

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative Bernard offered the following:

Substitute Amendment to Amendment (471233) (with title amendment)

Remove everything after the enacting clause and insert:

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

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

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

(86) TRAFFIC INFRACTION DETECTOR.—A vehicle sensor installed to work in conjunction with a traffic control signal and a camera or cameras synchronized to automatically record two

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

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

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

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

35 316.008 Powers of local authorities.—

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

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44 (b) Pursuant to paragraph (a), a municipality may install
45 or, by contract or interlocal agreement, authorize the
46 installation of any such detectors only within the incorporated
47 area of the municipality, and a county may install or, by
48 contract or interlocal agreement, authorize the installation of
49 any such detectors only within the unincorporated area of the
50 county.

51 (c)1. A county or municipality may not install or cause to
52 be installed traffic infraction detectors pursuant to this act
53 unless such installation is approved in a referendum by the
54 majority of votes cast by those persons eligible to vote in such
55 referendum. Notice of such referendum shall be provided in
56 accordance with s. 100.342. The election costs of the referendum
57 shall be paid in whole out of the county or municipal treasury.

58 2. The department may not install or cause to be installed
59 traffic infraction detectors in a county or municipality
60 pursuant to this act unless such installation is approved in a
61 referendum by the majority of votes cast by those persons who
62 are eligible to vote in such referendum in the county or
63 municipality in which the traffic infraction detectors are to be
64 installed. Notice of such referendum shall be provided in
65 accordance with s. 100.342. The election costs of the referendum
66 shall be paid in whole by the county or municipality.

67 3. All laws that are applicable to general elections are
68 applicable to elections under this act, except as provided in
69 this act. A county or municipality is not required to offer
70 early voting for a referendum under this act. The places for
71 voting in a referendum under this act shall be the same as the

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72 places for voting in general elections when the referendum is
73 held in a county; however, when a referendum under this act is
74 held in a municipality, the polling places shall be the same as
75 in other municipal elections.

76 Section 5. Section 316.0083, Florida Statutes, is created
77 to read:

78 316.0083 Mark Wandall Traffic Safety Program;
79 administration; report.-

80 (1)(a) For purposes of administering this section, the
81 department, a county, or a municipality may authorize a traffic
82 infraction enforcement officer under s. 316.640 to issue a
83 traffic citation for a violation of s. 316.074(1) or s.
84 316.075(1)(c)1. A notice of violation and a traffic citation may
85 not be issued for failure to stop at a red light if the driver
86 is making a right-hand turn in a careful and prudent manner at
87 an intersection where right-hand turns are permissible. This
88 paragraph does not prohibit a review of information from a
89 traffic infraction detector by an authorized employee or agent
90 of the department, a county, or a municipality before issuance
91 of the traffic citation by the traffic infraction enforcement
92 officer. This paragraph does not prohibit the department, a
93 county, or a municipality from issuing notification as provided
94 in paragraph (b) to the registered owner of the motor vehicle
95 involved in the violation of s. 316.074(1) or s. 316.075(1)(c)1.

96 (b)1.a. Within 30 days after a violation, notification
97 must be sent to the registered owner of the motor vehicle
98 involved in the violation specifying the remedies available
99 under s. 318.14 and that the violator must pay the penalty of
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100 \$158 to the department, county, or municipality, or furnish an
101 affidavit in accordance with paragraph (d), within 30 days
102 following the date of the notification in order to avoid court
103 fees, costs, and the issuance of a traffic citation. The
104 notification shall be sent by first-class mail.

105 b. Included with the notification to the registered owner
106 of the motor vehicle involved in the infraction must be a notice
107 that the owner has the right to review the photographic or
108 electronic images and the streaming video evidence that
109 constitutes a rebuttable presumption against the owner of the
110 vehicle. The notice must state the time and place or Internet
111 location where the evidence may be examined and observed.

112 2. Penalties assessed and collected by the department,
113 county, or municipality authorized to collect the funds provided
114 for in this paragraph, less the amount retained by the county or
115 municipality pursuant to subparagraph 3., shall be paid into the
116 State Treasury weekly. Payment by the department, county, or
117 municipality to the state shall be made by means of electronic
118 funds transfers. A county or municipality shall only pay to the
119 State Treasury that portion of the funds not to be retained by
120 the county or municipality pursuant to subparagraph 3.

