

Amendment No.

CHAMBER ACTION

Senate

House

.

1 Representative Reagan offered the following:

2
3 **Amendment to Amendment (615905) (with title amendment)**

4 Between lines 1988 and 1989, insert:

5 Section 48. Subsection (86) is added to section 316.003,
6 Florida Statutes, to read:

7 316.003 Definitions.--The following words and phrases,
8 when used in this chapter, shall have the meanings respectively
9 ascribed to them in this section, except where the context
10 otherwise requires:

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

185693

4/29/2008 6:21 PM

Amendment No.

17 behind the stop bar or clearly marked stop line when facing a
18 traffic control signal steady red light.

19 Section 49. Section 316.0083, Florida Statutes, as created
20 by this act, may be cited as the "Mark Wandall Traffic Safety
21 Program."

22 Section 50. Section 316.0083, Florida Statutes, is created
23 to read:

24 316.0083 Regulation and use of cameras for enforcement of
25 provisions of this chapter.--

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

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

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

185693

4/29/2008 6:21 PM

Amendment No.

45 316.075(1)(c)1. when a driver fails to stop at a traffic signal.
46 The department, the Department of Transportation, counties, and
47 municipalities may designate traffic infraction detector
48 enforcement officers pursuant to s. 316.640(1).

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

64 (c) The owner of the motor vehicle involved in the
65 violation is responsible and liable for paying the citation
66 issued for a violation of s. 316.074(1) or s. 316.075(1)(c)1.
67 when the driver failed to stop at a traffic signal, unless the
68 owner can establish that the motor vehicle was, at the time of
69 the violation, in the care, custody, or control of another
70 person. In order to establish such facts, the owner of the motor
71 vehicle shall, within 14 days after the date of issuance of the

185693

4/29/2008 6:21 PM

Amendment No.

72 citation, furnish to the appropriate governmental entity an
73 affidavit setting forth:

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

78 2. If the vehicle was stolen at the time of the alleged
79 offense, the police report indicating that the vehicle was
80 stolen; or

81 3. If a citation for a violation of s. 316.074(1) or s.
82 316.075(1)(c)1. was issued at the location of the violation by a
83 law enforcement officer, the serial number of the uniform
84 traffic citation.

85
86 Upon receipt of an affidavit, the person designated as having
87 care, custody, and control of the motor vehicle at the time of
88 the violation may be issued a citation for a violation of s.
89 316.074(1) or s. 316.075(1)(c)1. when the driver failed to stop
90 at a traffic signal. The affidavit is admissible in a proceeding
91 pursuant to this section for the purpose of providing proof that
92 the person identified in the affidavit was in actual care,
93 custody, or control of the motor vehicle. The owner of a leased
94 vehicle for which a citation is issued for a violation of s.
95 316.074(1) or s. 316.075(1)(c)1. when the driver failed to stop
96 at a traffic signal is not responsible for paying the citation
97 and is not required to submit an affidavit as specified in this
98 subsection if the motor vehicle involved in the violation is
99 registered in the name of the lessee of such motor vehicle.

185693

4/29/2008 6:21 PM

Amendment No.

100 (d) A written report of a traffic infraction detector
101 enforcement officer, along with photographic or electronic
102 images or streaming video evidence that a violation of s.
103 316.074(1) or s. 316.075(1)(c)1. when the driver failed to stop
104 at a traffic signal has occurred, is admissible in any
105 proceeding to enforce this section and raises a rebuttable
106 presumption that the motor vehicle named in the report or shown
107 in the photographic or electronic images or streaming video
108 evidence was used in violation of s. 316.074(1) or s.
109 316.075(1)(c)1. when the driver failed to stop at a traffic
110 signal.

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

114 (5) This section supplements the enforcement of s.
115 316.074(1) or s. 316.075(1)(c)1. by law enforcement officers
116 when a driver fails to stop at a traffic signal, and this
117 section does not prohibit a law enforcement officer from issuing
118 a citation for a violation of s. 316.074(1) or s.
119 316.075(1)(c)1. when a driver fails to stop at a traffic signal
120 in accordance with normal traffic-enforcement techniques.

121 (6)(a) The Department of Transportation shall, on or
122 before October 1, 2008, adopt and publish minimum specifications
123 for the operation and implementation of traffic infraction
124 detectors on the streets and highways of the state. The minimum
125 specifications shall, insofar as is practicable, conform to the
126 Traffic Engineering Manual of the Department of Transportation
127 and shall be revised from time to time to include changes

185693

4/29/2008 6:21 PM

Amendment No.

128 necessary to conform to any uniform national system or to meet
129 local or state needs. The specifications shall include, but need
130 not be limited to, the size and purpose of stop bars, the
131 duration time of signal phases, signage and other public
132 awareness requirements, the amount of before and after
133 photographic or electronic imaging or streaming video needed,
134 yellow light duration time, and location of the rear tires in
135 relation to the stop bar. The Department of Transportation shall
136 require mandatory reporting of all accidents at the
137 intersections using traffic infraction detectors and shall
138 provide information relating to those accidents to the
139 Legislature by March 1, 2010. The Department of Transportation
140 may call upon representatives of local authorities to assist in
141 preparing or revising the uniform specifications of traffic
142 infraction detectors.

