

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

544797

4/30/2008 12:07 AM

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 or a law enforcement  
36 officer as defined in s. 943.10(1) to issue a uniform traffic  
37 citation for a violation of s. 316.074(1) or s. 316.075(1)(c)1.  
38 If the driver of the motor vehicle receives a uniform traffic  
39 citation for a violation of s. 316.074(1) or s. 316.075(1)(c)1.  
40 issued by a law enforcement officer, then a uniform traffic  
41 citation may not be issued by a traffic infraction detector  
42 enforcement officer. The term "traffic infraction detector  
43 enforcement officer" means the designee of the department, the  
44 Department of Transportation, a county, or a municipality who is

544797

4/30/2008 12:07 AM

Amendment No.

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

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

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

544797

4/30/2008 12:07 AM

Amendment No.

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

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

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

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

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

544797

4/30/2008 12:07 AM

Amendment No.

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

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

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

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

544797

4/30/2008 12:07 AM

Amendment No.

129 necessary to conform to any uniform national system or to meet  
130 local or state needs. The specifications shall include, but need  
131 not be limited to, the size and purpose of stop bars, the  
132 duration time of signal phases, signage and other public  
133 awareness requirements, the amount of before and after  
134 photographic or electronic imaging or streaming video needed,  
135 yellow light duration time, and location of the rear tires in  
136 relation to the stop bar. The Department of Transportation shall  
137 require mandatory reporting of all accidents at the  
138 intersections using traffic infraction detectors and shall  
139 provide information relating to those accidents to the  
140 Legislature by March 1, 2010. The Department of Transportation  
141 may call upon representatives of local authorities to assist in  
142 preparing or revising the uniform specifications of traffic  
143 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  
147 of 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  
151 to the specifications published by the Department of  
152 Transportation. A public body may not sell a traffic infraction  
153 detector to any 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

544797

4/30/2008 12:07 AM

Amendment No.

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  
160 pursuant to a contract entered into on or before April 1, 2008,  
161 any 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  
164 or official for such period of time as may be established by the  
165 Department of Transportation; however, such period of time may  
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

544797

4/30/2008 12:07 AM

Amendment No.

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  
196 bid or furnish traffic infraction detectors to any public body  
197 or 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  
202 manufacturer or vendor entered into a contract with a  
203 municipality or county to furnish traffic infraction detectors  
204 prior to April 1, 2008. As of July 1, 2013, no contract in  
205 effect on or before April 1, 2008, relating to the operation or  
206 implementation of traffic infraction detectors, may authorize a  
207 vendor or manufacturer to receive a fee based upon the number of  
208 citations issued.

209 Section 51. Paragraph (b) of subsection (1) of section  
210 316.640, Florida Statutes, is amended to read:

544797

4/30/2008 12:07 AM



Amendment No.

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

213 (1) STATE.--

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

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

223 b. For the purpose of enforcing s. 316.1001, governmental  
224 entities, as defined in s. 334.03, which own or operate a toll  
225 facility may employ independent contractors or designate  
226 employees as toll enforcement officers; however, any such toll  
227 enforcement officer must successfully meet the training and  
228 qualifications standards for toll enforcement officers  
229 established by the Department of Transportation.

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

544797

4/30/2008 12:07 AM

Amendment No.

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

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

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

252        (15) (a) One hundred twenty-five dollars for a violation of  
253 s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to  
254 stop at a traffic signal and when enforced by a law enforcement  
255 officer. Sixty dollars shall be distributed as provided in s.  
256 318.21, and the remaining \$65 shall be remitted to the  
257 Department of Revenue for deposit into the Administrative Trust  
258 Fund of the Department of Health.

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

544797

4/30/2008 12:07 AM

Amendment No.

266 deposit into the Administrative Trust Fund of the Department of  
267 Health and distributed pursuant to s. 395.4036.