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

123 a. One hundred fifty-eight dollars for a violation of s.
124 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
125 stop at a traffic signal if enforcement is by the department's
126 traffic infraction enforcement officer. One hundred dollars
127 shall be deposited into the General Revenue Fund, \$10 shall be
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128 remitted to the Department of Revenue for deposit into the
129 Department of Health Administrative Trust Fund, \$3 shall be
130 remitted to the Department of Revenue for deposit into the Brain
131 and Spinal Cord Injury Trust Fund, and \$45 shall be distributed
132 to the municipality in which the violation occurred, or, if the
133 violation occurred in an unincorporated area, to the county in
134 which the violation occurred. Funds deposited into the
135 Department of Health Administrative Trust Fund under this sub-
136 subparagraph shall be distributed as provided in s. 395.4036(1).
137 Proceeds of the infractions in the Brain and Spinal Cord Injury
138 Trust Fund shall be distributed quarterly to the Miami Project
139 to Cure Paralysis and shall be used for brain and spinal cord
140 research.

141 b. One hundred fifty-eight dollars for a violation of s.
142 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
143 stop at a traffic signal if enforcement is by a county or
144 municipal traffic infraction enforcement officer. Seventy
145 dollars shall be remitted by the county or municipality to the
146 Department of Revenue for deposit into the General Revenue Fund,
147 \$10 shall be remitted to the Department of Revenue for deposit
148 into the Department of Health Administrative Trust Fund, \$3
149 shall be remitted to the Department of Revenue for deposit into
150 the Brain and Spinal Cord Injury Trust Fund, and \$75 shall be
151 retained by the county or municipality enforcing the ordinance
152 enacted pursuant to this section. Funds deposited into the
153 Department of Health Administrative Trust Fund under this sub-
154 subparagraph shall be distributed as provided in s. 395.4036(1).
155 Proceeds of the infractions in the Brain and Spinal Cord Injury

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156 Trust Fund shall be distributed quarterly to the Miami Project
157 to Cure Paralysis and shall be used for brain and spinal cord
158 research.

159 4. An individual may not receive a commission from any
160 revenue collected from violations detected through the use of a
161 traffic infraction detector. A manufacturer or vendor may not
162 receive a fee or remuneration based upon the number of citations
163 issued due to a traffic infraction detector enforcement system.

164 (c)1.a. A traffic citation issued under this section shall
165 be issued by mailing the traffic citation by certified mail to
166 the address of the registered owner of the motor vehicle
167 involved in the violation when payment has not been made within
168 30 days after notification under subparagraph (b)1.

169 b. Delivery of the traffic citation constitutes
170 notification under this paragraph.

171 c. In the case of joint ownership of a motor vehicle, the
172 traffic citation shall be mailed to the first name appearing on
173 the registration, unless the first name appearing on the
174 registration is a business organization, in which case the
175 second name appearing on the registration may be used.

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

179 2. Included with the notification to the registered owner
180 of the motor vehicle involved in the infraction shall be a
181 notice that the owner has the right to review, either in person
182 or remotely, the photographic or electronic images or the
183 streaming video evidence that constitutes a rebuttable

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184 presumption against the owner of the vehicle. The notice must
185 state the time and place or Internet location where the evidence
186 may be examined and observed.

187 (d)1. The owner of the motor vehicle involved in the
188 violation is responsible and liable for paying the uniform
189 traffic citation issued for a violation of s. 316.074(1) or s.
190 316.075(1)(c)1. when the driver failed to stop at a traffic
191 signal, unless the owner can establish that:

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

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

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

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

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

207 a. An affidavit supporting an exemption under sub-
208 subparagraph 1.c. must include the name, address, date of birth,
209 and, if known, the driver's license number of the person who
210 leased, rented, or otherwise had care, custody, or control of
211 the motor vehicle at the time of the alleged violation. If the

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212 vehicle was stolen at the time of the alleged offense, the
213 affidavit must include the police report indicating that the
214 vehicle was stolen.

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

219 3. Upon receipt of an affidavit, the person designated as
220 having care, custody, and control of the motor vehicle at the
221 time of the violation may be issued a traffic citation for a
222 violation of s. 316.074(1) or s. 316.075(1)(c)1. when the driver
223 failed to stop at a traffic signal. The affidavit is admissible
224 in a proceeding pursuant to this section for the purpose of
225 providing proof that the person identified in the affidavit was
226 in actual care, custody, or control of the motor vehicle. The
227 owner of a leased vehicle for which a traffic citation is issued
228 for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when the
229 driver failed to stop at a traffic signal is not responsible for
230 paying the traffic citation and is not required to submit an
231 affidavit as specified in this subsection if the motor vehicle
232 involved in the violation is registered in the name of the
233 lessee of such motor vehicle.

