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CS/CS/HB 325, Engrossed 2

2010 Legislature

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 violations detected through the use of a traffic
28 infraction detector; providing procedures for issuance,

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

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

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85 receive a fee or remuneration based upon the number of
 86 violations detected through the use of a traffic
 87 infraction detector; creating s. 321.50, F.S.; authorizing
 88 the Department of Highway Safety and Motor Vehicles to use
 89 traffic infraction detectors under certain circumstances;
 90 amending s. 322.27, F.S.; providing that no points may be
 91 assessed against the driver's license for infractions
 92 enforced by a traffic infraction enforcement officer;
 93 providing that infractions enforced by a traffic
 94 infraction enforcement officer may not be used for
 95 purposes of setting motor vehicle insurance rates;
 96 requiring the retention of certain penalty proceeds
 97 collected prior to the Department of Revenue's ability to
 98 receive and distribute such funds; providing an
 99 appropriation and for carryforward of any unexpended
 100 balance; providing for severability; providing effective
 101 dates.

102
 103 Be It Enacted by the Legislature of the State of Florida:

104
 105 Section 1. This act may be cited as the "Mark Wandall
 106 Traffic Safety Act."

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

109 316.003 Definitions.—The following words and phrases, when
 110 used in this chapter, shall have the meanings respectively
 111 ascribed to them in this section, except where the context
 112 otherwise requires:

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113 (86) TRAFFIC INFRACTION DETECTOR.—A vehicle sensor
 114 installed to work in conjunction with a traffic control signal
 115 and a camera or cameras synchronized to automatically record two
 116 or more sequenced photographic or electronic images or streaming
 117 video of only the rear of a motor vehicle at the time the
 118 vehicle fails to stop behind the stop bar or clearly marked stop
 119 line when facing a traffic control signal steady red light. Any
 120 notification under s. 316.0083(1)(b) or traffic citation issued
 121 by the use of a traffic infraction detector must include a
 122 photograph or other recorded image showing both the license tag
 123 of the offending vehicle and the traffic control device being
 124 violated.

125 Section 3. Section 316.0076, Florida Statutes, is created
 126 to read:

127 316.0076 Regulation and use of cameras.—Regulation of the
 128 use of cameras for enforcing the provisions of this chapter is
 129 expressly preempted to the state. The regulation of the use of
 130 cameras for enforcing the provisions of this chapter is not
 131 required to comply with provisions of chapter 493.

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

134 316.008 Powers of local authorities.—

135 (7) (a) A county or municipality may use traffic infraction
 136 detectors to enforce s. 316.074(1) or s. 316.075(1)(c)1. when a
 137 driver fails to stop at a traffic signal on streets and highways
 138 under their jurisdiction under s. 316.0083. Only a municipality
 139 may install or authorize the installation of any such detectors
 140 within the incorporated area of the municipality. Only a county

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141 may install or authorize the installation of any such detectors
 142 within the unincorporated area of the county.

143 (b) Pursuant to paragraph (a), a municipality may install
 144 or, by contract or interlocal agreement, authorize the
 145 installation of any such detectors only within the incorporated
 146 area of the municipality, and a county may install or, by
 147 contract or interlocal agreement, authorize the installation of
 148 any such detectors only within the unincorporated area of the
 149 county. A county may authorize installation of any such
 150 detectors by interlocal agreement on roads under its
 151 jurisdiction.

152 Section 5. Section 316.0083, Florida Statutes, is created
 153 to read:

154 316.0083 Mark Wandall Traffic Safety Program;
 155 administration; report.-

156 (1) (a) For purposes of administering this section, the
 157 department, a county, or a municipality may authorize a traffic
 158 infraction enforcement officer under s. 316.640 to issue a
 159 traffic citation for a violation of s. 316.074(1) or s.
 160 316.075(1) (c)1. A notice of violation and a traffic citation may
 161 not be issued for failure to stop at a red light if the driver
 162 is making a right-hand turn in a careful and prudent manner at
 163 an intersection where right-hand turns are permissible. This
 164 paragraph does not prohibit a review of information from a
 165 traffic infraction detector by an authorized employee or agent
 166 of the department, a county, or a municipality before issuance
 167 of the traffic citation by the traffic infraction enforcement
 168 officer. This paragraph does not prohibit the department, a

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169 county, or a municipality from issuing notification as provided
170 in paragraph (b) to the registered owner of the motor vehicle
171 involved in the violation of s. 316.074(1) or s. 316.075(1)(c)1.

