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CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: RS	.	
4/22/2008	.	
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1 The Committee on Transportation and Economic Development
2 Appropriations (Margolis) recommended the following **amendment**:

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

5 Between line(s) 721 and 722
6 insert:

7
8 Section 15. Subsection (86) is added to section 316.003,
9 Florida Statutes, to read:

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

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



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

21 Section 16. Section 316.0083, Florida Statutes, is created
22 to read:

23 316.0083 Regulation and use of cameras for enforcement of
24 provisions of this chapter.--

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

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

31 (3)(a) For purposes of administering this section, the
32 department, the Department of Transportation, counties, and
33 municipalities may by rule or ordinance authorize a traffic
34 infraction enforcement officer to issue a uniform traffic
35 citation for a violation of s. 316.074(1) or s. 316.075(1)(c)1.
36 If the driver of the motor vehicle receives a uniform traffic
37 citation for a violation of s. 316.074(1) or s. 316.075(1)(c)1.
38 issued by a law enforcement officer, then a uniform traffic
39 citation may not be issued by an infraction enforcement officer.
40 The term "traffic infraction enforcement officer" means the
41 designee of the department, the Department of Transportation, a
42 county, or a municipality who is authorized to enforce s.
43 316.074(1) or s. 316.075(1)(c)1. when a driver fails to stop at a
44 traffic signal. The department, the Department of Transportation,
45 counties, and municipalities may designate traffic infraction
46 enforcement officers pursuant to s. 316.640(1).



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

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

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



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

79 3. If a citation for a violation of s. 316.074(1) or s.
80 316.075(1)(c)1. was issued at the location of the violation by a
81 law enforcement officer, the serial number of the uniform traffic
82 citation.

83
84 Upon receipt of an affidavit, the person designated as having
85 care, custody, and control of the motor vehicle at the time of
86 the violation may be issued a citation for a violation of s.
87 316.074(1) or s. 316.075(1)(c)1. when the driver failed to stop
88 at a traffic signal. The affidavit is admissible in a proceeding
89 pursuant to this section for the purpose of providing proof that
90 the person identified in the affidavit was in actual care,
91 custody, or control of the motor vehicle. The owner of a leased
92 vehicle for which a citation is issued for a violation of s.
93 316.074(1) or s. 316.075(1)(c)1. when the driver failed to stop
94 at a traffic signal is not responsible for paying the citation
95 and is not required to submit an affidavit as specified in this
96 subsection if the motor vehicle involved in the violation is
97 registered in the name of the lessee of such motor vehicle.

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



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106 violation of s. 316.074(1) or s. 316.075(1)(c)1. when the driver
107 failed to stop at a traffic signal.

108 (4) The submission of a false affidavit is a misdemeanor of
109 the second degree, punishable as provided in s. 775.082 or s.
110 775.083.

111 (5) This section supplements the enforcement of s.
112 316.074(1) or s. 316.075(1)(c)1. by law enforcement officers when
113 a driver fails to stop at a traffic signal, and this section does
114 not prohibit a law enforcement officer from issuing a citation
115 for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when a
116 driver fails to stop at a traffic signal in accordance with
117 normal traffic-enforcement techniques.

118 (6) (a) The Department of Transportation shall, on or before
119 October 1, 2008, adopt and publish minimum specifications for the
120 operation and implementation of traffic infraction detectors on
121 the streets and highways of the state. The minimum specifications
122 shall, insofar as is practicable, conform to the Traffic
123 Engineering Manual of the Department of Transportation and shall
124 be revised from time to time to include changes necessary to
125 conform to any uniform national system or to meet local or state
126 needs. The specifications shall include, but need not be limited
127 to, the size and purpose of stop bars, the duration time of
128 signal phases, signage and other public awareness requirements,
129 the amount of before and after photographic or electronic imaging
130 or streaming video needed, yellow light duration time, and
131 location of the rear tires in relation to the stop bar. The
132 Department of Transportation shall require mandatory reporting of
133 all accidents at the intersections using traffic infraction
134 detectors and shall provide information relating to those
135 accidents to the Legislature by March 1, 2010. The Department of



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136 Transportation may call upon representatives of local authorities
137 to assist in preparing or revising the uniform specifications of
138 traffic infraction detectors.

139 (b) All traffic infraction detectors operated or
140 implemented in this state by any public body or official must
141 conform with the specifications for operation and implementation
142 of traffic infraction detectors published by the Department of
143 Transportation pursuant to this subsection.

