

By the Policy and Steering Committee on Ways and Means; the Committee on Community Affairs; and Senator Altman

576-05332-10

20102166c2

1 A bill to be entitled
2 An act relating to uniform traffic control; providing
3 a short title; amending s. 316.003, F.S.; defining the
4 term "traffic infraction detector"; creating s.
5 316.0076, F.S.; preempting to the state the use of
6 cameras to enforce traffic laws; clarifying the
7 inapplicability of ch. 493, F.S., to laws governing
8 the use of cameras as provided by the act; amending s.
9 316.008, F.S.; authorizing a county or municipality to
10 use traffic infraction detectors; creating s.
11 316.0083, F.S.; creating the Mark Wandall Traffic
12 Safety Program; authorizing the Department of Highway
13 Safety and Motor Vehicles, a county, or a municipality
14 to use a traffic infraction detector to identify a
15 motor vehicle that fails to stop at a traffic control
16 signal steady red light; requiring that notification
17 be sent to the registered owner of the motor vehicle
18 involved in the violation; providing requirements for
19 the notification; requiring that the department,
20 county, or municipality remit payment weekly to the
21 State Treasury of penalties collected through the use
22 of a traffic infraction detector; specifying the
23 amount of penalties and the required distribution;
24 prohibiting a person from receiving a commission from
25 any revenue collected from violations detected through
26 the use of a traffic infraction detector; requiring
27 issuance of a traffic citation if the driver fails to
28 pay the penalty within a specified period following
29 issuance of the notification; specifying circumstances

576-05332-10

20102166c2

30 under which a driver may be exempt from paying the
31 citation; providing penalties for submission of a
32 false affidavit; providing that certain evidence is
33 admissible for enforcement; providing that the act
34 does not preclude the issuance of citations by law
35 enforcement officers; requiring reports from
36 participating municipalities and counties to the
37 department; requiring the department to make reports
38 to the Governor and Legislature; providing that the
39 required reports be terminated after a specified date;
40 amending s. 316.0745, F.S.; requiring that traffic
41 infraction detectors meet certain specifications;
42 creating s. 316.07465, F.S.; requiring that traffic
43 infraction detectors meet specifications established
44 by the Department of Transportation; providing that a
45 traffic infraction detector acquired by purchase,
46 lease, or other arrangement under an agreement entered
47 into by a county or municipality on or before a
48 specified date is not required to meet the established
49 specifications until a specified date; creating s.
50 316.0776, F.S.; providing for the placement and
51 installation of detectors on certain roads; requiring
52 that if the state, a county, or a municipality
53 installs a traffic infraction detector at an
54 intersection, the state, county, or municipality shall
55 notify the public that a traffic infraction device may
56 be in use at that intersection; requiring that such
57 signage meet the specifications for uniform signals
58 and devices adopted by the Department of

576-05332-10

20102166c2

59 Transportation; amending s. 316.640, F.S.; requiring
60 the Department of Transportation to develop training
61 and qualification standards for traffic infraction
62 enforcement officers; authorizing counties and
63 municipalities to use independent contractors as
64 traffic infraction enforcement officers; amending s.
65 316.650, F.S.; requiring a traffic enforcement agency
66 to provide to the court a replica of the citation data
67 by electronic transmission for citations issued
68 pursuant to the act; amending s. 318.14, F.S.;
69 providing an exception from provisions requiring a
70 person cited for an infraction for failing to stop at
71 a traffic control signal steady red light to sign and
72 accept a citation indicating a promise to appear;
73 amending s. 318.18, F.S.; increasing certain fines;
74 providing for penalties for infractions enforced by a
75 traffic infraction enforcement officer; providing for
76 distribution of fines; allowing the clerk of court to
77 dismiss certain cases upon receiving documentation
78 that the uniform traffic citation was issued in error;
79 creating s. 321.50, F.S.; authorizing the Department
80 of Highway Safety and Motor Vehicles to use traffic
81 infraction detectors; amending s. 322.27, F.S.;
82 prohibiting the assessment of points against a
83 person's driver's license for infractions enforced by
84 a traffic infraction enforcement officer; providing
85 that such violations may not be used for purposes of
86 setting motor vehicle insurance rates; providing for
87 severability; providing an effective date.