172 (b)1.a. Within 30 days after a violation, notification
173 must be sent to the registered owner of the motor vehicle
174 involved in the violation specifying the remedies available
175 under s. 318.14 and that the violator must pay the penalty of
176 \$158 to the department, county, or municipality, or furnish an
177 affidavit in accordance with paragraph (d), within 30 days
178 following the date of the notification in order to avoid court
179 fees, costs, and the issuance of a traffic citation. The
180 notification shall be sent by first-class mail.

181 b. Included with the notification to the registered owner
182 of the motor vehicle involved in the infraction must be a notice
183 that the owner has the right to review the photographic or
184 electronic images or the streaming video evidence that
185 constitutes a rebuttable presumption against the owner of the
186 vehicle. The notice must state the time and place or Internet
187 location where the evidence may be examined and observed.

188 2. Penalties assessed and collected by the department,
189 county, or municipality authorized to collect the funds provided
190 for in this paragraph, less the amount retained by the county or
191 municipality pursuant to subparagraph 3., shall be paid to the
192 Department of Revenue weekly. Payment by the department, county,
193 or municipality to the state shall be made by means of
194 electronic funds transfers. In addition to the payment, summary
195 detail of the penalties remitted shall be reported to the
196 Department of Revenue.

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197 3. Penalties to be assessed and collected by the
 198 department, county, or municipality are as follows:
 199 a. One hundred fifty-eight dollars for a violation of s.
 200 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
 201 stop at a traffic signal if enforcement is by the department's
 202 traffic infraction enforcement officer. One hundred dollars
 203 shall be remitted to the Department of Revenue for deposit into
 204 the General Revenue Fund, \$10 shall be remitted to the
 205 Department of Revenue for deposit into the Department of Health
 206 Administrative Trust Fund, \$3 shall be remitted to the
 207 Department of Revenue for deposit into the Brain and Spinal Cord
 208 Injury Trust Fund, and \$45 shall be distributed to the
 209 municipality in which the violation occurred, or, if the
 210 violation occurred in an unincorporated area, to the county in
 211 which the violation occurred. Funds deposited into the
 212 Department of Health Administrative Trust Fund under this sub-
 213 subparagraph shall be distributed as provided in s. 395.4036(1).
 214 Proceeds of the infractions in the Brain and Spinal Cord Injury
 215 Trust Fund shall be distributed quarterly to the Miami Project
 216 to Cure Paralysis and shall be used for brain and spinal cord
 217 research.
 218 b. One hundred fifty-eight dollars for a violation of s.
 219 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
 220 stop at a traffic signal if enforcement is by a county or
 221 municipal traffic infraction enforcement officer. Seventy
 222 dollars shall be remitted by the county or municipality to the
 223 Department of Revenue for deposit into the General Revenue Fund,
 224 \$10 shall be remitted to the Department of Revenue for deposit

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225 into the Department of Health Administrative Trust Fund, \$3
 226 shall be remitted to the Department of Revenue for deposit into
 227 the Brain and Spinal Cord Injury Trust Fund, and \$75 shall be
 228 retained by the county or municipality enforcing the ordinance
 229 enacted pursuant to this section. Funds deposited into the
 230 Department of Health Administrative Trust Fund under this sub-
 231 subparagraph shall be distributed as provided in s. 395.4036(1).
 232 Proceeds of the infractions in the Brain and Spinal Cord Injury
 233 Trust Fund shall be distributed quarterly to the Miami Project
 234 to Cure Paralysis and shall be used for brain and spinal cord
 235 research.

236 4. An individual may not receive a commission from any
 237 revenue collected from violations detected through the use of a
 238 traffic infraction detector. A manufacturer or vendor may not
 239 receive a fee or remuneration based upon the number of
 240 violations detected through the use of a traffic infraction
 241 detector.

242 (c)1.a. A traffic citation issued under this section shall
 243 be issued by mailing the traffic citation by certified mail to
 244 the address of the registered owner of the motor vehicle
 245 involved in the violation when payment has not been made within
 246 30 days after notification under subparagraph (b)1.

247 b. Delivery of the traffic citation constitutes
 248 notification under this paragraph.

249 c. In the case of joint ownership of a motor vehicle, the
 250 traffic citation shall be mailed to the first name appearing on
 251 the registration, unless the first name appearing on the
 252 registration is a business organization, in which case the

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253 second name appearing on the registration may be used.

