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LEGISLATIVE ACTION

Senate

House

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04/26/2010 04:31 PM

Senator Altman moved the following:

Senate Amendment (with title amendment)

Delete lines 102 - 627

and insert:

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



464122

14 Section 3. Section 316.0076, Florida Statutes, is created
15 to read:

16 316.0076 Regulation and use of cameras.—Regulation of the
17 use of cameras for enforcing the provisions of this chapter is
18 expressly preempted to the state. The regulation of the use of
19 cameras for enforcing the provisions of this chapter is not
20 required to comply with provisions of chapter 493.

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

23 316.008 Powers of local authorities.—

24 (7) (a) A county or municipality may use traffic infraction
25 detectors to enforce s. 316.074(1) or s. 316.075(1)(c)1. when a
26 driver fails to stop at a traffic signal on streets and highways
27 under their jurisdiction under s. 316.0083. Only a municipality
28 may install or authorize the installation of any such detectors
29 within the incorporated area of the municipality. Only a county
30 may install or authorize the installation of any such detectors
31 within the unincorporated area of the county.

32 (b) Pursuant to paragraph (a), a municipality may install
33 or, by contract or interlocal agreement, authorize the
34 installation of any such detectors only within the incorporated
35 area of the municipality, and a county may install or, by
36 contract or interlocal agreement, authorize the installation of
37 any such detectors only within the unincorporated area of the
38 county. A county may authorize installation of any such
39 detectors by interlocal agreement on roads under its
40 jurisdiction.

41 Section 5. Section 316.0083, Florida Statutes, is created
42 to read:



464122

43 316.0083 Mark Wandall Traffic Safety Program;
44 administration; report.-

45 (1) (a) For purposes of administering this section, the
46 department, a county, or a municipality may authorize a traffic
47 infraction enforcement officer under s. 316.640 to issue a
48 traffic citation for a violation of s. 316.074(1) or s.
49 316.075(1) (c)1. A notice of violation and a traffic citation may
50 not be issued for failure to stop at a red light if the driver
51 is making a right-hand turn in a careful and prudent manner at
52 an intersection where right-hand turns are permissible. This
53 paragraph does not prohibit a review of information from a
54 traffic infraction detector by an authorized employee or agent
55 of the department, a county, or a municipality before issuance
56 of the traffic citation by the traffic infraction enforcement
57 officer. This paragraph does not prohibit the department, a
58 county, or a municipality from issuing notification as provided
59 in paragraph (b) to the registered owner of the motor vehicle
60 involved in the violation of s. 316.074(1) or s. 316.075(1) (c)1.

61 (b)1.a. Within 30 days after a violation, notification must
62 be sent to the registered owner of the motor vehicle involved in
63 the violation specifying the remedies available under s. 318.14
64 and that the violator must pay the penalty of \$158 to the
65 department, county, or municipality, or furnish an affidavit in
66 accordance with paragraph (d), within 30 days following the date
67 of the notification in order to avoid court fees, costs, and the
68 issuance of a traffic citation. The notification shall be sent
69 by first-class mail.

70 b. Included with the notification to the registered owner
71 of the motor vehicle involved in the infraction must be a notice



464122

72 that the owner has the right to review the photographic or
73 electronic images or the streaming video evidence that
74 constitutes a rebuttable presumption against the owner of the
75 vehicle. The notice must state the time and place or Internet
76 location where the evidence may be examined and observed.

77 2. Penalties assessed and collected by the department,
78 county, or municipality authorized to collect the funds provided
79 for in this paragraph, less the amount retained by the county or
80 municipality pursuant to subparagraph 3., shall be paid to the
81 Department of Revenue weekly. Payment by the department, county,
82 or municipality to the state shall be made by means of
83 electronic funds transfers. In addition to the payment, summary
84 detail of the penalties remitted shall be reported to the
85 Department of Revenue.

