

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Gaetz offered the following:

2
3 **Amendment (with title amendment)**

4 Between lines 3682 and 3683, insert:

5 Section 92. Subsection (87) of section 316.003, Florida
6 Statutes, is amended to read:

7 316.003 Definitions.—The following words and phrases, when
8 used in this chapter, shall have the meanings respectively
9 ascribed to them in this section, except where the context
10 otherwise requires:

11 (87) TRAFFIC INFRACTION DETECTOR.—A vehicle sensor
12 installed to work in conjunction with a traffic control signal
13 and a camera or cameras synchronized to automatically record two
14 or more sequenced photographic or electronic images or streaming
15 video of only the rear of a motor vehicle at the time the
16 vehicle fails to stop behind the stop bar or clearly marked stop
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17 line when facing a traffic control signal steady red light. ~~Any~~
18 ~~notification under s. 316.0083(1)(b) or traffic citation issued~~
19 ~~by the use of a traffic infraction detector must include a~~
20 ~~photograph or other recorded image showing both the license tag~~
21 ~~of the offending vehicle and the traffic control device being~~
22 ~~violated.~~

23 Section 93. Subsection (8) of section 316.008, Florida
24 Statutes, is repealed.

25 Section 94. Section 316.0083, Florida Statutes, is
26 repealed.

27 Section 95. Section 316.00831, Florida Statutes, is
28 repealed.

29 Section 96. Section 316.07456, Florida Statutes, is
30 repealed.

31 Section 97. Section 316.0776, Florida Statutes, is
32 repealed.

33 Section 98. Section 321.50, Florida Statutes, is repealed.

34 Section 99. Paragraph (b) of subsection (1) and paragraph
35 (a) of subsection (5) of section 316.640, Florida Statutes, are
36 amended to read:

37 316.640 Enforcement.—The enforcement of the traffic laws
38 of this state is vested as follows:

39 (1) STATE.—

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

43 2.a. The Department of Transportation shall develop
44 training and qualifications standards for toll enforcement
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45 officers whose sole authority is to enforce the payment of tolls
46 pursuant to s. 316.1001. Nothing in this subparagraph shall be
47 construed to permit the carrying of firearms or other weapons,
48 nor shall a toll enforcement officer have arrest authority.

49 b. For the purpose of enforcing s. 316.1001, governmental
50 entities, as defined in s. 334.03, which own or operate a toll
51 facility may employ independent contractors or designate
52 employees as toll enforcement officers; however, any such toll
53 enforcement officer must successfully meet the training and
54 qualifications standards for toll enforcement officers
55 established by the Department of Transportation.

56 ~~3. For the purpose of enforcing s. 316.0083, the~~
57 ~~department may designate employees as traffic infraction~~
58 ~~enforcement officers. A traffic infraction enforcement officer~~
59 ~~must successfully complete instruction in traffic enforcement~~
60 ~~procedures and court presentation through the Selective Traffic~~
61 ~~Enforcement Program as approved by the Division of Criminal~~
62 ~~Justice Standards and Training of the Department of Law~~
63 ~~Enforcement, or through a similar program, but may not~~
64 ~~necessarily otherwise meet the uniform minimum standards~~
65 ~~established by the Criminal Justice Standards and Training~~
66 ~~Commission for law enforcement officers or auxiliary law~~
67 ~~enforcement officers under s. 943.13. This subparagraph does not~~
68 ~~authorize the carrying of firearms or other weapons by a traffic~~
69 ~~infraction enforcement officer and does not authorize a traffic~~
70 ~~infraction enforcement officer to make arrests. The department's~~
71 ~~traffic infraction enforcement officers must be physically~~
72 ~~located in the state.~~

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73 (5) (a) Any sheriff's department or police department of a
74 municipality may employ, as a traffic infraction enforcement
75 officer, any individual who successfully completes instruction
76 in traffic enforcement procedures and court presentation through
77 the Selective Traffic Enforcement Program as approved by the
78 Division of Criminal Justice Standards and Training of the
79 Department of Law Enforcement, or through a similar program, but
80 who does not necessarily otherwise meet the uniform minimum
81 standards established by the Criminal Justice Standards and
82 Training Commission for law enforcement officers or auxiliary
83 law enforcement officers under s. 943.13. Any such traffic
84 infraction enforcement officer who observes the commission of a
85 traffic infraction or, in the case of a parking infraction, who
86 observes an illegally parked vehicle may issue a traffic
87 citation for the infraction when, based upon personal
88 investigation, he or she has reasonable and probable grounds to
89 believe that an offense has been committed which constitutes a
90 noncriminal traffic infraction as defined in s. 318.14. ~~In~~
91 ~~addition, any such traffic infraction enforcement officer may~~
92 ~~issue a traffic citation under s. 316.0083. For purposes of~~
93 ~~enforcing s. 316.0083, any sheriff's department or police~~
94 ~~department of a municipality may designate employees as traffic~~
95 ~~infraction enforcement officers.~~ The traffic infraction
96 enforcement officers must be physically located in the county of
97 the respective sheriff's or police department.

