

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; providing that an individual may not
23 receive a commission or per-ticket fee from any revenue
24 collected from violations detected through the use of a
25 traffic infraction detector and a manufacturer or vendor
26 may not receive a fee or remuneration based upon the
27 number of citations issued providing procedures for
28 issuance, disposition, and enforcement of citations;

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

57 intersection meet the specifications for uniform signals
58 and devices adopted by the Department of Transportation;
59 requiring that traffic infraction detectors meet
60 specifications established by the Department of
61 Transportation; requiring a public awareness campaign if
62 such detectors are to be used; amending s. 316.640, F.S.;
63 requiring the Department of Transportation to develop
64 training and qualification standards for traffic
65 infraction enforcement officers; authorizing counties and
66 municipalities to use independent contractors as traffic
67 infraction enforcement officers; amending s. 316.650,
68 F.S.; requiring a traffic enforcement officer to provide
69 to the court a replica of the citation data by electronic
70 transmission under certain conditions; amending s. 318.14,
71 F.S.; providing an exception from provisions requiring a
72 person cited for an infraction for failing to stop at a
73 traffic control signal steady red light to sign and accept
74 a citation indicating a promise to appear; amending s.
75 318.18, F.S.; increasing certain fines; providing for
76 penalties for infractions enforced by a traffic infraction
77 enforcement officer; providing for distribution of fines;
78 allowing the clerk of court to dismiss certain cases upon
79 receiving documentation that the uniform traffic citation
80 was issued in error; providing that an individual may not
81 receive a commission or per-ticket fee from any revenue
82 collected from violations detected through the use of a
83 traffic infraction detector and a manufacturer or vendor
84 may not receive a fee or remuneration based upon the

85 | number of citations issued; creating s. 321.50, F.S.;

86 | authorizing the Department of Highway Safety and Motor

87 | Vehicles to use traffic infraction detectors under certain

88 | circumstances; amending s. 322.27, F.S.; providing that no

89 | points may be assessed against the driver's license for

90 | infractions enforced by a traffic infraction enforcement

91 | officer; providing that infractions enforced by a traffic

92 | infraction enforcement officer may not be used for

93 | purposes of setting motor vehicle insurance rates;

94 | providing for severability; providing an effective date.

95 |

96 | Be It Enacted by the Legislature of the State of Florida:

97 |

98 | Section 1. This act may be cited as the "Mark Wandall

99 | Traffic Safety Act."

100 | Section 2. Subsection (86) is added to section 316.003,

101 | Florida Statutes, to read:

102 | 316.003 Definitions.—The following words and phrases, when

103 | used in this chapter, shall have the meanings respectively

104 | ascribed to them in this section, except where the context

105 | otherwise requires:

106 | (86) TRAFFIC INFRACTION DETECTOR.—A vehicle sensor

107 | installed to work in conjunction with a traffic control signal

108 | and a camera or cameras synchronized to automatically record two

109 | or more sequenced photographic or electronic images or streaming

110 | video of only the rear of a motor vehicle at the time the

111 | vehicle fails to stop behind the stop bar or clearly marked stop

112 | line when facing a traffic control signal steady red light. Any

113 notification under s. 316.0083(1)(b) or traffic citation issued
114 by the use of a traffic infraction detector must include a
115 photograph or other recorded image showing both the license tag
116 of the offending vehicle and the traffic control device being
117 violated.

118 Section 3. Section 316.0076, Florida Statutes, is created
119 to read:

120 316.0076 Regulation and use of cameras.—Regulation of the
121 use of cameras for enforcing the provisions of this chapter is
122 expressly preempted to the state. The regulation of the use of
123 cameras for enforcing the provisions of this chapter is not
124 required to comply with provisions of chapter 493.

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

127 316.008 Powers of local authorities.—

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

136 (b) Pursuant to paragraph (a), a municipality may install
137 or, by contract or interlocal agreement, authorize the
138 installation of any such detectors only within the incorporated
139 area of the municipality, and a county may install or, by
140 contract or interlocal agreement, authorize the installation of

141 any such detectors only within the unincorporated area of the
 142 county.

