

Amendment No.

CHAMBER ACTION

Senate

House

.

1 Representative Reagan offered the following:

2

3 **Amendment to Amendment (471233) (with title amendment)**

4 Remove lines 5-553 and insert:

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

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

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

13 (86) TRAFFIC INFRACTION DETECTOR.—A vehicle sensor
14 installed to work in conjunction with a traffic control signal
15 and a camera or cameras synchronized to automatically record two
16 or more sequenced photographic or electronic images and

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17 streaming video of only the rear of a motor vehicle at the time
18 the vehicle fails to stop behind the stop bar or clearly marked
19 stop line when facing a traffic control signal steady red light.
20 Any traffic citation issued by the use of a traffic infraction
21 detector must include a photograph or other recorded image
22 showing both the license tag of the offending vehicle and the
23 traffic control device being violated.

24 Section 3. Section 316.0076, Florida Statutes, is created
25 to read:

26 316.0076 Regulation and use of cameras.—Regulation of the
27 use of cameras for enforcing the provisions of this chapter is
28 expressly preempted to the state. Chapter 493 does not apply to
29 the regulation of the use of cameras for enforcing the
30 provisions of this chapter.

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

33 316.008 Powers of local authorities.—

34 (7) (a) Pursuant to s. 316.0083, a county or municipality
35 may use traffic infraction detectors to enforce s. 316.074(1) or
36 s. 316.075(1) (c)1. when a driver fails to stop at a traffic
37 signal:

38 1. On streets and highways under the jurisdiction of the
39 respective county or municipality; and

40 2. On state roads under the original jurisdiction of the
41 Department of Transportation when permitted by the Department of
42 Transportation.

43 (b) Pursuant to paragraph (a), a municipality may install
44 or, by contract or interlocal agreement, authorize the

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45 installation of any such detectors only within the incorporated
46 area of the municipality, and a county may install or, by
47 contract or interlocal agreement, authorize the installation of
48 any such detectors only within the unincorporated area of the
49 county.

50 Section 5. Section 316.0083, Florida Statutes, is created
51 to read:

52 316.0083 Mark Wandall Traffic Safety Program;
53 administration; report.-

54 (1) (a) For purposes of administering this section, the
55 department, a county, or a municipality may authorize a traffic
56 infraction enforcement officer under s. 316.640 to issue a
57 traffic citation for a violation of s. 316.074(1) or s.
58 316.075(1) (c)1. A notice of violation and a traffic citation may
59 not be issued for failure to stop at a red light if the driver
60 is making a right-hand turn in a careful and prudent manner at
61 an intersection where right-hand turns are permissible. This
62 paragraph does not prohibit a review of information from a
63 traffic infraction detector by an authorized employee or agent
64 of the department, a county, or a municipality before issuance
65 of the traffic citation by the traffic infraction enforcement
66 officer. This paragraph does not prohibit the department, a
67 county, or a municipality from issuing notification as provided
68 in paragraph (b) to the registered owner of the motor vehicle
69 involved in the violation of s. 316.074(1) or s. 316.075(1) (c)1.

70 (b)1.a. Within 30 days after a violation, notification
71 must be sent to the registered owner of the motor vehicle
72 involved in the violation specifying the remedies available

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73 under s. 318.14, and specifying that the violator must pay the
74 penalty of \$158 to the department, county, or municipality, or
75 furnish an affidavit in accordance with paragraph (d), within 30
76 days following the date of the notification in order to avoid
77 court fees, costs, and the issuance of a traffic citation. The
78 notification shall be sent by first-class mail.

79 b. Included with the notification to the registered owner
80 of the motor vehicle involved in the infraction must be a notice
81 that the owner has the right to review the photographic or
82 electronic images and the streaming video evidence that
83 constitutes a rebuttable presumption against the owner of the
84 vehicle. The notice must state the time and place and the
85 Internet location where the evidence may be examined and
86 observed.

87 2. Penalties assessed and collected by the department or
88 by a county or municipality authorized to collect the penalties
89 provided for in this paragraph shall be paid into the State
90 Treasury weekly. Payment by the department, a county, or a
91 municipality shall be made by means of electronic funds
92 transfer. A county or municipality shall pay to the State
93 Treasury only that portion of funds to be distributed to the
94 General Revenue Fund and the Department of Health Administrative
95 Trust Fund as required by this paragraph.

