

By Senator Wise

5-1399-04

See HB 377

1 A bill to be entitled
2 An act relating to traffic control; amending s.
3 316.003, F.S.; revising the definition of
4 "official traffic control devices"; amending s.
5 316.006, F.S.; revising jurisdiction provisions
6 to provide for devices to enforce traffic
7 control signals; amending s. 316.0745, F.S.;
8 providing for a uniform system of traffic
9 control signal enforcement devices to be
10 included in the uniform system of traffic
11 control devices adopted by the Department of
12 Transportation; providing for inclusion of
13 traffic control signal enforcement devices in
14 the manual of definitions and specifications
15 published by that department; requiring such
16 signal enforcement devices to conform to the
17 department's manual and specifications;
18 providing for review and approval of the
19 devices by the department; providing procedures
20 for removal of nonconforming devices; providing
21 penalties for failure to conform; providing for
22 exceptions; creating s. 316.1003, F.S.;
23 providing for enforcement of traffic control
24 signals by the Department of Transportation;
25 providing for signal enforcement officers;
26 providing for issuance of citations; providing
27 responsibility and liability for payment of a
28 citation; providing for evidence; prohibiting
29 submission of a false affidavit; providing
30 penalties; providing for restricting issuance
31 of a license plate or revalidation sticker for

1 outstanding violations; providing for
2 collection and distribution of fines; providing
3 that enforcement is supplemental to enforcement
4 by law enforcement officers; requiring
5 rulemaking; amending s. 316.640, F.S.;
6 providing for development of training and
7 qualifications standards for signal enforcement
8 officers; authorizing such officers to enforce
9 traffic control signals; amending s. 316.650,
10 F.S.; providing procedures for citations issued
11 pursuant to s. 316.1003, F.S.; amending s.
12 318.14, F.S.; providing procedures for
13 disposition of said citations; amending s.
14 318.18, F.S.; providing for payment of a fine
15 to the Department of Transportation in lieu of
16 court; amending s. 320.03, F.S.; restricting
17 issuance of a license plate or revalidation
18 sticker for outstanding violations; amending s.
19 335.09, F.S.; providing for erection and
20 maintenance of traffic control signal
21 enforcement devices; amending s. 335.14, F.S.;
22 exempting computerized traffic control signal
23 enforcement devices from the Information
24 Resources Management Act of 1997 and the
25 Commerce Protection Act; providing an effective
26 date.

27
28 Be It Enacted by the Legislature of the State of Florida:

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30 Section 1. Subsection (23) of section 316.003, Florida
31 Statutes, is amended to read:

1 316.003 Definitions.--The following words and phrases,
2 when used in this chapter, shall have the meanings
3 respectively ascribed to them in this section, except where
4 the context otherwise requires:

5 (23) OFFICIAL TRAFFIC CONTROL DEVICES.--All signs,
6 signals, markings, and devices, not inconsistent with this
7 chapter, placed or erected by authority of a public body or
8 official having jurisdiction for the purpose of regulating,
9 warning, or guiding traffic or enforcing traffic control
10 signals.

11 Section 2. Subsection (1) of section 316.006, Florida
12 Statutes, is amended to read:

13 316.006 Jurisdiction.--Jurisdiction to control traffic
14 is vested as follows:

15 (1) STATE.--The Department of Transportation shall
16 have all original jurisdiction over all state roads throughout
17 this state, including those within the grounds of all state
18 institutions and the boundaries of all dedicated state parks,
19 and may place and maintain such traffic control devices which
20 conform to its manual and specifications upon all such
21 highways as it shall deem necessary to indicate and to carry
22 out the provisions of this chapter or to regulate, warn, or
23 guide traffic or to enforce traffic control signals.

24 Section 3. Section 316.0745, Florida Statutes, is
25 amended to read:

26 316.0745 Uniform signals and devices.--

27 (1) The Department of Transportation shall adopt a
28 uniform system of traffic control devices for use on the
29 streets and highways of the state, which shall include a
30 uniform system of traffic control signal enforcement devices.

31 The uniform system shall, insofar as is practicable, conform

1 to the system adopted by the American Association of State
2 Highway Officials and shall be revised from time to time to
3 include changes necessary to conform to a uniform national
4 system or to meet local and state needs. The Department of
5 Transportation may call upon representatives of local
6 authorities to assist in the preparation or revision of the
7 uniform system of traffic control devices.

