

Amendment No.

CHAMBER ACTION

Senate

House

.

1 Representative Reagan offered the following:

2

3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause 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 or streaming

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17 video of only the rear of a motor vehicle at the time the
18 vehicle fails to stop behind the stop bar or clearly marked stop
19 line when facing a traffic control signal steady red light. Any
20 notification under s. 316.0083(1)(b) or traffic citation issued
21 by the use of a traffic infraction detector must include a
22 photograph or other recorded image showing both the license tag
23 of the offending vehicle and the traffic control device being
24 violated.

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

27 316.0076 Regulation and use of cameras.—Regulation of the
28 use of cameras for enforcing the provisions of this chapter is
29 expressly preempted to the state. The regulation of the use of
30 cameras for enforcing the provisions of this chapter is not
31 required to comply with provisions of chapter 493.

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

34 316.008 Powers of local authorities.—

35 (7) (a) A county or municipality may use traffic infraction
36 detectors to enforce s. 316.074(1) or s. 316.075(1)(c)1. when a
37 driver fails to stop at a traffic signal on streets and highways
38 under their jurisdiction under s. 316.0083. Only a municipality
39 may install or authorize the installation of any such detectors
40 within the incorporated area of the municipality. Only a county
41 may install or authorize the installation of any such detectors
42 within the unincorporated area of the county.

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. A county may authorize installation of any such
50 detectors by interlocal agreement on roads under its
51 jurisdiction.

52 Section 5. Section 316.0083, Florida Statutes, is created
53 to read:

54 316.0083 Mark Wandall Traffic Safety Program;
55 administration; report.—

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

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72 (b)1.a. Within 30 days after a violation, notification
73 must be sent to the registered owner of the motor vehicle
74 involved in the violation specifying the remedies available
75 under s. 318.14 and that the violator must pay the penalty of
76 \$158 to the department, county, or municipality, or furnish an
77 affidavit in accordance with paragraph (d), within 30 days
78 following the date of the notification in order to avoid court
79 fees, costs, and the issuance of a traffic citation. The
80 notification shall be sent by first-class mail.

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

88 2. Penalties assessed and collected by the department,
89 county, or municipality authorized to collect the funds provided
90 for in this paragraph, less the amount retained by the county or
91 municipality pursuant to subparagraph 3., shall be paid to the
92 Department of Revenue weekly. Payment by the department, county,
93 or municipality to the state shall be made by means of
94 electronic funds transfers. In addition to the payment, summary
95 detail of the penalties remitted shall be reported to the
96 Department of Revenue.

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

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

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

136 4. An individual may not receive a commission from any
137 revenue collected from violations detected through the use of a
138 traffic infraction detector. A manufacturer or vendor may not
139 receive a fee or remuneration based upon the number of
140 violations detected through the use of a traffic infraction
141 detector.

142 (c)1.a. A traffic citation issued under this section shall
143 be issued by mailing the traffic citation by certified mail to
144 the address of the registered owner of the motor vehicle
145 involved in the violation when payment has not been made within
146 30 days after notification under subparagraph (b)1.

147 b. Delivery of the traffic citation constitutes
148 notification under this paragraph.

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

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154 d. The traffic citation shall be mailed to the registered
155 owner of the motor vehicle involved in the violation no later
156 than 60 days after the date of the violation.

157 2. Included with the notification to the registered owner
158 of the motor vehicle involved in the infraction shall be a
159 notice that the owner has the right to review, either in person
160 or remotely, the photographic or electronic images or the
161 streaming video evidence that constitutes a rebuttable
162 presumption against the owner of the vehicle. The notice must
163 state the time and place or Internet location where the evidence
164 may be examined and observed.

165 (d)1. The owner of the motor vehicle involved in the
166 violation is responsible and liable for paying the uniform
167 traffic citation issued for a violation of s. 316.074(1) or s.
168 316.075(1)(c)1. when the driver failed to stop at a traffic
169 signal, unless the owner can establish that:

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

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

175 c. The motor vehicle was, at the time of the violation, in
176 the care, custody, or control of another person; or

177 d. A uniform traffic citation was issued by a law
178 enforcement officer to the driver of the motor vehicle for the
179 alleged violation of s. 316.074(1) or s. 316.075(1)(c)1.

