

1 A bill to be entitled
2 An act relating to uniform traffic control; providing a
3 short title; amending s. 316.003, F.S.; defining the term
4 "traffic infraction detector"; creating s. 316.0076, F.S.;
5 preempting to the state the use of cameras to enforce
6 traffic laws; amending s. 316.008, F.S.; authorizing
7 counties and municipalities to use traffic infraction
8 detectors under certain circumstances; creating s.
9 316.0083, F.S.; creating the Mark Wandall Traffic Safety
10 Program; authorizing the Department of Highway Safety and
11 Motor Vehicles, a county, or a municipality to use a
12 traffic infraction detector to identify a motor vehicle
13 that fails to stop at a traffic control signal steady red
14 light; requiring authorization of a traffic infraction
15 enforcement officer to issue and enforce a citation for
16 such violation; requiring notification to be sent to the
17 registered owner of the motor vehicle involved in the
18 violation; requiring the notification to include certain
19 information about the owner's right to review evidence;
20 providing requirements for the notification; providing for
21 collection of penalties; providing for distribution of
22 penalties collected; prohibiting a traffic infraction
23 enforcement officer from receiving a commission from any
24 revenue collected from violations detected through the use
25 of a traffic infraction detector; providing procedures for
26 issuance, disposition, and enforcement of citations;
27 providing for exemptions; providing that certain evidence
28 is admissible for enforcement; providing penalties for

29 submission of a false affidavit; prohibiting the use of
30 such detectors to enforce a violation when a driver fails
31 to stop prior to making a right or left turn; providing
32 that the act does not preclude the issuance of citations
33 by law enforcement officers; requiring reports from
34 participating municipalities and counties to the
35 department; requiring the department to make reports to
36 the Governor and Legislature; amending s. 316.0745, F.S.;
37 revising a provision that requires certain remotely
38 operated traffic control devices to meet certain
39 specifications; creating s. 316.07456, F.S.; requiring
40 traffic infraction detectors to meet specifications
41 established by the Department of Transportation; providing
42 that a traffic infraction detector acquired by purchase,
43 lease, or other arrangement under an agreement entered
44 into by a county or municipality on or before a specified
45 date is not required to meet the established
46 specifications until a specified date; creating s.
47 316.0776, F.S.; providing for the placement and
48 installation of detectors on certain roads when permitted
49 by and under the specifications of the department;
50 requiring that if the state, county, or municipality
51 installs a traffic infraction detector at an intersection,
52 the state, county, or municipality shall notify the public
53 that a traffic infraction device may be in use at that
54 intersection; requiring that such signage posted at the
55 intersection meet the specifications for uniform signals
56 and devices adopted by the Department of Transportation;

57 requiring that traffic infraction detectors meet
58 specifications established by the Department of
59 Transportation; requiring a public awareness campaign if
60 such detectors are to be used; amending s. 316.640, F.S.;
61 requiring the Department of Transportation to develop
62 training and qualification standards for traffic
63 infraction enforcement officers; authorizing counties and
64 municipalities to use independent contractors as traffic
65 infraction enforcement officers; amending s. 316.650,
66 F.S.; requiring a traffic enforcement officer to provide
67 to the court a replica of the citation data by electronic
68 transmission under certain conditions; amending s. 318.14,
69 F.S.; providing an exception from provisions requiring a
70 person cited for an infraction for failing to stop at a
71 traffic control signal steady red light to sign and accept
72 a citation indicating a promise to appear; amending s.
73 318.18, F.S.; increasing certain fines; providing for
74 penalties for infractions enforced by a traffic infraction
75 enforcement officer; providing for distribution of fines;
76 allowing the clerk of court to dismiss certain cases upon
77 receiving documentation that the uniform traffic citation
78 was issued in error; prohibiting the receipt of
79 commissions by traffic infraction enforcement officers;
80 creating s. 321.50, F.S.; authorizing the Department of
81 Highway Safety and Motor Vehicles to use traffic
82 infraction detectors under certain circumstances; amending
83 s. 322.27, F.S.; providing that no points may be assessed
84 against the driver's license for infractions enforced by a

85 traffic infraction enforcement officer; providing that
 86 infractions enforced by a traffic infraction enforcement
 87 officer may not be used for purposes of setting motor
 88 vehicle insurance rates; providing for severability;
 89 providing an effective date.

