

By the Committee on Community Affairs; and Senator Altman

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1 A bill to be entitled
2 An act relating to uniform traffic control; providing
3 a short title; amending s. 316.003, F.S.; defining the
4 term "traffic infraction detector"; creating s.
5 316.0076, F.S.; preempting to the state the use of
6 cameras to enforce traffic laws; clarifying the
7 inapplicability of ch. 493, F.S., to laws governing
8 the use of cameras as provided by the act; amending s.
9 316.008, F.S.; authorizing a county or municipality to
10 use traffic infraction detectors; creating s.
11 316.0083, F.S.; creating the Mark Wandall Traffic
12 Safety Program; authorizing the Department of Highway
13 Safety and Motor Vehicles, a county, or a municipality
14 to use a traffic infraction detector to identify a
15 motor vehicle that fails to stop at a traffic control
16 signal steady red light; requiring that notification
17 be sent to the registered owner of the motor vehicle
18 involved in the violation; providing requirements for
19 the notification; requiring that the department,
20 county, or municipality remit payment weekly to the
21 State Treasury of penalties collected through the use
22 of a traffic infraction detector; specifying the
23 amount of penalties and the required distribution;
24 prohibiting a person from receiving a commission from
25 any revenue collected from violations detected through
26 the use of a traffic infraction detector; requiring
27 issuance of a traffic citation if the driver fails to
28 pay the penalty within a specified period following
29 issuance of the notification; specifying circumstances

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30 under which a driver may be exempt from paying the
31 citation; providing penalties for submission of a
32 false affidavit; providing that certain evidence is
33 admissible for enforcement; providing that the act
34 does not preclude the issuance of citations by law
35 enforcement officers; requiring reports from
36 participating municipalities and counties to the
37 department; requiring the department to make reports
38 to the Governor and Legislature; amending s. 316.0745,
39 F.S.; requiring that traffic infraction detectors meet
40 certain specifications; creating s. 316.07465, F.S.;
41 requiring that traffic infraction detectors meet
42 specifications established by the Department of
43 Transportation; providing that a traffic infraction
44 detector acquired by purchase, lease, or other
45 arrangement under an agreement entered into by a
46 county or municipality on or before a specified date
47 is not required to meet the established specifications
48 until a specified date; creating s. 316.0776, F.S.;
49 providing for the placement and installation of
50 detectors on certain roads; requiring that if the
51 state, a county, or a municipality installs a traffic
52 infraction detector at an intersection, the state,
53 county, or municipality shall notify the public that a
54 traffic infraction device may be in use at that
55 intersection; requiring that such signage meet the
56 specifications for uniform signals and devices adopted
57 by the Department of Transportation; amending s.
58 316.640, F.S.; requiring the Department of

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59 Transportation to develop training and qualification
60 standards for traffic infraction enforcement officers;
61 authorizing counties and municipalities to use
62 independent contractors as traffic infraction
63 enforcement officers; amending s. 316.650, F.S.;
64 requiring a traffic enforcement agency to provide to
65 the court a replica of the citation data by electronic
66 transmission for citations issued pursuant to the act;
67 amending s. 318.14, F.S.; providing an exception from
68 provisions requiring a person cited for an infraction
69 for failing to stop at a traffic control signal steady
70 red light to sign and accept a citation indicating a
71 promise to appear; amending s. 318.18, F.S.;
72 increasing certain fines; providing for penalties for
73 infractions enforced by a traffic infraction
74 enforcement officer; providing for distribution of
75 fines; allowing the clerk of court to dismiss certain
76 cases upon receiving documentation that the uniform
77 traffic citation was issued in error; creating s.
78 321.50, F.S.; authorizing the Department of Highway
79 Safety and Motor Vehicles to use traffic infraction
80 detectors; amending s. 322.27, F.S.; prohibiting the
81 assessment of points against a person's driver's
82 license for infractions enforced by a traffic
83 infraction enforcement officer; providing that such
84 violations may not be used for purposes of setting
85 motor vehicle insurance rates; amending s. 395.4036,
86 F.S.; providing for the proceeds of penalties for
87 failure to stop at a traffic signal be distributed to

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88 trauma centers, certain hospitals, and certain nursing
89 homes; providing for severability; providing an
90 effective date.

