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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/21/2009	.	
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	.	

The Policy and Steering Committee on Ways and Means (Altman) recommended the following:

1 **Senate Substitute for Amendment (106626) (with title**
2 **amendment)**

3
4 Delete everything after the enacting clause
5 and insert:

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

8 316.003 Definitions.—The following words and phrases, when
9 used in this chapter, shall have the meanings respectively
10 ascribed to them in this section, except where the context
11 otherwise requires:



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

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

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

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

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

32 (1) The department may use traffic infraction detectors to
33 enforce s. 316.074(1) or s. 316.075(1)(c)1. when a driver fails
34 to stop at a traffic signal on the State Highway System as
35 defined in s. 334.03.

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



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41 (3) (a) For purposes of administering this section, the
42 department, counties, or municipalities may by rule or ordinance
43 authorize a traffic infraction enforcement officer to issue a
44 uniform traffic citation for a violation of s. 316.074(1) or s.
45 316.075(1)(c)1. The term "traffic infraction enforcement
46 officer" means the designee of the department, county or
47 municipality who is authorized to enforce s. 316.074(1) or s.
48 316.075(1)(c)1. when a driver fails to stop at a traffic signal.
49 The department, county or municipality may designate traffic
50 infraction enforcement officers pursuant to s. 316.640(1).

51 (b) A citation issued under this section shall be issued by
52 mailing the citation by certified mail, return receipt
53 requested, to the address of the registered owner of the motor
54 vehicle involved in the violation. In the case of joint
55 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 business days after the date of the violation. In
62 addition to the citation, notification must be sent to the
63 registered owner of the motor vehicle involved in the violation
64 specifying remedies available under s. 318.18(15).

65 (c) 1. 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:



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

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

75 c. The motor vehicle passed through the intersection due to
76 a medical emergency;

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

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

82 2. In order to establish such facts, the owner of the motor
83 vehicle shall, within 30 days after the date of issuance of the
84 citation, furnish to the appropriate governmental entity an
85 affidavit setting forth detailed information supporting an
86 exemption as provided in this paragraph.

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

95 b. If a citation for a violation of s. 316.074(1) or s.
96 316.075(1)(c)1. was issued at the location of the violation by a
97 law enforcement officer, the serial number of the uniform
98 traffic citation.



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

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

124 (4) The submission of a false affidavit is a misdemeanor of
125 the second degree, punishable as provided in s. 775.082 or s.
126 775.083.

127 (5) This section supplements the enforcement of s.



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128 316.074(1) or s. 316.075(1)(c)1. by law enforcement officers
129 when a driver fails to stop at a traffic signal, and this
130 section does not prohibit a law enforcement officer from issuing
131 a citation for a violation of s. 316.074(1) or s.
132 316.075(1)(c)1. when a driver fails to stop at a traffic signal
133 in accordance with normal traffic-enforcement techniques.

134 (6)(a) Each county or municipality that operates a traffic
135 infraction detector shall submit an annual report to the
136 department which details the results of using the traffic
137 infraction detector and the procedures for enforcement. The
138 information submitted by the counties and municipalities must
139 include statistical data and information required by the
140 department to complete the report and be submitted no later than
141 90 days prior to the due date of the annual report.

142 (b) The department shall provide an annual summary report
143 to the Governor, the President of the Senate, and the Speaker of
144 the House of Representatives regarding the use and operation of
145 traffic infraction detectors under this section. The summary
146 report must include a review of the information submitted to the
147 department by the counties and municipalities and must describe
148 the enhancement of the traffic safety and enforcement programs.
149 The department shall report its recommendations, including any
150 necessary legislation, on or before December 1, 2010, to the
151 Governor, the President of the Senate, and the Speaker of the
152 House of Representatives.

153 (7) Any governmental entity may supply the department with
154 data that is machine readable by the department's computer
155 system, listing persons who have one or more outstanding
156 violations of this section. Pursuant to s. 320.03(8), those



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157 persons may not be issued a license plate or revalidation
158 sticker for any motor vehicle.

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

161 316.0745 Uniform signals and devices.-

162 (6) (a) Any system of traffic control devices controlled and
163 operated from a remote location by electronic computers or
164 similar devices must ~~shall~~ meet all requirements established for
165 the uniform system, and, if where such a system affects systems
166 ~~affect~~ the movement of traffic on state roads, the design of the
167 system must ~~shall~~ be reviewed and approved by the Department of
168 Transportation.

169 (b) Any traffic infraction detector deployed on the
170 highways, streets and roads of the state must meet
171 specifications established by the Department of Transportation
172 and must be tested at regular intervals according to procedures
173 prescribed by that department. However, any such equipment
174 acquired by purchase, lease, or other arrangement under an
175 agreement entered into by a county or municipality before the
176 effective date of this act or equipment used to enforce an
177 ordinance enacted by a county or municipality before the
178 effective date of this act is not required to meet the
179 specifications established by the Department of Transportation
180 until September 30, 2010

181 Section 5. Section 316.0776, Florida Statutes, is created
182 to read:

183 316.0776 Traffic infraction detectors; placement and
184 installation.-Placement and installation of traffic infraction
185 detectors is allowed on the State Highway System, county roads,



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186 and municipal streets under specifications developed by the
187 Department of Transportation, so long as safety and operation of
188 the road facility is not impaired.