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

257 2. Included with the notification to the registered owner
 258 of the motor vehicle involved in the infraction shall be a
 259 notice that the owner has the right to review, either in person
 260 or remotely, the photographic or electronic images or the
 261 streaming video evidence that constitutes a rebuttable
 262 presumption against the owner of the vehicle. The notice must
 263 state the time and place or Internet location where the evidence
 264 may be examined and observed.

265 (d)1. The owner of the motor vehicle involved in the
 266 violation is responsible and liable for paying the uniform
 267 traffic citation issued for a violation of s. 316.074(1) or s.
 268 316.075(1)(c)1. when the driver failed to stop at a traffic
 269 signal, unless the owner can establish that:

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

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

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

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

280 2. In order to establish such facts, the owner of the

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281 motor vehicle shall, within 30 days after the date of issuance
 282 of the traffic citation, furnish to the appropriate governmental
 283 entity an affidavit setting forth detailed information
 284 supporting an exemption as provided in this paragraph.

285 a. An affidavit supporting an exemption under sub-
 286 subparagraph 1.c. must include the name, address, date of birth,
 287 and, if known, the driver's license number of the person who
 288 leased, rented, or otherwise had care, custody, or control of
 289 the motor vehicle at the time of the alleged violation. If the
 290 vehicle was stolen at the time of the alleged offense, the
 291 affidavit must include the police report indicating that the
 292 vehicle was stolen.

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 3. Upon receipt of an affidavit, the person designated as
 298 having care, custody, and control of the motor vehicle at the
 299 time of the violation may be issued a traffic citation for a
 300 violation of s. 316.074(1) or s. 316.075(1)(c)1. when the driver
 301 failed to stop at a traffic signal. The affidavit is admissible
 302 in a proceeding pursuant to this section for the purpose of
 303 providing proof that the person identified in the affidavit was
 304 in actual care, custody, or control of the motor vehicle. The
 305 owner of a leased vehicle for which a traffic citation is issued
 306 for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when the
 307 driver failed to stop at a traffic signal is not responsible for
 308 paying the traffic citation and is not required to submit an

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309 affidavit as specified in this subsection if the motor vehicle
310 involved in the violation is registered in the name of the
311 lessee of such motor vehicle.

312 4. The submission of a false affidavit is a misdemeanor of
313 the second degree, punishable as provided in s. 775.082 or s.
314 775.083.

315 (e) The photographic or electronic images or streaming
316 video attached to or referenced in the traffic citation is
317 evidence that a violation of s. 316.074(1) or s. 316.075(1)(c)1.
318 when the driver failed to stop at a traffic signal has occurred
319 and is admissible in any proceeding to enforce this section and
320 raises a rebuttable presumption that the motor vehicle named in
321 the report or shown in the photographic or electronic images or
322 streaming video evidence was used in violation of s. 316.074(1)
323 or s. 316.075(1)(c)1. when the driver failed to stop at a
324 traffic signal.

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

329 (3) This section supplements the enforcement of s.
330 316.074(1) or s. 316.075(1)(c)1. by law enforcement officers
331 when a driver fails to stop at a traffic signal and does not
332 prohibit a law enforcement officer from issuing a traffic
333 citation for a violation of s. 316.074(1) or s. 316.075(1)(c)1.
334 when a driver fails to stop at a traffic signal in accordance
335 with normal traffic enforcement techniques.

336 (4) (a) Each county or municipality that operates a traffic

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337 infraction detector shall submit a report by October 1, 2012,
 338 and annually thereafter, to the department which details the
 339 results of using the traffic infraction detector and the
 340 procedures for enforcement for the preceding state fiscal year.
 341 The information submitted by the counties and municipalities
 342 must include statistical data and information required by the
 343 department to complete the report required under paragraph (b).

344 (b) On or before December 31, 2012, and annually
 345 thereafter, the department shall provide a summary report to the
 346 Governor, the President of the Senate, and the Speaker of the
 347 House of Representatives regarding the use and operation of
 348 traffic infraction detectors under this section, along with the
 349 department's recommendations and any necessary legislation. The
 350 summary report must include a review of the information
 351 submitted to the department by the counties and municipalities
 352 and must describe the enhancement of the traffic safety and
 353 enforcement programs.

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

356 316.0745 Uniform signals and devices.—

357 (6) Any system of traffic control devices controlled and
 358 operated from a remote location by electronic computers or
 359 similar devices must ~~shall~~ meet all requirements established for
 360 the uniform system, and, if where such a system affects ~~systems~~
 361 ~~affect~~ the movement of traffic on state roads, the design of the
 362 system shall be reviewed and approved by the Department of
 363 Transportation.