8 (2) The Department of Transportation shall compile and
9 publish a manual of uniform traffic control devices which
10 defines the uniform system adopted pursuant to subsection (1),
11 and shall compile and publish minimum specifications for
12 traffic control signals and devices and traffic control signal
13 enforcement devices certified by it as conforming with the
14 uniform system.

15 (a) The department shall make copies of such manual
16 and specifications available to all counties, municipalities,
17 and other public bodies having jurisdiction of streets or
18 highways open to the public in this state.

19 (b) The manual shall provide for the use of regulatory
20 speed signs in work zone areas. The installation of such signs
21 is exempt from the provisions of s. 335.10.

22 (3) All official traffic control signals and traffic
23 control signal enforcement devices or official traffic control
24 devices purchased and installed in this state by any public
25 body or official shall conform with the manual and
26 specifications published by the Department of Transportation
27 pursuant to subsection (2).

28 (4) It shall be unlawful for any public body or
29 official to purchase, or for anyone to sell, any traffic
30 control signal, ~~or device,~~ or signal enforcement device unless
31 it conforms with the manual and specifications published by

1 the Department of Transportation and is certified to be of
2 such conformance prior to sale. Any manufacturer or vendor who
3 sells any traffic control signal, guide, or directional sign
4 or device or any traffic control signal enforcement device
5 without such certification shall be ineligible to bid or
6 furnish traffic control devices to any public body or official
7 for such period of time as may be established by the
8 Department of Transportation; however, such period of time
9 shall be for not less than 1 year from the date of
10 notification of such ineligibility.

11 (5) It is unlawful for any public body to manufacture
12 for installation or placement any traffic control signal,
13 guide, or directional sign or device or any traffic control
14 signal enforcement device unless it conforms to the uniform
15 system of traffic control devices published by the Department
16 of Transportation. It is unlawful for any public body to sell
17 any traffic control signal, guide, or directional sign or
18 device or any traffic control signal enforcement device it
19 manufactures to any nongovernmental entity or person.

20 (6) Any system of traffic control devices controlled
21 and operated from a remote location by electronic computers or
22 similar devices shall meet all requirements established for
23 the uniform system, and, where such systems affect the
24 movement of traffic on state roads, the design of the system
25 shall be reviewed and approved by the Department of
26 Transportation.

27 (7) The Department of Transportation is authorized,
28 after hearing pursuant to 14 days' notice, to direct the
29 removal of any purported traffic control device wherever
30 located which fails to meet the requirements of this section.
31 The public agency erecting or installing the same shall

1 immediately remove said device or signal or traffic control
2 signal enforcement device upon the direction of the Department
3 of Transportation and may not, for a period of 5 years,
4 install any replacement or new traffic control devices paid
5 for in part or in full with revenues raised by the state
6 unless written prior approval is received from the Department
7 of Transportation. Any additional violation by a public body
8 or official shall be cause for the withholding of state funds
9 for traffic control purposes until such public body or
10 official demonstrates to the Department of Transportation that
11 it is complying with this section.

12 (8) The Department of Transportation is authorized to
13 permit traffic control devices not in conformity with the
14 uniform system upon showing of good cause.

15 Section 4. Section 316.1003, Florida Statutes, is
16 created to read:

17 316.1003 Traffic control signal enforcement.--

18 (1)(a) For the purpose of enforcing s. 316.075, the
19 Department of Transportation shall by rule authorize a signal
20 enforcement officer to issue a uniform traffic citation for a
21 violation of s. 316.075. "Signal enforcement officer" means
22 the designee of the Department of Transportation whose sole
23 authority is to enforce traffic control signals. The
24 Department of Transportation may designate signal enforcement
25 officers pursuant to s. 316.640(1).

26 (b) A citation issued under this subsection may be
27 issued by mailing the citation by first-class mail, or by
28 certified mail, return receipt requested, to the address of
29 the registered owner of the motor vehicle involved in the
30 violation. Mailing the citation to this address constitutes
31 notification. In the case of joint ownership of a motor

1 vehicle, the traffic citation must be mailed to the first name
2 appearing on the registration, unless the first name appearing
3 on the registration is a business organization, in which case
4 the second name appearing on the registration may be used. A
5 citation issued under this paragraph must be mailed to the
6 registered owner of the motor vehicle involved in the
7 violation within 14 days after the date of issuance of the
8 violation. In addition to the citation, notification must be
9 sent to the registered owner of the motor vehicle involved in
10 the violation specifying remedies available under ss.
11 318.14(13) and 318.18(13).