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

149 (d) Before installing a traffic infraction detector at an
150 intersection, a Florida municipal, county, or department traffic
151 engineer must review and certify that all other applicable
152 safety-related engineering measures have been considered. Any
153 manufacturer or vendor that operates or implements a traffic
154 infraction detector without such certification is ineligible to
155 bid or furnish traffic infraction detectors to any public body or
156 official for such period of time as may be established by the
157 Department of Transportation; however, such period of time may
158 not be less than 1 year following the date of notification of
159 ineligibility.

160 (e) The Department of Transportation may, after a hearing
161 pursuant to 14 days' notice, direct the removal of any traffic
162 infraction detector wherever located which purportedly fails to
163 meet the specifications of this subsection. The public agency
164 operating or implementing a traffic infraction detector shall
165 immediately remove the traffic infraction detector upon the



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166 direction of the Department of Transportation and may not, for a
167 period of 5 years, install any replacement traffic infraction
168 detector unless written prior approval is received from the
169 Department of Transportation. Any additional violation by a
170 public body or official is cause for withholding state funds for
171 traffic control purposes until such public body or official
172 demonstrates to the Department of Transportation that it is
173 complying with this subsection.

174 (f) The Department of Transportation may authorize the
175 installation of traffic infraction detectors that are not in
176 conformity with the published specifications upon a showing of
177 good cause.

178 (g) Any traffic infraction detector acquired under a
179 contract entered into by a county or municipality before March 1,
180 2008, is not required to meet the specifications for operation
181 and implementation of traffic infraction detectors published by
182 the Department of Transportation pursuant to this subsection
183 until July 1, 2013.

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

191 Section 17. Paragraph (b) of subsection (1) of section
192 316.650, Florida Statutes, is amended to read:

193 316.640 Enforcement.--The enforcement of the traffic laws
194 of this state is vested as follows:

195 (1) STATE.--



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

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

205 b. For the purpose of enforcing s. 316.1001, governmental
206 entities, as defined in s. 334.03, which own or operate a toll
207 facility may employ independent contractors or designate
208 employees as toll enforcement officers; however, any such toll
209 enforcement officer must successfully meet the training and
210 qualifications standards for toll enforcement officers
211 established by the Department of Transportation.

212 3.a The Department of Transportation shall develop training
213 and qualifications standards for traffic infraction enforcement
214 officers whose sole authority is to enforce s. 316.074(1) or s.
215 316.075(1)(c)1. when a driver fails to stop at a traffic signal
216 pursuant to s. 316.0083. This subparagraph does not authorize the
217 carrying of firearms or other weapons by a traffic infraction
218 enforcement officer and does not authorize a traffic infraction
219 enforcement officer to make arrests.

220 b. For the purpose of enforcing s. 316.0083, the
221 department, the Department of Transportation, counties, and
222 municipalities may designate employees as traffic infraction
223 enforcement officers; however, any such traffic infraction
224 enforcement officer must successfully meet the training and



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225 qualifications standards for traffic infraction enforcement
226 officers established by the Department of Transportation.

227 Section 18. Subsection (15) of section 318.18, Florida
228 Statutes, is amended to read:

229 318.18 Amount of penalties.--The penalties required for a
230 noncriminal disposition pursuant to s. 318.14 or a criminal
231 offense listed in s. 318.17 are as follows:

232 (15) (a) One hundred twenty-five dollars for a violation of
233 s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
234 stop at a traffic signal and when enforced by a law enforcement
235 officer. Sixty dollars shall be distributed as provided in s.
236 318.21, and the remaining \$65 shall be remitted to the Department
237 of Revenue for deposit into the Administrative Trust Fund of the
238 Department of Health.

239 (b) Sixty dollars for each violation of s. 316.074(1) or s.
240 316.075(1)(c)1. when a driver has failed to stop at a traffic
241 signal and when enforced by a traffic infraction enforcement
242 officer and, notwithstanding any other provision of law, all
243 sixty dollars shall be distributed in the same manner as the
244 applicable municipal or county parking ordinance.

245
246 Except for s. 318.121 and 318.1215, no other fees may be charged
247 by any entity for a violation of s. 316.074(1) or s.
248 316.075(1)(c)1. when enforced by a traffic infraction enforcement
249 officer.