91

92 Be It Enacted by the Legislature of the State of Florida:

93

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

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

98 316.003 Definitions.—The following words and phrases, when
99 used in this chapter, shall have the meanings respectively
100 ascribed to them in this section, except where the context
101 otherwise requires:

102 (86) TRAFFIC INFRACTION DETECTOR.—A vehicle sensor
103 installed to work in conjunction with a traffic control signal
104 and a camera or cameras synchronized to automatically record two
105 or more sequenced photographic or electronic images and
106 streaming video of only the rear of a motor vehicle at the time
107 the vehicle fails to stop behind the stop bar or clearly marked
108 stop line when facing a traffic control signal steady red light.
109 Any traffic citation issued by the use of a traffic infraction
110 detector must include a photograph or other recorded image
111 showing both the license tag of the offending vehicle and the
112 traffic control device being violated.

113 Section 3. Section 316.0076, Florida Statutes, is created
114 to read:

115 316.0076 Regulation and use of cameras.—Regulation of the
116 use of cameras for enforcing the provisions of this chapter is

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117 expressly preempted to the state. Chapter 493 does not apply to
118 the regulation of the use of cameras for enforcing the
119 provisions of this chapter.

120 Section 4. Subsection (7) is added to section 316.008,
121 Florida Statutes, to read:

122 316.008 Powers of local authorities.—

123 (7) (a) Pursuant to s. 316.0083, a county or municipality
124 may use traffic infraction detectors to enforce s. 316.074(1) or
125 s. 316.075(1) (c)1. when a driver fails to stop at a traffic
126 signal:

127 1. On streets and highways under the jurisdiction of the
128 respective county or municipality; and

129 2. On state roads under the original jurisdiction of the
130 Department of Transportation when permitted by the Department of
131 Transportation.

132 (b) Pursuant to paragraph (a), a municipality may install
133 or authorize the installation of any such detectors only within
134 the incorporated area of the municipality, and a county may
135 install or authorize the installation of any such detectors only
136 within the unincorporated area of the county.

137 Section 5. Section 316.0083, Florida Statutes, is created
138 to read:

139 316.0083 Mark Wandall Traffic Safety Program;
140 administration; report.—

141 (1) (a) For purposes of administering this section, the
142 department, a county, or a municipality may authorize a traffic
143 infraction enforcement officer under s. 316.640 to issue a
144 traffic citation for a violation of s. 316.074(1) or s.
145 316.075(1) (c)1. A notice of violation and a traffic citation may

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146 not be issued for failure to stop at a red light if the driver
147 is making a right-hand turn in a careful and prudent manner at
148 an intersection where right-hand turns are permissible. This
149 paragraph does not prohibit a review of information from a
150 traffic infraction detector by an authorized employee or agent
151 of the department, a county, or a municipality before issuance
152 of the traffic citation by the traffic infraction enforcement
153 officer. This paragraph does not prohibit the department, a
154 county, or a municipality from issuing notification as provided
155 in paragraph (b) to the registered owner of the motor vehicle
156 involved in the violation of s. 316.074(1) or s. 316.075(1)(c)1.

157 (b)1.a. Within 30 days after a violation, notification must
158 be sent to the registered owner of the motor vehicle involved in
159 the violation specifying the penalties that are imposed under s.
160 318.18(15) and specifying that the violator must pay the penalty
161 of \$158 to the department, county, or municipality within 30
162 days following the date of the notification in order to avoid
163 court fees, costs, and the issuance of a traffic citation. The
164 notification shall be sent by first-class mail.

165 b. Included with the notification to the registered owner
166 of the motor vehicle involved in the infraction must be a notice
167 that the owner has the right to review the photographic or
168 electronic images and the streaming video evidence that
169 constitutes a rebuttable presumption against the owner of the
170 vehicle. The notice must state the time and place where the
171 evidence may be examined and observed.

172 2. Penalties assessed and collected by the department or by
173 a county or municipality authorized to collect the penalties
174 provided for in this paragraph shall be paid into the State

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175 Treasury weekly. Payment by the department, a county, or a
176 municipality shall be made by means of electronic funds
177 transfer. A county or municipality shall pay to the State
178 Treasury only that portion of funds to be distributed to the
179 General Revenue Fund, the Department of Health Administrative
180 Trust Fund, the Brain and Spinal Cord Injury Trust Fund, and the
181 Grants and Donations Trust Fund as required in this paragraph.