12 (c) The owner of the motor vehicle involved in the
13 violation of s. 316.075 is responsible and liable for payment
14 of a citation issued for that violation, unless the owner can
15 establish that the motor vehicle was, at the time of the
16 violation, in the care, custody, or control of another person.
17 In order to establish such facts, the owner of the motor
18 vehicle is required, within 14 days after notification of the
19 citation, to furnish to the Department of Transportation an
20 affidavit setting forth:

21 1. The name, address, date of birth, and, if known,
22 the driver license number of the person who leased, rented, or
23 otherwise had the care, custody, or control of the motor
24 vehicle at the time of the alleged violation; or

25 2. If stolen, the police report indicating that the
26 vehicle was stolen at the time of the alleged violation.

27
28 Upon receipt by the Department of Transportation of an
29 affidavit, the person designated as having care, custody, or
30 control of the motor vehicle at the time of the violation of
31 s. 316.075 may be issued a citation for that violation. The

1 affidavit shall be admissible in a proceeding pursuant to this
2 section for the purpose of proving that the person identified
3 in the affidavit had actual care, custody, or control of the
4 motor vehicle at the time of the violation.

5 (d) A written report of a signal enforcement officer
6 or photographic evidence that indicates the violation of s.
7 316.075 is admissible in any proceeding to enforce this
8 section and s. 316.075 and raises a rebuttable presumption
9 that the motor vehicle named in the report or shown in the
10 photographic evidence was used in the violation of s. 316.075.

11 (2) The submission of a false affidavit is a
12 misdemeanor of the second degree, punishable as provided in s.
13 775.082 or s. 775.083.

14 (3) The Department of Transportation may supply the
15 department with data that is machine readable by the
16 department's computer system listing persons who have one or
17 more outstanding violations of s. 316.075. Pursuant to s.
18 320.03(8), those persons may not be issued a license plate or
19 revalidation sticker for any motor vehicle.

20 (4) The Department of Transportation shall remit the
21 moneys collected for the fines paid under ss. 318.14(13) and
22 318.18(13) to the Department of Revenue. The Department of
23 Revenue shall distribute the funds received as follows:

24 (a) Three percent annually to the Brain and Spinal
25 Cord Injury Program in the Department of Health, up to a total
26 of \$500,000 per year.

27 (b) Seventeen percent annually to the Johnnie Bryars
28 Byrd, Sr., Trust Fund for Alzheimer's Research, up to a total
29 of \$3 million per year.

30 (c) One and one-half percent annually to MADD Broward,
31 up to a total of \$250,000 per year, which shall be used for

1 MADD About Music to pay for educational programs to encourage
2 teens to abstain from underage drinking and substance abuse.

3 (d) One and one-half percent annually to the Florida
4 Endowment Foundation for Vocational Rehabilitation, up to a
5 total of \$250,000 per year, which shall be used for the
6 personal care attendant program.

7 (e) Seventy-seven percent annually to the Department
8 of Elderly Affairs, up to a total of \$13.2 million per year,
9 to be distributed equally among the area agencies on aging to
10 provide for a transportation resource intervention program for
11 individuals over 79 years of age who become unable to drive.
12 The program shall identify and coordinate transportation
13 resources and services available to address the needs of such
14 individuals and to assist in the transition of an independent
15 lifestyle to one that requires assistance.

16
17 All remaining funds shall be deposited into the General
18 Revenue Fund.

19 (5) This section supplements the enforcement of s.
20 316.075 by law enforcement officers and does not prohibit a
21 law enforcement officer from issuing a citation for a
22 violation of s. 316.075 in accordance with normal traffic
23 enforcement techniques; however, no more than one citation for
24 a violation of s. 316.075 arising from the same incident shall
25 be enforceable.

26 (6) The Department of Transportation shall develop and
27 adopt rules necessary to implement the provisions of this
28 section.

29 Section 5. Paragraph (b) of subsection (1) of section
30 316.640, Florida Statutes, is amended, and subsection (8) of
31 that section is reenacted, to read:

1 316.640 Enforcement.--The enforcement of the traffic
2 laws of this state is vested as follows:

3 (1) STATE.--

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

7 2.a. The Department of Transportation shall develop
8 training and qualifications standards for toll enforcement
9 officers whose sole authority is to enforce the payment of
10 tolls pursuant to s. 316.1001. Nothing in this subparagraph
11 shall be construed to permit the carrying of firearms or other
12 weapons, nor shall a toll enforcement officer have arrest
13 authority.