234 4. The submission of a false affidavit is a misdemeanor of
235 the second degree, punishable as provided in s. 775.082 or s.
236 775.083.

237 (e) The photographic or electronic images or streaming
238 video attached to or referenced in the traffic citation is
239 evidence that a violation of s. 316.074(1) or s. 316.075(1)(c)1.

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240 when the driver failed to stop at a traffic signal has occurred
241 and is admissible in any proceeding to enforce this section and
242 raises a rebuttable presumption that the motor vehicle named in
243 the report or shown in the photographic or electronic images or
244 streaming video evidence was used in violation of s. 316.074(1)
245 or s. 316.075(1)(c)1. when the driver failed to stop at a
246 traffic signal.

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

251 (3) This section supplements the enforcement of s.
252 316.074(1) or s. 316.075(1)(c)1. by law enforcement officers
253 when a driver fails to stop at a traffic signal and does not
254 prohibit a law enforcement officer from issuing a traffic
255 citation for a violation of s. 316.074(1) or s. 316.075(1)(c)1.
256 when a driver fails to stop at a traffic signal in accordance
257 with normal traffic enforcement techniques.

258 (4) (a) Each county or municipality that operates a traffic
259 infraction detector shall submit a report by October 1, 2012,
260 and annually thereafter, to the department which details the
261 results of using the traffic infraction detector and the
262 procedures for enforcement for the preceding state fiscal year.
263 The information submitted by the counties and municipalities
264 must include statistical data and information required by the
265 department to complete the report required under paragraph (b).

266 (b) On or before December 31, 2012, and annually
267 thereafter, the department shall provide a summary report to the
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268 Governor, the President of the Senate, and the Speaker of the
269 House of Representatives regarding the use and operation of
270 traffic infraction detectors under this section, along with the
271 department's recommendations and any necessary legislation. The
272 summary report must include a review of the information
273 submitted to the department by the counties and municipalities
274 and must describe the enhancement of the traffic safety and
275 enforcement programs.

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

278 316.0745 Uniform signals and devices.—

279 (6) Any system of traffic control devices controlled and
280 operated from a remote location by electronic computers or
281 similar devices must ~~shall~~ meet all requirements established for
282 the uniform system, and, if where such a system affects systems
283 ~~affect~~ the movement of traffic on state roads, the design of the
284 system shall be reviewed and approved by the Department of
285 Transportation.

286 Section 7. Section 316.07456, Florida Statutes, is created
287 to read:

288 316.07456 Transitional implementation.—

289 (1) Any traffic infraction detector deployed on the
290 highways, streets, and roads of this state must meet
291 specifications established by the Department of Transportation,
292 and must be tested at regular intervals according to
293 specifications prescribed by the Department of Transportation.
294 The Department of Transportation must establish such
295 specifications on or before December 31, 2010. However, any such

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296 equipment acquired by purchase, lease, or other arrangement
297 under an agreement entered into by a county or municipality on
298 or before July 1, 2011, or equipment used to enforce an
299 ordinance enacted by a county or municipality on or before July
300 1, 2011, is not required to meet the specifications established
301 by the Department of Transportation until July 1, 2011.

302 (2) Notwithstanding subsection (1), a county or
303 municipality shall not use any existing traffic infraction
304 detector until such use is approved by referendum in the manner
305 provided by s. 316.008(7)(c). Such referendum must be held no
306 later than the county's or municipality's next general election.

307 Section 8. Section 316.0776, Florida Statutes, is created
308 to read:

309 316.0776 Traffic infraction detectors; placement and
310 installation.—

311 (1) Traffic infraction detectors are allowed on state
312 roads when permitted by the Department of Transportation and
313 under placement and installation specifications developed by the
314 Department of Transportation. Traffic infraction detectors are
315 allowed on streets and highways under the jurisdiction of
316 counties or municipalities in accordance with placement and
317 installation specifications developed by the Department of
318 Transportation.

