

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Needelman 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 that uses a
12 vehicle sensor installed to work in conjunction with a traffic
13 control signal and a camera synchronized to automatically record
14 two or more sequenced photographic or electronic images or
15 streaming video of only the rear of a motor vehicle at the time
16 the vehicle fails to stop behind the stop bar or clearly marked

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17 stop line when facing a traffic control signal steady red light.
18 Any citation issued by the use of a traffic infraction detector
19 must include a photograph showing both the license tag of the
20 offending vehicle and the traffic control device being violated.

21 Section 49. Section 316.0083, Florida Statutes, is created
22 to read:

23 316.0083 Mark Wandall Traffic Safety Program;
24 administration; report.--

25 (1) There is created the Mark Wandall Traffic Safety
26 Program governing the operation of traffic infraction detectors.
27 The program shall be administered by the Department of Highway
28 Safety and Motor Vehicles and shall include the following
29 provisions:

30 (a) In order to use a traffic infraction detector, a
31 county or municipality must enact an ordinance that provides for
32 the use of a traffic infraction detector to enforce s.
33 316.075(1)(c), which requires the driver of a vehicle to stop
34 the vehicle when facing a traffic control signal steady red
35 light on the streets and highways under the jurisdiction of the
36 county or municipality. A county or municipality that operates a
37 traffic infraction detector must authorize a traffic infraction
38 enforcement officer to issue a ticket for a violation of s.
39 316.075(1)(c) and to enforce the payment of tickets for such
40 violation. This paragraph does not authorize a traffic
41 infraction enforcement officer to carry a firearm or other
42 weapon and does not authorize such an officer to make arrests.
43 The ordinance must require signs to be posted at locations
44 designated by the county or municipality providing notification

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45 that a traffic infraction detector may be in use. Such signage
46 must conform to the standards and requirements adopted by the
47 Department of Transportation under s. 316.0745. The ordinance
48 must also require that the county or municipality make a public
49 announcement and conduct a public awareness campaign of the
50 proposed use of traffic infraction detectors at least 30 days
51 before commencing the enforcement program. In addition, the
52 ordinance must establish a fine of \$125 to be assessed against
53 the registered owner of a motor vehicle that fails to stop when
54 facing a traffic control signal steady red light as determined
55 through the use of a traffic infraction detector. Any other
56 provision of law to the contrary notwithstanding, an additional
57 surcharge, fee, or cost may not be added to the civil penalty
58 authorized by this paragraph.

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

61 (c) A county or municipality must adopt an ordinance under
62 this section that provides for the use of a traffic infraction
63 detector in order to impose a fine on the registered owner of a
64 motor vehicle for a violation of s. 316.075(1)(c). The fine
65 shall be imposed in the same manner and is subject to the same
66 limitations as provided for parking violations under s.
67 316.1967. Except as specifically provided in this section,
68 chapter 318 and s. 322.27 do not apply to a violation of s.
69 316.075(1)(c) for which a ticket has been issued under an
70 ordinance enacted pursuant to this section. Enforcement of a
71 ticket issued under the ordinance is not a conviction of the
72 operator of the motor vehicle, may not be made a part of the

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73 driving record of the operator, and may not be used for purposes
74 of setting motor vehicle insurance rates. Points under s. 322.27
75 may not be assessed based upon such enforcement.

76 (d) The procedures set forth in s. 316.1967(2)-(5) apply
77 to an ordinance enacted pursuant to this section, except that
78 the ticket must contain the name and address of the person
79 alleged to be liable as the registered owner of the motor
80 vehicle involved in the violation, the registration number of
81 the motor vehicle, the violation charged, a copy of the recorded
82 images, the location where the violation occurred, the date and
83 time of the violation, information that identifies the device
84 that recorded the violation, and a signed statement by a
85 specifically trained technician employed by the agency or its
86 contractor that, based on inspection of recorded images, the
87 motor vehicle was being operated in violation of s.
88 316.075(1)(c). The ticket must advise the registered owner of
89 the motor vehicle involved in the violation of the amount of the
90 fine, the date by which the fine must be paid, and the procedure
91 for contesting the violation alleged in the ticket. The ticket
92 must contain a warning that failure to contest the violation in
93 the manner and time provided is deemed an admission of the
94 liability and that a default may be entered thereon. The
95 violation shall be processed by the county or municipality that
96 has jurisdiction over the street or highway where the violation
97 occurred or by any entity authorized by the county or
98 municipality to prepare and mail the ticket.

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99 (e) The ticket shall be sent by first-class mail addressed
100 to the registered owner of the motor vehicle and postmarked no
101 later than 14 days after the date of the violation.

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

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

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

111 c. The motor vehicle was stolen at the time of the alleged
112 violation; or

113 d. A uniform traffic citation was issued to the driver of
114 the motor vehicle for the alleged violation of s. 316.075(1)(c).