576-05332-10

20102166c2

88

89 Be It Enacted by the Legislature of the State of Florida:

90

91 Section 1. This act may be cited as the "Mark Wandall
92 Traffic Safety Act."

93 Section 2. Subsection (86) is added to section 316.003,
94 Florida Statutes, to read:

95 316.003 Definitions.—The following words and phrases, when
96 used in this chapter, shall have the meanings respectively
97 ascribed to them in this section, except where the context
98 otherwise requires:

99 (86) TRAFFIC INFRACTION DETECTOR.—A vehicle sensor
100 installed to work in conjunction with a traffic control signal
101 and a camera or cameras synchronized to automatically record two
102 or more sequenced photographic or electronic images and
103 streaming video of only the rear of a motor vehicle at the time
104 the vehicle fails to stop behind the stop bar or clearly marked
105 stop line when facing a traffic control signal steady red light.
106 Any traffic citation issued by the use of a traffic infraction
107 detector must include a photograph or other recorded image
108 showing both the license tag of the offending vehicle and the
109 traffic control device being violated.

110 Section 3. Section 316.0076, Florida Statutes, is created
111 to read:

112 316.0076 Regulation and use of cameras.—Regulation of the
113 use of cameras for enforcing the provisions of this chapter is
114 expressly preempted to the state. Chapter 493 does not apply to
115 the regulation of the use of cameras for enforcing the
116 provisions of this chapter.

576-05332-10

20102166c2

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

119 316.008 Powers of local authorities.—

120 (7) (a) Pursuant to s. 316.0083, a county or municipality
121 may use traffic infraction detectors to enforce s. 316.074(1) or
122 s. 316.075(1) (c)1. when a driver fails to stop at a traffic
123 signal:

124 1. On streets and highways under the jurisdiction of the
125 respective county or municipality; and

126 2. On state roads under the original jurisdiction of the
127 Department of Transportation when permitted by the Department of
128 Transportation.

129 (b) Pursuant to paragraph (a), a municipality may install
130 or, by contract or interlocal agreement, authorize the
131 installation of any such detectors only within the incorporated
132 area of the municipality, and a county may install or, by
133 contract or interlocal agreement, authorize the installation of
134 any such detectors only within the unincorporated area of the
135 county.

136 Section 5. Section 316.0083, Florida Statutes, is created
137 to read:

138 316.0083 Mark Wandall Traffic Safety Program;
139 administration; report.—

140 (1) (a) For purposes of administering this section, the
141 department, a county, or a municipality may authorize a traffic
142 infraction enforcement officer under s. 316.640 to issue a
143 traffic citation for a violation of s. 316.074(1) or s.
144 316.075(1) (c)1. A notice of violation and a traffic citation may
145 not be issued for failure to stop at a red light if the driver

576-05332-10

20102166c2

146 is making a right-hand turn in a careful and prudent manner at
147 an intersection where right-hand turns are permissible. This
148 paragraph does not prohibit a review of information from a
149 traffic infraction detector by an authorized employee or agent
150 of the department, a county, or a municipality before issuance
151 of the traffic citation by the traffic infraction enforcement
152 officer. This paragraph does not prohibit the department, a
153 county, or a municipality from issuing notification as provided
154 in paragraph (b) to the registered owner of the motor vehicle
155 involved in the violation of s. 316.074(1) or s. 316.075(1)(c)1.

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

165 b. Included with the notification to the registered owner
166 of the motor vehicle involved in the infraction must be a notice
167 that the owner has the right to review the photographic or
168 electronic images and the streaming video evidence that
169 constitutes a rebuttable presumption against the owner of the
170 vehicle. The notice must state the time and place and the
171 Internet location where the evidence may be examined and
172 observed.

