

Bill No. SB 816



202422

CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: 1/RCS	.	
3/11/2008	.	
	.	
	.	

1 The Committee on Transportation (Baker) recommended the
 2 following **amendment**:

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

5 Delete everything after the enacting clause
 6 and insert:

7 Section 1. This act may be cited as the "Mark Wandall
 8 Traffic Safety Act."

9 Section 2. Subsection (86) is added to section 316.003,
 10 Florida Statutes, to read:

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

Bill No. SB 816



202422

15 (86) TRAFFIC INFRACTION DETECTOR.--A device using a
16 vehicle sensor installed to work in conjunction with a traffic
17 control signal and a camera that are synchronized to
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
21 bar or clearly marked stop line when facing a traffic control
22 signal steady red light.

23 Section 3. 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
31 detectors to enforce s. 316.074(1) or s. 316.075(1)(c)1. when a
32 driver 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 enforcement officer to issue a uniform traffic
37 citation for a violation of s. 316.074(1) or s. 316.075(1)(c)1.
38 The term "traffic infraction enforcement officer" means the
39 designee of the department, the Department of Transportation, a
40 county, or a municipality who is authorized to enforce s.
41 316.074(1) or s. 316.075(1)(c)1. when a driver fails to stop at
42 a traffic signal. The department, the Department of

Bill No. SB 816



202422

43 Transportation, counties, and municipalities may designate
44 traffic infraction enforcement officers pursuant to s.
45 316.640(1).

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

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

Bill No. SB 816



202422

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

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

78
79 Upon receipt of an affidavit, the person designated as having
80 care, custody, and control of the motor vehicle at the time of
81 the violation may be issued a citation for a violation of s.
82 316.074(1) or s. 316.075(1)(c)1. when the driver failed to stop
83 at a traffic signal. The affidavit is admissible in a proceeding
84 pursuant to this section for the purpose of providing proof that
85 the person identified in the affidavit was in actual care,
86 custody, or control of the motor vehicle. The owner of a leased
87 vehicle for which a citation is issued for a violation of s.
88 316.074(1) or s. 316.075(1)(c)1. when the driver failed to stop
89 at a traffic signal is not responsible for paying the citation
90 and is not required to submit an affidavit as specified in this
91 subsection if the motor vehicle involved in the violation is
92 registered in the name of the lessee of such motor vehicle.

93 (d) A written report of a traffic infraction enforcement
94 officer, along with photographic or electronic images or
95 streaming video evidence that a violation of s. 316.074(1) or s.
96 316.075(1)(c)1. when the driver failed to stop at a traffic
97 signal has occurred, is admissible in any proceeding to enforce
98 this section and raises a rebuttable presumption that the motor

Bill No. SB 816



202422

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

103 (4) The submission of a false affidavit is a misdemeanor
104 of the second degree, punishable as provided in s. 775.082 or s.
105 775.083.

106 (5) This section supplements the enforcement of s.
107 316.074(1) or s. 316.075(1)(c)1. by law enforcement officers
108 when a driver fails to stop at a traffic signal, and this
109 section does not prohibit a law enforcement officer from issuing
110 a citation for a violation of s. 316.074(1) or s.
111 316.075(1)(c)1. when a driver fails to stop at a traffic signal
112 in accordance with normal traffic-enforcement techniques.

113 (6) (a) The Department of Transportation shall adopt and
114 publish minimum specifications for the operation and
115 implementation of traffic infraction detectors on the streets
116 and highways of the state. The minimum specifications shall,
117 insofar as is practicable, conform to the Traffic Engineering
118 Manual of the Department of Transportation and shall be revised
119 from time to time to include changes necessary to conform to any
120 uniform national system or to meet local or state needs. The
121 specifications shall include, but need not be limited to, the
122 size and purpose of stop bars, the duration time of signal
123 phases, the amount of before and after photographic or
124 electronic imaging or streaming video needed, yellow light
125 duration time, location of the rear tires in relation to the
126 stop bar, and mandatory removal of the traffic infraction



202422

127 detector if it increases accidents at the intersection by 10
128 percent within 1 year after installation. The Department of
129 Transportation may call upon representatives of local
130 authorities to assist in preparing or revising the uniform
131 specifications of traffic infraction detectors.

132 (b) All traffic infraction detectors operated or
133 implemented in this state by any public body or official must
134 conform with the specifications for operation and implementation
135 of traffic infraction detectors published by the Department of
136 Transportation pursuant to this subsection.

137 (c) A public body or official may not operate or implement
138 a traffic infraction detector in this state unless it conforms
139 to the specifications published by the Department of
140 Transportation. A public body may not sell a traffic infraction
141 detector to any nongovernmental entity or person.

