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LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
04/21/2009	.	
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The Policy and Steering Committee on Ways and Means (Altman) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Subsection (86) is added to section 316.003, Florida Statutes, to read:

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

(86) TRAFFIC INFRACTION DETECTOR.—A vehicle sensor



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12 installed to work in conjunction with a traffic control signal
13 and a camera or cameras synchronized to automatically record two
14 or more sequenced photographic or electronic images or streaming
15 video of only the rear of a motor vehicle at the time the
16 vehicle fails to stop behind the stop bar or clearly marked stop
17 line when facing a traffic control signal steady red light. Any
18 citation issued by the use of a traffic infraction detector must
19 include a photograph or other recorded image showing both the
20 license tag of the offending vehicle and the traffic control
21 device being violated.

22 Section 2. Section 316.0076, Florida Statutes, is created
23 to read:

24 316.0076 Regulation and use of cameras.—Regulation and use
25 of cameras for enforcing the provisions of this chapter are
26 expressly preempted to the state.

27 Section 3. Section 316.0083, Florida Statutes, is created
28 to read:

29 316.0083 Mark Wandall Traffic Safety Program;
30 administration; report.—

31 (1) The department may use traffic infraction detectors to
32 enforce s. 316.074(1) or s. 316.075(1)(c)1. when a driver fails
33 to stop at a traffic signal on the State Highway System.

34 (2) Counties and municipalities may use traffic infraction
35 detectors to enforce s. 316.074(1) or s. 316.075(1)(c)1. when a
36 driver fails to stop at a traffic signal on any highways,
37 streets or roads located within their boundaries, except the
38 State Highway System.

39 (3) (a) For purposes of administering this section, the
40 department, counties, or municipalities may by rule or ordinance



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41 authorize a traffic infraction enforcement officer to issue a
42 uniform traffic citation for a violation of s. 316.074(1) or s.
43 316.075(1)(c)1. The term "traffic infraction enforcement
44 officer" means the designee of the department, county or
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, county or municipality may designate traffic
48 infraction enforcement officers pursuant to s. 316.640(1).

49 (b) A citation issued under this section shall be issued by
50 mailing the citation by certified mail, return receipt
51 requested, to the address of the registered owner of the motor
52 vehicle involved in the violation. In the case of joint
53 ownership of a motor vehicle, the traffic citation shall be
54 mailed to the first name appearing on the registration, unless
55 the first name appearing on the registration is a business
56 organization, in which case the second name appearing on the
57 registration may be used. The citation must be mailed to the
58 registered owner of the motor vehicle involved in the violation
59 within 7 days after the date of the violation.

60 (c) 1. The owner of the motor vehicle involved in the
61 violation is responsible and liable for paying the citation
62 issued for a violation of s. 316.074(1) or s. 316.075(1)(c)1.
63 when the driver failed to stop at a traffic signal, unless the
64 owner can establish that:

65 a. The motor vehicle passed through the intersection in
66 order to yield right-of-way to an emergency vehicle or as part
67 of a funeral procession;

68 b. The motor vehicle passed through the intersection at the
69 direction of a law enforcement officer;



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70 c. The motor vehicle passed through the intersection due to
71 a medical emergency;

72 d. The motor vehicle was, at the time of the violation, in
73 the care, custody, or control of another person; or

74 e. A uniform traffic citation was issued by a law
75 enforcement officer to the driver of the motor vehicle for the
76 alleged violation of s. 316.074(1) or s. 316.075(1)(c)1.

77 2. In order to establish such facts, the owner of the motor
78 vehicle shall, within 30 days after the date of issuance of the
79 citation, furnish to the appropriate governmental entity an
80 affidavit setting forth detailed information supporting an
81 exemption as provided in this paragraph.