143 Section 5. Section 316.0083, Florida Statutes, is created
 144 to read:

145 316.0083 Mark Wandall Traffic Safety Program;
 146 administration; report.-

147 (1) (a) For purposes of administering this section, the
 148 department, a county, or a municipality may authorize a traffic
 149 infraction enforcement officer under s. 316.640 to issue a
 150 traffic citation for a violation of s. 316.074(1) or s.
 151 316.075(1) (c)1. A notice of violation and a traffic citation may
 152 not be issued for failure to stop at a red light if the driver
 153 is making a right-hand turn in a careful and prudent manner at
 154 an intersection where right-hand turns are permissible. This
 155 paragraph does not prohibit a review of information from a
 156 traffic infraction detector by an authorized employee or agent
 157 of the department, a county, or a municipality before issuance
 158 of the traffic citation by the traffic infraction enforcement
 159 officer. This paragraph does not prohibit the department, a
 160 county, or a municipality from issuing notification as provided
 161 in paragraph (b) to the registered owner of the motor vehicle
 162 involved in the violation of s. 316.074(1) or s. 316.075(1) (c)1.

163 (b)1.a. Within 30 days after a violation, notification
 164 must be sent to the registered owner of the motor vehicle
 165 involved in the violation specifying the remedies available
 166 under s. 318.14 and that the violator must pay the penalty of
 167 \$158 to the department, county, or municipality, or furnish an
 168 affidavit in accordance with paragraph (d), within 30 days

169 following the date of the notification in order to avoid court
 170 fees, costs, and the issuance of a traffic citation. The
 171 notification shall be sent by first-class mail.

172 b. Included with the notification to the registered owner
 173 of the motor vehicle involved in the infraction must be a notice
 174 that the owner has the right to review the photographic or
 175 electronic images and the streaming video evidence that
 176 constitutes a rebuttable presumption against the owner of the
 177 vehicle. The notice must state the time and place or Internet
 178 location where the evidence may be examined and observed.

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

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

190 a. One hundred fifty-eight dollars for a violation of s.
 191 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
 192 stop at a traffic signal if enforcement is by the department's
 193 traffic infraction enforcement officer. One hundred dollars
 194 shall be deposited into the General Revenue Fund, \$10 shall be
 195 remitted to the Department of Revenue for deposit into the
 196 Department of Health Administrative Trust Fund, \$3 shall be

197 remitted to the Department of Revenue for deposit into the Brain
 198 and Spinal Cord Injury Trust Fund, and \$45 shall be distributed
 199 to the municipality in which the violation occurred, or, if the
 200 violation occurred in an unincorporated area, to the county in
 201 which the violation occurred. Funds deposited into the
 202 Department of Health Administrative Trust Fund under this sub-
 203 subparagraph shall be distributed as provided in s. 395.4036(1).
 204 Proceeds of the infractions in the Brain and Spinal Cord Injury
 205 Trust Fund shall be distributed quarterly to the Miami Project
 206 to Cure Paralysis and shall be used for brain and spinal cord
 207 research.

208 b. One hundred fifty-eight dollars for a violation of s.
 209 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
 210 stop at a traffic signal if enforcement is by a county or
 211 municipal traffic infraction enforcement officer. Seventy
 212 dollars shall be remitted by the county or municipality to the
 213 Department of Revenue for deposit into the General Revenue Fund,
 214 \$10 shall be remitted to the Department of Revenue for deposit
 215 into the Department of Health Administrative Trust Fund, \$3
 216 shall be remitted to the Department of Revenue for deposit into
 217 the Brain and Spinal Cord Injury Trust Fund, and \$75 shall be
 218 retained by the county or municipality enforcing the ordinance
 219 enacted pursuant to this section. Funds deposited into the
 220 Department of Health Administrative Trust Fund under this sub-
 221 subparagraph shall be distributed as provided in s. 395.4036(1).
 222 Proceeds of the infractions in the Brain and Spinal Cord Injury
 223 Trust Fund shall be distributed quarterly to the Miami Project

224 to Cure Paralysis and shall be used for brain and spinal cord
225 research.

