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29 based upon evidence from such device and a notice of
 30 violation or citation based on such device is null and
 31 void unless the device has passed specified accuracy
 32 test; providing an effective date.

33

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

35

36 Section 1. Section 316.0077, Florida Statutes, is created
 37 to read:

38 316.0077 Unattended traffic law enforcement devices.--

39 (1)(a) Any traffic infraction detector or similar
 40 unattended device used to enforce the traffic laws of this state
 41 must be tested for accuracy at least once every 6 months. Such
 42 accuracy test shall consist of, at a minimum:

43 1. The length of time a traffic control device exhibits a
 44 yellow signal, if applicable.

45 2. The amount of time elapsed, in milliseconds, between
 46 the alleged violation and the capturing of any photograph or
 47 video.

48 3. Real-time verification that the vehicle or device used
 49 for the accuracy test is in fact the subject of the traffic
 50 infraction detector or similar unattended device used to enforce
 51 the traffic laws of this state.

52 (b) Any traffic infraction detector or other unattended
 53 device used to enforce the unlawful speed laws of this state is
 54 also subject to the provisions of s. 316.1905.

55 (2) The accuracy checks shall be random and unannounced
 56 and conducted by a private company that does not have any

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57 interest in the outcome of the accuracy check. No government
 58 agency or company that gives away, leases, or sells traffic
 59 infraction detectors or similar unattended devices used to
 60 enforce the traffic laws of this state or any affiliate of such
 61 company may perform the accuracy check. Any company operating a
 62 traffic infraction detector or similar unattended device used to
 63 enforce the traffic laws of this state shall provide access and
 64 cooperation for the accuracy check, pay the costs of the
 65 accuracy check, and may not charge for access.

66 (3) A person engaged in the process of an accuracy check
 67 does not commit a violation of this chapter unless the check is
 68 conducted in a reckless manner.

69 (4) A government agency or a company that operates, gives
 70 away, leases, or sells traffic infraction detectors or similar
 71 unattended devices used to enforce the traffic laws of this
 72 state that violates this subsection shall pay a civil fine of
 73 not less than \$500 per incident to the person aggrieved.

74 Section 2. Subsection (6) of section 318.14, Florida
 75 Statutes, is amended to read:

76 318.14 Noncriminal traffic infractions; exception;
 77 procedures.—

78 (6)(a) The commission of a charged infraction at a hearing
 79 under this chapter must be proved beyond a reasonable doubt.

80 (b) Notwithstanding any law to the contrary, in any
 81 hearing of a charge of a noncriminal traffic infraction, the
 82 burden of proving guilt rests upon the government entity
 83 bringing the charge. A person appearing in any such hearing may
 84 not be compelled to be a witness against himself or herself.

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85 (c) Notwithstanding any law to the contrary, in any
 86 prosecution involving a traffic infraction detector or similar
 87 unattended device used to enforce traffic laws, a person so
 88 charged has the right to confront the witnesses against him or
 89 her. Any evidence obtained from such device must be
 90 authenticated in court by the person receiving or processing
 91 such evidence, any person having reviewed such evidence in order
 92 to make a decision to file a notice of violation, and any person
 93 that issued the notice of violation or traffic citation. An
 94 affidavit shall not be deemed sufficient to authenticate such
 95 evidence, and such evidence must be accounted for in writing
 96 from the time of the alleged violation until the issuance of a
 97 notice of violation or traffic citation. Compensation of any
 98 witness for the prosecution shall be as required in s. 92.143.

99 (d) Notwithstanding any law to the contrary, a person
 100 receiving a notice of violation involving a traffic infraction
 101 detector or similar unattended device has the option of
 102 requesting a hearing or paying a fine. If the person so charged
 103 requests a hearing, no payment or fee may be required prior to
 104 conviction and no further traffic citations may be issued to
 105 such person based on the violation for which a hearing was
 106 requested.

107 (e) There shall be no prosecution of a charge for an
 108 alleged violation based on evidence from a traffic infraction
 109 detector or similar unattended device used to enforce traffic
 110 laws and a notice of violation or citation based on such device
 111 is null and void unless the device has passed the accuracy test
 112 specified in s. 316.0077.

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Section 3. This act shall take effect upon becoming a law.