90

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

92

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

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

97 316.003 Definitions.—The following words and phrases, when
 98 used in this chapter, shall have the meanings respectively
 99 ascribed to them in this section, except where the context
 100 otherwise requires:

101 (86) TRAFFIC INFRACTION DETECTOR.—A vehicle sensor
 102 installed to work in conjunction with a traffic control signal
 103 and a camera or cameras synchronized to automatically record two
 104 or more sequenced photographic or electronic images or streaming
 105 video of only the rear of a motor vehicle at the time the
 106 vehicle fails to stop behind the stop bar or clearly marked stop
 107 line when facing a traffic control signal steady red light. Any
 108 notification under s. 316.0083(1)(b) or traffic citation issued
 109 by the use of a traffic infraction detector must include a
 110 photograph or other recorded image showing both the license tag
 111 of the offending vehicle and the traffic control device being
 112 violated.

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

115 316.0076 Regulation and use of cameras.—Regulation of the
116 use of cameras for enforcing the provisions of this chapter is
117 expressly preempted to the state. The regulation of the use of
118 cameras for enforcing the provisions of this chapter is not
119 required to comply with provisions of chapter 493.

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

122 316.008 Powers of local authorities.—

123 (7) (a) A county or municipality may use traffic infraction
124 detectors to enforce s. 316.074(1) or s. 316.075(1)(c)1. when a
125 driver fails to stop at a traffic signal on streets and highways
126 under their jurisdiction under s. 316.0083. Only a municipality
127 may install or authorize the installation of any such detectors
128 within the incorporated area of the municipality. Only a county
129 may install or authorize the installation of any such detectors
130 within the unincorporated area of the county.

131 (b) A county or municipality may use traffic infraction
132 detectors to enforce s. 316.074(1) or s. 316.075(1)(c)1. when a
133 driver fails to stop at a traffic signal on state roads under
134 the original jurisdiction of the Department of Transportation
135 when permitted by the Department of Transportation and under s.
136 316.0083. Only a municipality may install or authorize the
137 installation of any such detectors within the incorporated area
138 of the municipality. Only a county may install or authorize the
139 installation of any such detectors within the unincorporated
140 area of the county.

141 Section 5. Section 316.0083, Florida Statutes, is created
 142 to read:

143 316.0083 Mark Wandall Traffic Safety Program;
 144 administration; report.-

145 (1) (a) For purposes of administering this section, the
 146 department, a county, or a municipality may authorize a traffic
 147 infraction enforcement officer under s. 316.640 to issue a
 148 traffic citation for a violation of s. 316.074(1) or s.
 149 316.075(1) (c)1. This paragraph does not prohibit a review of
 150 information from a traffic infraction detector by an authorized
 151 employee or agent of the department, county, or municipality
 152 prior to issuing a traffic citation by a traffic infraction
 153 enforcement officer. This paragraph does not prohibit the
 154 department, county, or municipality from issuing a notification
 155 to the registered owner of the motor vehicle involved in the
 156 violation of s. 316.074(1) or s. 316.075(1) (c)1.

157 (b)1.a. Within 30 days after the violation, a notification
 158 must be sent to the registered owner of the motor vehicle
 159 involved in the violation specifying the remedies available
 160 under s. 318.18(15) and that the violator may make payment of
 161 the \$150 penalty to the department, county, or municipality
 162 within 30 days after the date of the notification in order to
 163 avoid court fees, costs, and the issuance of a traffic citation.
 164 The notification may be sent by first class or certified mail.

165 b. Included with the notification to the registered owner
 166 of the motor vehicle involved in the infraction shall be a
 167 notice that the owner has the right to review, either in person
 168 or remotely, the photographic or electronic images or the

169 streaming video evidence that constitutes a rebuttable
170 presumption against the owner of the vehicle. The notice must
171 state the time and place and Internet location where the
172 evidence may be examined and observed.