182 3. Penalties to be assessed and collected by the
183 department, a county, or a municipality are as follows:

184 a. One hundred and fifty-eight dollars for a violation of
185 s. 316.074(1) or s. 316.075(1)(c)1. when a driver fails to stop
186 at a traffic signal and when enforced by the department's
187 traffic infraction enforcement officer. Eighty dollars shall be
188 distributed to the General Revenue Fund, \$45 shall be
189 distributed to the county for any violations occurring in any
190 unincorporated areas of the county or to the municipality for
191 any violations occurring in the incorporated boundaries of the
192 municipality in which the infraction occurred, \$20 shall be
193 remitted to the Department of Revenue for deposit into the
194 Department of Health Administrative Trust Fund for distribution
195 as provided in s. 395.4036(1), \$5 shall be remitted to the
196 Department of Revenue for deposit into the Brain and Spinal Cord
197 Injury Trust Fund, and \$8 shall be deposited into the Grants and
198 Donations Trust Fund of the Agency for Health Care
199 Administration to provide enhanced Medicaid payments to nursing
200 homes that serve residents who require ventilator care and are
201 Medicaid recipients. Proceeds of the infractions in the Brain
202 and Spinal Cord Injury Trust Fund shall be distributed quarterly
203 to the Miami Project to Cure Paralysis and shall be used for

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204 brain and spinal cord research.

205 b. One hundred and fifty-eight dollars for a violation of
206 s. 316.074(1) or s. 316.075(1)(c)1. when a driver fails to stop
207 at a traffic signal and when enforced by a county or municipal
208 traffic infraction enforcement officer. Eighty dollars shall be
209 retained by the county or municipality issuing the notification,
210 \$45 shall be distributed to the General Revenue Fund, \$20 shall
211 be remitted to the Department of Revenue for deposit into the
212 Department of Health Administrative Trust Fund for distribution
213 as provided in s. 395.4036(1), \$5 shall be remitted into the
214 Department of Revenue for deposit into the Brain and Spinal Cord
215 Injury Trust Fund, and \$8 shall be deposited into the Grants and
216 Donations Trust Fund of the Agency for Health Care
217 Administration to provide enhanced Medicaid payments to nursing
218 homes that serve residents who require ventilator care and are
219 Medicaid recipients. Proceeds of the infractions in the Brain
220 and Spinal Cord Injury Trust Fund shall be distributed quarterly
221 to the Miami Project to Cure Paralysis and shall be used for
222 brain and spinal cord research.

223 4. A person may not receive a commission from any revenue
224 collected from violations detected through the use of a traffic
225 infraction detector. A manufacturer or vendor may not receive a
226 fee or remuneration based upon the number of citations issued
227 due to a traffic infraction detector enforcement system.

228 (c)1.a. If payment under subparagraph (1)(b)1. is not made
229 within 30 days, a traffic citation shall be issued by mailing
230 the traffic citation by certified mail to the address of the
231 registered owner of the motor vehicle involved in the violation
232 of s. 316.074(1) or s. 316.075(1)(c)1.

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233 b. Delivery of the traffic citation constitutes
234 notification.

235 c. In the case of joint ownership of a motor vehicle, the
236 traffic citation shall be mailed to the first name appearing on
237 the registration, unless the first name appearing on the
238 registration is a business organization, in which case the
239 second name appearing on the registration may be used.

240 d. If the vehicle involved in the violation is owned by a
241 leasing or rental business, the citation shall be issued to the
242 person to whom the vehicle was leased or rented at the time of
243 the violation.

244 e. The traffic citation shall be mailed to the registered
245 owner of the motor vehicle involved in the violation no later
246 than 60 days after the date of the violation.

247 2. Included with the traffic citation to the registered
248 owner of the motor vehicle involved in the infraction must be a
249 notice that the owner has the right to review the photographic
250 or electronic images and the streaming video evidence that
251 constitutes a rebuttable presumption against the owner of the
252 vehicle. The notice must state the time and place where the
253 evidence may be examined and observed.

254 (d)1. The owner of the motor vehicle involved in the
255 violation is responsible and liable for paying the uniform
256 traffic citation issued for a violation of s. 316.074(1) or s.
257 316.075(1)(c)1. when the driver fails to stop at a traffic
258 signal, unless the owner can establish that:

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

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

264 c. The motor vehicle passed through the intersection due to
265 a medical emergency as evidenced by a separate affidavit from a
266 licensed health care practitioner;

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

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

272 f. Stopping at the red light would place the vehicle or
273 vehicle passengers in imminent danger, as determined by a judge
274 or presiding officer, or as evidenced in the streaming video or
275 photographic images of the violation.

276 2. In order to establish such facts, the owner of the motor
277 vehicle shall, within 30 days after the date of issuance of the
278 traffic citation, furnish to the appropriate governmental entity
279 an affidavit setting forth detailed information supporting an
280 exemption as provided in this paragraph.