268  
269 Except for s. 318.121 and 318.1215, no other fees may be charged  
270 by any entity for a violation of s. 316.074(1) or s.  
271 316.075(1)(c)1. when enforced by a traffic infraction detector  
272 enforcement officer.

273 Section 53. Paragraph (d) of subsection (3) of section  
274 322.27, Florida Statutes, is amended to read:

275 322.27 Authority of department to suspend or revoke  
276 license.--

277 (3) There is established a point system for evaluation of  
278 convictions of violations of motor vehicle laws or ordinances,  
279 and violations of applicable provisions of s. 403.413(6)(b) when  
280 such violations involve the use of motor vehicles, for the  
281 determination of the continuing qualification of any person to  
282 operate a motor vehicle. The department is authorized to suspend  
283 the license of any person upon showing of its records or other  
284 good and sufficient evidence that the licensee has been  
285 convicted of violation of motor vehicle laws or ordinances, or  
286 applicable provisions of s. 403.413(6)(b), amounting to 12 or  
287 more points as determined by the point system. The suspension  
288 shall be for a period of not more than 1 year.

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

292 1. Reckless driving, willful and wanton--4 points.

544797

4/30/2008 12:07 AM

Amendment No.

- 293           2. Leaving the scene of a crash resulting in property  
294 damage of more than \$50--6 points.
- 295           3. Unlawful speed resulting in a crash--6 points.
- 296           4. Passing a stopped school bus--4 points.
- 297           5. Unlawful speed:
- 298           a. Not in excess of 15 miles per hour of lawful or posted  
299 speed--3 points.
- 300           b. In excess of 15 miles per hour of lawful or posted  
301 speed--4 points.
- 302           6. A violation of a traffic control signal device as  
303 provided in s. 316.074(1) or s. 316.075(1)(c)1.--4 points.  
304 However, no points shall be imposed for a violation of s.  
305 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to  
306 stop at a traffic signal and when enforced by a traffic  
307 infraction detector enforcement officer.
- 308           7. All other moving violations (including parking on a  
309 highway outside the limits of a municipality)--3 points.  
310 However, no points shall be imposed for a violation of s.  
311 316.0741 or s. 316.2065(12).
- 312           8. Any moving violation covered above, excluding unlawful  
313 speed, resulting in a crash--4 points.
- 314           9. Any conviction under s. 403.413(6)(b)--3 points.
- 315           10. Any conviction under s. 316.0775(2)--4 points.
- 316           Section 54. The Department of Highway Safety and Motor  
317 Vehicles and the Department of Transportation shall jointly  
318 submit a report on the efficacy of traffic infraction detectors  
319 in enhancing public safety to the Governor, the President of the

544797

4/30/2008 12:07 AM

Amendment No.

Senate, and the Speaker of the House of Representatives on or  
before January 1, 2013.

-----

**T I T L E   A M E N D M E N T**

Between lines 2171 and 2172, insert:  
amending s. 316.003, F.S.; defining the term "traffic  
infraction detector"; providing a short title; creating s.  
316.0083, F.S.; preempting to the state the use of cameras  
to enforce traffic laws; authorizing the use of traffic  
infraction detectors and traffic infraction detector  
enforcement officers by the Department of Highway Safety  
and Motor Vehicles, the Department of Transportation,  
counties, and municipalities; providing requirements for  
notifying a driver of the issuance of a citation;  
providing that the owner of the motor vehicle involved in  
a violation is responsible and liable for payment of the  
fine assessed; providing exceptions; establishing  
admissibility of evidence as a rebuttable presumption of a  
violation; providing that submission of a false affidavit  
constitutes a second-degree misdemeanor; requiring the  
Department of Transportation to adopt and publish  
specifications relating to the operation and  
implementation of traffic infraction detectors; requiring  
that the specifications conform to certain minimum  
requirements; requiring the certification of a location by  
a traffic engineer before a detector is installed;

544797

4/30/2008 12:07 AM

Amendment No.

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

544797

4/30/2008 12:07 AM