173 2. Penalties assessed and collected by the department or by
174 a county or municipality authorized to collect the penalties

576-05332-10

20102166c2

175 provided for in this paragraph shall be paid into the State
176 Treasury weekly. Payment by the department, a county, or a
177 municipality shall be made by means of electronic funds
178 transfer. A county or municipality shall pay to the State
179 Treasury only that portion of funds to be distributed to the
180 General Revenue Fund and the Department of Health Administrative
181 Trust Fund as required by this paragraph.

182 3. Penalties to be assessed and collected by the
183 department, a county, or a municipality are as follows:

184 a. One hundred and fifty-eight dollars for a violation of
185 s. 316.074(1) or s. 316.075(1)(c)1. when a driver fails to stop
186 at a traffic signal and when enforced by the department's
187 traffic infraction enforcement officer. One hundred and three
188 dollars shall be distributed to the General Revenue Fund, \$45
189 shall be distributed to the county for any violations occurring
190 in any unincorporated areas of the county or to the municipality
191 for any violations occurring in the incorporated boundaries of
192 the municipality in which the infraction occurred, and \$10 shall
193 be remitted to the Department of Revenue for deposit into the
194 Department of Health Administrative Trust Fund for distribution
195 as provided in s. 395.4036(1).

196 b. One hundred and fifty-eight dollars for a violation of
197 s. 316.074(1) or s. 316.075(1)(c)1. when a driver fails to stop
198 at a traffic signal and when enforced by a county or municipal
199 traffic infraction enforcement officer. Seventy five dollars
200 shall be retained by the county or municipality issuing the
201 notification, \$73 shall be distributed to the General Revenue
202 Fund, and \$10 shall be remitted to the Department of Revenue for
203 deposit into the Department of Health Administrative Trust Fund

576-05332-10

20102166c2

204 for distribution as provided in s. 395.4036(1).

205 4. A person may not receive a commission from any revenue
206 collected from violations detected through the use of a traffic
207 infraction detector. A manufacturer or vendor may not receive a
208 fee or remuneration based upon the number of citations issued
209 due to a traffic infraction detector enforcement system.

210 (c)1.a. If payment under subparagraph (1) (b)1. is not made
211 within 30 days, a traffic citation shall be issued by mailing
212 the traffic citation by certified mail to the address of the
213 registered owner of the motor vehicle involved in the violation
214 of s. 316.074(1) or s. 316.075(1) (c)1.

215 b. Delivery of the traffic citation constitutes
216 notification.

217 c. In the case of joint ownership of a motor vehicle, the
218 traffic citation shall be mailed to the first name appearing on
219 the registration, unless the first name appearing on the
220 registration is a business organization, in which case the
221 second name appearing on the registration may be used.

222 d. If the vehicle involved in the violation is owned by a
223 leasing or rental business, the citation shall be issued to the
224 person to whom the vehicle was leased or rented at the time of
225 the violation, provided that this information is provided to the
226 department, county, or municipality within 14 days after receipt
227 of the notification of the violation by the leasing or rental
228 business.

229 e. The traffic citation shall be mailed to the registered
230 owner of the motor vehicle involved in the violation no later
231 than 60 days after the date of the violation.

232 2. Included with the traffic citation to the registered

576-05332-10

20102166c2

233 owner of the motor vehicle involved in the infraction must be a
234 notice that the owner has the right to review the photographic
235 or electronic images and the streaming video evidence that
236 constitutes a rebuttable presumption against the owner of the
237 vehicle. The notice must state the time and place and the
238 Internet location where the evidence may be examined and
239 observed.

240 (d)1. The owner of the motor vehicle involved in the
241 violation is responsible and liable for paying the uniform
242 traffic citation issued for a violation of s. 316.074(1) or s.
243 316.075(1)(c)1. when the driver fails to stop at a traffic
244 signal, unless the owner can establish that:

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

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

250 c. The motor vehicle passed through the intersection due to
251 a medical emergency as evidenced by a separate affidavit from a
252 licensed health care practitioner;

253 d. The motor vehicle was, at the time of the violation, in
254 the care, custody, or control of another person;

255 e. A uniform traffic citation was issued by a law
256 enforcement officer to the driver of the motor vehicle for the
257 alleged violation of s. 316.074(1) or s. 316.075(1)(c)1.;

258 f. Stopping at the red light would place the vehicle or
259 vehicle passengers in imminent danger, as determined by a judge
260 or presiding officer, or as evidenced in the streaming video or
261 photographic images of the violation; or

576-05332-10

20102166c2

262 g. The vehicle was, at the time of the violation, an
263 authorized emergency vehicle acting in response to an emergency
264 call.