281 a.(I) An affidavit supporting an exemption under sub-
282 subparagraph 1.d. must include the name, address, date of birth,
283 and, if known, the driver's license number of the person who
284 leased, rented, or otherwise had care, custody, or control of
285 the motor vehicle at the time of the alleged violation. If the
286 vehicle was stolen at the time of the alleged offense, the
287 affidavit must include the police report indicating that the
288 vehicle was stolen.

289 (II) Upon receipt of the affidavit, the person designated
290 as having care, custody, and control of the motor vehicle at the

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291 time of the violation may be issued a traffic citation for a
292 violation of s. 316.074(1) or s. 316.075(1)(c)1. when the driver
293 failed to stop at a traffic signal. The affidavit is admissible
294 in a proceeding pursuant to this section for the purpose of
295 providing proof that the person identified in the affidavit was
296 in actual care, custody, or control of the motor vehicle. The
297 owner of a leased or rented vehicle for which a traffic citation
298 is issued for a violation of s. 316.074(1) or s. 316.075(1)(c)1.
299 when the driver failed to stop at a traffic signal is not
300 responsible for paying the traffic citation and is not required
301 to submit an affidavit as specified in this subsection if the
302 motor vehicle involved in the violation is registered in the
303 name of the lessee of such motor vehicle.

304 b. If a traffic citation for a violation of s. 316.074(1)
305 or s. 316.075(1)(c)1. was issued at the location of the
306 violation by a law enforcement officer, the affidavit must
307 include the serial number of the uniform traffic citation.

308
309 The submission of a false affidavit is a misdemeanor of the
310 second degree, punishable as provided in s. 775.082 or s.
311 775.083.

312 (2) The photographic or electronic images or streaming
313 video attached to the traffic citation is evidence that a
314 violation of s. 316.074(1) or s. 316.075(1)(c)1. when the driver
315 fails to stop at a traffic signal has occurred and is admissible
316 in any proceeding to enforce this section and raises a
317 rebuttable presumption that the motor vehicle named in the
318 report or shown in the photographic or electronic images or
319 streaming video evidence was used in violation of s. 316.074(1)

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320 or s. 316.075(1)(c)1. when the driver fails to stop at a traffic
321 signal.

322 (3) This section supplements the enforcement of s.
323 316.074(1) or s. 316.075(1)(c)1. by law enforcement officers
324 when a driver fails to stop at a traffic signal, and this
325 section does not prohibit a law enforcement officer from issuing
326 a traffic citation for a violation of s. 316.074(1) or s.
327 316.075(1)(c)1. when a driver fails to stop at a traffic signal
328 in accordance with normal traffic-enforcement techniques.

329 (4)(a) Each county or municipality that operates a traffic
330 infraction detector shall submit a report by October 1 to the
331 department which details the results of using the traffic
332 infraction detector and the procedures for enforcement for the
333 preceding state fiscal year. The information submitted by the
334 counties and municipalities must include statistical data and
335 information required by the department to complete the report
336 required under paragraph (b).

337 (b) On or before December 31, 2012, and annually
338 thereafter, the department shall provide a summary report to the
339 Governor, the President of the Senate, and the Speaker of the
340 House of Representatives regarding the use and operation of
341 traffic infraction detectors under this section, along with the
342 department's recommendations and any necessary legislation. The
343 summary report must include a review of the information
344 submitted to the department by the counties and municipalities
345 and must describe the enhancement of the traffic safety and
346 enforcement programs.

347 Section 6. Subsection (6) of section 316.0745, Florida
348 Statutes, is amended to read:

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349 316.0745 Uniform signals and devices.—

350 (6) Any system of traffic control devices controlled and
351 operated from a remote location by electronic computers or
352 similar devices must ~~shall~~ meet all requirements established for
353 the uniform system, and, if where such a system affects ~~systems~~
354 ~~affect~~ the movement of traffic on state roads, the design of the
355 system shall be reviewed and approved by the Department of
356 Transportation.

357 Section 7. Section 316.07456, Florida Statutes, is created
358 to read:

359 316.07456 Transitional implementation.—Any traffic
360 infraction detector deployed on the highways, streets, and roads
361 of this state must meet specifications established by the
362 Department of Transportation, and must be tested at regular
363 intervals according to specifications prescribed by the
364 Department of Transportation. The Department of Transportation
365 must establish such specifications on or before December 31,
366 2010. However, any such equipment acquired by purchase, lease,
367 or other arrangement under an agreement entered into by a county
368 or municipality on or before July 1, 2011, or equipment used to
369 enforce an ordinance enacted by a county or municipality on or
370 before July 1, 2011, is not required to meet the specifications
371 established by the Department of Transportation until July 1,
372 2011.