115 2. In order to establish any such fact, the registered
116 owner of the vehicle must, within 20 days after receipt of
117 notification of the alleged violation, furnish to the county or
118 municipality, as appropriate, an affidavit that sets forth
119 detailed information supporting an exemption as provided in sub-
120 subparagraph 1.a., sub-subparagraph 1.b., sub-subparagraph 1.c.,
121 or sub-subparagraph 1.d. For an exemption under sub-subparagraph
122 1.c., the affidavit must set forth that the vehicle was stolen
123 and be accompanied by a copy of the police report indicating
124 that the vehicle was stolen at the time of the alleged
125 violation. For an exemption under sub-subparagraph 1.d., the
126 affidavit must set forth that a citation was issued and be

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127 accompanied by a copy of the citation indicating the time of the
128 alleged violation and the location of the intersection where it
129 occurred.

130 (g) A person may contest the determination that such
131 person failed to stop at a traffic control signal steady red
132 light as evidenced by a traffic infraction detector by electing
133 to appear before any judge authorized by law to preside over a
134 court hearing that adjudicates traffic infractions. A person who
135 elects to appear before the court to present evidence is deemed
136 to have waived the limitation of civil penalties imposed for the
137 violation. The court, after hearing, shall determine whether the
138 violation was committed and may impose a civil penalty not to
139 exceed \$125 plus costs. The court may take appropriate measures
140 to enforce collection of any penalty not paid within the time
141 permitted by the court.

142 (h) A certificate sworn to or affirmed by a person
143 authorized under this section who is employed by or under
144 contract with the county or municipality where the infraction
145 occurred, or a facsimile thereof that is based upon inspection
146 of photographs or other recorded images produced by a traffic
147 infraction detector, is prima facie evidence of the facts
148 contained in the certificate. A photograph or other recorded
149 image evidencing a violation of s. 316.075(1)(c) must be
150 available for inspection in any proceeding to adjudicate
151 liability under an ordinance enacted pursuant to this section.

152 (i) In any county or municipality in which tickets are
153 issued as provided in this section, the names of persons who

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154 have one or more outstanding violations may be included on the
155 list authorized under s. 316.1967(6).

156 (j) If the driver of the motor vehicle received a citation
157 from a traffic enforcement officer at the time of the violation,
158 a ticket may not be issued pursuant to this section.

159 (k) Before placing any traffic infraction detector at an
160 intersection, the operational settings of the traffic control
161 signal must be calibrated in accordance with the Institute of
162 Traffic Engineers Calculations which provides reaction time and
163 stopping time and clearance time included in yellow time plus an
164 all red time of 2 seconds.

165 (2) The fine imposed pursuant to paragraph (1)(a) or
166 paragraph (1)(g) shall be retained by the county or municipality
167 enforcing the ordinance enacted pursuant to this section.

168 (3) A complaint that a county or municipality is employing
169 traffic infraction detectors for purposes other than the
170 promotion of public health, welfare, and safety or in a manner
171 inconsistent with this section may be submitted to the governing
172 body of such county or municipality. Such complaints, along with
173 any investigation and corrective action taken by the county or
174 municipal governing body, shall be included in the annual report
175 to the department and in the department's annual summary report
176 to the Governor, the President of the Senate, and the Speaker of
177 the House Representatives, as required by this section. Based on
178 its review of the report, the Legislature may exclude a county
179 or municipality from further participation in the program.

180 (4) (a) Each county or municipality that operates a traffic
181 infraction detector shall submit an annual report to the

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182 department that details the results of using the traffic
183 infraction detector and the procedures for enforcement.

184 (b) The department shall provide an annual summary report
185 to the Governor, the President of the Senate, and the Speaker of
186 the House of Representatives regarding the use and operation of
187 traffic infraction detectors under this section. The summary
188 report must include a review of the information submitted to the
189 department by the counties and municipalities and must describe
190 the enhancement of the traffic safety and enforcement programs.
191 The department shall report its recommendations, including any
192 necessary legislation, on or before December 1, 2009, to the
193 Governor, the President of the Senate, and the Speaker of the
194 House of Representatives.

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

198 Between lines 2171 and 2172, insert:

199 amending s. 316.003, F.S.; defining the term "traffic infraction
200 detector"; creating s. 316.0083, F.S.; creating the Mark Wandall
201 Traffic Safety Program to be administered by the Department of
202 Highway Safety and Motor Vehicles; requiring a county or
203 municipality to enact an ordinance in order to use a traffic
204 infraction detector to identify a motor vehicle that fails to
205 stop at a traffic control signal steady red light; requiring
206 authorization of a traffic infraction enforcement officer to
207 issue and enforce a ticket for such violation; requiring
208 signage; requiring certain public awareness procedures;
209 requiring the ordinance to establish a fine of a certain amount;

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210 prohibiting additional charges; exempting emergency vehicles;
211 providing that the registered owner of the motor vehicle
212 involved in the violation is responsible and liable for payment
213 of the fine assessed; providing exceptions; providing procedures
214 for disposition and enforcement of tickets; requiring certain
215 traffic control signal operational settings; providing for
216 disposition of revenue; providing complaint procedures;
217 providing for the Legislature to exclude a county or
218 municipality from the program; requiring reports from
219 participating municipalities and counties to the department;
220 requiring the department to make reports to the Governor and the
221 Legislature;

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