98 Section 100. Paragraphs (a) and (c) of subsection (3) of
99 section 316.650, Florida Statutes, are amended to read:

100 316.650 Traffic citations.—

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101 (3) (a) Except for a traffic citation issued pursuant to s.
102 316.1001 ~~or s. 316.0083~~, each traffic enforcement officer, upon
103 issuing a traffic citation to an alleged violator of any
104 provision of the motor vehicle laws of this state or of any
105 traffic ordinance of any municipality or town, shall deposit the
106 original traffic citation or, in the case of a traffic
107 enforcement agency that has an automated citation issuance
108 system, the chief administrative officer shall provide by an
109 electronic transmission a replica of the citation data to a
110 court having jurisdiction over the alleged offense or with its
111 traffic violations bureau within 5 days after issuance to the
112 violator.

113 ~~(c) If a traffic citation is issued under s. 316.0083, the~~
114 ~~traffic infraction enforcement officer shall provide by~~
115 ~~electronic transmission a replica of the traffic citation data~~
116 ~~to the court having jurisdiction over the alleged offense or its~~
117 ~~traffic violations bureau within 5 days after the date of~~
118 ~~issuance of the traffic citation to the violator.~~

119 Section 101. Subsection (2) of section 318.14, Florida
120 Statutes, is amended to read:

121 318.14 Noncriminal traffic infractions; exception;
122 procedures.—

123 (2) Except as provided in s. ss. 316.1001(2) ~~and 316.0083~~,
124 any person cited for a violation requiring a mandatory hearing
125 listed in s. 318.19 or any other criminal traffic violation
126 listed in chapter 316 must sign and accept a citation indicating
127 a promise to appear. The officer may indicate on the traffic
128 citation the time and location of the scheduled hearing and must
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129 indicate the applicable civil penalty established in s. 318.18.
130 For all other infractions under this section, except for
131 infractions under s. 316.1001, the officer must certify by
132 electronic, electronic facsimile, or written signature that the
133 citation was delivered to the person cited. This certification
134 is prima facie evidence that the person cited was served with
135 the citation.

136 Section 102. Subsection (15) of section 318.18, Florida
137 Statutes, is amended to read:

138 318.18 Amount of penalties.—The penalties required for a
139 noncriminal disposition pursuant to s. 318.14 or a criminal
140 offense listed in s. 318.17 are as follows:

141 (15)~~(a)~~1. One hundred and fifty-eight dollars for a
142 violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver
143 has failed to stop at a traffic signal ~~and when enforced by a~~
144 ~~law enforcement officer~~. Sixty dollars shall be distributed as
145 provided in s. 318.21, \$30 shall be distributed to the General
146 Revenue Fund, \$3 shall be remitted to the Department of Revenue
147 for deposit into the Brain and Spinal Cord Injury Trust Fund,
148 and the remaining \$65 shall be remitted to the Department of
149 Revenue for deposit into the Administrative Trust Fund of the
150 Department of Health.

151 ~~2. One hundred and fifty-eight dollars for a violation of~~
152 ~~s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to~~
153 ~~stop at a traffic signal and when enforced by the department's~~
154 ~~traffic infraction enforcement officer. One hundred dollars~~
155 ~~shall be remitted to the Department of Revenue for deposit into~~
156 ~~the General Revenue Fund, \$45 shall be distributed to the county~~
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157 ~~for any violations occurring in any unincorporated areas of the~~
158 ~~county or to the municipality for any violations occurring in~~
159 ~~the incorporated boundaries of the municipality in which the~~
160 ~~infraction occurred, \$10 shall be remitted to the Department of~~
161 ~~Revenue for deposit into the Department of Health Administrative~~
162 ~~Trust Fund for distribution as provided in s. 395.4036(1), and~~
163 ~~\$3 shall be remitted to the Department of Revenue for deposit~~
164 ~~into the Brain and Spinal Cord Injury Trust Fund.~~