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

270 a.(I) An affidavit supporting an exemption under sub-
271 paragraph 1.d. must include the name, address, date of birth,
272 and, if known, the driver's license number of the person who
273 leased, rented, or otherwise had care, custody, or control of
274 the motor vehicle at the time of the alleged violation. If the
275 vehicle was stolen at the time of the alleged offense, the
276 affidavit must include the police report indicating that the
277 vehicle was stolen.

278 (II) Upon receipt of the affidavit, the person designated
279 as having care, custody, and control of the motor vehicle at the
280 time of the violation may be issued a traffic citation for a
281 violation of s. 316.074(1) or s. 316.075(1)(c)1. when the driver
282 failed to stop at a traffic signal. The affidavit is admissible
283 in a proceeding pursuant to this section for the purpose of
284 providing proof that the person identified in the affidavit was
285 in actual care, custody, or control of the motor vehicle. The
286 owner of a leased or rented vehicle for which a traffic citation
287 is issued for a violation of s. 316.074(1) or s. 316.075(1)(c)1.
288 when the driver failed to stop at a traffic signal is not
289 responsible for paying the traffic citation and is not required
290 to submit an affidavit as specified in this subsection if the

576-05332-10

20102166c2

291 motor vehicle involved in the violation is registered in the
292 name of the lessee of such motor vehicle.

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

297
298 The submission of a false affidavit is a misdemeanor of the
299 second degree, punishable as provided in s. 775.082 or s.
300 775.083.

301 (2) The photographic or electronic images or streaming
302 video attached to the traffic citation is evidence that a
303 violation of s. 316.074(1) or s. 316.075(1)(c)1. when the driver
304 fails to stop at a traffic signal has occurred and is admissible
305 in any proceeding to enforce this section and raises a
306 rebuttable presumption that the motor vehicle named in the
307 report or shown in the photographic or electronic images or
308 streaming video evidence was used in violation of s. 316.074(1)
309 or s. 316.075(1)(c)1. when the driver fails to stop at a traffic
310 signal.

311 (3) This section supplements the enforcement of s.
312 316.074(1) or s. 316.075(1)(c)1. by law enforcement officers
313 when a driver fails to stop at a traffic signal, and this
314 section does not prohibit a law enforcement officer from issuing
315 a traffic citation for a violation of s. 316.074(1) or s.
316 316.075(1)(c)1. when a driver fails to stop at a traffic signal
317 in accordance with normal traffic-enforcement techniques.

318 (4) (a) Each county or municipality that operates a traffic
319 infraction detector shall submit a report by October 1 to the

576-05332-10

20102166c2

320 department which details the results of using the traffic
321 infraction detector and the procedures for enforcement for the
322 preceding state fiscal year. The information submitted by the
323 counties and municipalities must include statistical data and
324 information required by the department to complete the report
325 required under paragraph (b).

326 (b) On or before December 31, 2012, and annually
327 thereafter, through December 31, 2017, the department shall
328 provide a summary report to the Governor, the President of the
329 Senate, and the Speaker of the House of Representatives
330 regarding the use and operation of traffic infraction detectors
331 under this section, along with the department's recommendations
332 and any necessary legislation. The summary report must include a
333 review of the information submitted to the department by the
334 counties and municipalities and must describe the enhancement of
335 the traffic safety and enforcement programs.

336 (c) This subsection expires January 1, 2018.