226 4. An individual may not receive a commission from any
227 revenue collected from violations detected through the use of a
228 traffic infraction detector. A manufacturer or vendor may not
229 receive a fee or remuneration based upon the number of citations
230 issued due to a traffic infraction detector enforcement system.

231 (c)1.a. A traffic citation issued under this section shall
232 be issued by mailing the traffic citation by certified mail to
233 the address of the registered owner of the motor vehicle
234 involved in the violation when payment has not been made within
235 30 days after notification under subparagraph (b)1.

236 b. Delivery of the traffic citation constitutes
237 notification under this paragraph.

238 c. In the case of joint ownership of a motor vehicle, the
239 traffic citation shall be mailed to the first name appearing on
240 the registration, unless the first name appearing on the
241 registration is a business organization, in which case the
242 second name appearing on the registration may be used.

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

246 2. Included with the notification to the registered owner
247 of the motor vehicle involved in the infraction shall be a
248 notice that the owner has the right to review, either in person
249 or remotely, the photographic or electronic images or the
250 streaming video evidence that constitutes a rebuttable
251 presumption against the owner of the vehicle. The notice must

252 state the time and place or Internet location where the evidence
 253 may be examined and observed.

254 (d)1. The owner of the motor vehicle involved in the
 255 violation is responsible and liable for paying the uniform
 256 traffic citation issued for a violation of s. 316.074(1) or s.
 257 316.075(1)(c)1. when the driver failed to stop at a traffic
 258 signal, unless the owner can establish that:

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

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

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

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

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

274 a. An affidavit supporting an exemption under sub-
 275 subparagraph 1.c. must include the name, address, date of birth,
 276 and, if known, the driver's license number of the person who
 277 leased, rented, or otherwise had care, custody, or control of
 278 the motor vehicle at the time of the alleged violation. If the
 279 vehicle was stolen at the time of the alleged offense, the

280 affidavit must include the police report indicating that the
 281 vehicle was stolen.

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

286 3. Upon receipt of an affidavit, the person designated as
 287 having care, custody, and control of the motor vehicle at the
 288 time of the violation may be issued a traffic citation for a
 289 violation of s. 316.074(1) or s. 316.075(1)(c)1. when the driver
 290 failed to stop at a traffic signal. The affidavit is admissible
 291 in a proceeding pursuant to this section for the purpose of
 292 providing proof that the person identified in the affidavit was
 293 in actual care, custody, or control of the motor vehicle. The
 294 owner of a leased vehicle for which a traffic citation is issued
 295 for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when the
 296 driver failed to stop at a traffic signal is not responsible for
 297 paying the traffic citation and is not required to submit an
 298 affidavit as specified in this subsection if the motor vehicle
 299 involved in the violation is registered in the name of the
 300 lessee of such motor vehicle.

301 4. The submission of a false affidavit is a misdemeanor of
 302 the second degree, punishable as provided in s. 775.082 or s.
 303 775.083.

304 (e) The photographic or electronic images or streaming
 305 video attached to or referenced in the traffic citation is
 306 evidence that a violation of s. 316.074(1) or s. 316.075(1)(c)1.
 307 when the driver failed to stop at a traffic signal has occurred

308 and is admissible in any proceeding to enforce this section and
309 raises a rebuttable presumption that the motor vehicle named in
310 the report or shown in the photographic or electronic images or
311 streaming video evidence was used in violation of s. 316.074(1)
312 or s. 316.075(1)(c)1. when the driver failed to stop at a
313 traffic signal.

314 (2) A notice of violation and a traffic citation may not
315 be issued for failure to stop at a red light if the driver is
316 making a right-hand turn in a careful and prudent manner at an
317 intersection where right-hand turns are permissible.

318 (3) This section supplements the enforcement of s.
319 316.074(1) or s. 316.075(1)(c)1. by law enforcement officers
320 when a driver fails to stop at a traffic signal and does not
321 prohibit a law enforcement officer from issuing a traffic
322 citation for a violation of s. 316.074(1) or s. 316.075(1)(c)1.
323 when a driver fails to stop at a traffic signal in accordance
324 with normal traffic enforcement techniques.