364 Section 7. Section 316.07456, Florida Statutes, is created

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365 to read:
 366 316.07456 Transitional implementation.—Any traffic
 367 infraction detector deployed on the highways, streets, and roads
 368 of this state must meet specifications established by the
 369 Department of Transportation, and must be tested at regular
 370 intervals according to specifications prescribed by the
 371 Department of Transportation. The Department of Transportation
 372 must establish such specifications on or before December 31,
 373 2010. However, any such equipment acquired by purchase, lease,
 374 or other arrangement under an agreement entered into by a county
 375 or municipality on or before July 1, 2011, or equipment used to
 376 enforce an ordinance enacted by a county or municipality on or
 377 before July 1, 2011, is not required to meet the specifications
 378 established by the Department of Transportation until July 1,
 379 2011.

380 Section 8. Section 316.0776, Florida Statutes, is created
 381 to read:

382 316.0776 Traffic infraction detectors; placement and
 383 installation.—

384 (1) Traffic infraction detectors are allowed on state
 385 roads when permitted by the Department of Transportation and
 386 under placement and installation specifications developed by the
 387 Department of Transportation. Traffic infraction detectors are
 388 allowed on streets and highways under the jurisdiction of
 389 counties or municipalities in accordance with placement and
 390 installation specifications developed by the Department of
 391 Transportation.

392 (2) (a) If the department, county, or municipality installs

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393 a traffic infraction detector at an intersection, the
 394 department, county, or municipality shall notify the public that
 395 a traffic infraction device may be in use at that intersection
 396 and must specifically include notification of camera enforcement
 397 of violations concerning right turns. Such signage used to
 398 notify the public must meet the specifications for uniform
 399 signals and devices adopted by the Department of Transportation
 400 pursuant to s. 316.0745.

401 (b) If the department, county, or municipality begins a
 402 traffic infraction detector program in a county or municipality
 403 that has never conducted such a program, the respective
 404 department, county, or municipality shall also make a public
 405 announcement and conduct a public awareness campaign of the
 406 proposed use of traffic infraction detectors at least 30 days
 407 before commencing the enforcement program.

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

410 316.640 Enforcement.—The enforcement of the traffic laws
 411 of this state is vested as follows:

412 (1) STATE.—

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

416 2.a. The Department of Transportation shall develop
 417 training and qualifications standards for toll enforcement
 418 officers whose sole authority is to enforce the payment of tolls
 419 pursuant to s. 316.1001. Nothing in this subparagraph shall be
 420 construed to permit the carrying of firearms or other weapons,

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421 nor shall a toll enforcement officer have arrest authority.

422 b. For the purpose of enforcing s. 316.1001, governmental
 423 entities, as defined in s. 334.03, which own or operate a toll
 424 facility may employ independent contractors or designate
 425 employees as toll enforcement officers; however, any such toll
 426 enforcement officer must successfully meet the training and
 427 qualifications standards for toll enforcement officers
 428 established by the Department of Transportation.

429 3. For the purpose of enforcing s. 316.0083, the
 430 department may designate employees as traffic infraction
 431 enforcement officers. A traffic infraction enforcement officer
 432 must successfully complete instruction in traffic enforcement
 433 procedures and court presentation through the Selective Traffic
 434 Enforcement Program as approved by the Division of Criminal
 435 Justice Standards and Training of the Department of Law
 436 Enforcement, or through a similar program, but may not
 437 necessarily otherwise meet the uniform minimum standards
 438 established by the Criminal Justice Standards and Training
 439 Commission for law enforcement officers or auxiliary law
 440 enforcement officers under s. 943.13. This subparagraph does not
 441 authorize the carrying of firearms or other weapons by a traffic
 442 infraction enforcement officer and does not authorize a traffic
 443 infraction enforcement officer to make arrests. The department's
 444 traffic infraction enforcement officers must be physically
 445 located in the state.