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

339 316.0745 Uniform signals and devices.—

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

347 Section 7. Section 316.07456, Florida Statutes, is created
348 to read:

576-05332-10

20102166c2

349 316.07456 Transitional implementation.—Any traffic
350 infraction detector deployed on the highways, streets, and roads
351 of this state must meet specifications established by the
352 Department of Transportation, and must be tested at regular
353 intervals according to specifications prescribed by the
354 Department of Transportation. The Department of Transportation
355 must establish such specifications on or before December 31,
356 2010. However, any such equipment acquired by purchase, lease,
357 or other arrangement under an agreement entered into by a county
358 or municipality on or before July 1, 2011, or equipment used to
359 enforce an ordinance enacted by a county or municipality on or
360 before July 1, 2011, is not required to meet the specifications
361 established by the Department of Transportation until July 1,
362 2011.

363 Section 8. Section 316.0776, Florida Statutes, is created
364 to read:

365 316.0776 Traffic infraction detectors; placement and
366 installation.—

367 (1) Traffic infraction detectors are allowed on state roads
368 when permitted by the Department of Transportation and under
369 placement and installation specifications developed by the
370 Department of Transportation. Traffic infraction detectors are
371 allowed on streets and highways under the jurisdiction of
372 counties or municipalities and under placement and installation
373 specifications developed by the Department of Transportation.

374 (2) (a) If the department, a county, or a municipality
375 installs a traffic infraction detector at an intersection, the
376 department, county, or municipality shall notify the public that
377 a traffic infraction device may be in use at that intersection

576-05332-10

20102166c2

378 and must specifically include notification of camera enforcement
379 of violations concerning right turns. Such signage used to
380 notify the public must meet the specifications for uniform
381 signals and devices adopted by the Department of Transportation
382 pursuant to s. 316.0745.

383 (b) If the department, a county, or a municipality begins a
384 traffic infraction detector program in a county or municipality
385 that has never conducted such a program, the respective
386 department, county, or municipality shall also make a public
387 announcement and conduct a public awareness campaign of the
388 proposed use of traffic infraction detectors at least 30 days
389 before commencing the enforcement program.

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

392 316.640 Enforcement.—The enforcement of the traffic laws of
393 this state is vested as follows:

394 (1) STATE.—

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

398 2.a. The Department of Transportation shall develop
399 training and qualifications standards for toll enforcement
400 officers whose sole authority is to enforce the payment of tolls
401 pursuant to s. 316.1001. Nothing in this subparagraph shall be
402 construed to permit the carrying of firearms or other weapons,
403 nor shall a toll enforcement officer have arrest authority.

404 b. For the purpose of enforcing s. 316.1001, governmental
405 entities, as defined in s. 334.03, which own or operate a toll
406 facility may employ independent contractors or designate

576-05332-10

20102166c2

407 employees as toll enforcement officers; however, any such toll
408 enforcement officer must successfully meet the training and
409 qualifications standards for toll enforcement officers
410 established by the Department of Transportation.

411 3. For the purpose of enforcing s. 316.0083, the department
412 may designate employees as traffic infraction enforcement
413 officers. A traffic infraction enforcement officer must
414 successfully complete instruction in traffic enforcement
415 procedures and court presentation through the Selective Traffic
416 Enforcement Program as approved by the Division of Criminal
417 Justice Standards and Training of the Department of Law
418 Enforcement, or through a similar program, but the traffic
419 infraction enforcement officer need not otherwise meet the
420 uniform minimum standards established by the Criminal Justice
421 Standards and Training Commission for law enforcement officers
422 or auxiliary law enforcement officers under s. 943.13. This
423 subparagraph does not authorize the carrying of firearms or
424 other weapons by a traffic infraction enforcement officer and
425 does not authorize a traffic infraction enforcement officer to
426 make arrests. The department's traffic infraction enforcement
427 officers must be physically located in the jurisdiction of the
428 circuit court in which the violation occurred.

