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CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: RCS	.	
4/22/2008	.	
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1 The Committee on Transportation and Economic Development
2 Appropriations (Margolis) recommended the following **substitute**
3 **for amendment (450980)**:

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

6 Between line(s) 721 and 722

7 insert:

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

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

15 (86) TRAFFIC INFRACTION DETECTOR.--A device using a vehicle
16 sensor or sensors installed to work in conjunction with a traffic
17 control signal and a camera or cameras that are synchronized to



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18 automatically record two or more sequenced photographic or
19 electronic images or streaming video of only the rear of a motor
20 vehicle at the time the vehicle fails to stop behind the stop bar
21 or clearly marked stop line when facing a traffic control signal
22 steady red light.

23 Section 16. Section 316.0083, Florida Statutes, is created
24 to read:

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

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

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

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



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48 municipalities may designate traffic infraction detector
49 enforcement officers pursuant to s. 316.640(1).

50 (b) A citation issued under this section shall be issued by
51 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 of
55 joint ownership of a motor vehicle, the traffic citation shall be
56 mailed to the first name appearing on the registration, unless
57 the first name appearing on the registration is a business
58 organization, in which case the second name appearing on the
59 registration may be used. The citation must be mailed to the
60 registered owner of the motor vehicle involved in the violation
61 within 7 days after the date of the violation. Notice of and
62 instructions for accessing a secure website displaying a 10-
63 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
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



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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 traffic
85 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.

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



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107 vehicle named in the report or shown in the photographic or
108 electronic images or streaming video evidence was used in
109 violation of s. 316.074(1) or s. 316.075(1)(c)1. when the driver
110 failed to stop at a traffic signal.

111 (4) The submission of a false affidavit is a misdemeanor of
112 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 when
116 a driver fails to stop at a traffic signal, and this section does
117 not prohibit a law enforcement officer from issuing a citation
118 for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when a
119 driver fails to stop at a traffic signal in accordance with
120 normal traffic-enforcement techniques.

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



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137 detectors and shall provide information relating to those
138 accidents to the Legislature by March 1, 2010. The Department of
139 Transportation may call upon representatives of local authorities
140 to assist in preparing or revising the uniform specifications of
141 traffic infraction detectors.

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

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

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

163 (e) The Department of Transportation may, after a hearing
164 pursuant to 14 days' notice, direct the removal of any traffic
165 infraction detector wherever located which purportedly fails to
166 meet the specifications of this subsection. The public agency



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

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

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

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

194 Section 17. Paragraph (b) of subsection (1) of section
195 316.650, Florida Statutes, is amended to read:



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196 316.640 Enforcement.--The enforcement of the traffic laws
197 of this state is vested as follows:

198 (1) STATE.--

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

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

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

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

223 b. For the purpose of enforcing s. 316.0083, the
224 department, the Department of Transportation, counties, and
225 municipalities may designate employees as traffic infraction



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226 detector enforcement officers; however, any such traffic
227 infraction detector enforcement officer must successfully meet
228 the training and qualifications standards for traffic infraction
229 detector enforcement officers established by the Department of
230 Transportation.

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

233 318.18 Amount of penalties.--The penalties required for a
234 noncriminal disposition pursuant to s. 318.14 or a criminal
235 offense listed in s. 318.17 are as follows:

236 (15) (a) One hundred twenty-five dollars for a violation of
237 s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
238 stop at a traffic signal and when enforced by a law enforcement
239 officer. Sixty dollars shall be distributed as provided in s.
240 318.21, and the remaining \$65 shall be remitted to the Department
241 of Revenue for deposit into the Administrative Trust Fund of the
242 Department of Health.

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

249
250 Except for s. 318.121 and 318.1215, no other fees may be charged
251 by any entity for a violation of s. 316.074(1) or s.
252 316.075(1)(c)1. when enforced by a traffic infraction detector
253 enforcement officer.

254 Section 19. Paragraph (d) of subsection (3) of section
255 322.27, Florida Statutes, is amended to read:



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256 322.27 Authority of department to suspend or revoke
257 license.--

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

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

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



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286 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to stop
287 at a traffic signal and when enforced by a traffic infraction
288 detector enforcement officer.

289 7. All other moving violations (including parking on a
290 highway outside the limits of a municipality)--3 points. However,
291 no points shall be imposed for a violation of s. 316.0741 or s.
292 316.2065(12).

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

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

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

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

303

304

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

306 And the title is amended as follows:

307 On line 47, after the semicolon

308 insert:

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



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



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