446 (5) (a) Any sheriff's department or police department of a
 447 municipality may employ, as a traffic infraction enforcement
 448 officer, any individual who successfully completes instruction

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449 | in traffic enforcement procedures and court presentation through
450 | the Selective Traffic Enforcement Program as approved by the
451 | Division of Criminal Justice Standards and Training of the
452 | Department of Law Enforcement, or through a similar program, but
453 | who does not necessarily otherwise meet the uniform minimum
454 | standards established by the Criminal Justice Standards and
455 | Training Commission for law enforcement officers or auxiliary
456 | law enforcement officers under s. 943.13. Any such traffic
457 | infraction enforcement officer who observes the commission of a
458 | traffic infraction or, in the case of a parking infraction, who
459 | observes an illegally parked vehicle may issue a traffic
460 | citation for the infraction when, based upon personal
461 | investigation, he or she has reasonable and probable grounds to
462 | believe that an offense has been committed which constitutes a
463 | noncriminal traffic infraction as defined in s. 318.14. In
464 | addition, any such traffic infraction enforcement officer may
465 | issue a traffic citation under s. 316.0083. For purposes of
466 | enforcing s. 316.0083, any sheriff's department or police
467 | department of a municipality may designate employees as traffic
468 | infraction enforcement officers. The traffic infraction
469 | enforcement officers must be physically located in the county of
470 | the respective sheriff's or police department.

471 | (b) The traffic infraction enforcement officer shall be
472 | employed in relationship to a selective traffic enforcement
473 | program at a fixed location or as part of a crash investigation
474 | team at the scene of a vehicle crash or in other types of
475 | traffic infraction enforcement under the direction of a fully
476 | qualified law enforcement officer; however, it is not necessary

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477 that the traffic infraction enforcement officer's duties be
 478 performed under the immediate supervision of a fully qualified
 479 law enforcement officer.

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

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

486 316.650 Traffic citations.—

487 (3) (a) Except for a traffic citation issued pursuant to s.
 488 316.1001 or s. 316.0083, each traffic enforcement officer, upon
 489 issuing a traffic citation to an alleged violator of any
 490 provision of the motor vehicle laws of this state or of any
 491 traffic ordinance of any municipality or town, shall deposit the
 492 original traffic citation or, in the case of a traffic
 493 enforcement agency that has an automated citation issuance
 494 system, the chief administrative officer shall provide by an
 495 electronic transmission a replica of the citation data to a
 496 court having jurisdiction over the alleged offense or with its
 497 traffic violations bureau within 5 days after issuance to the
 498 violator.

499 (b) If a traffic citation is issued pursuant to s.
 500 316.1001, a traffic enforcement officer may deposit the original
 501 traffic citation or, in the case of a traffic enforcement agency
 502 that has an automated citation system, may provide by an
 503 electronic transmission a replica of the citation data to a
 504 court having jurisdiction over the alleged offense or with its

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505 traffic violations bureau within 45 days after the date of
 506 issuance of the citation to the violator. If the person cited
 507 for the violation of s. 316.1001 makes the election provided by
 508 s. 318.14(12) and pays the \$25 fine, or such other amount as
 509 imposed by the governmental entity owning the applicable toll
 510 facility, plus the amount of the unpaid toll that is shown on
 511 the traffic citation directly to the governmental entity that
 512 issued the citation, or on whose behalf the citation was issued,
 513 in accordance with s. 318.14(12), the traffic citation will not
 514 be submitted to the court, the disposition will be reported to
 515 the department by the governmental entity that issued the
 516 citation, or on whose behalf the citation was issued, and no
 517 points will be assessed against the person's driver's license.

518 (c) If a traffic citation is issued under s. 316.0083, the
 519 traffic infraction enforcement officer shall provide by
 520 electronic transmission a replica of the traffic citation data
 521 to the court having jurisdiction over the alleged offense or its
 522 traffic violations bureau within 5 days after the date of
 523 issuance of the traffic citation to the violator.

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

526 318.14 Noncriminal traffic infractions; exception;
 527 procedures.—

528 (2) Except as provided in ss. ~~s.~~ 316.1001(2) and 316.0083,
 529 any person cited for an infraction under this section must sign
 530 and accept a citation indicating a promise to appear. The
 531 officer may indicate on the traffic citation the time and
 532 location of the scheduled hearing and must indicate the

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533 applicable civil penalty established in s. 318.18.

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

536 318.18 Amount of penalties.—The penalties required for a
537 noncriminal disposition pursuant to s. 318.14 or a criminal
538 offense listed in s. 318.17 are as follows:

539 (15) (a)1. One hundred twenty-five ~~forty-five~~ dollars for
540 a violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver
541 has failed to stop at a traffic signal and when enforced by a
542 law enforcement officer. Sixty dollars shall be distributed as
543 provided in s. 318.21, \$30 shall be distributed to the General
544 Revenue Fund, \$3 shall be remitted to the Department of Revenue
545 for deposit into the Brain and Spinal Cord Injury Trust Fund,
546 and the remaining \$65 shall be remitted to the Department of
547 Revenue for deposit into the Administrative Trust Fund of the
548 Department of Health.

