

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	—	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	

1 Committee/Subcommittee hearing bill: Transportation & Economic
2 Development Appropriations Subcommittee
3 Representative Nehr offered the following:

4
5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:
7 Section 1. Paragraph (b) of subsection (1) of section
8 316.0083, Florida Statutes, is amended to read:

9 316.0083 Mark Wandall Traffic Safety Program;
10 administration; report.—

11 (1)

12 (b)1.a. Within 30 days after a violation, notification
13 must be sent to the registered owner of the motor vehicle
14 involved in the violation specifying the remedies available
15 under s. 318.14 and that the violator must pay the penalty of
16 \$158 to the department, county, or municipality, or furnish an
17 affidavit in accordance with paragraph (d), within 30 days
18 following the date of the notification in order to avoid court

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19 fees, costs, and the issuance of a traffic citation. The
20 notification shall be sent by first-class mail.

21 b. Included with the notification to the registered owner
22 of the motor vehicle involved in the infraction must be a notice
23 that the owner has the right to review the photographic or
24 electronic images or the streaming video evidence that
25 constitutes a rebuttable presumption against the owner of the
26 vehicle. The notice must state the time and place or Internet
27 location where the evidence may be examined and observed.

28 2. Penalties assessed and collected by the department,
29 county, or municipality authorized to collect the funds provided
30 for in this paragraph, ~~less the amount retained by the county or~~
31 ~~municipality pursuant to subparagraph 3.,~~ shall be paid to the
32 Department of Revenue weekly. Payment by the department, county,
33 or municipality to the state shall be made by means of
34 electronic funds transfers. In addition to the payment, summary
35 detail of the penalties remitted shall be reported to the
36 Department of Revenue.

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

39 a. One hundred fifty-eight dollars for a violation of s.
40 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
41 stop at a traffic signal if enforcement is by the department's
42 traffic infraction enforcement officer. One hundred forty-five
43 dollars shall be remitted to the Department of Revenue for
44 deposit into the General Revenue Fund, \$10 shall be remitted to
45 the Department of Revenue for deposit into the Department of
46 Health Administrative Trust Fund, and \$3 shall be remitted to

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47 the Department of Revenue for deposit into the Brain and Spinal
48 Cord Injury Trust Fund, ~~and \$45 shall be distributed to the~~
49 ~~municipality in which the violation occurred, or, if the~~
50 ~~violation occurred in an unincorporated area, to the county in~~
51 ~~which the violation occurred.~~ Funds deposited into the
52 Department of Health Administrative Trust Fund under this sub-
53 subparagraph shall be distributed as provided in s. 395.4036(1).
54 Proceeds of the infractions in the Brain and Spinal Cord Injury
55 Trust Fund shall be distributed quarterly to the Miami Project
56 to Cure Paralysis and shall be used for brain and spinal cord
57 research.

58 b. One hundred fifty-eight dollars for a violation of s.
59 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
60 stop at a traffic signal if enforcement is by a county or
61 municipal traffic infraction enforcement officer. One hundred
62 forty-five ~~Seventy~~ dollars shall be remitted by the county or
63 municipality to the Department of Revenue for deposit into the
64 General Revenue Fund, \$10 shall be remitted to the Department of
65 Revenue for deposit into the Department of Health Administrative
66 Trust Fund, and \$3 shall be remitted to the Department of
67 Revenue for deposit into the Brain and Spinal Cord Injury Trust
68 Fund, ~~and \$75 shall be retained by the county or municipality~~
69 ~~enforcing the ordinance enacted pursuant to this section.~~ Funds
70 deposited into the Department of Health Administrative Trust
71 Fund under this sub-subparagraph shall be distributed as
72 provided in s. 395.4036(1). Proceeds of the infractions in the
73 Brain and Spinal Cord Injury Trust Fund shall be distributed

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74 quarterly to the Miami Project to Cure Paralysis and shall be
75 used for brain and spinal cord research.

76 4. An individual may not receive a commission from any
77 revenue collected from violations detected through the use of a
78 traffic infraction detector. A manufacturer or vendor may not
79 receive a fee or remuneration based upon the number of
80 violations detected through the use of a traffic infraction
81 detector.

82 Section 2. Paragraph (a) of subsection (15) of section
83 318.18, Florida Statutes, is amended to read:

84 318.18 Amount of penalties.—The penalties required for a
85 noncriminal disposition pursuant to s. 318.14 or a criminal
86 offense listed in s. 318.17 are as follows:

87 (15) (a)1. One hundred and fifty-eight dollars for a
88 violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver
89 has failed to stop at a traffic signal and when enforced by a
90 law enforcement officer. Sixty dollars shall be distributed as
91 provided in s. 318.21, \$30 shall be distributed to the General
92 Revenue Fund, \$3 shall be remitted to the Department of Revenue
93 for deposit into the Brain and Spinal Cord Injury Trust Fund,
94 and the remaining \$65 shall be remitted to the Department of
95 Revenue for deposit into the Administrative Trust Fund of the
96 Department of Health.

97 2. One hundred and fifty-eight dollars for a violation of
98 s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
99 stop at a traffic signal and when enforced by the department's
100 traffic infraction enforcement officer. One hundred forty-five
101 dollars shall be remitted to the Department of Revenue for

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102 deposit into the General Revenue Fund, ~~\$45 shall be distributed~~
103 ~~to the county for any violations occurring in any unincorporated~~
104 ~~areas of the county or to the municipality for any violations~~
105 ~~occurring in the incorporated boundaries of the municipality in~~
106 ~~which the infraction occurred,~~ \$10 shall be remitted to the
107 Department of Revenue for deposit into the Department of Health
108 Administrative Trust Fund for distribution as provided in s.
109 395.4036(1), and \$3 shall be remitted to the Department of
110 Revenue for deposit into the Brain and Spinal Cord Injury Trust
111 Fund.

112 3. One hundred and fifty-eight dollars for a violation of
113 s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
114 stop at a traffic signal and when enforced by a county's or
115 municipality's traffic infraction enforcement officer. One
116 hundred and forty-five dollars ~~Seventy-five dollars shall be~~
117 ~~distributed to the county or municipality issuing the traffic~~
118 ~~citation,~~ \$70 shall be remitted to the Department of Revenue for
119 deposit into the General Revenue Fund, \$10 shall be remitted to
120 the Department of Revenue for deposit into the Department of
121 Health Administrative Trust Fund for distribution as provided in
122 s. 395.4036(1), and \$3 shall be remitted to the Department of
123 Revenue for deposit into the Brain and Spinal Cord Injury Trust
124 Fund.

125 Section 3. This act shall take effect July 1, 2012.
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T I T L E A M E N D M E N T

Remove the entire title and insert:
An act relating to noncriminal traffic infractions;
amending s. 316.0083, F.S., relating to use of a traffic
infraction detector when a driver has failed to stop at a
traffic control signal pursuant to specified provisions;
revising distribution of funds; amending s. 318.18, F.S.,
relating to amount of penalties; revising distribution of
funds; providing an effective date.