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

152 (e) The Department of Transportation may, after a hearing
153 pursuant to 14 days' notice, direct the removal of any traffic
154 infraction detector wherever located which purportedly fails to



202422

155 meet the specifications of this subsection. The public agency
156 operating or implementing a traffic infraction detector shall
157 immediately remove the traffic infraction detector upon the
158 direction of the Department of Transportation and may not, for a
159 period of 5 years, install any replacement traffic infraction
160 detector unless written prior approval is received from the
161 Department of Transportation. Any additional violation by a
162 public body or official is cause for withholding state funds for
163 traffic control purposes until such public body or official
164 demonstrates to the Department of Transportation that it is
165 complying with this subsection.

166 (f) The Department of Transportation may authorize the
167 installation of traffic infraction detectors that are not in
168 conformity with the published specifications upon a showing of
169 good cause.

170 (g) Any traffic infraction detector acquired under a
171 contract entered into by a county or municipality before March
172 1, 2008, is not required to meet the specifications for
173 operation and implementation of traffic infraction detectors
174 published by the Department of Transportation pursuant to this
175 subsection until July 1, 2013.

176 (7) Any manufacturer or vendor desiring to bid for the
177 performance of operating or implementing a traffic infraction
178 detector must first be qualified by the Department of
179 Transportation and without such qualification is ineligible to
180 bid or furnish traffic infraction detectors to any public body
181 or official in this state. A manufacturer or vendor may not
182 receive a fee based upon the number of citations issued.

Bill No. SB 816



202422

183 Section 4. Paragraph (b) of subsection (1) of section
184 316.650, Florida Statutes, is amended to read:

185 316.640 Enforcement.--The enforcement of the traffic laws
186 of this state is vested as follows:

187 (1) STATE.--

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

191 2.a. The Department of Transportation shall develop
192 training and qualifications standards for toll enforcement
193 officers whose sole authority is to enforce the payment of tolls
194 pursuant to s. 316.1001. Nothing in this subparagraph shall be
195 construed to permit the carrying of firearms or other weapons,
196 nor shall a toll enforcement officer have arrest authority.

197 b. For the purpose of enforcing s. 316.1001, governmental
198 entities, as defined in s. 334.03, which own or operate a toll
199 facility may employ independent contractors or designate
200 employees as toll enforcement officers; however, any such toll
201 enforcement officer must successfully meet the training and
202 qualifications standards for toll enforcement officers
203 established by the Department of Transportation.

204 3.a The Department of Transportation shall develop
205 training and qualifications standards for traffic infraction
206 enforcement officers whose sole authority is to enforce s.
207 316.074(1) or s. 316.075(1)(c)1. when a driver fails to stop at
208 a traffic signal pursuant to s. 316.0083. This subparagraph does
209 not authorize the carrying of firearms or other weapons by a

Bill No. SB 816



202422

210 traffic infraction enforcement officer and does not authorize a
211 traffic infraction enforcement officer to make arrests.

212 b. For the purpose of enforcing s. 316.0083, the
213 department, the Department of Transportation, counties, and
214 municipalities may designate employees as traffic infraction
215 enforcement officers; however, any such traffic infraction
216 enforcement officer must successfully meet the training and
217 qualifications standards for traffic infraction enforcement
218 officers established by the Department of Transportation.

219 Section 5. Subsection (15) of section 318.18, Florida
220 Statutes, is amended to read:

221 318.18 Amount of penalties.--The penalties required for a
222 noncriminal disposition pursuant to s. 318.14 or a criminal
223 offense listed in s. 318.17 are as follows:

224 (15) (a) One hundred twenty-five dollars for a violation of
225 s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
226 stop at a traffic signal and when enforced by a law enforcement
227 officer. Sixty dollars shall be distributed as provided in s.
228 318.21, and the remaining \$65 shall be remitted to the
229 Department of Revenue for deposit into the Administrative Trust
230 Fund of the Department of Health.

231 (b) Sixty dollars for each violation up to three
232 violations of s. 316.074(1) or s. 316.075(1)(c)1. when a driver
233 has failed to stop at a traffic signal and when enforced by a
234 traffic infraction enforcement officer shall be distributed as
235 provided in s. 318.21.

236 (c) One hundred twenty-five dollars for each violation
237 subsequent to the third violation of s. 316.074(1) or s.

Bill No. SB 816



202422

238 316.075(1)(c)1. when a driver has failed to stop at a traffic
239 signal and when enforced by a traffic infraction enforcement
240 officer shall be distributed as provided in s. 318.21. Sixty
241 dollars shall be distributed as provided in s. 318.21 and the
242 remaining \$65 shall be remitted to the Department of Revenue for
243 deposit into the Administrative Trust Fund of the Department of
244 Health.