549 2. One hundred and fifty-eight dollars for a violation of
550 s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
551 stop at a traffic signal and when enforced by the department's
552 traffic infraction enforcement officer. One hundred dollars
553 shall be remitted to the Department of Revenue for deposit into
554 the General Revenue Fund, \$45 shall be distributed to the county
555 for any violations occurring in any unincorporated areas of the
556 county or to the municipality for any violations occurring in
557 the incorporated boundaries of the municipality in which the
558 infraction occurred, \$10 shall be remitted to the Department of
559 Revenue for deposit into the Department of Health Administrative
560 Trust Fund for distribution as provided in s. 395.4036(1), and

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561 \$3 shall be remitted to the Department of Revenue for deposit
 562 into the Brain and Spinal Cord Injury Trust Fund.

563 3. One hundred and fifty-eight dollars for a violation of
 564 s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
 565 stop at a traffic signal and when enforced by a county's or
 566 municipality's traffic infraction enforcement officer. Seventy
 567 five dollars shall be distributed to the county or municipality
 568 issuing the traffic citation, \$70 shall be remitted to the
 569 Department of Revenue for deposit into the General Revenue Fund,
 570 \$10 shall be remitted to the Department of Revenue for deposit
 571 into the Department of Health Administrative Trust Fund for
 572 distribution as provided in s. 395.4036(1), and \$3 shall be
 573 remitted to the Department of Revenue for deposit into the Brain
 574 and Spinal Cord Injury Trust Fund.

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

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

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

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589 number of violations detected through the use of a traffic
 590 infraction detector.

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

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

596 321.50 Authorization to use traffic infraction detectors.-
 597 The Department of Highway Safety and Motor Vehicles is
 598 authorized to use traffic infraction detectors to enforce s.
 599 316.074(1) or s. 316.075(1)(c)1. when a driver fails to stop on
 600 state roads as defined in chapter 316 which are under the
 601 original jurisdiction of the Department of Transportation, when
 602 permitted by the Department of Transportation, and under s.
 603 316.0083.

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

606 322.27 Authority of department to suspend or revoke
 607 license.-

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

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617 applicable provisions of s. 403.413(6) (b), amounting to 12 or
 618 more points as determined by the point system. The suspension
 619 shall be for a period of not more than 1 year.

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

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

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645 no points shall be imposed for a violation of s. 316.0741 or s.
 646 316.2065(12).

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

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

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

651 Section 15. The Department of Highway Safety and Motor
 652 Vehicles or any county or municipality authorized to issue a
 653 notification and impose a penalty under s. 316.0083(1)(b),
 654 Florida Statutes, that collects any such penalty after the
 655 effective date of this act, but prior to notification by the
 656 Department of Revenue of its ability to receive and distribute
 657 the penalties collected, must retain the portion of the penalty
 658 required to be remitted to the Department of Revenue until the
 659 Department of Highway Safety and Motor Vehicles, county, or
 660 municipality is notified by the Department of Revenue that it is
 661 able to receive and distribute the retained funds. The portion
 662 of the penalty required to be remitted to the Department of
 663 Revenue for any penalty collected after such notification is
 664 provided to the Department of Highway Safety and Motor Vehicles,
 665 county, or municipality must be remitted to the Department of
 666 Revenue as provided in s. 316.0083, Florida Statutes. This
 667 section shall take effect upon this act becoming a law.

668 Section 16. For the 2009-2010 state fiscal year, the sum
 669 of \$100,000 in nonrecurring funds from the General Revenue Fund
 670 is appropriated to the Department of Revenue for the purpose of
 671 implementing the provisions of this act. Any unexpended funds
 672 from this appropriation shall be reappropriated for fiscal year

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673 2010-2011. This section shall take effect upon this act becoming
674 a law.

675 Section 17. If any provision of this act or its
676 application to any person or circumstance is held invalid, the
677 invalidity does not affect other provisions or applications of
678 this act which can be given effect without the invalid provision
679 or application, and to this end the provisions of this act are
680 severable.

681 Section 18. Except as otherwise expressly provided in this
682 act, and except for this section which shall take effect upon
683 this act becoming a law, this act shall take effect July 1,
684 2010.