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

185 a. An affidavit supporting an exemption under sub-
186 subparagraph 1.c. must include the name, address, date of birth,
187 and, if known, the driver's license number of the person who
188 leased, rented, or otherwise had care, custody, or control of
189 the motor vehicle at the time of the alleged violation. If the
190 vehicle was stolen at the time of the alleged offense, the
191 affidavit must include the police report indicating that the
192 vehicle was stolen.

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

197 3. Upon receipt of an affidavit, the person designated as
198 having care, custody, and control of the motor vehicle at the
199 time of the violation may be issued a traffic citation for a
200 violation of s. 316.074(1) or s. 316.075(1)(c)1. when the driver
201 failed to stop at a traffic signal. The affidavit is admissible
202 in a proceeding pursuant to this section for the purpose of
203 providing proof that the person identified in the affidavit was
204 in actual care, custody, or control of the motor vehicle. The
205 owner of a leased vehicle for which a traffic citation is issued
206 for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when the
207 driver failed to stop at a traffic signal is not responsible for
208 paying the traffic citation and is not required to submit an
209 affidavit as specified in this subsection if the motor vehicle

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210 involved in the violation is registered in the name of the
211 lessee of such motor vehicle.

212 4. The submission of a false affidavit is a misdemeanor of
213 the second degree, punishable as provided in s. 775.082 or s.
214 775.083.

215 (e) The photographic or electronic images or streaming
216 video attached to or referenced in the traffic citation is
217 evidence that a violation of s. 316.074(1) or s. 316.075(1)(c)1.
218 when the driver failed to stop at a traffic signal has occurred
219 and is admissible in any proceeding to enforce this section and
220 raises a rebuttable presumption that the motor vehicle named in
221 the report or shown in the photographic or electronic images or
222 streaming video evidence was used in violation of s. 316.074(1)
223 or s. 316.075(1)(c)1. when the driver failed to stop at a
224 traffic signal.

225 (2) A notice of violation and a traffic citation may not
226 be issued for failure to stop at a red light if the driver is
227 making a right-hand turn in a careful and prudent manner at an
228 intersection where right-hand turns are permissible.

229 (3) This section supplements the enforcement of s.
230 316.074(1) or s. 316.075(1)(c)1. by law enforcement officers
231 when a driver fails to stop at a traffic signal and does not
232 prohibit a law enforcement officer from issuing a traffic
233 citation for a violation of s. 316.074(1) or s. 316.075(1)(c)1.
234 when a driver fails to stop at a traffic signal in accordance
235 with normal traffic enforcement techniques.

236 (4) (a) Each county or municipality that operates a traffic
237 infraction detector shall submit a report by October 1, 2012,
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238 and annually thereafter, to the department which details the
239 results of using the traffic infraction detector and the
240 procedures for enforcement for the preceding state fiscal year.
241 The information submitted by the counties and municipalities
242 must include statistical data and information required by the
243 department to complete the report required under paragraph (b).

244 (b) On or before December 31, 2012, and annually
245 thereafter, the department shall provide a summary report to the
246 Governor, the President of the Senate, and the Speaker of the
247 House of Representatives regarding the use and operation of
248 traffic infraction detectors under this section, along with the
249 department's recommendations and any necessary legislation. The
250 summary report must include a review of the information
251 submitted to the department by the counties and municipalities
252 and must describe the enhancement of the traffic safety and
253 enforcement programs.

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

256 316.0745 Uniform signals and devices.—

257 (6) Any system of traffic control devices controlled and
258 operated from a remote location by electronic computers or
259 similar devices must ~~shall~~ meet all requirements established for
260 the uniform system, and, if where such a system affects ~~systems~~
261 ~~affect~~ the movement of traffic on state roads, the design of the
262 system shall be reviewed and approved by the Department of
263 Transportation.