189 Section 6. Paragraph (b) of subsection (1) of section
190 316.640, Florida Statutes, is amended to read:

191 316.640 Enforcement.—The enforcement of the traffic laws of
192 this state is vested as follows:

193 (1) STATE.—

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

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

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

210 3.a The department shall develop training and
211 qualifications standards for traffic infraction enforcement
212 officers whose sole authority is to enforce s. 316.074(1) or s.
213 316.075(1)(c)1. when a driver fails to stop at a traffic signal
214 pursuant to s. 316.0083. This subparagraph does not authorize



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215 the carrying of firearms or other weapons by a traffic
216 infraction enforcement officer and does not authorize a traffic
217 infraction enforcement officer to make arrests.

218 b. For the purpose of enforcing s. 316.0083, the
219 department, counties or municipalities may employ independent
220 contractors or designate employees as traffic infraction
221 enforcement officers; however, any such traffic infraction
222 enforcement officer must successfully meet the training and
223 qualifications standards for traffic infraction enforcement
224 officers established by the department.

225 Section 7. Subsection (3) of section 316.650, Florida
226 Statutes, is amended to read:

227 316.650 Traffic citations.-

228 (3) (a) Except for a traffic citation issued pursuant to s.
229 316.1001 and s. 316.0083, each traffic enforcement officer, upon
230 issuing a traffic citation to an alleged violator of any
231 provision of the motor vehicle laws of this state or of any
232 traffic ordinance of any municipality or town, shall deposit the
233 original traffic citation or, in the case of a traffic
234 enforcement agency that has an automated citation issuance
235 system, the chief administrative officer shall provide by an
236 electronic transmission a replica of the citation data to a
237 court having jurisdiction over the alleged offense or with its
238 traffic violations bureau within 5 days after issuance to the
239 violator.

240 (b) If a traffic citation is issued pursuant to s.
241 316.1001, a traffic enforcement officer may deposit the original
242 traffic citation or, in the case of a traffic enforcement agency
243 that has an automated citation system, may provide by an



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244 electronic transmission a replica of the citation data to a
245 court having jurisdiction over the alleged offense or with its
246 traffic violations bureau within 45 days after the date of
247 issuance of the citation to the violator. If the person cited
248 for the violation of s. 316.1001 makes the election provided by
249 s. 318.14(12) and pays the \$25 fine, or such other amount as
250 imposed by the governmental entity owning the applicable toll
251 facility, plus the amount of the unpaid toll that is shown on
252 the traffic citation directly to the governmental entity that
253 issued the citation, or on whose behalf the citation was issued,
254 in accordance with s. 318.14(12), the traffic citation will not
255 be submitted to the court, the disposition will be reported to
256 the department by the governmental entity that issued the
257 citation, or on whose behalf the citation was issued, and no
258 points will be assessed against the person's driver's license.

259 (c) If a traffic citation is issued under s. 316.0083, the
260 traffic infraction enforcement officer shall provide by
261 electronic transmission a replica of the citation data to the
262 court having jurisdiction over the alleged offense or its
263 traffic violations bureau within 5 business days after the date
264 of issuance of the citation to the violator.

265 Section 8. Subsection (2) of section 318.14, Florida
266 Statutes, is amended to read:

267 318.14 Noncriminal traffic infractions; exception;
268 procedures.-

269 (2) Except as provided in s. 316.1001(2) and s.
270 316.0083(3), any person cited for an infraction under this
271 section must sign and accept a citation indicating a promise to
272 appear. The officer may indicate on the traffic citation the



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273 time and location of the scheduled hearing and must indicate the
274 applicable civil penalty established in s. 318.18.

275 Section 9. Subsection (15) of section 318.18, Florida
276 Statutes, is amended to read:

277 318.18 Amount of penalties.—The penalties required for a
278 noncriminal disposition pursuant to s. 318.14 or a criminal
279 offense listed in s. 318.17 are as follows:

280 (15) (a) One hundred ~~fifty~~ ~~twenty-five~~ dollars for a
281 violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver
282 has failed to stop at a traffic signal and when enforced by a
283 law enforcement officer. Sixty dollars shall be distributed as
284 provided in s. 318.21, \$25 shall be distributed to the General
285 Revenue Fund, and the remaining \$65 shall be remitted to the
286 Department of Revenue for deposit into the Administrative Trust
287 Fund of the Department of Health.

288 (b) One Hundred Fifty dollars for a violation of s.
289 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
290 stop at a traffic signal and when enforced by the department's
291 traffic infraction enforcement officer shall be distributed to
292 the General Revenue Fund.

293 (c) One Hundred Fifty dollars for a violation of s.
294 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
295 stop at a traffic signal and when enforced by a county or
296 municipality's traffic infraction enforcement officer. Seventy
297 dollars shall be distributed to the county or municipality
298 issuing the citation and the remaining \$80 shall be distributed
299 to the General Revenue Fund.