373 Section 8. Section 316.0776, Florida Statutes, is created
374 to read:

375 316.0776 Traffic infraction detectors; placement and
376 installation.—

377 (1) Traffic infraction detectors are allowed on state roads

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378 when permitted by the Department of Transportation and under
379 placement and installation specifications developed by the
380 Department of Transportation. Traffic infraction detectors are
381 allowed on streets and highways under the jurisdiction of
382 counties or municipalities and under placement and installation
383 specifications developed by the Department of Transportation.

384 (2) (a) If the department, a county, or a municipality
385 installs a traffic infraction detector at an intersection, the
386 department, county, or municipality shall notify the public that
387 a traffic infraction device may be in use at that intersection
388 and must specifically include notification of camera enforcement
389 of violations concerning right turns. Such signage used to
390 notify the public must meet the specifications for uniform
391 signals and devices adopted by the Department of Transportation
392 pursuant to s. 316.0745.

393 (b) If the department, a county, or a municipality begins a
394 traffic infraction detector program in a county or municipality
395 that has never conducted such a program, the respective
396 department, county, or municipality shall also make a public
397 announcement and conduct a public awareness campaign of the
398 proposed use of traffic infraction detectors at least 30 days
399 before commencing the enforcement program.

400 Section 9. Paragraph (b) of subsection (1) and subsection
401 (5) of section 316.640, Florida Statutes, are amended to read:
402 316.640 Enforcement.—The enforcement of the traffic laws of
403 this state is vested as follows:

404 (1) STATE.—

405 (b)1. The Department of Transportation has authority to
406 enforce on all the streets and highways of this state all laws

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407 applicable within its authority.

408 2.a. The Department of Transportation shall develop
409 training and qualifications standards for toll enforcement
410 officers whose sole authority is to enforce the payment of tolls
411 pursuant to s. 316.1001. Nothing in this subparagraph shall be
412 construed to permit the carrying of firearms or other weapons,
413 nor shall a toll enforcement officer have arrest authority.

414 b. For the purpose of enforcing s. 316.1001, governmental
415 entities, as defined in s. 334.03, which own or operate a toll
416 facility may employ independent contractors or designate
417 employees as toll enforcement officers; however, any such toll
418 enforcement officer must successfully meet the training and
419 qualifications standards for toll enforcement officers
420 established by the Department of Transportation.

421 3. For the purpose of enforcing s. 316.0083, the department
422 may employ independent contractors or designate employees as
423 traffic infraction enforcement officers. A traffic infraction
424 enforcement officer must successfully complete instruction in
425 traffic enforcement procedures and court presentation through
426 the Selective Traffic Enforcement Program as approved by the
427 Division of Criminal Justice Standards and Training of the
428 Department of Law Enforcement, or through a similar program, but
429 the traffic infraction enforcement officer need not otherwise
430 meet the uniform minimum standards established by the Criminal
431 Justice Standards and Training Commission for law enforcement
432 officers or auxiliary law enforcement officers under s. 943.13.
433 This subparagraph does not authorize the carrying of firearms or
434 other weapons by a traffic infraction enforcement officer and
435 does not authorize a traffic infraction enforcement officer to

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436 make arrests. The department's traffic infraction enforcement
437 officers must be physically located in the jurisdiction of the
438 circuit court in which the violation occurred.

439 (5) (a) Any sheriff's department or police department of a
440 municipality may employ, as a traffic infraction enforcement
441 officer, any individual who successfully completes instruction
442 in traffic enforcement procedures and court presentation through
443 the Selective Traffic Enforcement Program as approved by the
444 Division of Criminal Justice Standards and Training of the
445 Department of Law Enforcement, or through a similar program, but
446 who does not necessarily otherwise meet the uniform minimum
447 standards established by the Criminal Justice Standards and
448 Training Commission for law enforcement officers or auxiliary
449 law enforcement officers under s. 943.13. Any such traffic
450 infraction enforcement officer who observes the commission of a
451 traffic infraction or, in the case of a parking infraction, who
452 observes an illegally parked vehicle may issue a traffic
453 citation for the infraction when, based upon personal
454 investigation, he or she has reasonable and probable grounds to
455 believe that an offense has been committed which constitutes a
456 noncriminal traffic infraction as defined in s. 318.14. In
457 addition, any such traffic enforcement officer may issue a
458 traffic citation under s. 316.0083.

459 (b) For purposes of enforcing s. 316.0083, any sheriff's
460 department or police department of a municipality may employ
461 independent contractors or designate employees as traffic
462 infraction enforcement officers. The traffic infraction
463 enforcement officers must be physically located in the county of
464 the respective sheriff or police department, or that of an

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465 adjacent sheriff or police department.