429 (5) (a) Any sheriff's department or police department of a
430 municipality may employ, as a traffic infraction enforcement
431 officer, any individual who successfully completes instruction
432 in traffic enforcement procedures and court presentation through
433 the Selective Traffic Enforcement Program as approved by the
434 Division of Criminal Justice Standards and Training of the
435 Department of Law Enforcement, or through a similar program, but

576-05332-10

20102166c2

436 who does not necessarily otherwise meet the uniform minimum
437 standards established by the Criminal Justice Standards and
438 Training Commission for law enforcement officers or auxiliary
439 law enforcement officers under s. 943.13. Any such traffic
440 infraction enforcement officer who observes the commission of a
441 traffic infraction or, in the case of a parking infraction, who
442 observes an illegally parked vehicle may issue a traffic
443 citation for the infraction when, based upon personal
444 investigation, he or she has reasonable and probable grounds to
445 believe that an offense has been committed which constitutes a
446 noncriminal traffic infraction as defined in s. 318.14. In
447 addition, any such traffic enforcement officer may issue a
448 traffic citation under s. 316.0083.

449 (b) For purposes of enforcing s. 316.0083, any sheriff's
450 department or police department of a municipality may designate
451 employees as traffic infraction enforcement officers. The
452 traffic infraction enforcement officers must be physically
453 located in the county of the respective sheriff or police
454 department, or that of an adjacent sheriff or police department.

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

464 (d) ~~(e)~~ This subsection does not permit the carrying of

576-05332-10

20102166c2

465 firearms or other weapons, nor do traffic infraction enforcement
466 officers have arrest authority other than the authority to issue
467 a traffic citation as provided in this subsection.

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

470 316.650 Traffic citations.—

471 (3) (a) Except for a traffic citation issued pursuant to s.
472 316.1001 or s. 316.0083, each traffic enforcement officer, upon
473 issuing a traffic citation to an alleged violator of any
474 provision of the motor vehicle laws of this state or of any
475 traffic ordinance of any municipality or town, shall deposit the
476 original traffic citation or, in the case of a traffic
477 enforcement agency that has an automated citation issuance
478 system, the chief administrative officer shall provide by an
479 electronic transmission a replica of the citation data to a
480 court having jurisdiction over the alleged offense or with its
481 traffic violations bureau within 5 days after issuance to the
482 violator.

483 (b) If a traffic citation is issued pursuant to s.
484 316.1001, a traffic enforcement officer may deposit the original
485 traffic citation or, in the case of a traffic enforcement agency
486 that has an automated citation system, may provide by an
487 electronic transmission a replica of the citation data to a
488 court having jurisdiction over the alleged offense or with its
489 traffic violations bureau within 45 days after the date of
490 issuance of the citation to the violator. If the person cited
491 for the violation of s. 316.1001 makes the election provided by
492 s. 318.14(12) and pays the \$25 fine, or such other amount as
493 imposed by the governmental entity owning the applicable toll

576-05332-10

20102166c2

494 facility, plus the amount of the unpaid toll that is shown on
495 the traffic citation directly to the governmental entity that
496 issued the citation, or on whose behalf the citation was issued,
497 in accordance with s. 318.14(12), the traffic citation will not
498 be submitted to the court, the disposition will be reported to
499 the department by the governmental entity that issued the
500 citation, or on whose behalf the citation was issued, and no
501 points will be assessed against the person's driver's license.

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

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

510 318.14 Noncriminal traffic infractions; exception;
511 procedures.—

512 (2) Except as provided in ss. ~~s.~~ 316.1001(2) and
513 316.0083(3), any person cited for an infraction under this
514 section must sign and accept a citation indicating a promise to
515 appear. The officer may indicate on the traffic citation the
516 time and location of the scheduled hearing and must indicate the
517 applicable civil penalty established in s. 318.18.

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

520 318.18 Amount of penalties.—The penalties required for a
521 noncriminal disposition pursuant to s. 318.14 or a criminal
522 offense listed in s. 318.17 are as follows:

576-05332-10

20102166c2

523 (15) (a)1. One hundred and fifty-eight ~~twenty-five~~ dollars
524 for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when a
525 driver has failed to stop at a traffic signal and when enforced
526 by a law enforcement officer. Sixty dollars shall be distributed
527 as provided in s. 318.21, \$30 shall be distributed to the
528 General Revenue Fund, and the remaining \$68 ~~\$65~~ shall be
529 remitted to the Department of Revenue for deposit into the
530 Administrative Trust Fund of the Department of Health.