325 (4)(a) Each county or municipality that operates a traffic
326 infraction detector shall submit a report by October 1, 2012,
327 and annually thereafter, to the department which details the
328 results of using the traffic infraction detector and the
329 procedures for enforcement for the preceding state fiscal year.
330 The information submitted by the counties and municipalities
331 must include statistical data and information required by the
332 department to complete the report required under paragraph (b).

333 (b) On or before December 31, 2012, and annually
334 thereafter, the department shall provide a summary report to the
335 Governor, the President of the Senate, and the Speaker of the

336 House of Representatives regarding the use and operation of
 337 traffic infraction detectors under this section, along with the
 338 department's recommendations and any necessary legislation. The
 339 summary report must include a review of the information
 340 submitted to the department by the counties and municipalities
 341 and must describe the enhancement of the traffic safety and
 342 enforcement programs.

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

345 316.0745 Uniform signals and devices.—

346 (6) Any system of traffic control devices controlled and
 347 operated from a remote location by electronic computers or
 348 similar devices must ~~shall~~ meet all requirements established for
 349 the uniform system, and, if where such a system affects ~~systems~~
 350 ~~affect~~ the movement of traffic on state roads, the design of the
 351 system shall be reviewed and approved by the Department of
 352 Transportation.

353 Section 7. Section 316.07456, Florida Statutes, is created
 354 to read:

355 316.07456 Transitional implementation.—Any traffic
 356 infraction detector deployed on the highways, streets, and roads
 357 of this state must meet specifications established by the
 358 Department of Transportation, and must be tested at regular
 359 intervals according to specifications prescribed by the
 360 Department of Transportation. The Department of Transportation
 361 must establish such specifications on or before December 31,
 362 2010. However, any such equipment acquired by purchase, lease,
 363 or other arrangement under an agreement entered into by a county

364 or municipality on or before July 1, 2011, or equipment used to
 365 enforce an ordinance enacted by a county or municipality on or
 366 before July 1, 2011, is not required to meet the specifications
 367 established by the Department of Transportation until July 1,
 368 2011.

369 Section 8. Section 316.0776, Florida Statutes, is created
 370 to read:

371 316.0776 Traffic infraction detectors; placement and
 372 installation.—

373 (1) Traffic infraction detectors are allowed on state
 374 roads when permitted by the Department of Transportation and
 375 under placement and installation specifications developed by the
 376 Department of Transportation. Traffic infraction detectors are
 377 allowed on streets and highways under the jurisdiction of
 378 counties or municipalities in accordance with placement and
 379 installation specifications developed by the Department of
 380 Transportation.

381 (2) (a) If the department, county, or municipality installs
 382 a traffic infraction detector at an intersection, the
 383 department, county, or municipality shall notify the public that
 384 a traffic infraction device may be in use at that intersection
 385 and must specifically include notification of camera enforcement
 386 of violations concerning right turns. Such signage used to
 387 notify the public must meet the specifications for uniform
 388 signals and devices adopted by the Department of Transportation
 389 pursuant to s. 316.0745.

390 (b) If the department, county, or municipality begins a
 391 traffic infraction detector program in a county or municipality

392 that has never conducted such a program, the respective
 393 department, county, or municipality shall also make a public
 394 announcement and conduct a public awareness campaign of the
 395 proposed use of traffic infraction detectors at least 30 days
 396 before commencing the enforcement program.

397 Section 9. Paragraph (b) of subsection (1) and subsection
 398 (5) of section 316.640, Florida Statutes, are amended to read:

399 316.640 Enforcement.—The enforcement of the traffic laws
 400 of this state is vested as follows:

401 (1) STATE.—

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

405 2.a. The Department of Transportation shall develop
 406 training and qualifications standards for toll enforcement
 407 officers whose sole authority is to enforce the payment of tolls
 408 pursuant to s. 316.1001. Nothing in this subparagraph shall be
 409 construed to permit the carrying of firearms or other weapons,
 410 nor shall a toll enforcement officer have arrest authority.