319 (2)(a) If the department, county, or municipality installs
320 a traffic infraction detector at an intersection, the
321 department, county, or municipality shall notify the public that
322 a traffic infraction device may be in use at that intersection
323 and must specifically include notification of camera enforcement

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324 of violations concerning right turns. Such signage used to
325 notify the public must meet the specifications for uniform
326 signals and devices adopted by the Department of Transportation
327 pursuant to s. 316.0745.

328 (b) If the department, county, or municipality begins a
329 traffic infraction detector program in a county or municipality
330 that has never conducted such a program, the respective
331 department, county, or municipality shall also make a public
332 announcement and conduct a public awareness campaign of the
333 proposed use of traffic infraction detectors at least 30 days
334 before commencing the enforcement program.

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

337 316.640 Enforcement.—The enforcement of the traffic laws
338 of this state is vested as follows:

339 (1) STATE.—

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

343 2.a. The Department of Transportation shall develop
344 training and qualifications standards for toll enforcement
345 officers whose sole authority is to enforce the payment of tolls
346 pursuant to s. 316.1001. Nothing in this subparagraph shall be
347 construed to permit the carrying of firearms or other weapons,
348 nor shall a toll enforcement officer have arrest authority.

349 b. For the purpose of enforcing s. 316.1001, governmental
350 entities, as defined in s. 334.03, which own or operate a toll
351 facility may employ independent contractors or designate

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352 employees as toll enforcement officers; however, any such toll
353 enforcement officer must successfully meet the training and
354 qualifications standards for toll enforcement officers
355 established by the Department of Transportation.

356 3. For the purpose of enforcing s. 316.0083, the
357 department may designate employees as traffic infraction
358 enforcement officers. A traffic infraction enforcement officer
359 must successfully complete instruction in traffic enforcement
360 procedures and court presentation through the Selective Traffic
361 Enforcement Program as approved by the Division of Criminal
362 Justice Standards and Training of the Department of Law
363 Enforcement, or through a similar program, but may not
364 necessarily otherwise meet the uniform minimum standards
365 established by the Criminal Justice Standards and Training
366 Commission for law enforcement officers or auxiliary law
367 enforcement officers under s. 943.13. This subparagraph does not
368 authorize the carrying of firearms or other weapons by a traffic
369 infraction enforcement officer and does not authorize a traffic
370 infraction enforcement officer to make arrests. The department's
371 traffic infraction enforcement officers must be physically
372 located in the state.

373 (5) (a) Any sheriff's department or police department of a
374 municipality may employ, as a traffic infraction enforcement
375 officer, any individual who successfully completes instruction
376 in traffic enforcement procedures and court presentation through
377 the Selective Traffic Enforcement Program as approved by the
378 Division of Criminal Justice Standards and Training of the
379 Department of Law Enforcement, or through a similar program, but

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380 who does not necessarily otherwise meet the uniform minimum
381 standards established by the Criminal Justice Standards and
382 Training Commission for law enforcement officers or auxiliary
383 law enforcement officers under s. 943.13. Any such traffic
384 infraction enforcement officer who observes the commission of a
385 traffic infraction or, in the case of a parking infraction, who
386 observes an illegally parked vehicle may issue a traffic
387 citation for the infraction when, based upon personal
388 investigation, he or she has reasonable and probable grounds to
389 believe that an offense has been committed which constitutes a
390 noncriminal traffic infraction as defined in s. 318.14. In
391 addition, any such traffic infraction enforcement officer may
392 issue a traffic citation under s. 316.0083. For purposes of
393 enforcing s. 316.0083, any sheriff's department or police
394 department of a municipality may designate employees as traffic
395 infraction enforcement officers. The traffic infraction
396 enforcement officers must be physically located in the county of
397 the respective sheriff's or police department.

398 (b) The traffic infraction enforcement officer shall be
399 employed in relationship to a selective traffic enforcement
400 program at a fixed location or as part of a crash investigation
401 team at the scene of a vehicle crash or in other types of
402 traffic infraction enforcement under the direction of a fully
403 qualified law enforcement officer; however, it is not necessary
404 that the traffic infraction enforcement officer's duties be
405 performed under the immediate supervision of a fully qualified
406 law enforcement officer.