165 ~~3. One hundred and fifty eight dollars for a violation of~~
166 ~~s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to~~
167 ~~stop at a traffic signal and when enforced by a county's or~~
168 ~~municipality's traffic infraction enforcement officer. Seventy-~~
169 ~~five dollars shall be distributed to the county or municipality~~
170 ~~issuing the traffic citation, \$70 shall be remitted to the~~
171 ~~Department of Revenue for deposit into the General Revenue Fund,~~
172 ~~\$10 shall be remitted to the Department of Revenue for deposit~~
173 ~~into the Department of Health Administrative Trust Fund for~~
174 ~~distribution as provided in s. 395.4036(1), and \$3 shall be~~
175 ~~remitted to the Department of Revenue for deposit into the Brain~~
176 ~~and Spinal Cord Injury Trust Fund.~~

177 ~~(b)~~ Amounts deposited into the Brain and Spinal Cord
178 Injury Trust Fund pursuant to this subsection shall be
179 distributed quarterly to the Miami Project to Cure Paralysis and
180 shall be used for brain and spinal cord research.

181 ~~(c)~~ ~~If a person who is cited for a violation of s.~~
182 ~~316.074(1) or s. 316.075(1)(c)1., as enforced by a traffic~~
183 ~~infraction enforcement officer under s. 316.0083, presents~~
184 ~~documentation from the appropriate governmental entity that the~~
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185 ~~traffic citation was in error, the clerk of court may dismiss~~
186 ~~the case. The clerk of court shall not charge for this service.~~

187 ~~(d) An individual may not receive a commission or per-~~
188 ~~ticket fee from any revenue collected from violations detected~~
189 ~~through the use of a traffic infraction detector. A manufacturer~~
190 ~~or vendor may not receive a fee or remuneration based upon the~~
191 ~~number of violations detected through the use of a traffic~~
192 ~~infraction detector.~~

193 ~~(e)~~ Funds deposited into the Department of Health
194 Administrative Trust Fund under this subsection shall be
195 distributed as provided in s. 395.4036(1).

196 Section 103. Paragraph (d) of subsection (3) of section
197 322.27, Florida Statutes, is amended to read:

198 322.27 Authority of department to suspend or revoke
199 license.—

200 (3) There is established a point system for evaluation of
201 convictions of violations of motor vehicle laws or ordinances,
202 and violations of applicable provisions of s. 403.413(6) (b) when
203 such violations involve the use of motor vehicles, for the
204 determination of the continuing qualification of any person to
205 operate a motor vehicle. The department is authorized to suspend
206 the license of any person upon showing of its records or other
207 good and sufficient evidence that the licensee has been
208 convicted of violation of motor vehicle laws or ordinances, or
209 applicable provisions of s. 403.413(6) (b), amounting to 12 or
210 more points as determined by the point system. The suspension
211 shall be for a period of not more than 1 year.

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

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

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

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

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

220 5. Unlawful speed:

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

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

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

227 ~~However, no points shall be imposed for a violation of s.~~
228 ~~316.074(1) or s. 316.075(1)(c)1. when a driver has failed to~~
229 ~~stop at a traffic signal and when enforced by a traffic~~
230 ~~infraction enforcement officer. In addition, a violation of s.~~
231 ~~316.074(1) or s. 316.075(1)(c)1. when a driver has failed to~~
232 ~~stop at a traffic signal and when enforced by a traffic~~
233 ~~infraction enforcement officer may not be used for purposes of~~
234 ~~setting motor vehicle insurance rates.~~

235 7. All other moving violations (including parking on a
236 highway outside the limits of a municipality)—3 points. However,
237 no points shall be imposed for a violation of s. 316.0741 or s.
238 316.2065(12); and points shall be imposed for a violation of s.

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239 316.1001 only when imposed by the court after a hearing pursuant
240 to s. 318.14(5).

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

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

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

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

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Remove line 353 and insert:

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maintain a list of approved alarm systems; amending s.

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316.003, F.S.; revising the definition of "traffic

253

infraction detector" to remove requirements for issuance

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of notifications and citations; repealing ss. 316.008(8),

255

316.0083, 316.00831, and 321.50, F.S., relating to the

256

installation and use of traffic infraction detectors to

257

enforce specified provisions when a driver fails to stop

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at a traffic signal; removing provisions that authorize

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the Department of Highway Safety and Motor Vehicles, a

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county, or a municipality to use such detectors; repealing

261

s. 316.07456, F.S., relating to transitional

262

implementation of such detectors; repealing s. 316.0776,

263

F.S., relating to placement and installation of traffic

264

infraction detectors; amending ss. 316.640, 316.650,

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318.14, 318.18, and 322.27, F.S., relating to enforcement

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by such detectors, procedures for disposition of

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267 citations, penalties, and distribution of proceeds;
268 conforming provisions to changes made by the act;
269 providing