466 (c)~~(b)~~ The traffic enforcement officer shall be employed in
467 relationship to a selective traffic enforcement program at a
468 fixed location or as part of a crash investigation team at the
469 scene of a vehicle crash or in other types of traffic infraction
470 enforcement under the direction of a fully qualified law
471 enforcement officer; however, it is not necessary that the
472 traffic infraction enforcement officer's duties be performed
473 under the immediate supervision of a fully qualified law
474 enforcement officer.

475 (d)~~(e)~~ This subsection does not permit the carrying of
476 firearms or other weapons, nor do traffic infraction enforcement
477 officers have arrest authority other than the authority to issue
478 a traffic citation as provided in this subsection.

479 Section 10. Subsection (3) of section 316.650, Florida
480 Statutes, is amended to read:

481 316.650 Traffic citations.—

482 (3) (a) Except for a traffic citation issued pursuant to s.
483 316.1001 or s. 316.0083, each traffic enforcement officer, upon
484 issuing a traffic citation to an alleged violator of any
485 provision of the motor vehicle laws of this state or of any
486 traffic ordinance of any municipality or town, shall deposit the
487 original traffic citation or, in the case of a traffic
488 enforcement agency that has an automated citation issuance
489 system, the chief administrative officer shall provide by an
490 electronic transmission a replica of the citation data to a
491 court having jurisdiction over the alleged offense or with its
492 traffic violations bureau within 5 days after issuance to the
493 violator.

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494 (b) If a traffic citation is issued pursuant to s.
495 316.1001, a traffic enforcement officer may deposit the original
496 traffic citation or, in the case of a traffic enforcement agency
497 that has an automated citation system, may provide by an
498 electronic transmission a replica of the citation data to a
499 court having jurisdiction over the alleged offense or with its
500 traffic violations bureau within 45 days after the date of
501 issuance of the citation to the violator. If the person cited
502 for the violation of s. 316.1001 makes the election provided by
503 s. 318.14(12) and pays the \$25 fine, or such other amount as
504 imposed by the governmental entity owning the applicable toll
505 facility, plus the amount of the unpaid toll that is shown on
506 the traffic citation directly to the governmental entity that
507 issued the citation, or on whose behalf the citation was issued,
508 in accordance with s. 318.14(12), the traffic citation will not
509 be submitted to the court, the disposition will be reported to
510 the department by the governmental entity that issued the
511 citation, or on whose behalf the citation was issued, and no
512 points will be assessed against the person's driver's license.

513 (c) If a traffic citation is issued under s. 316.0083, the
514 traffic infraction enforcement officer shall provide by
515 electronic transmission a replica of the traffic citation data
516 to the court having jurisdiction over the alleged offense or its
517 traffic violations bureau within 5 days after the date of
518 issuance of the traffic citation to the violator.

519 Section 11. Subsection (2) of section 318.14, Florida
520 Statutes, is amended to read:

521 318.14 Noncriminal traffic infractions; exception;
522 procedures.-

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523 (2) Except as provided in ss. s. 316.1001(2) and
524 316.0083(3), any person cited for an infraction under this
525 section must sign and accept a citation indicating a promise to
526 appear. The officer may indicate on the traffic citation the
527 time and location of the scheduled hearing and must indicate the
528 applicable civil penalty established in s. 318.18.

529 Section 12. Subsection (15) of section 318.18, Florida
530 Statutes, is amended to read:

531 318.18 Amount of penalties.—The penalties required for a
532 noncriminal disposition pursuant to s. 318.14 or a criminal
533 offense listed in s. 318.17 are as follows:

534 (15) (a)1. One hundred and fifty-eight ~~twenty-five~~ dollars
535 for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when a
536 driver has failed to stop at a traffic signal and when enforced
537 by a law enforcement officer. Sixty dollars shall be distributed
538 as provided in s. 318.21, \$30 shall be distributed to the
539 General Revenue Fund, and the remaining \$68 ~~\$65~~ shall be
540 remitted to the Department of Revenue for deposit into the
541 Administrative Trust Fund of the Department of Health.

