

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.

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 that the violator must pay the penalty of
74 \$158 to the department, county, or municipality, or furnish an
75 affidavit in accordance with paragraph (d), within 30 days
76 following the date of the notification in order to avoid court
77 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 or Internet
85 location where the evidence may be examined and observed.

86 2. Penalties assessed and collected by the department,
87 county, or municipality authorized to collect the funds provided
88 for in this paragraph, less the amount retained by the county or
89 municipality pursuant to subparagraph 3., shall be paid into the
90 State Treasury weekly. Payment by the department, county, or
91 municipality to the state shall be made by means of electronic
92 funds transfers. A county or municipality shall only pay to the
93 State Treasury that portion of the funds not to be retained by
94 the county or municipality pursuant to subparagraph 3.

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

97 a. One hundred fifty-eight dollars for a violation of s.
98 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
99 stop at a traffic signal if enforcement is by the department's
100 traffic infraction enforcement officer. One hundred dollars

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101 shall be deposited into the General Revenue Fund, \$10 shall be
102 remitted to the Department of Revenue for deposit into the
103 Department of Health Administrative Trust Fund, \$3 shall be
104 remitted to the Department of Revenue for deposit into the Brain
105 and Spinal Cord Injury Trust Fund, and \$45 shall be distributed
106 to the municipality in which the violation occurred, or, if the
107 violation occurred in an unincorporated area, to the county in
108 which the violation occurred. Funds deposited into the
109 Department of Health Administrative Trust Fund under this sub-
110 subparagraph shall be distributed as provided in s. 395.4036(1).
111 Proceeds of the infractions in the Brain and Spinal Cord Injury
112 Trust Fund shall be distributed quarterly to the Miami Project
113 to Cure Paralysis and shall be used for brain and spinal cord
114 research.

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

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129 Proceeds of the infractions in the Brain and Spinal Cord Injury
130 Trust Fund shall be distributed quarterly to the Miami Project
131 to Cure Paralysis and shall be used for brain and spinal cord
132 research.

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

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

143 b. Delivery of the traffic citation constitutes
144 notification under this paragraph.

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

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

153 2. Included with the notification to the registered owner
154 of the motor vehicle involved in the infraction shall be a
155 notice that the owner has the right to review, either in person
156 or remotely, the photographic or electronic images or the

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157 streaming video evidence that constitutes a rebuttable
158 presumption against the owner of the vehicle. The notice must
159 state the time and place or Internet location where the evidence
160 may be examined and observed.

161 (d)1. The owner of the motor vehicle involved in the
162 violation is responsible and liable for paying the uniform
163 traffic citation issued for a violation of s. 316.074(1) or s.
164 316.075(1)(c)1. when the driver failed to stop at a traffic
165 signal, unless the owner can establish that:

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

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

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

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

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

181 a. An affidavit supporting an exemption under sub-
182 paragraph 1.c. must include the name, address, date of birth,
183 and, if known, the driver's license number of the person who
184 leased, rented, or otherwise had care, custody, or control of

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185 the motor vehicle at the time of the alleged violation. If the
186 vehicle was stolen at the time of the alleged offense, the
187 affidavit must include the police report indicating that the
188 vehicle was stolen.

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

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

208 4. The submission of a false affidavit is a misdemeanor of
209 the second degree, punishable as provided in s. 775.082 or s.
210 775.083.

211 (e) The photographic or electronic images or streaming
212 video attached to or referenced in the traffic citation is

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

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

225 (3) This section supplements the enforcement of s.
226 316.074(1) or s. 316.075(1)(c)1. by law enforcement officers
227 when a driver fails to stop at a traffic signal and does not
228 prohibit a law enforcement officer from issuing a traffic
229 citation for a violation of s. 316.074(1) or s. 316.075(1)(c)1.
230 when a driver fails to stop at a traffic signal in accordance
231 with normal traffic enforcement techniques.