82 a. Affidavits supporting exemptions under sub-subparagraph
83 1.d must include the name, address, date of birth, and, if
84 known, the driver's license number of the person who leased,
85 rented, or otherwise had care, custody, or control of the motor
86 vehicle at the time of the alleged violation. If the vehicle was
87 stolen at the time of the alleged offense, the affidavit must
88 include the police report indicating that the vehicle was
89 stolen.

90 b. If a citation for a violation of s. 316.074(1) or s.
91 316.075(1)(c)1. was issued at the location of the violation by a
92 law enforcement officer, the serial number of the uniform
93 traffic citation.

94 c. Upon receipt of an affidavit, the person designated as
95 having care, custody, and control of the motor vehicle at the
96 time of the violation may be issued a citation for a violation
97 of s. 316.074(1) or s. 316.075(1)(c)1. when the driver failed to
98 stop at a traffic signal. The affidavit is admissible in a



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99 proceeding pursuant to this section for the purpose of providing
100 proof that the person identified in the affidavit was in actual
101 care, custody, or control of the motor vehicle. The owner of a
102 leased vehicle for which a citation is issued for a violation of
103 s. 316.074(1) or s. 316.075(1)(c)1. when the driver failed to
104 stop at a traffic signal is not responsible for paying the
105 citation and is not required to submit an affidavit as specified
106 in this subsection if the motor vehicle involved in the
107 violation is registered in the name of the lessee of such motor
108 vehicle.

109 (d) A written report of a traffic infraction enforcement
110 officer, along with photographic or electronic images or
111 streaming video evidence that a violation of s. 316.074(1) or s.
112 316.075(1)(c)1. when the driver failed to stop at a traffic
113 signal has occurred, is admissible in any proceeding to enforce
114 this section and raises a rebuttable presumption that the motor
115 vehicle named in the report or shown in the photographic or
116 electronic images or streaming video evidence was used in
117 violation of s. 316.074(1) or s. 316.075(1)(c)1. when the driver
118 failed to stop at a traffic signal.

119 (4) The submission of a false affidavit is a misdemeanor of
120 the second degree, punishable as provided in s. 775.082 or s.
121 775.083.

122 (5) This section supplements the enforcement of s.
123 316.074(1) or s. 316.075(1)(c)1. by law enforcement officers
124 when a driver fails to stop at a traffic signal, and this
125 section does not prohibit a law enforcement officer from issuing
126 a citation for a violation of s. 316.074(1) or s.
127 316.075(1)(c)1. when a driver fails to stop at a traffic signal



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128 in accordance with normal traffic-enforcement techniques.

129 (6) (a) Each county or municipality that operates a traffic
130 infraction detector shall submit an annual report to the
131 department which details the results of using the traffic
132 infraction detector and the procedures for enforcement.

133 (b) The department shall provide an annual summary report
134 to the Governor, the President of the Senate, and the Speaker of
135 the House of Representatives regarding the use and operation of
136 traffic infraction detectors under this section. The summary
137 report must include a review of the information submitted to the
138 department by the counties and municipalities and must describe
139 the enhancement of the traffic safety and enforcement programs.
140 The department shall report its recommendations, including any
141 necessary legislation, on or before December 1, 2010, to the
142 Governor, the President of the Senate, and the Speaker of the
143 House of Representatives.

144 Section 4. Subsection (6) of section 316.0745, Florida
145 Statutes, is amended to read:

146 316.0745 Uniform signals and devices.-

147 (6) (a) Any system of traffic control devices controlled and
148 operated from a remote location by electronic computers or
149 similar devices must ~~shall~~ meet all requirements established for
150 the uniform system, and, if where such a system affects ~~systems~~
151 ~~affect~~ the movement of traffic on state roads, the design of the
152 system must ~~shall~~ be reviewed and approved by the Department of
153 Transportation.