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

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

413 316.650 Traffic citations.—

414 (3) (a) Except for a traffic citation issued pursuant to s.
415 316.1001 or s. 316.0083, each traffic enforcement officer, upon
416 issuing a traffic citation to an alleged violator of any
417 provision of the motor vehicle laws of this state or of any
418 traffic ordinance of any municipality or town, shall deposit the
419 original traffic citation or, in the case of a traffic
420 enforcement agency that has an automated citation issuance
421 system, the chief administrative officer shall provide by an
422 electronic transmission a replica of the citation data to a
423 court having jurisdiction over the alleged offense or with its
424 traffic violations bureau within 5 days after issuance to the
425 violator.

426 (b) If a traffic citation is issued pursuant to s.
427 316.1001, a traffic enforcement officer may deposit the original
428 traffic citation or, in the case of a traffic enforcement agency
429 that has an automated citation system, may provide by an
430 electronic transmission a replica of the citation data to a
431 court having jurisdiction over the alleged offense or with its
432 traffic violations bureau within 45 days after the date of
433 issuance of the citation to the violator. If the person cited
434 for the violation of s. 316.1001 makes the election provided by
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435 s. 318.14(12) and pays the \$25 fine, or such other amount as
436 imposed by the governmental entity owning the applicable toll
437 facility, plus the amount of the unpaid toll that is shown on
438 the traffic citation directly to the governmental entity that
439 issued the citation, or on whose behalf the citation was issued,
440 in accordance with s. 318.14(12), the traffic citation will not
441 be submitted to the court, the disposition will be reported to
442 the department by the governmental entity that issued the
443 citation, or on whose behalf the citation was issued, and no
444 points will be assessed against the person's driver's license.

445 (c) If a traffic citation is issued under s. 316.0083, the
446 traffic infraction enforcement officer shall provide by
447 electronic transmission a replica of the traffic citation data
448 to the court having jurisdiction over the alleged offense or its
449 traffic violations bureau within 5 days after the date of
450 issuance of the traffic citation to the violator.

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

453 318.14 Noncriminal traffic infractions; exception;
454 procedures.—

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

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

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463 318.18 Amount of penalties.—The penalties required for a
464 noncriminal disposition pursuant to s. 318.14 or a criminal
465 offense listed in s. 318.17 are as follows:

466 (15) (a)1. One hundred fifty-eight ~~twenty-five~~ dollars for
467 a violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver
468 has failed to stop at a traffic signal. Sixty dollars shall be
469 distributed as provided in s. 318.21, \$30 shall be distributed
470 to the General Revenue Fund, \$3 shall be remitted to the
471 Department of Revenue for deposit into the Brain and Spinal Cord
472 Injury Trust Fund, and the remaining \$65 shall be remitted to
473 the Department of Revenue for deposit into the Administrative
474 Trust Fund of the Department of Health. Proceeds of the
475 infractions in the Brain and Spinal Cord Injury Trust Fund shall
476 be distributed quarterly to the Miami Project to Cure Paralysis
477 and shall be used for brain and spinal cord research.

478 2. One hundred and fifty-eight dollars for a violation of
479 s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
480 stop at a traffic signal and when enforced by the department's
481 traffic infraction enforcement officer. One hundred and three
482 dollars shall be distributed to the General Revenue Fund, \$45
483 shall be distributed to the county for any violations occurring
484 in any unincorporated areas of the county or to the municipality
485 for any violations occurring in the incorporated boundaries of
486 the municipality in which the infraction occurred, and \$10 shall
487 be remitted to the Department of Revenue for deposit into the
488 Department of Health Administrative Trust Fund for distribution
489 as provided in s. 395.4036(1).

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490 3. One hundred and fifty-eight dollars for a violation of
491 s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
492 stop at a traffic signal and when enforced by a county's or
493 municipality's traffic infraction enforcement officer. Seventy
494 five dollars shall be distributed to the county or municipality
495 issuing the traffic citation, \$73 shall be distributed to the
496 General Revenue Fund, and \$10 shall be remitted to the
497 Department of Revenue for deposit into the Department of Health
498 Administrative Trust Fund for distribution as provided in s.
499 395.4036(1).

500 (b) One hundred fifty-eight dollars for a violation of s.
501 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
502 stop at a traffic signal if enforced by a traffic infraction
503 enforcement officer pursuant to s. 316.0083. Moneys collected
504 pursuant to enforcement under s. 316.0083 shall be distributed
505 as provided in that section.

506 (c) If a person who is cited for a violation of s.
507 316.074(1) or s. 316.075(1)(c)1., as enforced by a traffic
508 infraction enforcement officer under s. 316.0083, presents
509 documentation from the appropriate governmental entity that the
510 traffic citation was in error, the clerk of court may dismiss
511 the case. The clerk of court shall not charge for this service.