173 2. Penalties assessed and collected by the department,
174 county, or municipality authorized to collect the funds provided
175 for in this paragraph, less the amount retained by the county or
176 municipality pursuant to subparagraph 3., shall be paid into the
177 State Treasury weekly. Payment by the department, county, or
178 municipality to the state shall be made by means of electronic
179 funds transfers. A county or municipality shall only pay to the
180 State Treasury that portion of the funds not to be retained by
181 the county or municipality pursuant to subparagraph 3.

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

184 a. One hundred and fifty dollars for a violation of s.
185 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
186 stop at a traffic signal if enforcement is by the department's
187 traffic infraction enforcement officer. Seventy-five dollars
188 shall be deposited into the General Revenue Fund, \$25 shall be
189 remitted to the Department of Revenue for deposit into the
190 Department of Health Administrative Trust Fund, and \$50 shall be
191 distributed to the county or municipality in which the violation
192 occurred. Funds deposited into the Department of Health
193 Administrative Trust Fund under this sub-subparagraph shall be
194 distributed as provided in s. 395.4036(1).

195 b. One hundred and fifty dollars for a violation of s.
196 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to

197 stop at a traffic signal if enforcement is by a county or
 198 municipal traffic infraction enforcement officer. Fifty dollars
 199 shall be remitted by the county or municipality to the
 200 Department of Revenue for deposit into the General Revenue Fund,
 201 \$25 shall be remitted to the Department of Revenue for deposit
 202 into the Department of Health Administrative Trust Fund, and \$75
 203 shall be retained by the county or municipality enforcing the
 204 ordinance enacted pursuant to this section. Funds deposited into
 205 the Department of Health Administrative Trust Fund under this
 206 sub-subparagraph shall be distributed as provided in s.
 207 395.4036(1).

208 4. A traffic infraction enforcement officer may not
 209 receive a commission from any revenue collected from violations
 210 of a traffic infraction detector.

211 (c)1.a. A traffic citation issued under this section shall
 212 be issued by mailing the traffic citation by certified mail to
 213 the address of the registered owner of the motor vehicle
 214 involved in the violation when payment has not been made within
 215 30 days after notification under subparagraph (b)1.

216 b. Receipt of the traffic citation constitutes
 217 notification under this paragraph.

218 c. In the case of joint ownership of a motor vehicle, the
 219 traffic citation shall be mailed to the first name appearing on
 220 the registration, unless the first name appearing on the
 221 registration is a business organization, in which case the
 222 second name appearing on the registration may be used.

223 d. The traffic citation shall be mailed to the registered
 224 owner of the motor vehicle involved in the violation no later

225 than 60 days after the date of the violation.

226 2. Included with the notification to the registered owner
 227 of the motor vehicle involved in the infraction shall be a
 228 notice that the owner has the right to review, either in person
 229 or remotely, the photographic or electronic images or the
 230 streaming video evidence that constitutes a rebuttable
 231 presumption against the owner of the vehicle. The notice must
 232 state the time and place and Internet location where the
 233 evidence may be examined and observed.

234 (d)1. The owner of the motor vehicle involved in the
 235 violation is responsible and liable for paying the uniform
 236 traffic citation issued for a violation of s. 316.074(1) or s.
 237 316.075(1)(c)1. when the driver failed to stop at a traffic
 238 signal, unless the owner can establish that:

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

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

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

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

249 2. In order to establish such facts, the owner of the
 250 motor vehicle shall, within 30 days after the date of issuance
 251 of the traffic citation, furnish to the appropriate governmental
 252 entity an affidavit setting forth detailed information

253 supporting an exemption as provided in this paragraph.