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

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

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

252 316.0745 Uniform signals and devices.—

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

260 Section 7. Section 316.07456, Florida Statutes, is created
261 to read:

262 316.07456 Transitional implementation.—Any traffic
263 infraction detector deployed on the highways, streets, and roads
264 of this state must meet specifications established by the
265 Department of Transportation, and must be tested at regular
266 intervals according to specifications prescribed by the
267 Department of Transportation. The Department of Transportation

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268 must establish such specifications on or before December 31,
269 2010. However, any such equipment acquired by purchase, lease,
270 or other arrangement under an agreement entered into by a county
271 or municipality on or before July 1, 2011, or equipment used to
272 enforce an ordinance enacted by a county or municipality on or
273 before July 1, 2011, is not required to meet the specifications
274 established by the Department of Transportation until July 1,
275 2011.

276 Section 8. Section 316.0776, Florida Statutes, is created
277 to read:

278 316.0776 Traffic infraction detectors; placement and
279 installation.-

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

288 (2) (a) If the department, county, or municipality installs
289 a traffic infraction detector at an intersection, the
290 department, county, or municipality shall notify the public that
291 a traffic infraction device may be in use at that intersection
292 and must specifically include notification of camera enforcement
293 of violations concerning right turns. Such signage used to
294 notify the public must meet the specifications for uniform

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295 signals and devices adopted by the Department of Transportation
296 pursuant to s. 316.0745.

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

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

306 316.640 Enforcement.—The enforcement of the traffic laws
307 of this state is vested as follows:

308 (1) STATE.—

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

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

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

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

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

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

376 (c) This subsection does not permit the carrying of
377 firearms or other weapons, nor do traffic infraction enforcement

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378 officers have arrest authority other than the authority to issue
379 a traffic citation as provided in this subsection.

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

382 316.650 Traffic citations.—

383 (3) (a) Except for a traffic citation issued pursuant to s.
384 316.1001 or s. 316.0083, each traffic enforcement officer, upon
385 issuing a traffic citation to an alleged violator of any
386 provision of the motor vehicle laws of this state or of any
387 traffic ordinance of any municipality or town, shall deposit the
388 original traffic citation or, in the case of a traffic
389 enforcement agency that has an automated citation issuance
390 system, the chief administrative officer shall provide by an
391 electronic transmission a replica of the citation data to a
392 court having jurisdiction over the alleged offense or with its
393 traffic violations bureau within 5 days after issuance to the
394 violator.

395 (b) If a traffic citation is issued pursuant to s.
396 316.1001, a traffic enforcement officer may deposit the original
397 traffic citation or, in the case of a traffic enforcement agency
398 that has an automated citation system, may provide by an
399 electronic transmission a replica of the citation data to a
400 court having jurisdiction over the alleged offense or with its
401 traffic violations bureau within 45 days after the date of
402 issuance of the citation to the violator. If the person cited
403 for the violation of s. 316.1001 makes the election provided by
404 s. 318.14(12) and pays the \$25 fine, or such other amount as
405 imposed by the governmental entity owning the applicable toll
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406 facility, plus the amount of the unpaid toll that is shown on
407 the traffic citation directly to the governmental entity that
408 issued the citation, or on whose behalf the citation was issued,
409 in accordance with s. 318.14(12), the traffic citation will not
410 be submitted to the court, the disposition will be reported to
411 the department by the governmental entity that issued the
412 citation, or on whose behalf the citation was issued, and no
413 points will be assessed against the person's driver's license.

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

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

422 318.14 Noncriminal traffic infractions; exception;
423 procedures.-

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

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

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432 318.18 Amount of penalties.—The penalties required for a
433 noncriminal disposition pursuant to s. 318.14 or a criminal
434 offense listed in s. 318.17 are as follows:

435 (15) (a)1. One hundred twenty-five ~~twenty-five~~ dollars for
436 a violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver
437 has failed to stop at a traffic signal. Sixty dollars shall be
438 distributed as provided in s. 318.21, \$30 shall be distributed
439 to the General Revenue Fund, \$3 shall be remitted to the
440 Department of Revenue for deposit into the Brain and Spinal Cord
441 Injury Trust Fund, and the remaining \$65 shall be remitted to
442 the Department of Revenue for deposit into the Administrative
443 Trust Fund of the Department of Health. Proceeds of the
444 infractions in the Brain and Spinal Cord Injury Trust Fund shall
445 be distributed quarterly to the Miami Project to Cure Paralysis
446 and shall be used for brain and spinal cord research.