264 Section 7. Section 316.07456, Florida Statutes, is created
265 to read:

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266 316.07456 Transitional implementation.—Any traffic
267 infraction detector deployed on the highways, streets, and roads
268 of this state must meet specifications established by the
269 Department of Transportation, and must be tested at regular
270 intervals according to specifications prescribed by the
271 Department of Transportation. The Department of Transportation
272 must establish such specifications on or before December 31,
273 2010. However, any such equipment acquired by purchase, lease,
274 or other arrangement under an agreement entered into by a county
275 or municipality on or before July 1, 2011, or equipment used to
276 enforce an ordinance enacted by a county or municipality on or
277 before July 1, 2011, is not required to meet the specifications
278 established by the Department of Transportation until July 1,
279 2011.

280 Section 8. Section 316.0776, Florida Statutes, is created
281 to read:

282 316.0776 Traffic infraction detectors; placement and
283 installation.—

284 (1) Traffic infraction detectors are allowed on state
285 roads when permitted by the Department of Transportation and
286 under placement and installation specifications developed by the
287 Department of Transportation. Traffic infraction detectors are
288 allowed on streets and highways under the jurisdiction of
289 counties or municipalities in accordance with placement and
290 installation specifications developed by the Department of
291 Transportation.

292 (2) (a) If the department, county, or municipality installs
293 a traffic infraction detector at an intersection, the

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294 department, county, or municipality shall notify the public that
295 a traffic infraction device may be in use at that intersection
296 and must specifically include notification of camera enforcement
297 of violations concerning right turns. Such signage used to
298 notify the public must meet the specifications for uniform
299 signals and devices adopted by the Department of Transportation
300 pursuant to s. 316.0745.

301 (b) If the department, county, or municipality begins a
302 traffic infraction detector program in a county or municipality
303 that has never conducted such a program, the respective
304 department, county, or municipality shall also make a public
305 announcement and conduct a public awareness campaign of the
306 proposed use of traffic infraction detectors at least 30 days
307 before commencing the enforcement program.

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

310 316.640 Enforcement.—The enforcement of the traffic laws
311 of this state is vested as follows:

312 (1) STATE.—

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

316 2.a. The Department of Transportation shall develop
317 training and qualifications standards for toll enforcement
318 officers whose sole authority is to enforce the payment of tolls
319 pursuant to s. 316.1001. Nothing in this subparagraph shall be
320 construed to permit the carrying of firearms or other weapons,
321 nor shall a toll enforcement officer have arrest authority.

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322 b. For the purpose of enforcing s. 316.1001, governmental
323 entities, as defined in s. 334.03, which own or operate a toll
324 facility may employ independent contractors or designate
325 employees as toll enforcement officers; however, any such toll
326 enforcement officer must successfully meet the training and
327 qualifications standards for toll enforcement officers
328 established by the Department of Transportation.

329 3. For the purpose of enforcing s. 316.0083, the
330 department may designate employees as traffic infraction
331 enforcement officers. A traffic infraction enforcement officer
332 must successfully complete instruction in traffic enforcement
333 procedures and court presentation through the Selective Traffic
334 Enforcement Program as approved by the Division of Criminal
335 Justice Standards and Training of the Department of Law
336 Enforcement, or through a similar program, but may not
337 necessarily otherwise meet the uniform minimum standards
338 established by the Criminal Justice Standards and Training
339 Commission for law enforcement officers or auxiliary law
340 enforcement officers under s. 943.13. This subparagraph does not
341 authorize the carrying of firearms or other weapons by a traffic
342 infraction enforcement officer and does not authorize a traffic
343 infraction enforcement officer to make arrests. The department's
344 traffic infraction enforcement officers must be physically
345 located in the state.