254 a. An affidavit supporting an exemption under sub-
255 subparagraph 1.c. must include the name, address, date of birth,
256 and, if known, the driver's license number of the person who
257 leased, rented, or otherwise had care, custody, or control of
258 the motor vehicle at the time of the alleged violation. If the
259 vehicle was stolen at the time of the alleged offense, the
260 affidavit must include the police report indicating that the
261 vehicle was stolen.

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

266 3. Upon receipt of an affidavit, the person designated as
267 having care, custody, and control of the motor vehicle at the
268 time of the violation may be issued a traffic citation for a
269 violation of s. 316.074(1) or s. 316.075(1)(c)1. when the driver
270 failed to stop at a traffic signal. The affidavit is admissible
271 in a proceeding pursuant to this section for the purpose of
272 providing proof that the person identified in the affidavit was
273 in actual care, custody, or control of the motor vehicle. The
274 owner of a leased vehicle for which a traffic citation is issued
275 for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when the
276 driver failed to stop at a traffic signal is not responsible for
277 paying the traffic citation and is not required to submit an
278 affidavit as specified in this subsection if the motor vehicle
279 involved in the violation is registered in the name of the
280 lessee of such motor vehicle.

281 4. The submission of a false affidavit is a misdemeanor of
282 the second degree, punishable as provided in s. 775.082 or s.
283 775.083.

284 (e) The photographic or electronic images or streaming
285 video attached to the traffic citation is evidence that a
286 violation of s. 316.074(1) or s. 316.075(1)(c)1. when the driver
287 failed to stop at a traffic signal has occurred and is
288 admissible in any proceeding to enforce this section and raises
289 a rebuttable presumption that the motor vehicle named in the
290 report or shown in the photographic or electronic images or
291 streaming video evidence was used in violation of s. 316.074(1)
292 or s. 316.075(1)(c)1. when the driver failed to stop at a
293 traffic signal.

294 (2) Violations of s. 316.074(1) or s. 316.075(1)(c)1. when
295 a driver fails to stop at a traffic signal prior to making a
296 right or left turn, where such turns are allowed, may not be
297 enforced by the use of a traffic infraction detector.

298 (3) This section supplements the enforcement of s.
299 316.074(1) or s. 316.075(1)(c)1. by law enforcement officers
300 when a driver fails to stop at a traffic signal and does not
301 prohibit a law enforcement officer from issuing a traffic
302 citation for a violation of s. 316.074(1) or s. 316.075(1)(c)1.
303 when a driver fails to stop at a traffic signal in accordance
304 with normal traffic enforcement techniques.

305 (4) (a) Each county or municipality that operates a traffic
306 infraction detector shall submit a report by October 1, 2012,
307 and annually thereafter, to the department which details the
308 results of using the traffic infraction detector and the

309 procedures for enforcement for the preceding state fiscal year.
 310 The information submitted by the counties and municipalities
 311 must include statistical data and information required by the
 312 department to complete the report required under paragraph (b).

313 (b) On or before December 31, 2012, and annually
 314 thereafter, the department shall provide a summary report to the
 315 Governor, the President of the Senate, and the Speaker of the
 316 House of Representatives regarding the use and operation of
 317 traffic infraction detectors under this section, along with the
 318 department's recommendations and any necessary legislation. The
 319 summary report must include a review of the information
 320 submitted to the department by the counties and municipalities
 321 and must describe the enhancement of the traffic safety and
 322 enforcement programs.

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

325 316.0745 Uniform signals and devices.—

326 (6) Any system of traffic control devices controlled and
 327 operated from a remote location by electronic computers or
 328 similar devices must ~~shall~~ meet all requirements established for
 329 the uniform system, and, if where such a system affects systems
 330 ~~affect~~ the movement of traffic on state roads, the design of the
 331 system shall be reviewed and approved by the Department of
 332 Transportation.