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

98 a. One hundred fifty-eight dollars for a violation of s.
99 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
100 stop at a traffic signal if enforcement is by the department's
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101 traffic infraction enforcement officer. One hundred dollars
102 shall be deposited into the General Revenue Fund, \$10 shall be
103 remitted to the Department of Revenue for deposit into the
104 Department of Health Administrative Trust Fund, \$3 shall be
105 remitted to the Department of Revenue for deposit into the Brain
106 and Spinal Cord Injury Trust Fund, and \$45 shall be distributed
107 to the municipality in which the violation occurred, or, if the
108 violation occurred in an unincorporated area, to the county in
109 which the violation occurred. Funds deposited into the
110 Department of Health Administrative Trust Fund under this sub-
111 subparagraph shall be distributed as provided in s. 395.4036(1).
112 Proceeds of the infractions in the Brain and Spinal Cord Injury
113 Trust Fund shall be distributed quarterly to the Miami Project
114 to Cure Paralysis and shall be used for brain and spinal cord
115 research.

116 b. One hundred fifty-eight dollars for a violation of s.
117 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
118 stop at a traffic signal if enforcement is by a county or
119 municipal traffic infraction enforcement officer. Seventy
120 dollars shall be remitted by the county or municipality to the
121 Department of Revenue for deposit into the General Revenue Fund,
122 \$10 shall be remitted to the Department of Revenue for deposit
123 into the Department of Health Administrative Trust Fund, \$3
124 shall be remitted to the Department of Revenue for deposit into
125 the Brain and Spinal Cord Injury Trust Fund, and \$75 shall be
126 retained by the county or municipality enforcing the ordinance
127 enacted pursuant to this section. Funds deposited into the
128 Department of Health Administrative Trust Fund under this sub-
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129 subparagraph shall be distributed as provided in s. 395.4036(1).
130 Proceeds of the infractions in the Brain and Spinal Cord Injury
131 Trust Fund shall be distributed quarterly to the Miami Project
132 to Cure Paralysis and shall be used for brain and spinal cord
133 research.

134 4. A person may not receive a commission from any revenue
135 collected from violations detected through the use of a traffic
136 infraction detector. A manufacturer or vendor may not receive a
137 fee or remuneration based upon the number of citations issued
138 due to a traffic infraction detector enforcement system.

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

144 b. Delivery of the traffic citation constitutes
145 notification.

146 c. In the case of joint ownership of a motor vehicle, the
147 traffic citation shall be mailed to the first name appearing on
148 the registration, unless the first name appearing on the
149 registration is a business organization, in which case the
150 second name appearing on the registration may be used.

151 d. If the vehicle involved in the violation is owned by a
152 leasing or rental business, the citation shall be issued to the
153 person to whom the vehicle was leased or rented at the time of
154 the violation, provided that this information is provided to the
155 department, county, or municipality within 14 days after receipt

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156 of the notification of the violation by the leasing or rental
157 business.

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

161 2. Included with the traffic citation to the registered
162 owner of the motor vehicle involved in the infraction must be a
163 notice that the owner has the right to review the photographic
164 or electronic images and the streaming video evidence that
165 constitutes a rebuttable presumption against the owner of the
166 vehicle. The notice must state the time and place and the
167 Internet location where the evidence may be examined and
168 observed.

169 (d)1. The owner of the motor vehicle involved in the
170 violation is responsible and liable for paying the uniform
171 traffic citation issued for a violation of s. 316.074(1) or s.
172 316.075(1)(c)1. when the driver fails to stop at a traffic
173 signal, unless the owner can establish that:

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

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

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

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

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

187 f. Stopping at the red light would place the vehicle or
188 vehicle passengers in imminent danger, as determined by a judge
189 or presiding officer, or as evidenced in the streaming video or
190 photographic images of the violation; or

191 g. The vehicle was, at the time of the violation, an
192 authorized emergency vehicle acting in response to an emergency
193 call.

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

199 a.(I) An affidavit supporting an exemption under sub-
200 subparagraph 1.d. must include the name, address, date of birth,
201 and, if known, the driver's license number of the person who
202 leased, rented, or otherwise had care, custody, or control of
203 the motor vehicle at the time of the alleged violation. If the
204 vehicle was stolen at the time of the alleged offense, the
205 affidavit must include the police report indicating that the
206 vehicle was stolen.