346 (5) (a) Any sheriff's department or police department of a
347 municipality may employ, as a traffic infraction enforcement
348 officer, any individual who successfully completes instruction
349 in traffic enforcement procedures and court presentation through
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350 the Selective Traffic Enforcement Program as approved by the
351 Division of Criminal Justice Standards and Training of the
352 Department of Law Enforcement, or through a similar program, but
353 who does not necessarily otherwise meet the uniform minimum
354 standards established by the Criminal Justice Standards and
355 Training Commission for law enforcement officers or auxiliary
356 law enforcement officers under s. 943.13. Any such traffic
357 infraction enforcement officer who observes the commission of a
358 traffic infraction or, in the case of a parking infraction, who
359 observes an illegally parked vehicle may issue a traffic
360 citation for the infraction when, based upon personal
361 investigation, he or she has reasonable and probable grounds to
362 believe that an offense has been committed which constitutes a
363 noncriminal traffic infraction as defined in s. 318.14. In
364 addition, any such traffic infraction enforcement officer may
365 issue a traffic citation under s. 316.0083. For purposes of
366 enforcing s. 316.0083, any sheriff's department or police
367 department of a municipality may designate employees as traffic
368 infraction enforcement officers. The traffic infraction
369 enforcement officers must be physically located in the county of
370 the respective sheriff's or police department.

371 (b) The traffic infraction enforcement officer shall be
372 employed in relationship to a selective traffic enforcement
373 program at a fixed location or as part of a crash investigation
374 team at the scene of a vehicle crash or in other types of
375 traffic infraction enforcement under the direction of a fully
376 qualified law enforcement officer; however, it is not necessary
377 that the traffic infraction enforcement officer's duties be

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378 performed under the immediate supervision of a fully qualified
379 law enforcement officer.

380 (c) This subsection does not permit the carrying of
381 firearms or other weapons, nor do traffic infraction enforcement
382 officers have arrest authority other than the authority to issue
383 a traffic citation as provided in this subsection.

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

386 316.650 Traffic citations.—

387 (3) (a) Except for a traffic citation issued pursuant to s.
388 316.1001 or s. 316.0083, each traffic enforcement officer, upon
389 issuing a traffic citation to an alleged violator of any
390 provision of the motor vehicle laws of this state or of any
391 traffic ordinance of any municipality or town, shall deposit the
392 original traffic citation or, in the case of a traffic
393 enforcement agency that has an automated citation issuance
394 system, the chief administrative officer shall provide by an
395 electronic transmission a replica of the citation data to a
396 court having jurisdiction over the alleged offense or with its
397 traffic violations bureau within 5 days after issuance to the
398 violator.

399 (b) If a traffic citation is issued pursuant to s.
400 316.1001, a traffic enforcement officer may deposit the original
401 traffic citation or, in the case of a traffic enforcement agency
402 that has an automated citation system, may provide by an
403 electronic transmission a replica of the citation data to a
404 court having jurisdiction over the alleged offense or with its
405 traffic violations bureau within 45 days after the date of
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406 issuance of the citation to the violator. If the person cited
407 for the violation of s. 316.1001 makes the election provided by
408 s. 318.14(12) and pays the \$25 fine, or such other amount as
409 imposed by the governmental entity owning the applicable toll
410 facility, plus the amount of the unpaid toll that is shown on
411 the traffic citation directly to the governmental entity that
412 issued the citation, or on whose behalf the citation was issued,
413 in accordance with s. 318.14(12), the traffic citation will not
414 be submitted to the court, the disposition will be reported to
415 the department by the governmental entity that issued the
416 citation, or on whose behalf the citation was issued, and no
417 points will be assessed against the person's driver's license.

418 (c) If a traffic citation is issued under s. 316.0083, the
419 traffic infraction enforcement officer shall provide by
420 electronic transmission a replica of the traffic citation data
421 to the court having jurisdiction over the alleged offense or its
422 traffic violations bureau within 5 days after the date of
423 issuance of the traffic citation to the violator.

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

426 318.14 Noncriminal traffic infractions; exception;
427 procedures.—

428 (2) Except as provided in ss. ~~s.~~ 316.1001(2) and 316.0083,
429 any person cited for an infraction under this section must sign
430 and accept a citation indicating a promise to appear. The
431 officer may indicate on the traffic citation the time and
432 location of the scheduled hearing and must indicate the
433 applicable civil penalty established in s. 318.18.

