

1 A bill to be entitled  
2 An act relating to uniform traffic control; creating the  
3 "Mark Wandall Traffic Safety Act"; amending s. 316.003,  
4 F.S.; defining the term "traffic infraction detector";  
5 creating s. 316.0083, F.S.; creating the Mark Wandall  
6 Traffic Safety Program to be administered by the  
7 Department of Highway Safety and Motor Vehicles; requiring  
8 a county or municipality to enact an ordinance in order to  
9 use a traffic infraction detector to identify a motor  
10 vehicle that fails to stop at a traffic control signal  
11 steady red light; requiring authorization of a traffic  
12 infraction enforcement officer to issue and enforce a  
13 ticket for such violation; requiring signage; requiring  
14 certain public awareness procedures; requiring the  
15 ordinance to establish a fine of a certain amount;  
16 prohibiting additional charges; exempting emergency  
17 vehicles; providing that the registered owner of the motor  
18 vehicle involved in the violation is responsible and  
19 liable for payment of the fine assessed; providing  
20 exceptions; providing procedures for disposition and  
21 enforcement of tickets; providing for disposition of  
22 revenue collected; providing complaint procedures;  
23 providing for the Legislature to exclude a county or  
24 municipality from the program; requiring reports from  
25 participating municipalities and counties to the  
26 department; requiring the department to make reports to  
27 the Governor and the Legislature; amending s. 316.0745,  
28 F.S.; providing that traffic infraction detectors must

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29 meet certain requirements; amending s. 316.1967, F.S.;  
30 providing for inclusion of persons with outstanding  
31 violations in a list sent to the department for  
32 enforcement purposes; providing for severability;  
33 providing an effective date.

34  
35 Be It Enacted by the Legislature of the State of Florida:

36  
37 Section 1. This act may be cited as the "Mark Wandall  
38 Traffic Safety Act."

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

41 316.003 Definitions.--The following words and phrases,  
42 when used in this chapter, shall have the meanings respectively  
43 ascribed to them in this section, except where the context  
44 otherwise requires:

45 (86) TRAFFIC INFRACTION DETECTOR.--A device that uses a  
46 vehicle sensor installed to work in conjunction with a traffic  
47 control signal and a camera synchronized to automatically record  
48 two or more sequenced photographic or electronic images or  
49 streaming video of only the rear of a motor vehicle at the time  
50 the vehicle fails to stop behind the stop bar or clearly marked  
51 stop line when facing a traffic control signal steady red light.  
52 Any citation issued by the use of a traffic infraction detector  
53 must include a photograph or other recorded image showing both  
54 the license tag of the offending vehicle and the traffic control  
55 device being violated.

56 Section 3. Section 316.0083, Florida Statutes, is created

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57 | to read:

58 | 316.0083 Mark Wandall Traffic Safety Program;  
59 | administration; report.--

60 | (1) There is created the Mark Wandall Traffic Safety  
61 | Program governing the operation of traffic infraction detectors.  
62 | The program shall be administered by the Department of Highway  
63 | Safety and Motor Vehicles and shall include the following  
64 | provisions:

65 | (a) In order to use a traffic infraction detector, a  
66 | county or municipality must enact an ordinance that provides for  
67 | the use of a traffic infraction detector to enforce s.  
68 | 316.075(1)(c), which requires the driver of a vehicle to stop  
69 | the vehicle when facing a traffic control signal steady red  
70 | light on the streets and highways under the jurisdiction of the  
71 | county or municipality. A county or municipality that operates a  
72 | traffic infraction detector must authorize a traffic infraction  
73 | enforcement officer to issue a ticket for a violation of s.  
74 | 316.075(1)(c) and to enforce the payment of the ticket for such  
75 | violation. This paragraph does not authorize a traffic  
76 | infraction enforcement officer to carry a firearm or other  
77 | weapon and does not authorize such an officer to make arrests.  
78 | The ordinance must require signs to be posted at locations  
79 | designated by the county or municipality providing notification  
80 | that a traffic infraction detector may be in use. Such signage  
81 | must conform to the standards and requirements adopted by the  
82 | Department of Transportation under s. 316.0745. The ordinance  
83 | must also require that the county or municipality make a public  
84 | announcement and conduct a public awareness campaign of the

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85 proposed use of traffic infraction detectors at least 30 days  
86 before commencing the enforcement program. In addition, the  
87 ordinance must establish a fine of \$150 to be assessed against  
88 the registered owner of a motor vehicle that fails to stop when  
89 facing a traffic control signal steady red light as determined  
90 through the use of a traffic infraction detector. Any other  
91 provision of law to the contrary notwithstanding, an additional  
92 surcharge, fee, or cost may not be added to the civil penalty  
93 authorized by this paragraph.