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

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459 3. One hundred and fifty-eight dollars for a violation of
460 s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
461 stop at a traffic signal and when enforced by a county's or
462 municipality's traffic infraction enforcement officer. Seventy
463 five dollars shall be distributed to the county or municipality
464 issuing the traffic citation, \$73 shall be distributed to the
465 General Revenue Fund, and \$10 shall be remitted to the
466 Department of Revenue for deposit into the Department of Health
467 Administrative Trust Fund for distribution as provided in s.
468 395.4036(1).

469 (b) One hundred fifty-eight dollars for a violation of s.
470 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
471 stop at a traffic signal if enforced by a traffic infraction
472 enforcement officer pursuant to s. 316.0083. Moneys collected
473 pursuant to enforcement under s. 316.0083 shall be distributed
474 as provided in that section.

475 (c) If a person who is cited for a violation of s.
476 316.074(1) or s. 316.075(1)(c)1., as enforced by a traffic
477 infraction enforcement officer under s. 316.0083, presents
478 documentation from the appropriate governmental entity that the
479 traffic citation was in error, the clerk of court may dismiss
480 the case. The clerk of court shall not charge for this service.

481 (d) An individual may not receive a commission or per-
482 ticket fee from any revenue collected from violations detected
483 through the use of a traffic infraction detector. A manufacturer
484 or vendor may not receive a fee or remuneration based upon the
485 number of citations issued due to a traffic infraction detector
486 enforcement system.

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

490 Section 13. Section 321.50, Florida Statutes, is created
491 to read:

492 321.50 Authorization to use traffic infraction detectors.-
493 The Department of Highway Safety and Motor Vehicles is
494 authorized to use traffic infraction detectors to enforce s.
495 316.074(1) or s. 316.075(1)(c)1. when a driver fails to stop on
496 state roads as defined in chapter 316 which are under the
497 original jurisdiction of the Department of Transportation, when
498 permitted by the Department of Transportation, and under s.
499 316.0083.

500 Section 14. Paragraph (d) of subsection (3) of section
501 322.27, Florida Statutes, is amended to read:

502 322.27 Authority of department to suspend or revoke
503 license.-

504 (3) There is established a point system for evaluation of
505 convictions of violations of motor vehicle laws or ordinances,
506 and violations of applicable provisions of s. 403.413(6)(b) when
507 such violations involve the use of motor vehicles, for the
508 determination of the continuing qualification of any person to
509 operate a motor vehicle. The department is authorized to suspend
510 the license of any person upon showing of its records or other
511 good and sufficient evidence that the licensee has been
512 convicted of violation of motor vehicle laws or ordinances, or
513 applicable provisions of s. 403.413(6)(b), amounting to 12 or

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514 more points as determined by the point system. The suspension
515 shall be for a period of not more than 1 year.

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

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

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

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

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

524 5. Unlawful speed:

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

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

529 6. A violation of a traffic control signal device as
530 provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points.

531 However, no points shall be imposed for a violation of s.
532 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
533 stop at a traffic signal and when enforced by a traffic
534 infraction enforcement officer. In addition, a violation of s.
535 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
536 stop at a traffic signal and when enforced by a traffic
537 infraction enforcement officer may not be used for purposes of
538 setting motor vehicle insurance rates.

539 7. All other moving violations (including parking on a
540 highway outside the limits of a municipality)—3 points. However,

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541 no points shall be imposed for a violation of s. 316.0741 or s.
542 316.2065(12).

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

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

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

547 Section 15. If any provision of this act or its
548 application to any person or circumstance is held invalid, the
549 invalidity does not affect other provisions or applications of
550 this act which can be given effect without the invalid provision
551 or application, and to this end the provisions of this act are
552 severable.