207 (II) Upon receipt of the affidavit, the person designated
208 as having care, custody, and control of the motor vehicle at the
209 time of the violation may be issued a traffic citation for a
210 violation of s. 316.074(1) or s. 316.075(1)(c)1. when the driver
211 failed to stop at a traffic signal. The affidavit is admissible

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212 in a proceeding pursuant to this section for the purpose of
213 providing proof that the person identified in the affidavit was
214 in actual care, custody, or control of the motor vehicle. The
215 owner of a leased or rented vehicle for which a traffic citation
216 is issued for a violation of s. 316.074(1) or s. 316.075(1)(c)1.
217 when the driver failed to stop at a traffic signal is not
218 responsible for paying the traffic citation and is not required
219 to submit an affidavit as specified in this subsection if the
220 motor vehicle involved in the violation is registered in the
221 name of the lessee of such motor vehicle.

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

226
227 The submission of a false affidavit is a misdemeanor of the
228 second degree, punishable as provided in s. 775.082 or s.
229 775.083.

230 (2) The photographic or electronic images or streaming
231 video attached to the traffic citation is evidence that a
232 violation of s. 316.074(1) or s. 316.075(1)(c)1. when the driver
233 fails to stop at a traffic signal has occurred and is admissible
234 in any proceeding to enforce this section and raises a
235 rebuttable presumption that the motor vehicle named in the
236 report or shown in the photographic or electronic images or
237 streaming video evidence was used in violation of s. 316.074(1)
238 or s. 316.075(1)(c)1. when the driver fails to stop at a traffic
239 signal.

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240 (3) This section supplements the enforcement of s.
241 316.074(1) or s. 316.075(1)(c)1. by law enforcement officers
242 when a driver fails to stop at a traffic signal, and this
243 section does not prohibit a law enforcement officer from issuing
244 a traffic citation for a violation of s. 316.074(1) or s.
245 316.075(1)(c)1. when a driver fails to stop at a traffic signal
246 in accordance with normal traffic-enforcement techniques.

247 (4) (a) Each county or municipality that operates a traffic
248 infraction detector shall submit a report by October 1 to the
249 department which details the results of using the traffic
250 infraction detector and the procedures for enforcement for the
251 preceding state fiscal year. The information submitted by the
252 counties and municipalities must include statistical data and
253 information required by the department to complete the report
254 required under paragraph (b).

255 (b) On or before December 31, 2012, and annually
256 thereafter, through December 31, 2017, the department shall
257 provide a summary report to the Governor, the President of the
258 Senate, and the Speaker of the House of Representatives
259 regarding the use and operation of traffic infraction detectors
260 under this section, along with the department's recommendations
261 and any necessary legislation. The summary report must include a
262 review of the information submitted to the department by the
263 counties and municipalities and must describe the enhancement of
264 the traffic safety and enforcement programs.

265 (c) This subsection expires January 1, 2018.

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

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268 316.0745 Uniform signals and devices.—

269 (6) Any system of traffic control devices controlled and
270 operated from a remote location by electronic computers or
271 similar devices must ~~shall~~ meet all requirements established for
272 the uniform system, and, if where such a system affects systems
273 ~~affect~~ the movement of traffic on state roads, the design of the
274 system shall be reviewed and approved by the Department of
275 Transportation.

276 Section 7. Section 316.07456, Florida Statutes, is created
277 to read:

278 316.07456 Transitional implementation.—Any traffic
279 infraction detector deployed on the highways, streets, and roads
280 of this state must meet specifications established by the
281 Department of Transportation, and must be tested at regular
282 intervals according to specifications prescribed by the
283 Department of Transportation. The Department of Transportation
284 must establish such specifications on or before December 31,
285 2010. However, any such equipment acquired by purchase, lease,
286 or other arrangement under an agreement entered into by a county
287 or municipality on or before July 1, 2011, or equipment used to
288 enforce an ordinance enacted by a county or municipality on or
289 before July 1, 2011, is not required to meet the specifications
290 established by the Department of Transportation until July 1,
291 2011.