333 Section 7. Section 316.07456, Florida Statutes, is created
 334 to read:

335 316.07456 Transitional implementation.—Any traffic
 336 infraction detector deployed on the highways, streets, and roads

337 of this state must meet specifications established by the
338 Department of Transportation and must be tested at regular
339 intervals according to procedures prescribed by the Department
340 of Transportation. However, any such equipment acquired by
341 purchase, lease, or other arrangement under an agreement entered
342 into by a county or municipality on or before October 1, 2011,
343 or equipment used to enforce an ordinance enacted by a county or
344 municipality on or before October 1, 2010, is not required to
345 meet the specifications established by the Department of
346 Transportation until July 1, 2011, or 180 days after the
347 issuance of the specifications, whichever occurs last.

348 Section 8. Section 316.0776, Florida Statutes, is created
349 to read:

350 316.0776 Traffic infraction detectors; placement and
351 installation.—

352 (1) Traffic infraction detectors are allowed on state
353 roads when permitted by the Department of Transportation and
354 under placement and installation specifications developed by the
355 Department of Transportation. Traffic infraction detectors are
356 allowed on streets and highways under the jurisdiction of
357 counties or municipalities and under placement and installation
358 specifications developed by the Department of Transportation.

359 (2) (a) If the department, county, or municipality installs
360 a traffic infraction detector at an intersection, the
361 department, county, or municipality shall notify the public that
362 a traffic infraction device may be in use at that intersection
363 and must specifically include notification of camera enforcement
364 of violations concerning right turns. Such signage used to

365 notify the public must meet the specifications for uniform
366 signals and devices adopted by the Department of Transportation
367 pursuant to s. 316.0745.

368 (b) If the department, county, or municipality begins a
369 traffic infraction detector program in a county or municipality
370 that has never conducted such a program, the respective
371 department, county, or municipality shall also make a public
372 announcement and conduct a public awareness campaign of the
373 proposed use of traffic infraction detectors at least 30 days
374 before commencing the enforcement program.

375 Section 9. Paragraph (b) of subsection (1) and subsection
376 (5) of section 316.640, Florida Statutes, are amended to read:
377 316.640 Enforcement.—The enforcement of the traffic laws
378 of this state is vested as follows:

379 (1) STATE.—

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

383 2.a. The Department of Transportation shall develop
384 training and qualifications standards for toll enforcement
385 officers whose sole authority is to enforce the payment of tolls
386 pursuant to s. 316.1001. Nothing in this subparagraph shall be
387 construed to permit the carrying of firearms or other weapons,
388 nor shall a toll enforcement officer have arrest authority.

389 b. For the purpose of enforcing s. 316.1001, governmental
390 entities, as defined in s. 334.03, which own or operate a toll
391 facility may employ independent contractors or designate
392 employees as toll enforcement officers; however, any such toll

393 enforcement officer must successfully meet the training and
394 qualifications standards for toll enforcement officers
395 established by the Department of Transportation.

396 3. For the purpose of enforcing s. 316.0083, the
397 department may employ independent contractors or designate
398 employees as traffic infraction enforcement officers. A traffic
399 infraction enforcement officer must successfully complete
400 instruction in traffic enforcement procedures and court
401 presentation through the Selective Traffic Enforcement Program
402 as approved by the Division of Criminal Justice Standards and
403 Training of the Department of Law Enforcement, or through a
404 similar program, but may not necessarily otherwise meet the
405 uniform minimum standards established by the Criminal Justice
406 Standards and Training Commission for law enforcement officers
407 or auxiliary law enforcement officers under s. 943.13. This
408 subparagraph does not authorize the carrying of firearms or
409 other weapons by a traffic infraction enforcement officer and
410 does not authorize a traffic infraction enforcement officer to
411 make arrests. The department's traffic infraction enforcement
412 officers must be physically located in the state.