411 b. For the purpose of enforcing s. 316.1001, governmental
 412 entities, as defined in s. 334.03, which own or operate a toll
 413 facility may employ independent contractors or designate
 414 employees as toll enforcement officers; however, any such toll
 415 enforcement officer must successfully meet the training and
 416 qualifications standards for toll enforcement officers
 417 established by the Department of Transportation.

418 3. For the purpose of enforcing s. 316.0083, the
 419 department may designate employees as traffic infraction

420 enforcement officers. A traffic infraction enforcement officer
 421 must successfully complete instruction in traffic enforcement
 422 procedures and court presentation through the Selective Traffic
 423 Enforcement Program as approved by the Division of Criminal
 424 Justice Standards and Training of the Department of Law
 425 Enforcement, or through a similar program, but may not
 426 necessarily otherwise meet the uniform minimum standards
 427 established by the Criminal Justice Standards and Training
 428 Commission for law enforcement officers or auxiliary law
 429 enforcement officers under s. 943.13. This subparagraph does not
 430 authorize the carrying of firearms or other weapons by a traffic
 431 infraction enforcement officer and does not authorize a traffic
 432 infraction enforcement officer to make arrests. The department's
 433 traffic infraction enforcement officers must be physically
 434 located in the state.

435 (5) (a) Any sheriff's department or police department of a
 436 municipality may employ, as a traffic infraction enforcement
 437 officer, any individual who successfully completes instruction
 438 in traffic enforcement procedures and court presentation through
 439 the Selective Traffic Enforcement Program as approved by the
 440 Division of Criminal Justice Standards and Training of the
 441 Department of Law Enforcement, or through a similar program, but
 442 who does not necessarily otherwise meet the uniform minimum
 443 standards established by the Criminal Justice Standards and
 444 Training Commission for law enforcement officers or auxiliary
 445 law enforcement officers under s. 943.13. Any such traffic
 446 infraction enforcement officer who observes the commission of a
 447 traffic infraction or, in the case of a parking infraction, who

448 | observes an illegally parked vehicle may issue a traffic
449 | citation for the infraction when, based upon personal
450 | investigation, he or she has reasonable and probable grounds to
451 | believe that an offense has been committed which constitutes a
452 | noncriminal traffic infraction as defined in s. 318.14. In
453 | addition, any such traffic infraction enforcement officer may
454 | issue a traffic citation under s. 316.0083. For purposes of
455 | enforcing s. 316.0083, any sheriff's department or police
456 | department of a municipality may designate employees as traffic
457 | infraction enforcement officers. The traffic infraction
458 | enforcement officers must be physically located in the county of
459 | the respective sheriff's or police department.

460 | (b) The traffic infraction enforcement officer shall be
461 | employed in relationship to a selective traffic enforcement
462 | program at a fixed location or as part of a crash investigation
463 | team at the scene of a vehicle crash or in other types of
464 | traffic infraction enforcement under the direction of a fully
465 | qualified law enforcement officer; however, it is not necessary
466 | that the traffic infraction enforcement officer's duties be
467 | performed under the immediate supervision of a fully qualified
468 | law enforcement officer.

469 | (c) This subsection does not permit the carrying of
470 | firearms or other weapons, nor do traffic infraction enforcement
471 | officers have arrest authority other than the authority to issue
472 | a traffic citation as provided in this subsection.

473 | Section 10. Subsection (3) of section 316.650, Florida
474 | Statutes, is amended to read:

475 | 316.650 Traffic citations.—

476 (3) (a) Except for a traffic citation issued pursuant to s.
477 316.1001 or s. 316.0083, each traffic enforcement officer, upon
478 issuing a traffic citation to an alleged violator of any
479 provision of the motor vehicle laws of this state or of any
480 traffic ordinance of any municipality or town, shall deposit the
481 original traffic citation or, in the case of a traffic
482 enforcement agency that has an automated citation issuance
483 system, the chief administrative officer shall provide by an
484 electronic transmission a replica of the citation data to a
485 court having jurisdiction over the alleged offense or with its
486 traffic violations bureau within 5 days after issuance to the
487 violator.