292 Section 8. Section 316.0776, Florida Statutes, is created
293 to read:

294 316.0776 Traffic infraction detectors; placement and
295 installation.—

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296 (1) Traffic infraction detectors are allowed on state
297 roads when permitted by the Department of Transportation and
298 under placement and installation specifications developed by the
299 Department of Transportation. Traffic infraction detectors are
300 allowed on streets and highways under the jurisdiction of
301 counties or municipalities and under placement and installation
302 specifications developed by the Department of Transportation.

303 (2) (a) If the department, a county, or a municipality
304 installs a traffic infraction detector at an intersection, the
305 department, county, or municipality shall notify the public that
306 a traffic infraction device may be in use at that intersection
307 and must specifically include notification of camera enforcement
308 of violations concerning right turns. Such signage used to
309 notify the public must meet the specifications for uniform
310 signals and devices adopted by the Department of Transportation
311 pursuant to s. 316.0745.

312 (b) If the department, a county, or a municipality begins
313 a traffic infraction detector program in a county or
314 municipality that has never conducted such a program, the
315 respective department, county, or municipality shall also make a
316 public announcement and conduct a public awareness campaign of
317 the proposed use of traffic infraction detectors at least 30
318 days before commencing the enforcement program.

319 Section 9. Paragraph (b) of subsection (1) and subsection
320 (5) of section 316.640, Florida Statutes, are amended to read:

321 316.640 Enforcement.—The enforcement of the traffic laws
322 of this state is vested as follows:

323 (1) STATE.—

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

327 2.a. The Department of Transportation shall develop
328 training and qualifications standards for toll enforcement
329 officers whose sole authority is to enforce the payment of tolls
330 pursuant to s. 316.1001. Nothing in this subparagraph shall be
331 construed to permit the carrying of firearms or other weapons,
332 nor shall a toll enforcement officer have arrest authority.

333 b. For the purpose of enforcing s. 316.1001, governmental
334 entities, as defined in s. 334.03, which own or operate a toll
335 facility may employ independent contractors or designate
336 employees as toll enforcement officers; however, any such toll
337 enforcement officer must successfully meet the training and
338 qualifications standards for toll enforcement officers
339 established by the Department of Transportation.

340 3. For the purpose of enforcing s. 316.0083, the
341 department may designate employees as traffic infraction
342 enforcement officers. A traffic infraction enforcement officer
343 must successfully complete instruction in traffic enforcement
344 procedures and court presentation through the Selective Traffic
345 Enforcement Program as approved by the Division of Criminal
346 Justice Standards and Training of the Department of Law
347 Enforcement, or through a similar program, but the traffic
348 infraction enforcement officer need not otherwise meet the
349 uniform minimum standards established by the Criminal Justice
350 Standards and Training Commission for law enforcement officers
351 or auxiliary law enforcement officers under s. 943.13. This

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352 subparagraph does not authorize the carrying of firearms or
353 other weapons by a traffic infraction enforcement officer and
354 does not authorize a traffic infraction enforcement officer to
355 make arrests. The department's traffic infraction enforcement
356 officers must be physically located in the jurisdiction of the
357 circuit court in which the violation occurred.

358 (5) (a) Any sheriff's department or police department of a
359 municipality may employ, as a traffic infraction enforcement
360 officer, any individual who successfully completes instruction
361 in traffic enforcement procedures and court presentation through
362 the Selective Traffic Enforcement Program as approved by the
363 Division of Criminal Justice Standards and Training of the
364 Department of Law Enforcement, or through a similar program, but
365 who does not necessarily otherwise meet the uniform minimum
366 standards established by the Criminal Justice Standards and
367 Training Commission for law enforcement officers or auxiliary
368 law enforcement officers under s. 943.13. Any such traffic
369 infraction enforcement officer who observes the commission of a
370 traffic infraction or, in the case of a parking infraction, who
371 observes an illegally parked vehicle may issue a traffic
372 citation for the infraction when, based upon personal
373 investigation, he or she has reasonable and probable grounds to
374 believe that an offense has been committed which constitutes a
375 noncriminal traffic infraction as defined in s. 318.14. In
376 addition, any such traffic enforcement officer may issue a
377 traffic citation under s. 316.0083.

378 (b) For purposes of enforcing s. 316.0083, any sheriff's
379 department or police department of a municipality may designate
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380 employees as traffic infraction enforcement officers. The
381 traffic infraction enforcement officers must be physically
382 located in the county of the respective sheriff or police
383 department, or that of an adjacent sheriff or police department.