413 (5) (a) Any sheriff's department or police department of a
414 municipality may employ, as a traffic infraction enforcement
415 officer, any individual who successfully completes instruction
416 in traffic enforcement procedures and court presentation through
417 the Selective Traffic Enforcement Program as approved by the
418 Division of Criminal Justice Standards and Training of the
419 Department of Law Enforcement, or through a similar program, but
420 who does not necessarily otherwise meet the uniform minimum

421 standards established by the Criminal Justice Standards and
422 Training Commission for law enforcement officers or auxiliary
423 law enforcement officers under s. 943.13. Any such traffic
424 infraction enforcement officer who observes the commission of a
425 traffic infraction or, in the case of a parking infraction, who
426 observes an illegally parked vehicle may issue a traffic
427 citation for the infraction when, based upon personal
428 investigation, he or she has reasonable and probable grounds to
429 believe that an offense has been committed which constitutes a
430 noncriminal traffic infraction as defined in s. 318.14. In
431 addition, any such traffic infraction enforcement officer may
432 issue a traffic citation under s. 316.0083. For purposes of
433 enforcing s. 316.0083, any sheriff's department or police
434 department of a municipality may employ independent contractors
435 or designate employees as traffic infraction enforcement
436 officers. The traffic infraction enforcement officers must be
437 physically located in the county of the respective sheriff's or
438 police department.

439 (b) The traffic infraction enforcement officer shall be
440 employed in relationship to a selective traffic enforcement
441 program at a fixed location or as part of a crash investigation
442 team at the scene of a vehicle crash or in other types of
443 traffic infraction enforcement under the direction of a fully
444 qualified law enforcement officer; however, it is not necessary
445 that the traffic infraction enforcement officer's duties be
446 performed under the immediate supervision of a fully qualified
447 law enforcement officer.

448 (c) This subsection does not permit the carrying of

449 firearms or other weapons, nor do traffic infraction enforcement
450 officers have arrest authority other than the authority to issue
451 a traffic citation as provided in this subsection.

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

454 316.650 Traffic citations.—

455 (3) (a) Except for a traffic citation issued pursuant to s.
456 316.1001 or s. 316.0083, each traffic enforcement officer, upon
457 issuing a traffic citation to an alleged violator of any
458 provision of the motor vehicle laws of this state or of any
459 traffic ordinance of any municipality or town, shall deposit the
460 original traffic citation or, in the case of a traffic
461 enforcement agency that has an automated citation issuance
462 system, the chief administrative officer shall provide by an
463 electronic transmission a replica of the citation data to a
464 court having jurisdiction over the alleged offense or with its
465 traffic violations bureau within 5 days after issuance to the
466 violator.

467 (b) If a traffic citation is issued pursuant to s.
468 316.1001, a traffic enforcement officer may deposit the original
469 traffic citation or, in the case of a traffic enforcement agency
470 that has an automated citation system, may provide by an
471 electronic transmission a replica of the citation data to a
472 court having jurisdiction over the alleged offense or with its
473 traffic violations bureau within 45 days after the date of
474 issuance of the citation to the violator. If the person cited
475 for the violation of s. 316.1001 makes the election provided by
476 s. 318.14(12) and pays the \$25 fine, or such other amount as

477 imposed by the governmental entity owning the applicable toll
 478 facility, plus the amount of the unpaid toll that is shown on
 479 the traffic citation directly to the governmental entity that
 480 issued the citation, or on whose behalf the citation was issued,
 481 in accordance with s. 318.14(12), the traffic citation will not
 482 be submitted to the court, the disposition will be reported to
 483 the department by the governmental entity that issued the
 484 citation, or on whose behalf the citation was issued, and no
 485 points will be assessed against the person's driver's license.

486 (c) If a traffic citation is issued under s. 316.0083, the
 487 traffic infraction enforcement officer shall provide by
 488 electronic transmission a replica of the traffic citation data
 489 to the court having jurisdiction over the alleged offense or its
 490 traffic violations bureau within 5 days after the date of
 491 issuance of the traffic citation to the violator.

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

494 318.14 Noncriminal traffic infractions; exception;
 495 procedures.—

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

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

504 318.18 Amount of penalties.—The penalties required for a

505 noncriminal disposition pursuant to s. 318.14 or a criminal
506 offense listed in s. 318.17 are as follows:

507 (15) (a) One hundred and fifty ~~twenty-five~~ dollars for a
508 violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver
509 has failed to stop at a traffic signal. Sixty dollars shall be
510 distributed as provided in s. 318.21, \$25 shall be distributed
511 to the General Revenue Fund, and the remaining \$65 shall be
512 remitted to the Department of Revenue for deposit into the
513 Administrative Trust Fund of the Department of Health.