250 Section 19. Paragraph (d) of subsection (3) of section
251 322.27, Florida Statutes, is amended to read:

252 322.27 Authority of department to suspend or revoke
253 license.--



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254 (3) There is established a point system for evaluation of
255 convictions of violations of motor vehicle laws or ordinances,
256 and violations of applicable provisions of s. 403.413(6) (b) when
257 such violations involve the use of motor vehicles, for the
258 determination of the continuing qualification of any person to
259 operate a motor vehicle. The department is authorized to suspend
260 the license of any person upon showing of its records or other
261 good and sufficient evidence that the licensee has been convicted
262 of violation of motor vehicle laws or ordinances, or applicable
263 provisions of s. 403.413(6) (b), amounting to 12 or more points as
264 determined by the point system. The suspension shall be for a
265 period of not more than 1 year.

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

- 269 1. Reckless driving, willful and wanton--4 points.
- 270 2. Leaving the scene of a crash resulting in property
271 damage of more than \$50--6 points.
- 272 3. Unlawful speed resulting in a crash--6 points.
- 273 4. Passing a stopped school bus--4 points.
- 274 5. Unlawful speed:
 - 275 a. Not in excess of 15 miles per hour of lawful or posted
276 speed--3 points.
 - 277 b. In excess of 15 miles per hour of lawful or posted
278 speed--4 points.
- 279 6. A violation of a traffic control signal device as
280 provided in s. 316.074(1) or s. 316.075(1) (c)1.--4 points.
281 However, no points shall be imposed for a violation of s.
282 316.074(1) or s. 316.075(1) (c)1. when a driver has failed to stop



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283 at a traffic signal and when enforced by a traffic infraction
284 enforcement officer.

285 7. All other moving violations (including parking on a
286 highway outside the limits of a municipality)--3 points. However,
287 no points shall be imposed for a violation of s. 316.0741 or s.
288 316.2065(12).

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

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

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

293 Section 20. The Department of Highway Safety and Motor
294 Vehicles and the Department of Transportation shall jointly
295 submit a report on the efficacy of traffic infraction detectors
296 in enhancing public safety to the Governor, the President of the
297 Senate, and the Speaker of the House of Representatives on or
298 before January 1, 2013.

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301

302 ===== T I T L E A M E N D M E N T =====

303 And the title is amended as follows:

304 On line 47, after the semicolon
305 insert:

306 amending s. 316.003, F.S.; defining the term "traffic
307 infraction detector"; creating s. 316.0083, F.S.;
308 preempting to the state the use of cameras to enforce
309 traffic laws; authorizing the use of traffic infraction
310 detectors and traffic enforcement officers by the
311 Department of Highway Safety and Motor Vehicles, the
312 Department of Transportation, counties, and



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313 municipalities; providing requirements for notifying a
314 driver of the issuance of a citation; providing that the
315 owner of the motor vehicle involved in a violation is
316 responsible and liable for payment of the fine assessed;
317 providing exceptions; establishing admissibility of
318 evidence as a rebuttable presumption of a violation;
319 providing that submission of a false affidavit constitutes
320 a second-degree misdemeanor; requiring the Department of
321 Transportation to adopt and publish specifications
322 relating to the operation and implementation of traffic
323 infraction detectors; requiring that the specifications
324 conform to certain minimum requirements; requiring the
325 certification of a location by a traffic engineer before a
326 detector is installed; authorizing the Department of
327 Transportation to direct the removal of a detector that
328 fails to meet the required specifications; authorizing the
329 department to allow the installation of a detector that
330 does not conform to the required specification upon a
331 showing of good cause; exempting certain existing traffic
332 infraction detectors from the requirements for meeting the
333 department's specifications for a specified period;
334 requiring the qualification of vendors by the Department
335 of Transportation; amending s. 316.640, F.S.; directing
336 the Department of Transportation to develop training and
337 qualifications for traffic infraction enforcement
338 officers; amending s. 318.18, F.S.; providing for
339 penalties and distribution of fines for failing to stop at
340 a traffic signal when such violation is enforced by a
341 traffic infraction enforcement officer; amending s.
342 322.27, F.S.; prohibiting the imposition of points against



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343 | a violator's driver's license for infractions enforced by
344 | a traffic infraction enforcement officer; directing the
345 | Department of Highway Safety and Motor Vehicles and the
346 | Department of Transportation to jointly report the
347 | efficacy of traffic infraction detectors on or before a
348 | specified date;