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

543 3. One hundred and fifty-eight dollars for a violation of
544 s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
545 stop at a traffic signal and when enforced by a county's or
546 municipality's traffic infraction enforcement officer. Seventy
547 five dollars shall be distributed to the county or municipality
548 issuing the traffic citation, \$73 shall be distributed to the
549 General Revenue Fund, and \$10 shall be remitted to the
550 Department of Revenue for deposit into the Department of Health
551 Administrative Trust Fund for distribution as provided in s.

576-05332-10

20102166c2

552 395.4036(1).

553 (b) If a person who is cited for a violation of s.
554 316.074(1) or s. 316.075(1)(c)1., as enforced by a traffic
555 infraction enforcement officer under s. 316.0083, presents
556 documentation from the appropriate governmental entity that the
557 traffic citation was in error, the clerk of court may dismiss
558 the case. The clerk of court shall not charge for this service.

559 (c) A person may not receive a commission from any revenue
560 collected from violations detected through the use of a traffic
561 infraction detector. A manufacturer or vendor may not receive a
562 fee or remuneration based upon the number of citations issued
563 due to a traffic infraction detector enforcement system.

564 Section 13. Section 321.50, Florida Statutes, is created to
565 read:

566 321.50 Authorization to use traffic infraction detectors.-
567 The Department of Highway Safety and Motor Vehicles is
568 authorized to use traffic infraction detectors to enforce s.
569 316.074(1) or s. 316.075(1)(c)1. when a driver fails to stop at
570 a traffic signal on state roads as defined in chapter 316 which
571 are under the original jurisdiction of the Department of
572 Transportation, when permitted by the Department of
573 Transportation and as provided under s. 316.0083.

574 Section 14. Paragraph (d) of subsection (3) of section
575 322.27, Florida Statutes, is amended to read:

576 322.27 Authority of department to suspend or revoke
577 license.-

578 (3) There is established a point system for evaluation of
579 convictions of violations of motor vehicle laws or ordinances,
580 and violations of applicable provisions of s. 403.413(6)(b) when

576-05332-10

20102166c2

581 such violations involve the use of motor vehicles, for the
582 determination of the continuing qualification of any person to
583 operate a motor vehicle. The department is authorized to suspend
584 the license of any person upon showing of its records or other
585 good and sufficient evidence that the licensee has been
586 convicted of violation of motor vehicle laws or ordinances, or
587 applicable provisions of s. 403.413(6)(b), amounting to 12 or
588 more points as determined by the point system. The suspension
589 shall be for a period of not more than 1 year.

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

- 593 1. Reckless driving, willful and wanton—4 points.
- 594 2. Leaving the scene of a crash resulting in property
595 damage of more than \$50—6 points.
- 596 3. Unlawful speed resulting in a crash—6 points.
- 597 4. Passing a stopped school bus—4 points.
- 598 5. Unlawful speed:
 - 599 a. Not in excess of 15 miles per hour of lawful or posted
600 speed—3 points.
 - 601 b. In excess of 15 miles per hour of lawful or posted
602 speed—4 points.
- 603 6. A violation of a traffic control signal device as
604 provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points.
605 However, no points shall be imposed for a violation of s.
606 316.074(1) or s. 316.075(1)(c)1. when a driver fails to stop at
607 a traffic signal and when enforced by a traffic infraction
608 enforcement officer. In addition, a violation of s. 316.074(1)
609 or s. 316.075(1)(c)1. when a driver fails to stop at a traffic

576-05332-10

20102166c2

610 signal and when enforced by a traffic infraction enforcement
611 officer may not be used for purposes of setting motor vehicle
612 insurance rates.

613 7. All other moving violations (including parking on a
614 highway outside the limits of a municipality)—3 points. However,
615 no points shall be imposed for a violation of s. 316.0741 or s.
616 316.2065(12).

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

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

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

621 Section 15. If any provision of this act or its application
622 to any person or circumstance is held invalid, the invalidity
623 does not affect other provisions or applications of this act
624 which can be given effect without the invalid provision or
625 application, and to this end the provisions of this act are
626 severable.

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