553 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

558 Remove the entire title and insert:

560 A bill to be entitled
561 An act relating to uniform traffic control; providing a
562 short title; amending s. 316.003, F.S.; defining the term
563 "traffic infraction detector"; creating s. 316.0076,
564 F.S.; preempting to the state the use of cameras to
565 enforce traffic laws; amending s. 316.008, F.S.;
566 authorizing counties and municipalities to use traffic
567 infraction detectors under certain circumstances;
568 creating s. 316.0083, F.S.; creating the Mark Wandall

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569 Traffic Safety Program; authorizing the Department of
570 Highway Safety and Motor Vehicles, a county, or a
571 municipality to use a traffic infraction detector to
572 identify a motor vehicle that fails to stop at a traffic
573 control signal steady red light; requiring authorization
574 of a traffic infraction enforcement officer to issue and
575 enforce a citation for such violation; requiring
576 notification to be sent to the registered owner of the
577 motor vehicle involved in the violation; requiring the
578 notification to include certain information about the
579 owner's right to review evidence; providing requirements
580 for the notification; providing for collection of
581 penalties; providing for distribution of penalties
582 collected; providing that an individual may not receive a
583 commission or per-ticket fee from any revenue collected
584 from violations detected through the use of a traffic
585 infraction detector and a manufacturer or vendor may not
586 receive a fee or remuneration based upon the number of
587 citations issued providing procedures for issuance,
588 disposition, and enforcement of citations; providing for
589 exemptions; providing that certain evidence is admissible
590 for enforcement; providing penalties for submission of a
591 false affidavit; prohibiting the use of such detectors to
592 enforce a violation when a driver fails to stop prior to
593 making a right or left turn; providing that the act does
594 not preclude the issuance of citations by law enforcement
595 officers; requiring reports from participating
596 municipalities and counties to the department; requiring

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597 the department to make reports to the Governor and
598 Legislature; amending s. 316.0745, F.S.; revising a
599 provision that requires certain remotely operated traffic
600 control devices to meet certain specifications; creating
601 s. 316.07456, F.S.; requiring traffic infraction
602 detectors to meet specifications established by the
603 Department of Transportation; providing that a traffic
604 infraction detector acquired by purchase, lease, or other
605 arrangement under an agreement entered into by a county
606 or municipality on or before a specified date is not
607 required to meet the established specifications until a
608 specified date; creating s. 316.0776, F.S.; providing for
609 the placement and installation of detectors on certain
610 roads when permitted by and under the specifications of
611 the department; requiring that if the state, county, or
612 municipality installs a traffic infraction detector at an
613 intersection, the state, county, or municipality shall
614 notify the public that a traffic infraction device may be
615 in use at that intersection; requiring that such signage
616 posted at the intersection meet the specifications for
617 uniform signals and devices adopted by the Department of
618 Transportation; requiring that traffic infraction
619 detectors meet specifications established by the
620 Department of Transportation; requiring a public
621 awareness campaign if such detectors are to be used;
622 amending s. 316.640, F.S.; requiring the Department of
623 Transportation to develop training and qualification
624 standards for traffic infraction enforcement officers;

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625 authorizing counties and municipalities to use
626 independent contractors as traffic infraction enforcement
627 officers; amending s. 316.650, F.S.; requiring a traffic
628 enforcement officer to provide to the court a replica of
629 the citation data by electronic transmission under
630 certain conditions; amending s. 318.14, F.S.; providing
631 an exception from provisions requiring a person cited for
632 an infraction for failing to stop at a traffic control
633 signal steady red light to sign and accept a citation
634 indicating a promise to appear; amending s. 318.18, F.S.;
635 increasing certain fines; providing for penalties for
636 infractions enforced by a traffic infraction enforcement
637 officer; providing for distribution of fines; allowing
638 the clerk of court to dismiss certain cases upon
639 receiving documentation that the uniform traffic citation
640 was issued in error; providing that an individual may not
641 receive a commission or per-ticket fee from any revenue
642 collected from violations detected through the use of a
643 traffic infraction detector and a manufacturer or vendor
644 may not receive a fee or remuneration based upon the
645 number of citations issued; creating s. 321.50, F.S.;
646 authorizing the Department of Highway Safety and Motor
647 Vehicles to use traffic infraction detectors under
648 certain circumstances; amending s. 322.27, F.S.;
649 providing that no points may be assessed against the
650 driver's license for infractions enforced by a traffic
651 infraction enforcement officer; providing that
652 infractions enforced by a traffic infraction enforcement

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653 officer may not be used for purposes of setting motor
654 vehicle insurance rates; providing for severability;
655 providing an effective date.