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

436 318.18 Amount of penalties.—The penalties required for a
437 noncriminal disposition pursuant to s. 318.14 or a criminal
438 offense listed in s. 318.17 are as follows:

439 (15) (a)1. One hundred fifty-eight ~~twenty-five~~ dollars for
440 a violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver
441 has failed to stop at a traffic signal and when enforced by a
442 law enforcement officer. Sixty dollars shall be distributed as
443 provided in s. 318.21, \$30 shall be distributed to the General
444 Revenue Fund, \$3 shall be remitted to the Department of Revenue
445 for deposit into the Brain and Spinal Cord Injury Trust Fund,
446 and the remaining \$65 shall be remitted to the Department of
447 Revenue for deposit into the Administrative Trust Fund of the
448 Department of Health.

449 2. One hundred and fifty-eight dollars for a violation of
450 s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
451 stop at a traffic signal and when enforced by the department's
452 traffic infraction enforcement officer. One hundred dollars
453 shall be remitted to the Department of Revenue for deposit into
454 the General Revenue Fund, \$45 shall be distributed to the county
455 for any violations occurring in any unincorporated areas of the
456 county or to the municipality for any violations occurring in
457 the incorporated boundaries of the municipality in which the
458 infraction occurred, \$10 shall be remitted to the Department of
459 Revenue for deposit into the Department of Health Administrative
460 Trust Fund for distribution as provided in s. 395.4036(1), and

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461 \$3 shall be remitted to the Department of Revenue for deposit
462 into the Brain and Spinal Cord Injury Trust Fund.

463 3. One hundred and fifty-eight dollars for a violation of
464 s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
465 stop at a traffic signal and when enforced by a county's or
466 municipality's traffic infraction enforcement officer. Seventy
467 five dollars shall be distributed to the county or municipality
468 issuing the traffic citation, \$70 shall be remitted to the
469 Department of Revenue for deposit into the General Revenue Fund,
470 \$10 shall be remitted to the Department of Revenue for deposit
471 into the Department of Health Administrative Trust Fund for
472 distribution as provided in s. 395.4036(1), and \$3 shall be
473 remitted to the Department of Revenue for deposit into the Brain
474 and Spinal Cord Injury Trust Fund.

475 (b) Amounts deposited into the Brain and Spinal Cord
476 Injury Trust Fund pursuant to this subsection shall be
477 distributed quarterly to the Miami Project to Cure Paralysis and
478 shall be used for brain and spinal cord research.

479 (c) If a person who is cited for a violation of s.
480 316.074(1) or s. 316.075(1)(c)1., as enforced by a traffic
481 infraction enforcement officer under s. 316.0083, presents
482 documentation from the appropriate governmental entity that the
483 traffic citation was in error, the clerk of court may dismiss
484 the case. The clerk of court shall not charge for this service.

485 (d) An individual may not receive a commission or per-
486 ticket fee from any revenue collected from violations detected
487 through the use of a traffic infraction detector. A manufacturer
488 or vendor may not receive a fee or remuneration based upon the

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489 number of violations detected through the use of a traffic
490 infraction detector.

491 (e) Funds deposited into the Department of Health
492 Administrative Trust Fund under this subsection shall be
493 distributed as provided in s. 395.4036(1).

494 Section 13. Section 321.50, Florida Statutes, is created
495 to read:

496 321.50 Authorization to use traffic infraction detectors.-
497 The Department of Highway Safety and Motor Vehicles is
498 authorized to use traffic infraction detectors to enforce s.
499 316.074(1) or s. 316.075(1)(c)1. when a driver fails to stop on
500 state roads as defined in chapter 316 which are under the
501 original jurisdiction of the Department of Transportation, when
502 permitted by the Department of Transportation, and under s.
503 316.0083.

504 Section 14. Paragraph (d) of subsection (3) of section
505 322.27, Florida Statutes, is amended to read:

506 322.27 Authority of department to suspend or revoke
507 license.-

508 (3) There is established a point system for evaluation of
509 convictions of violations of motor vehicle laws or ordinances,
510 and violations of applicable provisions of s. 403.413(6)(b) when
511 such violations involve the use of motor vehicles, for the
512 determination of the continuing qualification of any person to
513 operate a motor vehicle. The department is authorized to suspend
514 the license of any person upon showing of its records or other
515 good and sufficient evidence that the licensee has been
516 convicted of violation of motor vehicle laws or ordinances, or
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517 applicable provisions of s. 403.413(6) (b), amounting to 12 or
518 more points as determined by the point system. The suspension
519 shall be for a period of not more than 1 year.