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

88 a. One hundred fifty-eight dollars for a violation of s.
89 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
90 stop at a traffic signal if enforcement is by the department's
91 traffic infraction enforcement officer. One hundred dollars
92 shall be remitted to the Department of Revenue for deposit into
93 the General Revenue Fund, \$10 shall be remitted to the
94 Department of Revenue for deposit into the Department of Health
95 Administrative Trust Fund, \$3 shall be remitted to the
96 Department of Revenue for deposit into the Brain and Spinal Cord
97 Injury Trust Fund, and \$45 shall be distributed to the
98 municipality in which the violation occurred, or, if the
99 violation occurred in an unincorporated area, to the county in
100 which the violation occurred. Funds deposited into the



464122

101 Department of Health Administrative Trust Fund under this sub-
102 subparagraph shall be distributed as provided in s. 395.4036(1).
103 Proceeds of the infractions in the Brain and Spinal Cord Injury
104 Trust Fund shall be distributed quarterly to the Miami Project
105 to Cure Paralysis and shall be used for brain and spinal cord
106 research.

107 b. One hundred fifty-eight dollars for a violation of s.
108 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
109 stop at a traffic signal if enforcement is by a county or
110 municipal traffic infraction enforcement officer. Seventy
111 dollars shall be remitted by the county or municipality to the
112 Department of Revenue for deposit into the General Revenue Fund,
113 \$10 shall be remitted to the Department of Revenue for deposit
114 into the Department of Health Administrative Trust Fund, \$3
115 shall be remitted to the Department of Revenue for deposit into
116 the Brain and Spinal Cord Injury Trust Fund, and \$75 shall be
117 retained by the county or municipality enforcing the ordinance
118 enacted pursuant to this section. Funds deposited into the
119 Department of Health Administrative Trust Fund under this sub-
120 subparagraph shall be distributed as provided in s. 395.4036(1).
121 Proceeds of the infractions in the Brain and Spinal Cord Injury
122 Trust Fund shall be distributed quarterly to the Miami Project
123 to Cure Paralysis and shall be used for brain and spinal cord
124 research.

125 4. An individual may not receive a commission from any
126 revenue collected from violations detected through the use of a
127 traffic infraction detector. A manufacturer or vendor may not
128 receive a fee or remuneration based upon the number of
129 violations detected through the use of a traffic infraction



464122

130 detector.

131 (c)1.a. A traffic citation issued under this section shall
132 be issued by mailing the traffic citation by certified mail to
133 the address of the registered owner of the motor vehicle
134 involved in the violation when payment has not been made within
135 30 days after notification under subparagraph (b)1.

136 b. Delivery of the traffic citation constitutes
137 notification under this paragraph.

138 c. In the case of joint ownership of a motor vehicle, the
139 traffic citation shall be mailed to the first name appearing on
140 the registration, unless the first name appearing on the
141 registration is a business organization, in which case the
142 second name appearing on the registration may be used.

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

146 2. Included with the notification to the registered owner
147 of the motor vehicle involved in the infraction shall be a
148 notice that the owner has the right to review, either in person
149 or remotely, the photographic or electronic images or the
150 streaming video evidence that constitutes a rebuttable
151 presumption against the owner of the vehicle. The notice must
152 state the time and place or Internet location where the evidence
153 may be examined and observed.

154 (d)1. The owner of the motor vehicle involved in the
155 violation is responsible and liable for paying the uniform
156 traffic citation issued for a violation of s. 316.074(1) or s.
157 316.075(1)(c)1. when the driver failed to stop at a traffic
158 signal, unless the owner can establish that:



464122

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

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

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

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

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

174 a. An affidavit supporting an exemption under sub-
175 paragraph 1.c. must include the name, address, date of birth,
176 and, if known, the driver's license number of the person who
177 leased, rented, or otherwise had care, custody, or control of
178 the motor vehicle at the time of the alleged violation. If the
179 vehicle was stolen at the time of the alleged offense, the
180 affidavit must include the police report indicating that the
181 vehicle was stolen.