154 (b) Any traffic infraction detector deployed on the
155 highways, streets and roads of the state must meet
156 specifications established by the Department of Transportation



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157 and must be tested at regular intervals according to procedures
158 prescribed by that department. However, any such equipment
159 acquired by purchase, lease, or other arrangement under an
160 agreement entered into by a county or municipality before the
161 effective date of this act or equipment used to enforce an
162 ordinance enacted by a county or municipality before the
163 effective date of this act is not required to meet the
164 specifications established by the Department of Transportation
165 until September 30, 2010

166 Section 5. Section 316.0776, Florida Statutes, is created
167 to read:

168 316.0776 Traffic infraction detectors; placement and
169 installation.—Placement and installation of traffic infraction
170 detectors is allowed on the State Highway System, county roads,
171 and municipal streets under specifications developed by the
172 Department of Transportation, so long as safety and operation of
173 the road facility is not impaired.

174 Section 6. Paragraph (b) of subsection (1) of section
175 316.640, Florida Statutes, is amended to read:

176 316.640 Enforcement.—The enforcement of the traffic laws of
177 this state is vested as follows:

178 (1) STATE.—

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

182 2.a. The Department of Transportation shall develop
183 training and qualifications standards for toll enforcement
184 officers whose sole authority is to enforce the payment of tolls
185 pursuant to s. 316.1001. Nothing in this subparagraph shall be



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186 construed to permit the carrying of firearms or other weapons,
187 nor shall a toll enforcement officer have arrest authority.

188 b. For the purpose of enforcing s. 316.1001, governmental
189 entities, as defined in s. 334.03, which own or operate a toll
190 facility may employ independent contractors or designate
191 employees as toll enforcement officers; however, any such toll
192 enforcement officer must successfully meet the training and
193 qualifications standards for toll enforcement officers
194 established by the Department of Transportation.

195 3.a The department shall develop training and
196 qualifications standards for traffic infraction enforcement
197 officers whose sole authority is to enforce s. 316.074(1) or s.
198 316.075(1)(c)1. when a driver fails to stop at a traffic signal
199 pursuant to s. 316.0083. This subparagraph does not authorize
200 the carrying of firearms or other weapons by a traffic
201 infraction enforcement officer and does not authorize a traffic
202 infraction enforcement officer to make arrests.

203 b. For the purpose of enforcing s. 316.0083, the
204 department, counties or municipalities may employ independent
205 contractors or designate employees as traffic infraction
206 enforcement officers; however, any such traffic infraction
207 enforcement officer must successfully meet the training and
208 qualifications standards for traffic infraction enforcement
209 officers established by the department.

210 Section 7. Subsection (15) of section 318.18, Florida
211 Statutes, is amended to read:

212 318.18 Amount of penalties.—The penalties required for a
213 noncriminal disposition pursuant to s. 318.14 or a criminal
214 offense listed in s. 318.17 are as follows:



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215 (15) (a) One hundred ~~fifty~~ ~~twenty-five~~ dollars for a
216 violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver
217 has failed to stop at a traffic signal and when enforced by a
218 law enforcement officer. Sixty dollars shall be distributed as
219 provided in s. 318.21, \$25 shall be distributed to the General
220 Revenue Fund, and the remaining \$65 shall be remitted to the
221 Department of Revenue for deposit into the Administrative Trust
222 Fund of the Department of Health.

223 (b) One Hundred Fifty dollars for a violation of s.
224 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
225 stop at a traffic signal and when enforced by the department's
226 traffic infraction enforcement officer shall be distributed to
227 the General Revenue Fund.

228 (c) One Hundred Fifty dollars for a violation of s.
229 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
230 stop at a traffic signal and when enforced by a county or
231 municipality's traffic infraction enforcement officer. Seventy
232 dollars shall be distributed to the county or municipality
233 issuing the citation and the remaining \$80 shall be distributed
234 to the General Revenue Fund.

