

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN	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

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

Amendment (with directory and title amendments)

Remove lines 24-144 and insert:

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

(1)

(b)1.a. Within 30 days after a violation, notification must be sent to the registered owner of the motor vehicle involved in the violation specifying the remedies available under s. 318.14 and that the violator must pay the penalty of \$158 to the department, county, or municipality, or furnish an affidavit in accordance with paragraph (d), or request a hearing within 60 days following the date of the notification in order to avoid the issuance of a traffic citation. The notification

Amendment No. 1

18 must be sent by certified ~~first-class~~ mail. The mailing of the
19 notice of violation constitutes notification.

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

27 c. Notwithstanding any other provision of law, a person
28 who receives a notice of violation under this section may
29 request a hearing within 60 days following the notification of
30 violation or pay the penalty pursuant to the notice of
31 violation, but a payment or fee may not be required before the
32 hearing requested by the person. The notice of violation must be
33 accompanied by, or direct the person to a website that provides,
34 information on the person's right to request a hearing and on
35 all court costs related thereto and a form to request a hearing.
36 As used in this sub-subparagraph, the term "person" includes a
37 natural person, registered owner or coowner of a motor vehicle,
38 or person identified on an affidavit as having care, custody, or
39 control of the motor vehicle at the time of the violation.

40 d. If the registered owner or coowner of the motor
41 vehicle, or the person designated as having care, custody, or
42 control of the motor vehicle at the time of the violation, or an
43 authorized representative of the owner, coowner, or designated

Amendment No. 1

44 person, initiates a proceeding to challenge the violation
45 pursuant to this paragraph, such person waives any challenge or
46 dispute as to the delivery of the notice of violation.

47 2. Penalties assessed and collected by the department,
48 county, or municipality authorized to collect the funds provided
49 for in this paragraph, less the amount retained by the county or
50 municipality pursuant to subparagraph 3., shall be paid to the
51 Department of Revenue weekly. Payment by the department, county,
52 or municipality to the state shall be made by means of
53 electronic funds transfers. In addition to the payment, summary
54 detail of the penalties remitted shall be reported to the
55 Department of Revenue.

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

58 a. One hundred fifty-eight dollars for a violation of s.
59 316.074(1) or s. 316.075(1)(c)1. when a driver failed to stop at
60 a traffic signal if enforcement is by the department's traffic
61 infraction enforcement officer. One hundred dollars shall be
62 remitted to the Department of Revenue for deposit into the
63 General Revenue Fund, \$10 shall be remitted to the Department of
64 Revenue for deposit into the Department of Health Emergency
65 Medical Services Trust Fund, \$3 shall be remitted to the
66 Department of Revenue for deposit into the Brain and Spinal Cord
67 Injury Trust Fund, and \$45 shall be distributed to the
68 municipality in which the violation occurred, or, if the
69 violation occurred in an unincorporated area, to the county in

Amendment No. 1

70 | which the violation occurred. Funds deposited into the
71 | Department of Health Emergency Medical Services Trust Fund under
72 | this sub-subparagraph shall be distributed as provided in s.
73 | 395.4036(1). Proceeds of the infractions in the Brain and Spinal
74 | Cord Injury Trust Fund shall be distributed quarterly to the
75 | Miami Project to Cure Paralysis and used for brain and spinal
76 | cord research.

77 | b. One hundred fifty-eight dollars for a violation of s.
78 | 316.074(1) or s. 316.075(1)(c)1. when a driver failed to stop at
79 | a traffic signal if enforcement is by a county or municipal
80 | traffic infraction enforcement officer. Seventy dollars shall be
81 | remitted by the county or municipality to the Department of
82 | Revenue for deposit into the General Revenue Fund, \$10 shall be
83 | remitted to the Department of Revenue for deposit into the
84 | Department of Health Emergency Medical Services Trust Fund, \$3
85 | shall be remitted to the Department of Revenue for deposit into
86 | the Brain and Spinal Cord Injury Trust Fund, and \$75 shall be
87 | retained by the county or municipality enforcing the ordinance
88 | enacted pursuant to this section. Funds retained by the county
89 | or municipality under this sub-subparagraph shall be used only
90 | for public safety initiatives, including costs related to the
91 | administration of the Mark Wandall Traffic Safety Program under
92 | this section. Funds deposited into the Department of Health
93 | Emergency Medical Services Trust Fund under this sub-
94 | subparagraph shall be distributed as provided in s. 395.4036(1).
95 | Proceeds of the infractions in the Brain and Spinal Cord Injury

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Amendment No. 1

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

98 4. An individual may not receive a commission from any
99 revenue collected from violations detected through the use of a
100 traffic infraction detector. A manufacturer or vendor may not
101 receive a fee or remuneration based upon the number of
102 violations detected through the use of a traffic infraction
103 detector.

104
105
106 -----
107 **D I R E C T O R Y A M E N D M E N T**

108 Remove lines 22-23 and insert:

109 Section 1. Paragraph (b) of subsection (1) and subsection (4)
110 of section 316.0083, Florida Statutes, are amended to read:

111
112 -----
113 **T I T L E A M E N D M E N T**

114 Remove lines 4-6 and insert:

115 detectors; revising notification