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

186 3. Upon receipt of an affidavit, the person designated as
187 having care, custody, and control of the motor vehicle at the



464122

188 time of the violation may be issued a traffic citation for a
189 violation of s. 316.074(1) or s. 316.075(1)(c)1. when the driver
190 failed to stop at a traffic signal. The affidavit is admissible
191 in a proceeding pursuant to this section for the purpose of
192 providing proof that the person identified in the affidavit was
193 in actual care, custody, or control of the motor vehicle. The
194 owner of a leased vehicle for which a traffic citation is issued
195 for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when the
196 driver failed to stop at a traffic signal is not responsible for
197 paying the traffic citation and is not required to submit an
198 affidavit as specified in this subsection if the motor vehicle
199 involved in the violation is registered in the name of the
200 lessee of such motor vehicle.

201 4. The submission of a false affidavit is a misdemeanor of
202 the second degree, punishable as provided in s. 775.082 or s.
203 775.083.

204 (e) The photographic or electronic images or streaming
205 video attached to or referenced in the traffic citation is
206 evidence that a violation of s. 316.074(1) or s. 316.075(1)(c)1.
207 when the driver failed to stop at a traffic signal has occurred
208 and is admissible in any proceeding to enforce this section and
209 raises a rebuttable presumption that the motor vehicle named in
210 the report or shown in the photographic or electronic images or
211 streaming video evidence was used in violation of s. 316.074(1)
212 or s. 316.075(1)(c)1. when the driver failed to stop at a
213 traffic signal.

214 (2) A notice of violation and a traffic citation may not be
215 issued for failure to stop at a red light if the driver is
216 making a right-hand turn in a careful and prudent manner at an



464122

217 intersection where right-hand turns are permissible.

218 (3) This section supplements the enforcement of s.
219 316.074(1) or s. 316.075(1)(c)1. by law enforcement officers
220 when a driver fails to stop at a traffic signal and does not
221 prohibit a law enforcement officer from issuing a traffic
222 citation for a violation of s. 316.074(1) or s. 316.075(1)(c)1.
223 when a driver fails to stop at a traffic signal in accordance
224 with normal traffic enforcement techniques.

225 (4)(a) Each county or municipality that operates a traffic
226 infraction detector shall submit a report by October 1, 2012,
227 and annually thereafter, to the department which details the
228 results of using the traffic infraction detector and the
229 procedures for enforcement for the preceding state fiscal year.
230 The information submitted by the counties and municipalities
231 must include statistical data and information required by the
232 department to complete the report required under paragraph (b).

233 (b) On or before December 31, 2012, and annually
234 thereafter, the department shall provide a summary report to the
235 Governor, the President of the Senate, and the Speaker of the
236 House of Representatives regarding the use and operation of
237 traffic infraction detectors under this section, along with the
238 department's recommendations and any necessary legislation. The
239 summary report must include a review of the information
240 submitted to the department by the counties and municipalities
241 and must describe the enhancement of the traffic safety and
242 enforcement programs.

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

245 316.0745 Uniform signals and devices.-



464122

246 (6) Any system of traffic control devices controlled and
247 operated from a remote location by electronic computers or
248 similar devices must ~~shall~~ meet all requirements established for
249 the uniform system, and, if where such a system affects ~~systems~~
250 ~~affect~~ the movement of traffic on state roads, the design of the
251 system shall be reviewed and approved by the Department of
252 Transportation.

253 Section 7. Section 316.07456, Florida Statutes, is created
254 to read:

255 316.07456 Transitional implementation.—Any traffic
256 infraction detector deployed on the highways, streets, and roads
257 of this state must meet specifications established by the
258 Department of Transportation, and must be tested at regular
259 intervals according to specifications prescribed by the
260 Department of Transportation. The Department of Transportation
261 must establish such specifications on or before December 31,
262 2010. However, any such equipment acquired by purchase, lease,
263 or other arrangement under an agreement entered into by a county
264 or municipality on or before July 1, 2011, or equipment used to
265 enforce an ordinance enacted by a county or municipality on or
266 before July 1, 2011, is not required to meet the specifications
267 established by the Department of Transportation until July 1,
268 2011.