514 (b) One hundred and fifty dollars for a violation of s.
515 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
516 stop at a traffic signal if enforced by a traffic infraction
517 enforcement officer pursuant to s. 316.0083. Moneys collected
518 pursuant to enforcement under s. 316.0083 shall be distributed
519 as provided in that section.

520 (c) If a person who is cited for a violation of s.
521 316.074(1) or s. 316.075(1)(c)1., as enforced by a traffic
522 infraction enforcement officer under s. 316.0083, presents
523 documentation from the appropriate governmental entity that the
524 traffic citation was in error, the clerk of court may dismiss
525 the case. The clerk of court shall not charge for this service.

526 (d) A traffic infraction enforcement officer may not
527 receive a commission from any revenue collected from violations
528 detected through the use of a traffic infraction detector.

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

532 Section 13. Section 321.50, Florida Statutes, is created

533 to read:

534 321.50 Authorization to use traffic infraction detectors.-
 535 The Department of Highway Safety and Motor Vehicles is
 536 authorized to use traffic infraction detectors to enforce s.
 537 316.074(1) or s. 316.075(1)(c)1. when a driver fails to stop on
 538 state roads as defined in chapter 316 which are under the
 539 original jurisdiction of the Department of Transportation, when
 540 permitted by the Department of Transportation, and under s.
 541 316.0083.

542 Section 14. Paragraph (d) of subsection (3) of section
 543 322.27, Florida Statutes, is amended to read:

544 322.27 Authority of department to suspend or revoke
 545 license.-

546 (3) There is established a point system for evaluation of
 547 convictions of violations of motor vehicle laws or ordinances,
 548 and violations of applicable provisions of s. 403.413(6)(b) when
 549 such violations involve the use of motor vehicles, for the
 550 determination of the continuing qualification of any person to
 551 operate a motor vehicle. The department is authorized to suspend
 552 the license of any person upon showing of its records or other
 553 good and sufficient evidence that the licensee has been
 554 convicted of violation of motor vehicle laws or ordinances, or
 555 applicable provisions of s. 403.413(6)(b), amounting to 12 or
 556 more points as determined by the point system. The suspension
 557 shall be for a period of not more than 1 year.

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

- 561 1. Reckless driving, willful and wanton—4 points.
- 562 2. Leaving the scene of a crash resulting in property
563 damage of more than \$50—6 points.
- 564 3. Unlawful speed resulting in a crash—6 points.
- 565 4. Passing a stopped school bus—4 points.
- 566 5. Unlawful speed:
- 567 a. Not in excess of 15 miles per hour of lawful or posted
568 speed—3 points.
- 569 b. In excess of 15 miles per hour of lawful or posted
570 speed—4 points.
- 571 6. A violation of a traffic control signal device as
572 provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points.
573 However, no points shall be imposed for a violation of s.
574 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
575 stop at a traffic signal and when enforced by a traffic
576 infraction enforcement officer. In addition, a violation of s.
577 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
578 stop at a traffic signal and when enforced by a traffic
579 infraction enforcement officer may not be used for purposes of
580 setting motor vehicle insurance rates.
- 581 7. All other moving violations (including parking on a
582 highway outside the limits of a municipality)—3 points. However,
583 no points shall be imposed for a violation of s. 316.0741 or s.
584 316.2065(12).
- 585 8. Any moving violation covered above, excluding unlawful
586 speed, resulting in a crash—4 points.
- 587 9. Any conviction under s. 403.413(6)(b)—3 points.
- 588 10. Any conviction under s. 316.0775(2)—4 points.

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589 Section 15. If any provision of this act or its
590 application to any person or circumstance is held invalid, the
591 invalidity does not affect other provisions or applications of
592 this act which can be given effect without the invalid provision
593 or application, and to this end the provisions of this act are
594 severable.

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