94 (b) When responding to an emergency call, an emergency  
95 vehicle is exempt from any ordinance enacted under this section.

96 (c) A county or municipality must adopt an ordinance under  
97 this section that provides for the use of a traffic infraction  
98 detector in order to impose a fine on the registered owner of a  
99 motor vehicle for a violation of s. 316.075(1)(c). The fine  
100 shall be imposed in the same manner and is subject to the same  
101 limitations as provided for parking violations under s.  
102 316.1967. Except as specifically provided in this section,  
103 chapter 318 and s. 322.27 do not apply to a violation of s.  
104 316.075(1)(c) for which a ticket has been issued under an  
105 ordinance enacted pursuant to this section. Enforcement of a  
106 ticket issued under the ordinance is not a conviction of the  
107 operator of the motor vehicle, may not be made a part of the  
108 driving record of the operator, and may not be used for purposes  
109 of setting motor vehicle insurance rates. Points under s. 322.27  
110 may not be assessed based upon such enforcement.

111 (d) The procedures set forth in s. 316.1967(2)-(5) apply  
112 to an ordinance enacted pursuant to this section, except that

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113 the ticket must contain the name and address of the person  
114 alleged to be liable as the registered owner of the motor  
115 vehicle involved in the violation, the registration number of  
116 the motor vehicle, the violation charged, a copy of the  
117 photographs or other recorded images, the location where the  
118 violation occurred, the date and time of the violation,  
119 information that identifies the device that recorded the  
120 violation, and a signed statement by a specifically trained  
121 technician employed by the agency or its contractor that, based  
122 on inspection of photographs or other recorded images, the motor  
123 vehicle was being operated in violation of s. 316.075(1)(c). The  
124 ticket must advise the registered owner of the motor vehicle  
125 involved in the violation of the amount of the fine, the date by  
126 which the fine must be paid, and the procedure for contesting  
127 the violation alleged in the ticket. The ticket must contain a  
128 warning that failure to contest the violation in the manner and  
129 time provided is deemed an admission of the liability and that a  
130 default may be entered thereon. The violation shall be processed  
131 by the county or municipality that has jurisdiction over the  
132 street or highway where the violation occurred or by any entity  
133 authorized by the county or municipality to prepare and mail the  
134 ticket.

135 (e) The ticket shall be sent by first-class mail addressed  
136 to the registered owner of the motor vehicle and postmarked no  
137 later than 14 days after the date of the violation.

138 (f)1. The registered owner of the motor vehicle involved  
139 in a violation is responsible and liable for payment of the fine  
140 assessed pursuant to this section unless the owner can establish

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141 that:

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

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

147 c. The motor vehicle was stolen at the time of the alleged  
148 violation; or

149 d. A uniform traffic citation was issued to the driver of  
150 the motor vehicle for the alleged violation of s. 316.075(1)(c).

151 2. In order to establish any such fact, the registered  
152 owner of the vehicle must, within 20 days after receipt of  
153 notification of the alleged violation, furnish to the county or  
154 municipality, as appropriate, an affidavit that sets forth  
155 detailed information supporting an exemption as provided in sub-  
156 subparagraph 1.a., sub-subparagraph 1.b., sub-subparagraph 1.c.,  
157 or sub-subparagraph 1.d. For an exemption under sub-subparagraph  
158 1.c., the affidavit must set forth that the vehicle was stolen  
159 and be accompanied by a copy of the police report indicating  
160 that the vehicle was stolen at the time of the alleged  
161 violation. For an exemption under sub-subparagraph 1.d., the  
162 affidavit must set forth that a citation was issued and be  
163 accompanied by a copy of the citation indicating the time of the  
164 alleged violation and the location of the intersection where it  
165 occurred.