269 Section 8. Section 316.0776, Florida Statutes, is created
270 to read:

271 316.0776 Traffic infraction detectors; placement and
272 installation.—

273 (1) Traffic infraction detectors are allowed on state roads
274 when permitted by the Department of Transportation and under



464122

275 placement and installation specifications developed by the
276 Department of Transportation. Traffic infraction detectors are
277 allowed on streets and highways under the jurisdiction of
278 counties or municipalities in accordance with placement and
279 installation specifications developed by the Department of
280 Transportation.

281 (2) (a) If the department, county, or municipality installs
282 a traffic infraction detector at an intersection, the
283 department, county, or municipality shall notify the public that
284 a traffic infraction device may be in use at that intersection
285 and must specifically include notification of camera enforcement
286 of violations concerning right turns. Such signage used to
287 notify the public must meet the specifications for uniform
288 signals and devices adopted by the Department of Transportation
289 pursuant to s. 316.0745.

290 (b) If the department, county, or municipality begins a
291 traffic infraction detector program in a county or municipality
292 that has never conducted such a program, the respective
293 department, county, or municipality shall also make a public
294 announcement and conduct a public awareness campaign of the
295 proposed use of traffic infraction detectors at least 30 days
296 before commencing the enforcement program.

297 Section 9. Paragraph (b) of subsection (1) and subsection
298 (5) of section 316.640, Florida Statutes, are amended to read:
299 316.640 Enforcement.—The enforcement of the traffic laws of
300 this state is vested as follows:

301 (1) STATE.—

302 (b)1. The Department of Transportation has authority to
303 enforce on all the streets and highways of this state all laws



464122

304 applicable within its authority.

305 2.a. The Department of Transportation shall develop
306 training and qualifications standards for toll enforcement
307 officers whose sole authority is to enforce the payment of tolls
308 pursuant to s. 316.1001. Nothing in this subparagraph shall be
309 construed to permit the carrying of firearms or other weapons,
310 nor shall a toll enforcement officer have arrest authority.

311 b. For the purpose of enforcing s. 316.1001, governmental
312 entities, as defined in s. 334.03, which own or operate a toll
313 facility may employ independent contractors or designate
314 employees as toll enforcement officers; however, any such toll
315 enforcement officer must successfully meet the training and
316 qualifications standards for toll enforcement officers
317 established by the Department of Transportation.

318 3. For the purpose of enforcing s. 316.0083, the department
319 may designate employees as traffic infraction enforcement
320 officers. A traffic infraction enforcement officer must
321 successfully complete instruction in traffic enforcement
322 procedures and court presentation through the Selective Traffic
323 Enforcement Program as approved by the Division of Criminal
324 Justice Standards and Training of the Department of Law
325 Enforcement, or through a similar program, but may not
326 necessarily otherwise meet the uniform minimum standards
327 established by the Criminal Justice Standards and Training
328 Commission for law enforcement officers or auxiliary law
329 enforcement officers under s. 943.13. This subparagraph does not
330 authorize the carrying of firearms or other weapons by a traffic
331 infraction enforcement officer and does not authorize a traffic
332 infraction enforcement officer to make arrests. The department's



464122

333 traffic infraction enforcement officers must be physically
334 located in the state.