384 (c)~~(b)~~ The traffic enforcement officer shall be employed
385 in relationship to a selective traffic enforcement program at a
386 fixed location or as part of a crash investigation team at the
387 scene of a vehicle crash or in other types of traffic infraction
388 enforcement under the direction of a fully qualified law
389 enforcement officer; however, it is not necessary that the
390 traffic infraction enforcement officer's duties be performed
391 under the immediate supervision of a fully qualified law
392 enforcement officer.

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

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

399 316.650 Traffic citations.—

400 (3) (a) Except for a traffic citation issued pursuant to s.
401 316.1001 or s. 316.0083, each traffic enforcement officer, upon
402 issuing a traffic citation to an alleged violator of any
403 provision of the motor vehicle laws of this state or of any
404 traffic ordinance of any municipality or town, shall deposit the
405 original traffic citation or, in the case of a traffic
406 enforcement agency that has an automated citation issuance
407 system, the chief administrative officer shall provide by an
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408 electronic transmission a replica of the citation data to a
409 court having jurisdiction over the alleged offense or with its
410 traffic violations bureau within 5 days after issuance to the
411 violator.

412 (b) If a traffic citation is issued pursuant to s.
413 316.1001, a traffic enforcement officer may deposit the original
414 traffic citation or, in the case of a traffic enforcement agency
415 that has an automated citation system, may provide by an
416 electronic transmission a replica of the citation data to a
417 court having jurisdiction over the alleged offense or with its
418 traffic violations bureau within 45 days after the date of
419 issuance of the citation to the violator. If the person cited
420 for the violation of s. 316.1001 makes the election provided by
421 s. 318.14(12) and pays the \$25 fine, or such other amount as
422 imposed by the governmental entity owning the applicable toll
423 facility, plus the amount of the unpaid toll that is shown on
424 the traffic citation directly to the governmental entity that
425 issued the citation, or on whose behalf the citation was issued,
426 in accordance with s. 318.14(12), the traffic citation will not
427 be submitted to the court, the disposition will be reported to
428 the department by the governmental entity that issued the
429 citation, or on whose behalf the citation was issued, and no
430 points will be assessed against the person's driver's license.

431 (c) If a traffic citation is issued under s. 316.0083, the
432 traffic infraction enforcement officer shall provide by
433 electronic transmission a replica of the traffic citation data
434 to the court having jurisdiction over the alleged offense or its

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435 traffic violations bureau within 5 days after the date of
436 issuance of the traffic citation to the violator.

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

439 318.14 Noncriminal traffic infractions; exception;
440 procedures.—

441 (2) Except as provided in ss. ~~s.~~ 316.1001(2) and
442 316.0083(3), any person cited for an infraction under this
443 section must sign and accept a citation indicating a promise to
444 appear. The officer may indicate on the traffic citation the
445 time and location of the scheduled hearing and must indicate the
446 applicable civil penalty established in s. 318.18.

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

449 318.18 Amount of penalties.—The penalties required for a
450 noncriminal disposition pursuant to s. 318.14 or a criminal
451 offense listed in s. 318.17 are as follows:

452 (15) (a)1. One hundred fifty-eight ~~twenty-five~~ dollars for
453 a violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver
454 has failed to stop at a traffic signal. Sixty dollars shall be
455 distributed as provided in s. 318.21, \$30 shall be distributed
456 to the General Revenue Fund, \$3 shall be remitted to the
457 Department of Revenue for deposit into the Brain and Spinal Cord
458 Injury Trust Fund, and the remaining \$65 shall be remitted to
459 the Department of Revenue for deposit into the Administrative
460 Trust Fund of the Department of Health. Proceeds of the
461 infractions in the Brain and Spinal Cord Injury Trust Fund shall

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462 be distributed quarterly to the Miami Project to Cure Paralysis
463 and shall be used for brain and spinal cord research.

464 2. One hundred fifty-eight dollars for a violation of s.
465 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
466 stop at a traffic signal and when enforced by the department's
467 traffic infraction enforcement officer. One hundred dollars
468 shall be distributed to the General Revenue Fund, \$3 shall be
469 remitted to the Department of Revenue for deposit into the Brain
470 and Spinal Cord Injury Trust Fund, \$45 shall be distributed to
471 the county for any violations occurring in any unincorporated
472 areas of the county or to the municipality for any violations
473 occurring in the incorporated boundaries of the municipality in
474 which the infraction occurred, and \$10 shall be remitted to the
475 Department of Revenue for deposit into the Department of Health
476 Administrative Trust Fund for distribution as provided in s.
477 395.4036(1). Proceeds of the infractions in the Brain and Spinal
478 Cord Injury Trust Fund shall be distributed quarterly to the
479 Miami Project to Cure Paralysis and shall be used for brain and
480 spinal cord research.