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

523 1. Reckless driving, willful and wanton—4 points.

524 2. Leaving the scene of a crash resulting in property
525 damage of more than \$50—6 points.

526 3. Unlawful speed resulting in a crash—6 points.

527 4. Passing a stopped school bus—4 points.

528 5. Unlawful speed:

529 a. Not in excess of 15 miles per hour of lawful or posted
530 speed—3 points.

531 b. In excess of 15 miles per hour of lawful or posted
532 speed—4 points.

533 6. A violation of a traffic control signal device as
534 provided in s. 316.074(1) or s. 316.075(1) (c)1.—4 points.
535 However, no points shall be imposed for a violation of s.
536 316.074(1) or s. 316.075(1) (c)1. when a driver has failed to
537 stop at a traffic signal and when enforced by a traffic
538 infraction enforcement officer. In addition, a violation of s.
539 316.074(1) or s. 316.075(1) (c)1. when a driver has failed to
540 stop at a traffic signal and when enforced by a traffic
541 infraction enforcement officer may not be used for purposes of
542 setting motor vehicle insurance rates.

543 7. All other moving violations (including parking on a
544 highway outside the limits of a municipality)—3 points. However,
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545 no points shall be imposed for a violation of s. 316.0741 or s.
546 316.2065(12).

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

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

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

551 Section 15. The Department of Highway Safety and Motor
552 Vehicles or any county or municipality authorized to issue a
553 notification and impose a penalty under s. 316.0083(1)(b),
554 Florida Statutes, that collects any such penalty after the
555 effective date of this act, but prior to notification by the
556 Department of Revenue of its ability to receive and distribute
557 the penalties collected, must retain the portion of the penalty
558 required to be remitted to the Department of Revenue until the
559 Department of Highway Safety and Motor Vehicles, county, or
560 municipality is notified by the Department of Revenue that it is
561 able to receive and distribute the retained funds. The portion
562 of the penalty required to be remitted to the Department of
563 Revenue for any penalty collected after such notification is
564 provided to the Department of Highway Safety and Motor Vehicles,
565 county, or municipality must be remitted to the Department of
566 Revenue as provided in s. 316.0083, Florida Statutes. This
567 section shall take effect upon this act becoming a law.

568 Section 16. For the 2009-2010 state fiscal year, the sum
569 of \$100,000 in nonrecurring funds from the General Revenue Fund
570 is appropriated to the Department of Revenue for the purpose of
571 implementing the provisions of this act. Any unexpended funds
572 from this appropriation shall be reappropriated for fiscal year
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573 2010-2011. This section shall take effect upon this act becoming
574 a law.

575 Section 17. If any provision of this act or its
576 application to any person or circumstance is held invalid, the
577 invalidity does not affect other provisions or applications of
578 this act which can be given effect without the invalid provision
579 or application, and to this end the provisions of this act are
580 severable.

581 Section 18. Except as otherwise expressly provided in this
582 act, and except for this section which shall take effect upon
583 this act becoming a law, this act shall take effect July 1,
584 2010.

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

589 Remove the entire title and insert:

590 A bill to be entitled

591 An act relating to uniform traffic control; providing a
592 short title; amending s. 316.003, F.S.; defining the term
593 "traffic infraction detector"; creating s. 316.0076, F.S.;
594 preempting to the state the use of cameras to enforce
595 traffic laws; amending s. 316.008, F.S.; authorizing
596 counties and municipalities to use traffic infraction
597 detectors under certain circumstances; creating s.
598 316.0083, F.S.; creating the Mark Wandall Traffic Safety
599 Program; authorizing the Department of Highway Safety and
600 Motor Vehicles, a county, or a municipality to use a