335 (5) (a) Any sheriff's department or police department of a
336 municipality may employ, as a traffic infraction enforcement
337 officer, any individual who successfully completes instruction
338 in traffic enforcement procedures and court presentation through
339 the Selective Traffic Enforcement Program as approved by the
340 Division of Criminal Justice Standards and Training of the
341 Department of Law Enforcement, or through a similar program, but
342 who does not necessarily otherwise meet the uniform minimum
343 standards established by the Criminal Justice Standards and
344 Training Commission for law enforcement officers or auxiliary
345 law enforcement officers under s. 943.13. Any such traffic
346 infraction enforcement officer who observes the commission of a
347 traffic infraction or, in the case of a parking infraction, who
348 observes an illegally parked vehicle may issue a traffic
349 citation for the infraction when, based upon personal
350 investigation, he or she has reasonable and probable grounds to
351 believe that an offense has been committed which constitutes a
352 noncriminal traffic infraction as defined in s. 318.14. In
353 addition, any such traffic infraction enforcement officer may
354 issue a traffic citation under s. 316.0083. For purposes of
355 enforcing s. 316.0083, any sheriff's department or police
356 department of a municipality may designate employees as traffic
357 infraction enforcement officers. The traffic infraction
358 enforcement officers must be physically located in the county of
359 the respective sheriff's or police department.

360 (b) The traffic infraction enforcement officer shall be
361 employed in relationship to a selective traffic enforcement



464122

362 program at a fixed location or as part of a crash investigation
363 team at the scene of a vehicle crash or in other types of
364 traffic infraction enforcement under the direction of a fully
365 qualified law enforcement officer; however, it is not necessary
366 that the traffic infraction enforcement officer's duties be
367 performed under the immediate supervision of a fully qualified
368 law enforcement officer.

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

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

375 316.650 Traffic citations.—

376 (3) (a) Except for a traffic citation issued pursuant to s.
377 316.1001 or s. 316.0083, each traffic enforcement officer, upon
378 issuing a traffic citation to an alleged violator of any
379 provision of the motor vehicle laws of this state or of any
380 traffic ordinance of any municipality or town, shall deposit the
381 original traffic citation or, in the case of a traffic
382 enforcement agency that has an automated citation issuance
383 system, the chief administrative officer shall provide by an
384 electronic transmission a replica of the citation data to a
385 court having jurisdiction over the alleged offense or with its
386 traffic violations bureau within 5 days after issuance to the
387 violator.

388 (b) If a traffic citation is issued pursuant to s.
389 316.1001, a traffic enforcement officer may deposit the original
390 traffic citation or, in the case of a traffic enforcement agency



464122

391 that has an automated citation system, may provide by an
392 electronic transmission a replica of the citation data to a
393 court having jurisdiction over the alleged offense or with its
394 traffic violations bureau within 45 days after the date of
395 issuance of the citation to the violator. If the person cited
396 for the violation of s. 316.1001 makes the election provided by
397 s. 318.14(12) and pays the \$25 fine, or such other amount as
398 imposed by the governmental entity owning the applicable toll
399 facility, plus the amount of the unpaid toll that is shown on
400 the traffic citation directly to the governmental entity that
401 issued the citation, or on whose behalf the citation was issued,
402 in accordance with s. 318.14(12), the traffic citation will not
403 be submitted to the court, the disposition will be reported to
404 the department by the governmental entity that issued the
405 citation, or on whose behalf the citation was issued, and no
406 points will be assessed against the person's driver's license.

407 (c) If a traffic citation is issued under s. 316.0083, the
408 traffic infraction enforcement officer shall provide by
409 electronic transmission a replica of the traffic citation data
410 to the court having jurisdiction over the alleged offense or its
411 traffic violations bureau within 5 days after the date of
412 issuance of the traffic citation to the violator.

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

415 318.14 Noncriminal traffic infractions; exception;
416 procedures.—

417 (2) Except as provided in ss. ~~s.~~ 316.1001(2) and 316.0083,
418 any person cited for an infraction under this section must sign
419 and accept a citation indicating a promise to appear. The



464122

420 officer may indicate on the traffic citation the time and
421 location of the scheduled hearing and must indicate the
422 applicable civil penalty established in s. 318.18.