481 3. One hundred and fifty-eight dollars for a violation of
482 s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
483 stop at a traffic signal and when enforced by a county's or
484 municipality's traffic infraction enforcement officer. Seventy
485 five dollars shall be distributed to the county or municipality
486 issuing the traffic citation, \$70 shall be distributed to the
487 General Revenue Fund, \$3 shall be remitted to the Department of
488 Revenue for deposit into the Brain and Spinal Cord Injury Trust
489 Fund, and \$10 shall be remitted to the Department of Revenue for

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490 deposit into the Department of Health Administrative Trust Fund
491 for distribution as provided in s. 395.4036(1). Proceeds of the
492 infractions in the Brain and Spinal Cord Injury Trust Fund shall
493 be distributed quarterly to the Miami Project to Cure Paralysis
494 and shall be used for brain and spinal cord research.

495 (b) If a person who is cited for a violation of s.
496 316.074(1) or s. 316.075(1)(c)1., as enforced by a traffic
497 infraction enforcement officer under s. 316.0083, presents
498 documentation from the appropriate governmental entity that the
499 traffic citation was in error, the clerk of court may dismiss
500 the case. The clerk of court shall not charge for this service.

501 (c) A person may not receive a commission from any revenue
502 collected from violations detected through the use of a traffic
503 infraction detector. A manufacturer or vendor may not receive a
504 fee or remuneration based upon the number of citations issued
505 due to a traffic infraction detector enforcement system.

506 Section 13. Section 321.50, Florida Statutes, is created
507 to read:

508 321.50 Authorization to use traffic infraction detectors.-
509 The Department of Highway Safety and Motor Vehicles is
510 authorized to use traffic infraction detectors to enforce s.
511 316.074(1) or s. 316.075(1)(c)1. when a driver fails to stop at
512 a traffic signal on state roads as defined in chapter 316 which
513 are under the original jurisdiction of the Department of
514 Transportation, when permitted by the Department of
515 Transportation and as provided under s. 316.0083.

516 Section 14. Paragraph (d) of subsection (3) of section
517 322.27, Florida Statutes, is amended to read:

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518 322.27 Authority of department to suspend or revoke
519 license.-

520 (3) There is established a point system for evaluation of
521 convictions of violations of motor vehicle laws or ordinances,
522 and violations of applicable provisions of s. 403.413(6) (b) when
523 such violations involve the use of motor vehicles, for the
524 determination of the continuing qualification of any person to
525 operate a motor vehicle. The department is authorized to suspend
526 the license of any person upon showing of its records or other
527 good and sufficient evidence that the licensee has been
528 convicted of violation of motor vehicle laws or ordinances, or
529 applicable provisions of s. 403.413(6) (b), amounting to 12 or
530 more points as determined by the point system. The suspension
531 shall be for a period of not more than 1 year.

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

- 535 1. Reckless driving, willful and wanton-4 points.
536 2. Leaving the scene of a crash resulting in property
537 damage of more than \$50-6 points.
538 3. Unlawful speed resulting in a crash-6 points.
539 4. Passing a stopped school bus-4 points.
540 5. Unlawful speed:
541 a. Not in excess of 15 miles per hour of lawful or posted
542 speed-3 points.
543 b. In excess of 15 miles per hour of lawful or posted
544 speed-4 points.

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545 6. A violation of a traffic control signal device as
546 provided in s. 316.074(1) or s. 316.075(1)(c)1.-4 points.
547 However, no points shall be imposed for a violation of s.
548 316.074(1) or s. 316.075(1)(c)1. when a driver fails to stop at
549 a traffic signal and when enforced by a traffic infraction
550 enforcement officer. In addition, a violation of s. 316.074(1)
551 or s. 316.075(1)(c)1. when a driver fails to stop at a traffic
552 signal and when enforced by a traffic infraction enforcement
553 officer may not be used for purposes of setting motor vehicle
554 insurance rates.