512 (d) An individual may not receive a commission or per-
513 ticket fee from any revenue collected from violations detected
514 through the use of a traffic infraction detector. A manufacturer
515 or vendor may not receive a fee or remuneration based upon the
516 number of citations issued due to a traffic infraction detector
517 enforcement system.

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

521 Section 13. Section 321.50, Florida Statutes, is created
522 to read:

523 321.50 Authorization to use traffic infraction detectors.-
524 The Department of Highway Safety and Motor Vehicles is
525 authorized to use traffic infraction detectors to enforce s.
526 316.074(1) or s. 316.075(1)(c)1. when a driver fails to stop on
527 state roads as defined in chapter 316 which are under the
528 original jurisdiction of the Department of Transportation, when
529 permitted by the Department of Transportation, and under s.
530 316.0083.

531 Section 14. Paragraph (d) of subsection (3) of section
532 322.27, Florida Statutes, is amended to read:

533 322.27 Authority of department to suspend or revoke
534 license.-

535 (3) There is established a point system for evaluation of
536 convictions of violations of motor vehicle laws or ordinances,
537 and violations of applicable provisions of s. 403.413(6)(b) when
538 such violations involve the use of motor vehicles, for the
539 determination of the continuing qualification of any person to
540 operate a motor vehicle. The department is authorized to suspend
541 the license of any person upon showing of its records or other
542 good and sufficient evidence that the licensee has been
543 convicted of violation of motor vehicle laws or ordinances, or
544 applicable provisions of s. 403.413(6)(b), amounting to 12 or

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

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

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

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

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

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

555 5. Unlawful speed:

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

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

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

562 However, no points shall be imposed for a violation of s.
563 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
564 stop at a traffic signal and when enforced by a traffic
565 infraction enforcement officer. In addition, a violation of s.
566 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
567 stop at a traffic signal and when enforced by a traffic
568 infraction enforcement officer may not be used for purposes of
569 setting motor vehicle insurance rates.

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

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572 no points shall be imposed for a violation of s. 316.0741 or s.
573 316.2065(12).

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

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

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

578 Section 15. If any provision of this act or its
579 application to any person or circumstance is held invalid, the
580 invalidity does not affect other provisions or applications of
581 this act which can be given effect without the invalid provision
582 or application, and to this end the provisions of this act are
583 severable.

584 Section 16. This act shall take effect July 1, 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,
594 F.S.; preempting to the state the use of cameras to
595 enforce traffic laws; amending s. 316.008, F.S.;
596 authorizing counties and municipalities to use traffic
597 infraction detectors under certain circumstances;
598 requiring a referendum; providing requirements for such
599 referendum; creating s. 316.0083, F.S.; creating the Mark

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

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628 the department to make reports to the Governor and
629 Legislature; amending s. 316.0745, F.S.; revising a
630 provision that requires certain remotely operated traffic
631 control devices to meet certain specifications; creating
632 s. 316.07456, F.S.; requiring traffic infraction
633 detectors to meet specifications established by the
634 Department of Transportation; providing that a traffic
635 infraction detector acquired by purchase, lease, or other
636 arrangement under an agreement entered into by a county
637 or municipality on or before a specified date is not
638 required to meet the established specifications until a
639 specified date; requiring a referendum for continued use
640 of existing traffic infraction detectors; creating s.
641 316.0776, F.S.; providing for the placement and
642 installation of detectors on certain roads when permitted
643 by and under the specifications of the department;
644 requiring that if the state, county, or municipality
645 installs a traffic infraction detector at an
646 intersection, the state, county, or municipality shall
647 notify the public that a traffic infraction device may be
648 in use at that intersection; requiring that such signage
649 posted at the intersection meet the specifications for
650 uniform signals and devices adopted by the Department of
651 Transportation; requiring that traffic infraction
652 detectors meet specifications established by the
653 Department of Transportation; requiring a public
654 awareness campaign if such detectors are to be used;
655 amending s. 316.640, F.S.; requiring the Department of

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

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684 infraction enforcement officer; providing that
685 infractions enforced by a traffic infraction enforcement
686 officer may not be used for purposes of setting motor
687 vehicle insurance rates; providing for severability;
688 providing an effective date.
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