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

425 318.18 Amount of penalties.—The penalties required for a
426 noncriminal disposition pursuant to s. 318.14 or a criminal
427 offense listed in s. 318.17 are as follows:

428 (15) (a)1. One hundred ~~fifty-eight~~ ~~twenty-five~~ dollars for a
429 violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver
430 has failed to stop at a traffic signal and when enforced by a
431 law enforcement officer. Sixty dollars shall be distributed as
432 provided in s. 318.21, \$30 shall be distributed to the General
433 Revenue Fund, \$3 shall be remitted to the Department of Revenue
434 for deposit into the Brain and Spinal Cord Injury Trust Fund,
435 and the remaining \$65 shall be remitted to the Department of
436 Revenue for deposit into the Administrative Trust Fund of the
437 Department of Health.

438 2. One hundred and fifty-eight dollars for a violation of
439 s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
440 stop at a traffic signal and when enforced by the department's
441 traffic infraction enforcement officer. One hundred dollars
442 shall be remitted to the Department of Revenue for deposit into
443 the General Revenue Fund, \$45 shall be distributed to the county
444 for any violations occurring in any unincorporated areas of the
445 county or to the municipality for any violations occurring in
446 the incorporated boundaries of the municipality in which the
447 infraction occurred, \$10 shall be remitted to the Department of
448 Revenue for deposit into the Department of Health Administrative



464122

449 Trust Fund for distribution as provided in s. 395.4036(1), and
450 \$3 shall be remitted to the Department of Revenue for deposit
451 into the Brain and Spinal Cord Injury Trust Fund.

452 3. One hundred and fifty-eight dollars for a violation of
453 s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
454 stop at a traffic signal and when enforced by a county's or
455 municipality's traffic infraction enforcement officer. Seventy
456 five dollars shall be distributed to the county or municipality
457 issuing the traffic citation, \$70 shall be remitted to the
458 Department of Revenue for deposit into the General Revenue Fund,
459 \$10 shall be remitted to the Department of Revenue for deposit
460 into the Department of Health Administrative Trust Fund for
461 distribution as provided in s. 395.4036(1), and \$3 shall be
462 remitted to the Department of Revenue for deposit into the Brain
463 and Spinal Cord Injury Trust Fund.

464 (b) Amounts deposited into the Brain and Spinal Cord Injury
465 Trust Fund pursuant to this subsection shall be distributed
466 quarterly to the Miami Project to Cure Paralysis and shall be
467 used for brain and spinal cord research.

468 (c) If a person who is cited for a violation of s.
469 316.074(1) or s. 316.075(1)(c)1., as enforced by a traffic
470 infraction enforcement officer under s. 316.0083, presents
471 documentation from the appropriate governmental entity that the
472 traffic citation was in error, the clerk of court may dismiss
473 the case. The clerk of court shall not charge for this service.

474 (d) An individual may not receive a commission or per-
475 ticket fee from any revenue collected from violations detected
476 through the use of a traffic infraction detector. A manufacturer
477 or vendor may not receive a fee or remuneration based upon the



464122

478 number of violations detected through the use of a traffic
479 infraction detector.

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

483 Section 13. Section 321.50, Florida Statutes, is created to
484 read:

485 321.50 Authorization to use traffic infraction detectors.-
486 The Department of Highway Safety and Motor Vehicles is
487 authorized to use traffic infraction detectors to enforce s.
488 316.074(1) or s. 316.075(1)(c)1. when a driver fails to stop on
489 state roads as defined in chapter 316 which are under the
490 original jurisdiction of the Department of Transportation, when
491 permitted by the Department of Transportation, and under s.
492 316.0083.