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

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

153 (d) Before installing a traffic infraction detector at an
154 intersection, a Florida municipal, county, or Department of
155 Transportation traffic engineer must review and certify that all

185693

4/29/2008 6:21 PM

Amendment No.

156 other applicable safety-related engineering measures have been
157 considered. Any manufacturer or vendor that operates or
158 implements a traffic infraction detector without such
159 certification is ineligible to bid or furnish traffic infraction
160 detectors to any public body or official for such period of time
161 as may be established by the Department of Transportation;
162 however, such period of time may not be less than 1 year
163 following the date of notification of ineligibility.

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

178 (f) The Department of Transportation may authorize the
179 installation of traffic infraction detectors that are not in
180 conformity with the published specifications upon a showing of
181 good cause.

182 (g) Any traffic infraction detector acquired under a
183 contract entered into by a county or municipality on or before

185693

4/29/2008 6:21 PM

Amendment No.

184 April 1, 2008, is not required to meet the specifications for
185 operation and implementation of traffic infraction detectors
186 published by the Department of Transportation pursuant to this
187 subsection until July 1, 2013.

188 (7) Any manufacturer or vendor desiring to bid for the
189 performance of operating or implementing a traffic infraction
190 detector must first be qualified by the Department of
191 Transportation and without such qualification is ineligible to
192 bid or furnish traffic infraction detectors to any public body
193 or official in this state. A manufacturer or vendor may not
194 receive a fee based upon the number of citations issued.

195 Section 51. Paragraph (b) of subsection (1) of section
196 316.640, Florida Statutes, is amended to read:

197 316.640 Enforcement.--The enforcement of the traffic laws
198 of this state is vested as follows:

199 (1) STATE.--

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

203 2.a. The Department of Transportation shall develop
204 training and qualifications standards for toll enforcement
205 officers whose sole authority is to enforce the payment of tolls
206 pursuant to s. 316.1001. Nothing in this subparagraph shall be
207 construed to permit the carrying of firearms or other weapons,
208 nor shall a toll enforcement officer have arrest authority.

209 b. For the purpose of enforcing s. 316.1001, governmental
210 entities, as defined in s. 334.03, which own or operate a toll
211 facility may employ independent contractors or designate

185693

4/29/2008 6:21 PM

Amendment No.

212 employees as toll enforcement officers; however, any such toll
213 enforcement officer must successfully meet the training and
214 qualifications standards for toll enforcement officers
215 established by the Department of Transportation.

216 3.a The Department of Transportation shall develop
217 training and qualifications standards for traffic infraction
218 detector enforcement officers whose sole authority is to enforce
219 s. 316.074(1) or s. 316.075(1)(c)1. when a driver fails to stop
220 at a traffic signal pursuant to s. 316.0083. This subparagraph
221 does not authorize the carrying of firearms or other weapons by
222 a traffic infraction enforcement officer and does not authorize
223 a traffic infraction detector enforcement officer to make
224 arrests.

225 b. For the purpose of enforcing s. 316.0083, the
226 department, the Department of Transportation, counties, and
227 municipalities may designate employees as traffic infraction
228 detector enforcement officers; however, any such traffic
229 infraction detector enforcement officer must successfully meet
230 the training and qualifications standards for traffic infraction
231 detector enforcement officers established by the Department of
232 Transportation.

233 Section 52. Subsection (15) of section 318.18, Florida
234 Statutes, is amended to read:

235 318.18 Amount of penalties.--The penalties required for a
236 noncriminal disposition pursuant to s. 318.14 or a criminal
237 offense listed in s. 318.17 are as follows:

238 (15)(a) One hundred twenty-five dollars for a violation of
239 s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
185693

4/29/2008 6:21 PM

Amendment No.

240 stop at a traffic signal and when enforced by a law enforcement
241 officer. Sixty dollars shall be distributed as provided in s.
242 318.21, and the remaining \$65 shall be remitted to the
243 Department of Revenue for deposit into the Administrative Trust
244 Fund of the Department of Health.

245 (b) Seventy dollars for each violation of s. 316.074(1) or
246 s. 316.075(1)(c)1. when a driver has failed to stop at a traffic
247 signal and when enforced by a traffic infraction detector
248 enforcement officer and, notwithstanding any other provision of
249 law, \$60 shall be distributed in the same manner as the
250 applicable municipal or county parking ordinance, and the
251 remaining \$10 shall be remitted to the Department of Revenue for
252 deposit into the Administrative Trust Fund of the Department of
253 Health and distributed pursuant to s. 395.4036.