166 (g) A person may contest the determination that such  
167 person failed to stop at a traffic control signal steady red  
168 light as evidenced by a traffic infraction detector by electing

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169 to appear before any judge authorized by law to preside over a  
170 court hearing that adjudicates traffic infractions. A person who  
171 elects to appear before the court to present evidence is deemed  
172 to have waived the limitation of civil penalties imposed for the  
173 violation. The court, after hearing, shall determine whether the  
174 violation was committed and may impose a civil penalty not to  
175 exceed \$150 plus costs. The court may take appropriate measures  
176 to enforce collection of any penalty not paid within the time  
177 permitted by the court.

178 (h) A certificate sworn to or affirmed by a person  
179 authorized under this section who is employed by or under  
180 contract with the county or municipality where the infraction  
181 occurred, or a facsimile thereof that is based upon inspection  
182 of photographs or other recorded images produced by a traffic  
183 infraction detector, is prima facie evidence of the facts  
184 contained in the certificate. A photograph or other recorded  
185 image evidencing a violation of s. 316.075(1)(c) must be  
186 available for inspection in any proceeding to adjudicate  
187 liability under an ordinance enacted pursuant to this section.

188 (i) In any county or municipality in which tickets are  
189 issued as provided in this section, the names of persons who  
190 have one or more outstanding violations may be included on the  
191 list authorized under s. 316.1967(6).

192 (j) If the driver of the motor vehicle received a citation  
193 from a traffic enforcement officer at the time of the violation,  
194 a ticket may not be issued pursuant to this section.

195 (2)(a) Of the fine imposed pursuant to paragraph (1)(a) or  
196 paragraph (1)(g), one-fifth shall be distributed as provided in

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197 s. 318.21, one-fifth shall be remitted to the Department of  
198 Revenue for deposit into the Department of Health Administrative  
199 Trust Fund, and three-fifths shall be retained by the county or  
200 municipality enforcing the ordinance enacted pursuant to this  
201 section. Funds deposited into the Department of Health  
202 Administrative Trust Fund under this subsection shall be  
203 allocated as follows:

204 1. Forty-nine percent shall be allocated equally among all  
205 Level I, Level II, and pediatric trauma centers in recognition  
206 of readiness costs for maintaining trauma services.

207 2. Forty-nine percent shall be allocated among Level I,  
208 Level II, and pediatric trauma centers based on each center's  
209 relative volume of trauma cases as reported in the Department of  
210 Health Trauma Registry.

211 3. Two percent shall be allocated to non-trauma center  
212 public hospitals based on their proportionate number of  
213 emergency room visits.

214 (b) Any hospital receiving funds under this section may  
215 request that its allocation under this subsection be remitted to  
216 the Agency for Health Care Administration for use as Grants and  
217 Donations Trust Fund moneys for purposes allowed under the  
218 General Appropriations Act.

219 (3) A complaint that a county or municipality is employing  
220 traffic infraction detectors for purposes other than the  
221 promotion of public health, welfare, and safety or in a manner  
222 inconsistent with this section may be submitted to the governing  
223 body of such county or municipality. Such complaints, along with  
224 any investigation and corrective action taken by the county or



225 municipal governing body, shall be included in the annual report  
 226 to the department and in the department's annual summary report  
 227 to the Governor, the President of the Senate, and the Speaker of  
 228 the House Representatives, as required by this section. Based on  
 229 its review of the report, the Legislature may exclude a county  
 230 or municipality from further participation in the program.

231 (4) (a) Each county or municipality that operates a traffic  
 232 infraction detector shall submit an annual report to the  
 233 department that details the results of using the traffic  
 234 infraction detector and the procedures for enforcement.

235 (b) The department shall provide an annual summary report  
 236 to the Governor, the President of the Senate, and the Speaker of  
 237 the House of Representatives regarding the use and operation of  
 238 traffic infraction detectors under this section. The summary  
 239 report must include a review of the information submitted to the  
 240 department by the counties and municipalities and must describe  
 241 the enhancement of the traffic safety and enforcement programs.  
 242 The department shall report its recommendations, including any  
 243 necessary legislation, on or before December 1, 2010, to the  
 244 Governor, the President of the Senate, and the Speaker of the  
 245 House of Representatives.