542 2. One hundred and fifty-eight dollars for a violation of
543 s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
544 stop at a traffic signal and when enforced by the department's
545 traffic infraction enforcement officer. Eighty dollars shall be
546 distributed to the General Revenue Fund, \$45 shall be
547 distributed to the county for any violations occurring in any
548 unincorporated areas of the county or to the municipality for
549 any violations occurring in the incorporated boundaries of the
550 municipality in which the infraction occurred, \$20 shall be
551 remitted to the Department of Revenue for deposit into the

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552 Department of Health Administrative Trust Fund for distribution
553 as provided in s. 395.4036(1), \$5 shall be remitted to the
554 Department of Revenue for deposit into the Brain and Spinal Cord
555 Injury Trust Fund, and \$8 shall be deposited into the Grants and
556 Donations Trust Fund of the Agency for Health Care
557 Administration to provide enhanced Medicaid payments to nursing
558 homes that serve residents who require ventilator care and are
559 Medicaid recipients. Proceeds of the infractions in the Brain
560 and Spinal Cord Injury Trust Fund shall be distributed quarterly
561 to the Miami Project to Cure Paralysis and shall be used for
562 brain and spinal cord research.

563 3. One hundred and fifty-eight dollars for a violation of
564 s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
565 stop at a traffic signal and when enforced by a county's or
566 municipality's traffic infraction enforcement officer. Eighty
567 dollars shall be distributed to the county or municipality
568 issuing the traffic citation, \$45 shall be distributed to the
569 General Revenue Fund, \$20 shall be remitted to the Department of
570 Revenue for deposit into the Department of Health Administrative
571 Trust Fund for distribution as provided in s. 395.4036(1), \$5
572 shall be remitted into the Department of Revenue for deposit
573 into the Brain and Spinal Cord Injury Trust Fund, and \$8 shall
574 be deposited into the Grants and Donations Trust Fund of the
575 Agency for Health Care Administration to provide enhanced
576 Medicaid payments to nursing homes that serve residents who
577 require ventilator care and are Medicaid recipients. Proceeds of
578 the infractions in the Brain and Spinal Cord Injury Trust Fund
579 shall be distributed quarterly to the Miami Project to Cure
580 Paralysis and shall be used for brain and spinal cord research.

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581 (b) If a person who is cited for a violation of s.
582 316.074(1) or s. 316.075(1)(c)1., as enforced by a traffic
583 infraction enforcement officer under s. 316.0083, presents
584 documentation from the appropriate governmental entity that the
585 traffic citation was in error, the clerk of court may dismiss
586 the case. The clerk of court shall not charge for this service.

587 (c) A person may not receive a commission from any revenue
588 collected from violations detected through the use of a traffic
589 infraction detector. A manufacturer or vendor may not receive a
590 fee or remuneration based upon the number of citations issued
591 due to a traffic infraction detector enforcement system.

592 Section 13. Section 321.50, Florida Statutes, is created to
593 read:

594 321.50 Authorization to use traffic infraction detectors.-
595 The Department of Highway Safety and Motor Vehicles is
596 authorized to use traffic infraction detectors to enforce s.
597 316.074(1) or s. 316.075(1)(c)1. when a driver fails to stop at
598 a traffic signal on state roads as defined in chapter 316 which
599 are under the original jurisdiction of the Department of
600 Transportation, when permitted by the Department of
601 Transportation and as provided under s. 316.0083.

602 Section 14. Paragraph (d) of subsection (3) of section
603 322.27, Florida Statutes, is amended to read:

604 322.27 Authority of department to suspend or revoke
605 license.-

606 (3) There is established a point system for evaluation of
607 convictions of violations of motor vehicle laws or ordinances,
608 and violations of applicable provisions of s. 403.413(6)(b) when
609 such violations involve the use of motor vehicles, for the

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610 determination of the continuing qualification of any person to
611 operate a motor vehicle. The department is authorized to suspend
612 the license of any person upon showing of its records or other
613 good and sufficient evidence that the licensee has been
614 convicted of violation of motor vehicle laws or ordinances, or
615 applicable provisions of s. 403.413(6)(b), amounting to 12 or
616 more points as determined by the point system. The suspension
617 shall be for a period of not more than 1 year.

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

- 621 1. Reckless driving, willful and wanton—4 points.
622 2. Leaving the scene of a crash resulting in property
623 damage of more than \$50—6 points.
624 3. Unlawful speed resulting in a crash—6 points.
625 4. Passing a stopped school bus—4 points.
626 5. Unlawful speed:
627 a. Not in excess of 15 miles per hour of lawful or posted
628 speed—3 points.
629 b. In excess of 15 miles per hour of lawful or posted
630 speed—4 points.
631 6. A violation of a traffic control signal device as
632 provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points.
633 However, no points shall be imposed for a violation of s.
634 316.074(1) or s. 316.075(1)(c)1. when a driver fails to stop at
635 a traffic signal and when enforced by a traffic infraction
636 enforcement officer. In addition, a violation of s. 316.074(1)
637 or s. 316.075(1)(c)1. when a driver fails to stop at a traffic
638 signal and when enforced by a traffic infraction enforcement

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639 officer may not be used for purposes of setting motor vehicle
640 insurance rates.