488 (b) If a traffic citation is issued pursuant to s.
489 316.1001, a traffic enforcement officer may deposit the original
490 traffic citation or, in the case of a traffic enforcement agency
491 that has an automated citation system, may provide by an
492 electronic transmission a replica of the citation data to a
493 court having jurisdiction over the alleged offense or with its
494 traffic violations bureau within 45 days after the date of
495 issuance of the citation to the violator. If the person cited
496 for the violation of s. 316.1001 makes the election provided by
497 s. 318.14(12) and pays the \$25 fine, or such other amount as
498 imposed by the governmental entity owning the applicable toll
499 facility, plus the amount of the unpaid toll that is shown on
500 the traffic citation directly to the governmental entity that
501 issued the citation, or on whose behalf the citation was issued,
502 in accordance with s. 318.14(12), the traffic citation will not
503 be submitted to the court, the disposition will be reported to

504 the department by the governmental entity that issued the
 505 citation, or on whose behalf the citation was issued, and no
 506 points will be assessed against the person's driver's license.

507 (c) If a traffic citation is issued under s. 316.0083, the
 508 traffic infraction enforcement officer shall provide by
 509 electronic transmission a replica of the traffic citation data
 510 to the court having jurisdiction over the alleged offense or its
 511 traffic violations bureau within 5 days after the date of
 512 issuance of the traffic citation to the violator.

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

515 318.14 Noncriminal traffic infractions; exception;
 516 procedures.—

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

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

525 318.18 Amount of penalties.—The penalties required for a
 526 noncriminal disposition pursuant to s. 318.14 or a criminal
 527 offense listed in s. 318.17 are as follows:

528 (15) (a)1. One hundred fifty-eight ~~twenty-five~~ dollars for
 529 a violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver
 530 has failed to stop at a traffic signal. Sixty dollars shall be
 531 distributed as provided in s. 318.21, \$30 shall be distributed

532 to the General Revenue Fund, \$3 shall be remitted to the
533 Department of Revenue for deposit into the Brain and Spinal Cord
534 Injury Trust Fund, and the remaining \$65 shall be remitted to
535 the Department of Revenue for deposit into the Administrative
536 Trust Fund of the Department of Health. Proceeds of the
537 infractions in the Brain and Spinal Cord Injury Trust Fund shall
538 be distributed quarterly to the Miami Project to Cure Paralysis
539 and shall be used for brain and spinal cord research.

540 2. One hundred and fifty-eight dollars for a violation of
541 s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
542 stop at a traffic signal and when enforced by the department's
543 traffic infraction enforcement officer. One hundred and three
544 dollars shall be distributed to the General Revenue Fund, \$45
545 shall be distributed to the county for any violations occurring
546 in any unincorporated areas of the county or to the municipality
547 for any violations occurring in the incorporated boundaries of
548 the municipality in which the infraction occurred, and \$10 shall
549 be remitted to the Department of Revenue for deposit into the
550 Department of Health Administrative Trust Fund for distribution
551 as provided in s. 395.4036(1).

552 3. One hundred and fifty-eight dollars for a violation of
553 s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
554 stop at a traffic signal and when enforced by a county's or
555 municipality's traffic infraction enforcement officer. Seventy
556 five dollars shall be distributed to the county or municipality
557 issuing the traffic citation, \$73 shall be distributed to the
558 General Revenue Fund, and \$10 shall be remitted to the
559 Department of Revenue for deposit into the Department of Health

560 Administrative Trust Fund for distribution as provided in s.
561 395.4036(1).

562 (b) One hundred and fifty-eight dollars for a violation of
563 s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
564 stop at a traffic signal if enforced by a traffic infraction
565 enforcement officer pursuant to s. 316.0083. Seventy dollars
566 shall be remitted by the county or municipality to the
567 Department of Revenue for deposit into the General Revenue Fund,
568 \$10 shall be remitted to the Department of Revenue for deposit
569 into the Department of Health Administrative Trust Fund, \$3
570 shall be remitted to the Department of Revenue for deposit into
571 the Brain and Spinal Cord Injury Trust Fund, and \$75 shall be
572 retained by the county or municipality enforcing the ordinance
573 enacted pursuant to this section. Funds deposited into the
574 Department of Health Administrative Trust Fund under this sub-
575 subparagraph shall be distributed as provided in s. 395.4036(1).
576 Proceeds of the infractions in the Brain and Spinal Cord Injury
577 Trust Fund shall be distributed quarterly to the Miami Project
578 to Cure Paralysis and shall be used for brain and spinal cord
579 research.

