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CHAMBER ACTION

Senate

House

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Floor: WD/3R  
5/2/2008 5:03 PM

1 Senator Bennett moved the following **Senate amendment to House**  
2 **amendment (162105)** :

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

5 Between lines 2233 and 2234,  
6 insert:

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

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

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



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18 the vehicle fails to stop behind the stop bar or clearly marked  
19 stop line when facing a traffic control signal steady red light.

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

23 Section 50. 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 or a law enforcement  
37 officer as defined in s. 943.10(1) to issue a uniform traffic  
38 citation for a violation of s. 316.074(1) or s. 316.075(1)(c)1.  
39 If the driver of the motor vehicle receives a uniform traffic  
40 citation for a violation of s. 316.074(1) or s. 316.075(1)(c)1.  
41 issued by a law enforcement officer, then a uniform traffic  
42 citation may not be issued by a traffic infraction detector  
43 enforcement officer. The term "traffic infraction detector  
44 enforcement officer" means the designee of the department, the  
45 Department of Transportation, a county, or a municipality who is  
46 authorized to enforce s. 316.074(1) or s. 316.075(1)(c)1. when a  
47 driver fails to stop at a traffic signal. The department, the



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48 Department of Transportation, counties, and municipalities may  
49 designate traffic infraction detector enforcement officers  
50 pursuant to s. 316.640(1).

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

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

76 1. The name, address, date of birth, and, if known, the  
77 driver's license number of the person who leased, rented, or



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78 otherwise had care, custody, or control of the motor vehicle at  
79 the time of the alleged violation;

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

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

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

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



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

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

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



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138 detectors and shall provide information relating to those  
139 accidents to the Legislature by March 1, 2010. The Department of  
140 Transportation may call upon representatives of local authorities  
141 to assist in preparing or revising the uniform specifications of  
142 traffic 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 of  
146 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 to  
150 the specifications published by the Department of Transportation.  
151 A public body may not sell a traffic infraction detector to any  
152 nongovernmental entity or person.

153 (d) Before installing a traffic infraction detector at an  
154 intersection, a municipality, county, or Department of  
155 Transportation traffic engineer must review and certify that all  
156 other applicable safety-related engineering measures have been  
157 considered. Unless the manufacturer or vendor is furnishing the  
158 traffic infraction detectors to a county or municipality pursuant  
159 to a contract entered into on or before April 1, 2008, any  
160 manufacturer or vendor that operates or implements a traffic  
161 infraction detector without such certification is ineligible to  
162 bid or furnish traffic infraction detectors to any public body or  
163 official for such period of time as may be established by the  
164 Department of Transportation; however, such period of time may  
165 not be less than 1 year following the date of notification of  
166 ineligibility.



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

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

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

191       (7) Any manufacturer or vendor desiring to bid for the  
192 performance of operating or implementing a traffic infraction  
193 detector must first be qualified by the Department of  
194 Transportation and without such qualification is ineligible to  
195 bid or furnish traffic infraction detectors to any public body or  
196 official in this state unless the manufacturer or vendor is



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197 furnishing the traffic infraction detectors to a county or  
198 municipality pursuant to a contract entered into on or before  
199 April 1, 2008. A manufacturer or vendor may not receive a fee  
200 based upon the number of citations issued unless the manufacturer  
201 or vendor entered into a contract with a municipality or county  
202 to furnish traffic infraction detectors prior to April 1, 2008.  
203 As of July 1, 2013, no contract in effect on or before April 1,  
204 2008, relating to the operation or implementation of traffic  
205 infraction detectors, may authorize a vendor or manufacturer to  
206 receive a fee based upon the number of citations issued.

207 Section 51. Paragraph (b) of subsection (1) of section  
208 316.640, Florida Statutes, is amended to read:

209 316.640 Enforcement.--The enforcement of the traffic laws  
210 of this state is vested as follows:

211 (1) STATE.--

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

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

221 b. For the purpose of enforcing s. 316.1001, governmental  
222 entities, as defined in s. 334.03, which own or operate a toll  
223 facility may employ independent contractors or designate  
224 employees as toll enforcement officers; however, any such toll  
225 enforcement officer must successfully meet the training and





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226 qualifications standards for toll enforcement officers  
227 established by the Department of Transportation.

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

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

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

246 318.18 Amount of penalties.--The penalties required for a  
247 noncriminal disposition pursuant to s. 318.14 or a criminal  
248 offense listed in s. 318.17 are as follows:

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



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256       (b) Seventy dollars for each violation of s. 316.074(1) or  
257 s. 316.075(1) (c)1. when a driver has failed to stop at a traffic  
258 signal and when enforced by a traffic infraction detector  
259 enforcement officer and, notwithstanding any other provision of  
260 law, \$60 shall be distributed in the same manner as the  
261 applicable municipal or county parking ordinance, and the  
262 remaining \$10 shall be remitted to the Department of Revenue for  
263 deposit into the Administrative Trust Fund of the Department of  
264 Health and distributed pursuant to s. 395.4036.

265  
266 Except for s. 318.121 and 318.1215, no other fees may be charged  
267 by any entity for a violation of s. 316.074(1) or s.  
268 316.075(1) (c)1. when enforced by a traffic infraction detector  
269 enforcement officer.

270       Section 53. Paragraph (d) of subsection (3) of section  
271 322.27, Florida Statutes, is amended to read:

272       322.27 Authority of department to suspend or revoke  
273 license.--

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



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



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316 in enhancing public safety to the Governor, the President of the  
317 Senate, and the Speaker of the House of Representatives on or  
318 before January 1, 2013.

319  
320 ===== T I T L E A M E N D M E N T =====

321 And the title is amended as follows:

322  
323 On line 2402, after the second semicolon,  
324 insert:

325 amending s. 316.003, F.S.; defining the term "traffic  
326 infraction detector"; providing a short title; creating s.  
327 316.0083, F.S.; preempting to the state the use of cameras  
328 to enforce traffic laws; authorizing the use of traffic  
329 infraction detectors and traffic infraction detector  
330 enforcement officers by the Department of Highway Safety  
331 and Motor Vehicles, the Department of Transportation,  
332 counties, and municipalities; providing requirements for  
333 notifying a driver of the issuance of a citation;  
334 providing that the owner of the motor vehicle involved in  
335 a violation is responsible and liable for payment of the  
336 fine assessed; providing exceptions; establishing  
337 admissibility of evidence as a rebuttable presumption of a  
338 violation; providing that submission of a false affidavit  
339 constitutes a second-degree misdemeanor; requiring the  
340 Department of Transportation to adopt and publish  
341 specifications relating to the operation and  
342 implementation of traffic infraction detectors; requiring  
343 that the specifications conform to certain minimum  
344 requirements; requiring the certification of a location by  
345 a traffic engineer before a detector is installed;



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