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CHAMBER ACTION

Senate

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House

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1 Senator Geller moved the following **substitute for amendment**  
2 **(352748)** :

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

5 Between line(s) 2741 and 2742,  
6 and insert:

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



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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 of  
27 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  
47 authorized to enforce s. 316.074(1) or s. 316.075(1)(c)1. when a



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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:



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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



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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



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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 October 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



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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 October 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



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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 October 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 October 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





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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



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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



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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.



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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(s) 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



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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;