality)--3 points. However,
308 | no points shall be imposed for a violation of s. 316.0741 or s.
309 | 316.2065(12).

310 | 8. Any moving violation covered above, excluding unlawful
311 | speed, resulting in a crash--4 points.

312 | 9. Any conviction under s. 403.413(6)(b)--3 points.

313 | 10. Any conviction under s. 316.0775(2)--4 points.



352748

314 Section 72. The Department of Highway Safety and Motor
315 Vehicles and the Department of Transportation shall jointly
316 submit a report on the efficacy of traffic infraction detectors
317 in enhancing public safety to the Governor, the President of the
318 Senate, and the Speaker of the House of Representatives on or
319 before January 1, 2013.

320
321 ===== T I T L E A M E N D M E N T =====

322 And the title is amended as follows:

323 On line 3048, after the semicolon,
324 insert:

325 amending s. 316.003, F.S.; defining the term "traffic
326 infraction detector"; providing a short title; creating s.
327 316.0083, F.S.; preempting to the state the use of cameras
328 to enforce traffic laws; authorizing the use of traffic
329 infraction detectors and traffic infraction detector
330 enforcement officers by the Department of Highway Safety
331 and Motor Vehicles, the Department of Transportation,
332 counties, and municipalities; providing requirements for
333 notifying a driver of the issuance of a citation;
334 providing that the owner of the motor vehicle involved in
335 a violation is responsible and liable for payment of the
336 fine assessed; providing exceptions; establishing
337 admissibility of evidence as a rebuttable presumption of a
338 violation; providing that submission of a false affidavit
339 constitutes a second-degree misdemeanor; requiring the
340 Department of Transportation to adopt and publish
341 specifications relating to the operation and
342 implementation of traffic infraction detectors; requiring
343 that the specifications conform to certain minimum



352748

344 requirements; requiring the certification of a location by
345 a traffic engineer before a detector is installed;
346 authorizing the Department of Transportation to direct the
347 removal of a detector that fails to meet the required
348 specifications; authorizing the department to allow the
349 installation of a detector that does not conform to the
350 required specification upon a showing of good cause;
351 exempting certain existing traffic infraction detectors
352 from the requirements for meeting the department's
353 specifications for a specified period; requiring the
354 qualification of vendors by the Department of
355 Transportation; amending s. 316.640, F.S.; directing the
356 Department of Transportation to develop training and
357 qualifications for traffic infraction detector enforcement
358 officers; amending s. 318.18, F.S.; providing for
359 penalties and distribution of fines for failing to stop at
360 a traffic signal when such violation is enforced by a
361 traffic infraction detector enforcement officer; amending
362 s. 322.27, F.S.; prohibiting the imposition of points
363 against a violator's driver's license for infractions
364 enforced by a traffic infraction detector enforcement
365 officer; directing the Department of Highway Safety and
366 Motor Vehicles and the Department of Transportation to
367 jointly report the efficacy of traffic infraction
368 detectors on or before a specified date;