580 (c) If a person who is cited for a violation of s.
581 316.074(1) or s. 316.075(1)(c)1., as enforced by a traffic
582 infraction enforcement officer under s. 316.0083, presents
583 documentation from the appropriate governmental entity that the
584 traffic citation was in error, the clerk of court may dismiss
585 the case. The clerk of court shall not charge for this service.

586 (d) An individual may not receive a commission or per-
587 ticket fee from any revenue collected from violations detected

588 through the use of a traffic infraction detector. A manufacturer
 589 or vendor may not receive a fee or remuneration based upon the
 590 number of citations issued due to a traffic infraction detector
 591 enforcement system.

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

595 Section 13. Section 321.50, Florida Statutes, is created
 596 to read:

597 321.50 Authorization to use traffic infraction detectors.-
 598 The Department of Highway Safety and Motor Vehicles is
 599 authorized to use traffic infraction detectors to enforce s.
 600 316.074(1) or s. 316.075(1)(c)1. when a driver fails to stop on
 601 state roads as defined in chapter 316 which are under the
 602 original jurisdiction of the Department of Transportation, when
 603 permitted by the Department of Transportation, and under s.
 604 316.0083.

605 Section 14. Paragraph (d) of subsection (3) of section
 606 322.27, Florida Statutes, is amended to read:

607 322.27 Authority of department to suspend or revoke
 608 license.-

609 (3) There is established a point system for evaluation of
 610 convictions of violations of motor vehicle laws or ordinances,
 611 and violations of applicable provisions of s. 403.413(6)(b) when
 612 such violations involve the use of motor vehicles, for the
 613 determination of the continuing qualification of any person to
 614 operate a motor vehicle. The department is authorized to suspend
 615 the license of any person upon showing of its records or other

616 good and sufficient evidence that the licensee has been
617 convicted of violation of motor vehicle laws or ordinances, or
618 applicable provisions of s. 403.413(6)(b), amounting to 12 or
619 more points as determined by the point system. The suspension
620 shall be for a period of not more than 1 year.

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

- 624 1. Reckless driving, willful and wanton—4 points.
625 2. Leaving the scene of a crash resulting in property
626 damage of more than \$50—6 points.
627 3. Unlawful speed resulting in a crash—6 points.
628 4. Passing a stopped school bus—4 points.
629 5. Unlawful speed:
630 a. Not in excess of 15 miles per hour of lawful or posted
631 speed—3 points.
632 b. In excess of 15 miles per hour of lawful or posted
633 speed—4 points.
634 6. A violation of a traffic control signal device as
635 provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points.
636 However, no points shall be imposed for a violation of s.
637 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
638 stop at a traffic signal and when enforced by a traffic
639 infraction enforcement officer. In addition, a violation of s.
640 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
641 stop at a traffic signal and when enforced by a traffic
642 infraction enforcement officer may not be used for purposes of
643 setting motor vehicle insurance rates.

644 7. All other moving violations (including parking on a
645 highway outside the limits of a municipality)—3 points. However,
646 no points shall be imposed for a violation of s. 316.0741 or s.
647 316.2065(12).

648 8. Any moving violation covered above, excluding unlawful
649 speed, resulting in a crash—4 points.

650 9. Any conviction under s. 403.413(6)(b)—3 points.

651 10. Any conviction under s. 316.0775(2)—4 points.

652 Section 15. If any provision of this act or its
653 application to any person or circumstance is held invalid, the
654 invalidity does not affect other provisions or applications of
655 this act which can be given effect without the invalid provision
656 or application, and to this end the provisions of this act are
657 severable.

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