254
255 Except for s. 318.121 and 318.1215, no other fees may be charged
256 by any entity for a violation of s. 316.074(1) or s.
257 316.075(1)(c)1. when enforced by a traffic infraction detector
258 enforcement officer.

259 Section 53. Paragraph (d) of subsection (3) of section
260 322.27, Florida Statutes, is amended to read:

261 322.27 Authority of department to suspend or revoke
262 license.--

263 (3) There is established a point system for evaluation of
264 convictions of violations of motor vehicle laws or ordinances,
265 and violations of applicable provisions of s. 403.413(6)(b) when
266 such violations involve the use of motor vehicles, for the
267 determination of the continuing qualification of any person to
185693

4/29/2008 6:21 PM

Amendment No.

268 operate a motor vehicle. The department is authorized to suspend
269 the license of any person upon showing of its records or other
270 good and sufficient evidence that the licensee has been
271 convicted of violation of motor vehicle laws or ordinances, or
272 applicable provisions of s. 403.413(6)(b), amounting to 12 or
273 more points as determined by the point system. The suspension
274 shall be for a period of not more than 1 year.

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

- 278 1. Reckless driving, willful and wanton--4 points.
- 279 2. Leaving the scene of a crash resulting in property
280 damage of more than \$50--6 points.
- 281 3. Unlawful speed resulting in a crash--6 points.
- 282 4. Passing a stopped school bus--4 points.
- 283 5. Unlawful speed:
 - 284 a. Not in excess of 15 miles per hour of lawful or posted
285 speed--3 points.
 - 286 b. In excess of 15 miles per hour of lawful or posted
287 speed--4 points.
- 288 6. A violation of a traffic control signal device as
289 provided in s. 316.074(1) or s. 316.075(1)(c)1.--4 points.
290 However, no points shall be imposed for a violation of s.
291 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
292 stop at a traffic signal and when enforced by a traffic
293 infraction detector enforcement officer.
- 294 7. All other moving violations (including parking on a
295 highway outside the limits of a municipality)--3 points.

185693

4/29/2008 6:21 PM

Amendment No.

296 However, no points shall be imposed for a violation of s.
297 316.0741 or s. 316.2065(12).

298 8. Any moving violation covered above, excluding unlawful
299 speed, resulting in a crash--4 points.

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

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

302 Section 54. The Department of Highway Safety and Motor
303 Vehicles and the Department of Transportation shall jointly
304 submit a report on the efficacy of traffic infraction detectors
305 in enhancing public safety to the Governor, the President of the
306 Senate, and the Speaker of the House of Representatives on or
307 before January 1, 2013.

308
309
310
311

312 -----

313 **T I T L E A M E N D M E N T**

314 Between lines 2171 and 2172, insert:
315 amending s. 316.003, F.S.; defining the term "traffic
316 infraction detector"; providing a short title; creating s.
317 316.0083, F.S.; preempting to the state the use of cameras
318 to enforce traffic laws; authorizing the use of traffic
319 infraction detectors and traffic infraction detector
320 enforcement officers by the Department of Highway Safety
321 and Motor Vehicles, the Department of Transportation,
322 counties, and municipalities; providing requirements for
323 notifying a driver of the issuance of a citation;

185693
4/29/2008 6:21 PM

Amendment No.

324 providing that the owner of the motor vehicle involved in
325 a violation is responsible and liable for payment of the
326 fine assessed; providing exceptions; establishing
327 admissibility of evidence as a rebuttable presumption of a
328 violation; providing that submission of a false affidavit
329 constitutes a second-degree misdemeanor; requiring the
330 Department of Transportation to adopt and publish
331 specifications relating to the operation and
332 implementation of traffic infraction detectors; requiring
333 that the specifications conform to certain minimum
334 requirements; requiring the certification of a location by
335 a traffic engineer before a detector is installed;
336 authorizing the Department of Transportation to direct the
337 removal of a detector that fails to meet the required
338 specifications; authorizing the department to allow the
339 installation of a detector that does not conform to the
340 required specification upon a showing of good cause;
341 exempting certain existing traffic infraction detectors
342 from the requirements for meeting the department's
343 specifications for a specified period; requiring the
344 qualification of vendors by the Department of
345 Transportation; amending s. 316.640, F.S.; directing the
346 Department of Transportation to develop training and
347 qualifications for traffic infraction detector enforcement
348 officers; amending s. 318.18, F.S.; providing for
349 penalties and distribution of fines for failing to stop at
350 a traffic signal when such violation is enforced by a
351 traffic infraction detector enforcement officer; amending

185693

4/29/2008 6:21 PM

Amendment No.

352 s. 322.27, F.S.; prohibiting the imposition of points
353 against a violator's driver's license for infractions
354 enforced by a traffic infraction detector enforcement
355 officer; directing the Department of Highway Safety and
356 Motor Vehicles and the Department of Transportation to
357 jointly report the efficacy of traffic infraction
358 detectors on or before a specified date;