245
246 No other fees may be charged by any entity for a violation of s.
247 316.074(1) or s. 316.075(1)(c)1. when enforced by a traffic
248 infraction enforcement officer.

249 Section 6. Paragraph (d) of subsection (3) of section
250 322.27, Florida Statutes, is amended to read:

251 322.27 Authority of department to suspend or revoke
252 license.--

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

Bill No. SB 816



202422

- 265 (d) The point system shall have as its basic element a
266 graduated scale of points assigning relative values to
267 convictions of the following violations:
- 268 1. Reckless driving, willful and wanton--4 points.
 - 269 2. Leaving the scene of a crash resulting in property
270 damage of more than \$50--6 points.
 - 271 3. Unlawful speed resulting in a crash--6 points.
 - 272 4. Passing a stopped school bus--4 points.
 - 273 5. Unlawful speed:
 - 274 a. Not in excess of 15 miles per hour of lawful or posted
275 speed--3 points.
 - 276 b. In excess of 15 miles per hour of lawful or posted
277 speed--4 points.
 - 278 6. A violation of a traffic control signal device as
279 provided in s. 316.074(1) or s. 316.075(1)(c)1.--4 points.
280 However, no points shall be imposed for a violation of s.
281 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
282 stop at a traffic signal and when enforced by a traffic
283 infraction enforcement officer.
 - 284 7. All other moving violations (including parking on a
285 highway outside the limits of a municipality)--3 points.
286 However, no points shall be imposed for a violation of s.
287 316.0741 or s. 316.2065(12).
 - 288 8. Any moving violation covered above, excluding unlawful
289 speed, resulting in a crash--4 points.
 - 290 9. Any conviction under s. 403.413(6)(b)--3 points.
 - 291 10. Any conviction under s. 316.0775(2)--4 points.



202422

292 Section 7. The Department of Highway Safety and Motor
 293 Vehicles and the Department of Transportation shall jointly
 294 submit a report on the efficacy of traffic infraction detectors
 295 in enhancing public safety to the Governor, the President of the
 296 Senate, and the Speaker of the House of Representatives on or
 297 before January 1, 2013.

298 Section 8. This act shall take effect July 1, 2008.
 299

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

301 And the title is amended as follows:

302 Delete everything before the enacting clause
 303 and insert:

304 A bill to be entitled
 305 An act relating to uniform traffic control; creating the
 306 "Mark Wandall Traffic Safety Act"; amending s. 316.003,
 307 F.S.; defining the term "traffic infraction detector";
 308 creating s. 316.0083, F.S.; preempting to the state the
 309 use of cameras to enforce traffic laws; authorizing the
 310 use of traffic infraction detectors and traffic
 311 enforcement officers by the Department of Highway Safety
 312 and Motor Vehicles, the Department of Transportation,
 313 counties, and municipalities; providing requirements for
 314 notifying a driver of the issuance of a citation;
 315 providing that the owner of the motor vehicle involved in
 316 a violation is responsible and liable for payment of the
 317 fine assessed; providing exceptions; establishing
 318 admissibility of evidence as a rebuttable presumption of a
 319 violation; providing that submission of a false affidavit

Bill No. SB 816



202422

320 constitutes a second-degree misdemeanor; requiring the
321 Department of Transportation to adopt and publish
322 specifications relating to the operation and
323 implementation of traffic infraction detectors; requiring
324 that the specifications conform to certain minimum
325 requirements; requiring the certification of a location by
326 a traffic engineer before a detector is installed;
327 authorizing the Department of Transportation to direct the
328 removal of a detector that fails to meet the required
329 specifications; authorizing the department to allow the
330 installation of a detector that does not conform to the
331 required specification upon a showing of good cause;
332 exempting certain existing traffic infraction detectors
333 from the requirements for meeting the department's
334 specifications for a specified period; requiring the
335 qualification of vendors by the Department of
336 Transportation; amending s. 316.640, F.S.; directing the
337 Department of Transportation to develop training and
338 qualifications for traffic infraction enforcement
339 officers; amending s. 318.18, F.S.; providing for
340 penalties and distribution of fines for failing to stop at
341 a traffic signal when such violation is enforced by a
342 traffic infraction enforcement officer; amending s.
343 322.27, F.S.; prohibiting the imposition of points against
344 a violator's driver's license for infractions enforced by
345 a traffic infraction enforcement officer; directing the
346 Department of Highway Safety and Motor Vehicles and the
347 Department of Transportation to jointly report the

Bill No. SB 816



202422

348 efficacy of traffic infraction detectors on or before a
349 specified date; providing an effective date.