300 (d) If a person who is cited for a violation of s.
301 316.074(1) or s. 316.075(1)(c)1., as enforced by a traffic



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302 infraction enforcement officer under s. 316.0083, presents
303 documentation from the appropriate governmental entity that the
304 uniform traffic citation was in error, the clerk of court may
305 dismiss the case. The clerk of court shall not charge for this
306 service.

307 Section 10. Paragraph (d) of subsection (3) of section
308 322.27, Florida Statutes, is amended to read:

309 322.27 Authority of department to suspend or revoke
310 license.—

311 (3) There is established a point system for evaluation of
312 convictions of violations of motor vehicle laws or ordinances,
313 and violations of applicable provisions of s. 403.413(6) (b) when
314 such violations involve the use of motor vehicles, for the
315 determination of the continuing qualification of any person to
316 operate a motor vehicle. The department is authorized to suspend
317 the license of any person upon showing of its records or other
318 good and sufficient evidence that the licensee has been
319 convicted of violation of motor vehicle laws or ordinances, or
320 applicable provisions of s. 403.413(6) (b), amounting to 12 or
321 more points as determined by the point system. The suspension
322 shall be for a period of not more than 1 year.

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

- 326 1. Reckless driving, willful and wanton—4 points.
- 327 2. Leaving the scene of a crash resulting in property
328 damage of more than \$50—6 points.
- 329 3. Unlawful speed resulting in a crash—6 points.
- 330 4. Passing a stopped school bus—4 points.



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- 331 5. Unlawful speed:
332 a. Not in excess of 15 miles per hour of lawful or posted
333 speed-3 points.
334 b. In excess of 15 miles per hour of lawful or posted
335 speed-4 points.

336 6. A violation of a traffic control signal device as
337 provided in s. 316.074(1) or s. 316.075(1)(c)1.-4 points.
338 However, no points shall be imposed for a violation of s.
339 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
340 stop at a traffic signal and when enforced by a traffic
341 infraction enforcement officer.

342 7. All other moving violations (including parking on a
343 highway outside the limits of a municipality)-3 points. However,
344 no points shall be imposed for a violation of s. 316.0741 or s.
345 316.2065(12).

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

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

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

350 Section 11. If any provision of this act or its application
351 to any person or circumstance is held invalid, the invalidity
352 does not affect other provisions or applications of this act
353 which can be given effect without the invalid provision or
354 application, and to this end the provisions of this act are
355 severable.

356 Section 12. This act shall take effect upon becoming a law.

357
358 ===== T I T L E A M E N D M E N T =====

359 And the title is amended as follows:



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360 Delete everything before the enacting clause
361 and insert:

362 A bill to be entitled

363 An act relating to uniform traffic control; amending s.
364 316.003, F.S.; defining the term "traffic infraction detector";
365 creating s. 316.0076, F.S.; preempting to the state the use of
366 cameras to enforce traffic laws; creating s. 316.0083, F.S.;
367 creating the Mark Wandall Traffic Safety Program; authorizing
368 the Department of Highway Safety and Motor Vehicles, a county or
369 municipality to use a traffic infraction detector to identify a
370 motor vehicle that fails to stop at a traffic control signal
371 steady red light; requiring authorization of a traffic
372 infraction enforcement officer to issue and enforce a citation
373 for such violation; providing exemptions from citations;
374 providing procedures for disposition and enforcement of
375 citations; providing certain evidence is admissible for
376 enforcement; providing penalties for submission of a false
377 affidavit; providing this section does not preclude the issuance
378 of citations by law enforcement officers; establishing a fine of
379 a certain amount; providing for disposition of revenue
380 collected; providing for the Legislature to exclude a county or
381 municipality from the program; requiring reports from
382 participating municipalities and counties to the department;
383 requiring the department to make reports to the Governor and the
384 Legislature; providing certain persons may not be issued a
385 license plate or revalidation sticker; amending s. 316.0745,
386 F.S.; providing that traffic infraction detectors must meet
387 certain specifications; providing for preexisting equipment;
388 creating s. 316.0776, F.S.; providing for placement and



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389 installation of detectors on certain roads; amending s. 316.640,
390 F.S.; requiring the Department of Highway Safety and Motor
391 Vehicles to develop training and qualification standards for
392 traffic infraction enforcement officers; amending s. 316.650,
393 F.S., providing an exception; requiring a traffic enforcement
394 agency to provide a replica of the citation data by electronic
395 transmission under certain conditions; amending s. 318.14, F.S.,
396 providing a exception from requiring a person cited for an
397 infraction for failing to stop at a traffic control signal
398 steady red light to sign and accept a citation indicating a
399 promise to appear; amending s. 318.18, F.S.; increasing certain
400 fines; providing for penalties for infractions enforced by a
401 traffic infraction enforcement officer; providing for
402 distribution of fines; allowing the clerk of court to dismiss
403 certain cases upon receiving documentation the uniform traffic
404 citation was issued in error; amending s. 322.27, F.S.;
405 providing no points may be assessed against the drivers license
406 for infractions enforced by a traffic infraction enforcement
407 officer; providing for severability; providing an effective
408 date.