235 Section 8. Paragraph (d) of subsection (3) of section
236 322.27, Florida Statutes, is amended to read:

237 322.27 Authority of department to suspend or revoke
238 license.—

239 (3) There is established a point system for evaluation of
240 convictions of violations of motor vehicle laws or ordinances,
241 and violations of applicable provisions of s. 403.413(6)(b) when
242 such violations involve the use of motor vehicles, for the
243 determination of the continuing qualification of any person to



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244 operate a motor vehicle. The department is authorized to suspend
245 the license of any person upon showing of its records or other
246 good and sufficient evidence that the licensee has been
247 convicted of violation of motor vehicle laws or ordinances, or
248 applicable provisions of s. 403.413(6)(b), amounting to 12 or
249 more points as determined by the point system. The suspension
250 shall be for a period of not more than 1 year.

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

- 254 1. Reckless driving, willful and wanton—4 points.
- 255 2. Leaving the scene of a crash resulting in property
256 damage of more than \$50—6 points.
- 257 3. Unlawful speed resulting in a crash—6 points.
- 258 4. Passing a stopped school bus—4 points.
- 259 5. Unlawful speed:
 - 260 a. Not in excess of 15 miles per hour of lawful or posted
261 speed—3 points.
 - 262 b. In excess of 15 miles per hour of lawful or posted
263 speed—4 points.
- 264 6. A violation of a traffic control signal device as
265 provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points.
266 However, no points shall be imposed for a violation of s.
267 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
268 stop at a traffic signal and when enforced by a traffic
269 infraction enforcement officer.
- 270 7. All other moving violations (including parking on a
271 highway outside the limits of a municipality)—3 points. However,
272 no points shall be imposed for a violation of s. 316.0741 or s.



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273 316.2065(12).

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

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

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

278 Section 9. If any provision of this act or its application
279 to any person or circumstance is held invalid, the invalidity
280 does not affect other provisions or applications of this act
281 which can be given effect without the invalid provision or
282 application, and to this end the provisions of this act are
283 severable.

284 Section 10. This act shall take effect upon becoming a law.

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

288 And the title is amended as follows:

289 Delete everything before the enacting clause
290 and insert:

291 A bill to be entitled

292 An act relating to uniform traffic control; amending s.
293 316.003, F.S.; defining the term "traffic infraction detector";
294 creating s. 316.0076, F.S.; preempting to the state the use of
295 cameras to enforce traffic laws; creating s. 316.0083, F.S.;
296 creating the Mark Wandall Traffic Safety Program; authorizing
297 the Department of Highway Safety and Motor Vehicles, a county or
298 municipality to use a traffic infraction detector to identify a
299 motor vehicle that fails to stop at a traffic control signal
300 steady red light; requiring authorization of a traffic
301 infraction enforcement officer to issue and enforce a citation



302 for such violation; providing exemptions from citations;
303 providing procedures for disposition and enforcement of
304 citations; providing certain evidence is admissible for
305 enforcement; providing penalties for submission of a false
306 affidavit; providing this section does not preclude the issuance
307 of citations by law enforcement officers; establishing a fine of
308 a certain amount; providing for disposition of revenue
309 collected; providing for the Legislature to exclude a county or
310 municipality from the program; requiring reports from
311 participating municipalities and counties to the department;
312 requiring the department to make reports to the Governor and the
313 Legislature; amending s. 316.0745, F.S.; providing that traffic
314 infraction detectors must meet certain specifications; providing
315 for preexisting equipment; creating s. 316.0776, F.S.; providing
316 for placement and installation of detectors on certain roads;
317 amending s. 316.640, F.S.; requiring the Department of Highway
318 Safety and Motor Vehicles to develop training and qualification
319 standards for traffic infraction enforcement officers; amending
320 s. 318.18, F.S.; increasing certain fines; providing for
321 penalties for infractions enforced by a traffic infraction
322 enforcement officer; providing for distribution of fines;
323 amending s. 322.27, F.S.; providing no points may be assessed
324 against the drivers license for infractions enforced by a
325 traffic infraction enforcement officer; providing for
326 severability; providing an effective date.

327