493 Section 14. Paragraph (d) of subsection (3) of section
494 322.27, Florida Statutes, is amended to read:

495 322.27 Authority of department to suspend or revoke
496 license.-

497 (3) There is established a point system for evaluation of
498 convictions of violations of motor vehicle laws or ordinances,
499 and violations of applicable provisions of s. 403.413(6)(b) when
500 such violations involve the use of motor vehicles, for the
501 determination of the continuing qualification of any person to
502 operate a motor vehicle. The department is authorized to suspend
503 the license of any person upon showing of its records or other
504 good and sufficient evidence that the licensee has been
505 convicted of violation of motor vehicle laws or ordinances, or
506 applicable provisions of s. 403.413(6)(b), amounting to 12 or



464122

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

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

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

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

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

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

517 5. Unlawful speed:

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

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

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

524 However, no points shall be imposed for a violation of s.
525 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
526 stop at a traffic signal and when enforced by a traffic
527 infraction enforcement officer. In addition, a violation of s.
528 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
529 stop at a traffic signal and when enforced by a traffic
530 infraction enforcement officer may not be used for purposes of
531 setting motor vehicle insurance rates.

532 7. All other moving violations (including parking on a
533 highway outside the limits of a municipality)—3 points. However,
534 no points shall be imposed for a violation of s. 316.0741 or s.
535 316.2065(12).



464122

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

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

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

540 Section 15. The Department of Highway Safety and Motor
541 Vehicles or any county or municipality authorized to issue a
542 notification and impose a penalty under s. 316.0083(1)(b),
543 Florida Statutes, that collects any such penalty after the
544 effective date of this act, but prior to notification by the
545 Department of Revenue of its ability to receive and distribute
546 the penalties collected, must retain the portion of the penalty
547 required to be remitted to the Department of Revenue until the
548 Department of Highway Safety and Motor Vehicles, county, or
549 municipality is notified by the Department of Revenue that it is
550 able to receive and distribute the retained funds. The portion
551 of the penalty required to be remitted to the Department of
552 Revenue for any penalty collected after such notification is
553 provided to the Department of Highway Safety and Motor Vehicles,
554 county, or municipality must be remitted to the Department of
555 Revenue as provided in s. 316.0083, Florida Statutes. This
556 section shall take effect upon this act becoming a law.

557 Section 16. For the 2009-2010 state fiscal year, the sum of
558 \$100,000 in nonrecurring funds from the General Revenue Fund is
559 appropriated to the Department of Revenue for the purpose of
560 implementing the provisions of this act. Any unexpended funds
561 from this appropriation shall be reappropriated for fiscal year
562 2010-2011. This section shall take effect upon this act becoming
563 a law.

564 Section 17. If any provision of this act or its application



464122

565 to any person or circumstance is held invalid, the invalidity
566 does not affect other provisions or applications of this act
567 which can be given effect without the invalid provision or
568 application, and to this end the provisions of this act are
569 severable.

570 Section 18. Except as otherwise expressly provided in this
571 act, and except for this section which shall take effect upon
572 this act becoming a law, this act shall take effect July 1,
573 2010.

574
575 ===== T I T L E A M E N D M E N T =====

576 And the title is amended as follows:

577 Delete lines 5 - 87

578 and insert:

579 316.0076, F.S.; preempting to the state the use of
580 cameras to enforce traffic laws; amending s. 316.008,
581 F.S.; authorizing counties and municipalities to use
582 traffic infraction detectors under certain
583 circumstances; creating s. 316.0083, F.S.; creating
584 the Mark Wandall Traffic Safety Program; authorizing
585 the Department of Highway Safety and Motor Vehicles, a
586 county, or a municipality to use a traffic infraction
587 detector to identify a motor vehicle that fails to
588 stop at a traffic control signal steady red light;
589 requiring authorization of a traffic infraction
590 enforcement officer to issue and enforce a citation
591 for such violation; requiring notification to be sent
592 to the registered owner of the motor vehicle involved
593 in the violation; requiring the notification to