555 7. All other moving violations (including parking on a
556 highway outside the limits of a municipality)-3 points. However,
557 no points shall be imposed for a violation of s. 316.0741 or s.
558 316.2065(12).

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

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

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

563 Section 15. If any provision of this act or its
564 application to any person or circumstance is held invalid, the
565 invalidity does not affect other provisions or applications of
566 this act which can be given effect without the invalid provision
567 or application, and to this end the provisions of this act are
568 severable.

569 Section 16. This act shall take effect July 1, 2010.

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

Remove lines 561-655 and insert:

An act relating to uniform traffic control; providing a short title; amending s. 316.003, F.S.; defining the term "traffic infraction detector"; creating s. 316.0076, F.S.; preempting to the state the use of cameras to enforce traffic laws; clarifying the inapplicability of ch. 493, F.S., to laws governing the use of cameras as provided by the act; amending s. 316.008, F.S.; authorizing a county or municipality to use traffic infraction detectors; creating s. 316.0083, F.S.; creating the Mark Wandall Traffic Safety Program; authorizing the Department of Highway Safety and Motor Vehicles, a county, or a municipality to use a traffic infraction detector to identify a motor vehicle that fails to stop at a traffic control signal steady red light; requiring that notification be sent to the registered owner of the motor vehicle involved in the violation; providing requirements for the notification; requiring that the department, county, or municipality remit payment weekly to the State Treasury of penalties collected through the use of a traffic infraction detector; specifying the amount of penalties and the required distribution; prohibiting a person from receiving a commission from any revenue collected from violations detected through the use of a traffic infraction detector; requiring issuance of a traffic citation if the driver fails to pay the penalty within a specified period following issuance of the notification; specifying circumstances under which a driver may be exempt from paying the citation; providing

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601 penalties for submission of a false affidavit; providing that
602 certain evidence is admissible for enforcement; providing that
603 the act does not preclude the issuance of citations by law
604 enforcement officers; requiring reports from participating
605 municipalities and counties to the department; requiring the
606 department to make reports to the Governor and Legislature;
607 providing that the required reports be terminated after a
608 specified date; amending s. 316.0745, F.S.; requiring that
609 traffic infraction detectors meet certain specifications;
610 creating s. 316.07465, F.S.; requiring that traffic infraction
611 detectors meet specifications established by the Department of
612 Transportation; providing that a traffic infraction detector
613 acquired by purchase, lease, or other arrangement under an
614 agreement entered into by a county or municipality on or before
615 a specified date is not required to meet the established
616 specifications until a specified date; creating s. 316.0776,
617 F.S.; providing for the placement and installation of detectors
618 on certain roads; requiring that if the state, a county, or a
619 municipality installs a traffic infraction detector at an
620 intersection, the state, county, or municipality shall notify
621 the public that a traffic infraction device may be in use at
622 that intersection; requiring that such signage meet the
623 specifications for uniform signals and devices adopted by the
624 Department of Transportation; amending s. 316.640, F.S.;

625 requiring the Department of Transportation to develop training
626 and qualification standards for traffic infraction enforcement
627 officers; authorizing counties and municipalities to use
628 independent contractors as traffic infraction enforcement

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629 officers; amending s. 316.650, F.S.; requiring a traffic
630 enforcement agency to provide to the court a replica of the
631 citation data by electronic transmission for citations issued
632 pursuant to the act; amending s. 318.14, F.S.; providing an
633 exception from provisions requiring a person cited for an
634 infraction for failing to stop at a traffic control signal
635 steady red light to sign and accept a citation indicating a
636 promise to appear; amending s. 318.18, F.S.; increasing certain
637 fines; providing for penalties for infractions enforced by a
638 traffic infraction enforcement officer; providing for
639 distribution of fines; allowing the clerk of court to dismiss
640 certain cases upon receiving documentation that the uniform
641 traffic citation was issued in error; creating s. 321.50, F.S.;
642 authorizing the Department of Highway Safety and Motor Vehicles
643 to use traffic infraction detectors; amending s. 322.27, F.S.;
644 prohibiting the assessment of points against a person's driver's
645 license for infractions enforced by a traffic infraction
646 enforcement officer; providing that such violations may not be
647 used for purposes of setting motor vehicle insurance rates;
648 providing for severability; providing an effective date.

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