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601 traffic infraction detector to identify a motor vehicle
602 that fails to stop at a traffic control signal steady red
603 light; requiring authorization of a traffic infraction
604 enforcement officer to issue and enforce a citation for
605 such violation; requiring notification to be sent to the
606 registered owner of the motor vehicle involved in the
607 violation; requiring the notification to include certain
608 information about the owner's right to review evidence;
609 providing requirements for the notification; providing for
610 collection of penalties; providing for distribution of
611 penalties collected; providing that an individual may not
612 receive a commission or per-ticket fee from any revenue
613 collected from violations detected through the use of a
614 traffic infraction detector and a manufacturer or vendor
615 may not receive a fee or remuneration based upon the
616 number of violations detected through the use of a traffic
617 infraction detector; providing procedures for issuance,
618 disposition, and enforcement of citations; providing for
619 exemptions; providing that certain evidence is admissible
620 for enforcement; providing penalties for submission of a
621 false affidavit; prohibiting the use of such detectors to
622 enforce a violation when a driver fails to stop prior to
623 making a right or left turn; providing that the act does
624 not preclude the issuance of citations by law enforcement
625 officers; requiring reports from participating
626 municipalities and counties to the department; requiring
627 the department to make reports to the Governor and
628 Legislature; amending s. 316.0745, F.S.; revising a

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629 provision that requires certain remotely operated traffic
630 control devices to meet certain specifications; creating
631 s. 316.07456, F.S.; requiring traffic infraction detectors
632 to meet specifications established by the Department of
633 Transportation; providing that a traffic infraction
634 detector acquired by purchase, lease, or other arrangement
635 under an agreement entered into by a county or
636 municipality on or before a specified date is not required
637 to meet the established specifications until a specified
638 date; creating s. 316.0776, F.S.; providing for the
639 placement and installation of detectors on certain roads
640 when permitted by and under the specifications of the
641 department; requiring that if the state, county, or
642 municipality installs a traffic infraction detector at an
643 intersection, the state, county, or municipality shall
644 notify the public that a traffic infraction device may be
645 in use at that intersection; requiring that such signage
646 posted at the intersection meet the specifications for
647 uniform signals and devices adopted by the Department of
648 Transportation; requiring that traffic infraction
649 detectors meet specifications established by the
650 Department of Transportation; requiring a public awareness
651 campaign if such detectors are to be used; amending s.
652 316.640, F.S.; requiring the Department of Transportation
653 to develop training and qualification standards for
654 traffic infraction enforcement officers; authorizing
655 counties and municipalities to use independent contractors
656 as traffic infraction enforcement officers; amending s.

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657 316.650, F.S.; requiring a traffic enforcement officer to
658 provide to the court a replica of the citation data by
659 electronic transmission under certain conditions; amending
660 s. 318.14, F.S.; providing an exception from provisions
661 requiring a person cited for an infraction for failing to
662 stop at a traffic control signal steady red light to sign
663 and accept a citation indicating a promise to appear;
664 amending s. 318.18, F.S.; increasing certain fines;
665 providing for penalties for infractions enforced by a
666 traffic infraction enforcement officer; providing for
667 distribution of fines; allowing the clerk of court to
668 dismiss certain cases upon receiving documentation that
669 the uniform traffic citation was issued in error;
670 providing that an individual may not receive a commission
671 or per-ticket fee from any revenue collected from
672 violations detected through the use of a traffic
673 infraction detector and a manufacturer or vendor may not
674 receive a fee or remuneration based upon the number of
675 violations detected through the use of a traffic
676 infraction detector; creating s. 321.50, F.S.; authorizing
677 the Department of Highway Safety and Motor Vehicles to use
678 traffic infraction detectors under certain circumstances;
679 amending s. 322.27, F.S.; providing that no points may be
680 assessed against the driver's license for infractions
681 enforced by a traffic infraction enforcement officer;
682 providing that infractions enforced by a traffic
683 infraction enforcement officer may not be used for
684 purposes of setting motor vehicle insurance rates;

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685 requiring the retention of certain penalty proceeds
686 collected prior to the Department of Revenue's ability to
687 receive and distribute such funds; providing an
688 appropriation and for carryforward of any unexpended
689 balance; providing for severability; providing effective
690 dates.