464122

594 include certain information about the owner's right to
595 review evidence; providing requirements for the
596 notification; providing for collection of penalties;
597 providing for distribution of penalties collected;
598 providing that an individual may not receive a
599 commission or per-ticket fee from any revenue
600 collected from violations detected through the use of
601 a traffic infraction detector and a manufacturer or
602 vendor may not receive a fee or remuneration based
603 upon the number of violations detected through the use
604 of a traffic infraction detector; providing procedures
605 for issuance, disposition, and enforcement of
606 citations; providing for exemptions; providing that
607 certain evidence is admissible for enforcement;
608 providing penalties for submission of a false
609 affidavit; prohibiting the use of such detectors to
610 enforce a violation when a driver fails to stop prior
611 to making a right or left turn; providing that the act
612 does not preclude the issuance of citations by law
613 enforcement officers; requiring reports from
614 participating municipalities and counties to the
615 department; requiring the department to make reports
616 to the Governor and Legislature; amending s. 316.0745,
617 F.S.; revising a provision that requires certain
618 remotely operated traffic control devices to meet
619 certain specifications; creating s. 316.07456, F.S.;
620 requiring traffic infraction detectors to meet
621 specifications established by the Department of
622 Transportation; providing that a traffic infraction



464122

623 detector acquired by purchase, lease, or other
624 arrangement under an agreement entered into by a
625 county or municipality on or before a specified date
626 is not required to meet the established specifications
627 until a specified date; creating s. 316.0776, F.S.;
628 providing for the placement and installation of
629 detectors on certain roads when permitted by and under
630 the specifications of the department; requiring that
631 if the state, county, or municipality installs a
632 traffic infraction detector at an intersection, the
633 state, county, or municipality shall notify the public
634 that a traffic infraction device may be in use at that
635 intersection; requiring that such signage posted at
636 the intersection meet the specifications for uniform
637 signals and devices adopted by the Department of
638 Transportation; requiring that traffic infraction
639 detectors meet specifications established by the
640 Department of Transportation; requiring a public
641 awareness campaign if such detectors are to be used;
642 amending s. 316.640, F.S.; requiring the Department of
643 Transportation to develop training and qualification
644 standards for traffic infraction enforcement officers;
645 authorizing counties and municipalities to use
646 independent contractors as traffic infraction
647 enforcement officers; amending s. 316.650, F.S.;
648 requiring a traffic enforcement officer to provide to
649 the court a replica of the citation data by electronic
650 transmission under certain conditions; amending s.
651 318.14, F.S.; providing an exception from provisions



464122

652 requiring a person cited for an infraction for failing
653 to stop at a traffic control signal steady red light
654 to sign and accept a citation indicating a promise to
655 appear; amending s. 318.18, F.S.; increasing certain
656 fines; providing for penalties for infractions
657 enforced by a traffic infraction enforcement officer;
658 providing for distribution of fines; allowing the
659 clerk of court to dismiss certain cases upon receiving
660 documentation that the uniform traffic citation was
661 issued in error; providing that an individual may not
662 receive a commission or per-ticket fee from any
663 revenue collected from violations detected through the
664 use of a traffic infraction detector and a
665 manufacturer or vendor may not receive a fee or
666 remuneration based upon the number of violations
667 detected through the use of a traffic infraction
668 detector; creating s. 321.50, F.S.; authorizing the
669 Department of Highway Safety and Motor Vehicles to use
670 traffic infraction detectors under certain
671 circumstances; amending s. 322.27, F.S.; providing
672 that no points may be assessed against the driver's
673 license for infractions enforced by a traffic
674 infraction enforcement officer; providing that
675 infractions enforced by a traffic infraction
676 enforcement officer may not be used for purposes of
677 setting motor vehicle insurance rates; requiring the
678 retention of certain penalty proceeds collected prior
679 to the Department of Revenue's ability to receive and
680 distribute such funds; providing an appropriation and



464122

681 for carryforward of any unexpended balance; providing
682 for severability; providing effective dates.