641 7. All other moving violations (including parking on a
642 highway outside the limits of a municipality)—3 points. However,
643 no points shall be imposed for a violation of s. 316.0741 or s.
644 316.2065(12).

645 8. Any moving violation covered above, excluding unlawful
646 speed, resulting in a crash—4 points.

647 9. Any conviction under s. 403.413(6)(b)—3 points.

648 10. Any conviction under s. 316.0775(2)—4 points.

649 Section 15. Subsection (1) of section 395.4036, Florida
650 Statutes, is amended to read:

651 395.4036 Trauma payments.—

652 (1) Recognizing the Legislature's stated intent to provide
653 financial support to the current verified trauma centers and to
654 provide incentives for the establishment of additional trauma
655 centers as part of a system of state-sponsored trauma centers,
656 the department shall use ~~utilize~~ funds collected under s. 318.18
657 and deposited into the Administrative Trust Fund of the
658 department to ensure the availability and accessibility of
659 trauma and emergency services throughout the state as provided
660 in this subsection.

661 (a) Funds collected under s. 318.18(15) shall be distributed
662 as follows:

663 1. Eighteen ~~Twenty~~ percent of the total funds collected
664 during the state fiscal year shall be distributed to verified
665 trauma centers that have a local funding contribution as of
666 December 31. Distribution of funds under this subparagraph shall
667 be based on trauma caseload volume for the most recent calendar

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668 year available.

669 2. Thirty-nine ~~Forty~~ percent of the total funds collected
670 shall be distributed to verified trauma centers based on trauma
671 caseload volume for the most recent calendar year available. The
672 determination of caseload volume for distribution of funds under
673 this subparagraph shall be based on the department's Trauma
674 Registry data.

675 3. Thirty-nine ~~Forty~~ percent of the total funds collected
676 shall be distributed to verified trauma centers based on
677 severity of trauma patients for the most recent calendar year
678 available. The determination of severity for distribution of
679 funds under this subparagraph shall be based on the department's
680 International Classification Injury Severity Scores or another
681 statistically valid and scientifically accepted method of
682 stratifying a trauma patient's severity of injury, risk of
683 mortality, and resource consumption as adopted by the department
684 by rule, weighted based on the costs associated with and
685 incurred by the trauma center in treating trauma patients. The
686 weighting of scores shall be established by the department by
687 rule.

688 4. Two percent of the total funds collected shall be
689 distributed to hospitals that qualify for distributions under s.
690 409.911(4), that are not verified trauma centers but are located
691 in trauma services areas defined under s. 395.402, and that do
692 not have a verified trauma center based on their proportionate
693 number of emergency room visits on an annual basis. The Agency
694 for Health Care Administration shall provide the department with
695 a list of hospitals and emergency room visits.

696 5. Two percent of the total funds collected shall be

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697 distributed to provide an enhanced Medicaid payment to nursing
698 homes that serve residents who require ventilator care and are
699 Medicaid recipients.

700 (b) Funds collected under s. 318.18(5)(c) and (19) shall be
701 distributed as follows:

702 1. Thirty percent of the total funds collected shall be
703 distributed to Level II trauma centers operated by a public
704 hospital governed by an elected board of directors as of
705 December 31, 2008.

706 2. Thirty-five percent of the total funds collected shall
707 be distributed to verified trauma centers based on trauma
708 caseload volume for the most recent calendar year available. The
709 determination of caseload volume for distribution of funds under
710 this subparagraph shall be based on the department's Trauma
711 Registry data.

712 3. Thirty-five percent of the total funds collected shall
713 be distributed to verified trauma centers based on severity of
714 trauma patients for the most recent calendar year available. The
715 determination of severity for distribution of funds under this
716 subparagraph shall be based on the department's International
717 Classification Injury Severity Scores or another statistically
718 valid and scientifically accepted method of stratifying a trauma
719 patient's severity of injury, risk of mortality, and resource
720 consumption as adopted by the department by rule, weighted based
721 on the costs associated with and incurred by the trauma center
722 in treating trauma patients. The weighting of scores shall be
723 established by the department by rule.

724 Section 16. If any provision of this act or its application
725 to any person or circumstance is held invalid, the invalidity

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726 does not affect other provisions or applications of this act
727 which can be given effect without the invalid provision or
728 application, and to this end the provisions of this act are
729 severable.

730 Section 17. This act shall take effect July 1, 2010.