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

248 316.0745 Uniform signals and devices.--

249 (6) (a) Any system of traffic control devices controlled  
 250 and operated from a remote location by electronic computers or  
 251 similar devices must ~~shall~~ meet all requirements established for  
 252 the uniform system, and, if where such a system affects systems

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253 ~~affected~~ the movement of traffic on state roads, the design of the  
 254 system must ~~shall~~ be reviewed and approved by the Department of  
 255 Transportation.

256 (b) Any traffic infraction detector deployed on the  
 257 streets and highways of the state must meet requirements  
 258 established by the Department of Transportation and must be  
 259 tested at regular intervals according to procedures prescribed  
 260 by that department.

261 Section 5. Subsection (6) of section 316.1967, Florida  
 262 Statutes, is amended to read:

263 316.1967 Liability for payment of parking ticket  
 264 violations and other ~~parking~~ violations.--

265 (6) Any county or municipality may provide by ordinance  
 266 that the clerk of the court or the traffic violations bureau  
 267 shall supply the department with a magnetically encoded computer  
 268 tape reel or cartridge or send by other electronic means data  
 269 which is machine readable by the installed computer system at  
 270 the department, listing persons who have three or more  
 271 outstanding parking violations, including violations of s.  
 272 316.1955, or who have one or more outstanding tickets for a  
 273 violation of a traffic control signal steady red light  
 274 indication issued pursuant to an ordinance adopted under s.  
 275 316.0083. Each county shall provide by ordinance that the clerk  
 276 of the court or the traffic violations bureau shall supply the  
 277 department with a magnetically encoded computer tape reel or  
 278 cartridge or send by other electronic means data that is machine  
 279 readable by the installed computer system at the department,  
 280 listing persons who have any outstanding violations of s.

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281 316.1955 or any similar local ordinance that regulates parking  
282 in spaces designated for use by persons who have disabilities.  
283 The department shall mark the appropriate registration records  
284 of persons who are so reported. Section 320.03(8) applies to  
285 each person whose name appears on the list.

286 Section 6. Subsection (8) of section 320.03, Florida  
287 Statutes, reads:

288 320.03 Registration; duties of tax collectors;  
289 International Registration Plan.--

290 (8) If the applicant's name appears on the list referred  
291 to in s. 316.1001(4), s. 316.1967(6), or s. 713.78(13), a  
292 license plate or revalidation sticker may not be issued until  
293 that person's name no longer appears on the list or until the  
294 person presents a receipt from the clerk showing that the fines  
295 outstanding have been paid. This subsection does not apply to  
296 the owner of a leased vehicle if the vehicle is registered in  
297 the name of the lessee of the vehicle. The tax collector and the  
298 clerk of the court are each entitled to receive monthly, as  
299 costs for implementing and administering this subsection, 10  
300 percent of the civil penalties and fines recovered from such  
301 persons. As used in this subsection, the term "civil penalties  
302 and fines" does not include a wrecker operator's lien as  
303 described in s. 713.78(13). If the tax collector has private tag  
304 agents, such tag agents are entitled to receive a pro rata share  
305 of the amount paid to the tax collector, based upon the  
306 percentage of license plates and revalidation stickers issued by  
307 the tag agent compared to the total issued within the county.  
308 The authority of any private agent to issue license plates shall

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309 be revoked, after notice and a hearing as provided in chapter  
310 120, if he or she issues any license plate or revalidation  
311 sticker contrary to the provisions of this subsection. This  
312 section applies only to the annual renewal in the owner's birth  
313 month of a motor vehicle registration and does not apply to the  
314 transfer of a registration of a motor vehicle sold by a motor  
315 vehicle dealer licensed under this chapter, except for the  
316 transfer of registrations which is inclusive of the annual  
317 renewals. This section does not affect the issuance of the title  
318 to a motor vehicle, notwithstanding s. 319.23(7)(b).

319 Section 7. If any provision of this act or its application  
320 to any person or circumstance is held invalid, the invalidity  
321 shall not affect other provisions or applications of this act  
322 which can be given effect without the invalid provision or  
323 application, and to this end the provisions of this act are  
324 declared severable.

325 Section 8. This act shall take effect upon becoming a law.