14 b. For the purpose of enforcing s. 316.1001,
15 governmental entities, as defined in s. 334.03, which own or
16 operate a toll facility may employ independent contractors or
17 designate employees as toll enforcement officers; however, any
18 such toll enforcement officer must successfully meet the
19 training and qualifications standards for toll enforcement
20 officers established by the Department of Transportation.

21 3. The Department of Transportation shall develop
22 training and qualifications standards for signal enforcement
23 officers whose sole authority is to enforce traffic control
24 signals pursuant to s. 316.1003. Nothing in this subparagraph
25 shall be construed to permit the carrying of firearms or other
26 weapons, nor shall a signal enforcement officer have arrest
27 authority.

28 (8) TRAFFIC ENFORCEMENT AGENCY.--Any agency or
29 governmental entity designated in subsection (1), subsection
30 (2), or subsection (3), including a university, a community
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1 college, a school board, or an airport authority, is a traffic
2 enforcement agency for purposes of s. 316.650.

3 Section 6. Subsection (3) of section 316.650, Florida
4 Statutes, is amended to read:

5 316.650 Traffic citations.--

6 (3)(a) Except for a traffic citation issued pursuant
7 to s. 316.1001 or s. 316.1003, each traffic enforcement
8 officer, upon issuing a traffic citation to an alleged
9 violator of any provision of the motor vehicle laws of this
10 state or of any traffic ordinance of any city or town, shall
11 deposit the original and one copy of such traffic citation or,
12 in the case of a traffic enforcement agency which has an
13 automated citation issuance system, shall provide an
14 electronic facsimile with a court having jurisdiction over the
15 alleged offense or with its traffic violations bureau within 5
16 days after issuance to the violator.

17 (b) If a traffic citation is issued pursuant to s.
18 316.1001 or s. 316.1003, a traffic enforcement officer may
19 deposit the original and one copy of such traffic citation or,
20 in the case of a traffic enforcement agency that has an
21 automated citation system, may provide an electronic facsimile
22 with a court having jurisdiction over the alleged offense or
23 with its traffic violations bureau within 45 days after the
24 date of issuance of the citation to the violator.

25 Section 7. Subsections (2) and (4) of section 318.14,
26 Florida Statutes, are amended, and subsection (13) is added to
27 that section, to read:

28 318.14 Noncriminal traffic infractions; exception;
29 procedures.--

30 (2) Except as provided in ss. ~~s.~~316.1001(2) and
31 316.1003, any person cited for an infraction under this

1 section must sign and accept a citation indicating a promise
2 to appear. The officer may indicate on the traffic citation
3 the time and location of the scheduled hearing and must
4 indicate the applicable civil penalty established in s.
5 318.18.

6 (4) Except as provided in subsections ~~subsection~~ (12)
7 and (13), any person charged with a noncriminal infraction
8 under this section who does not elect to appear shall pay the
9 civil penalty and delinquent fee, if applicable, either by
10 mail or in person, within 30 days after the date of issuance
11 of the citation. If the person cited follows the above
12 procedure, he or she shall be deemed to have admitted the
13 infraction and to have waived his or her right to a hearing on
14 the issue of commission of the infraction. Such admission
15 shall not be used as evidence in any other proceedings. Any
16 person who is cited for a violation of s. 320.0605 or s.
17 322.15(1), or subject to a penalty under s. 320.07(3)(a) or
18 (b) or s. 322.065, and who makes an election under this
19 subsection shall submit proof of compliance with the
20 applicable section to the clerk of the court. For the purposes
21 of this subsection, proof of compliance consists of a valid
22 driver's license or a valid registration certificate.

23 (13) Any person cited pursuant to s. 316.1003 for a
24 violation of s. 316.075 may, in lieu of making an election as
25 set forth in subsection (4), elect to pay his or her fine
26 directly to the Department of Transportation within 30 days
27 after the date of issuance of the citation. Any person cited
28 under s. 316.1003 for a violation of s. 316.075 who does not
29 elect to pay the fine directly to the Department of
30 Transportation as described in this subsection shall have an
31 additional 45 days after the date of the issuance of the

1 citation in which to pay the civil penalty and delinquent fee,
2 if applicable, as provided in s. 318.18, either by mail or in
3 person, in accordance with subsection (4).

4 Section 8. Subsection (13) is added to section 318.18,
5 Florida Statutes, to read:

6 318.18 Amount of civil penalties.--The penalties
7 required for a noncriminal disposition pursuant to s. 318.14
8 are as follows:

9 (13) The penalty for a violation of s. 316.075 cited
10 pursuant to s. 316.1003 shall be as provided in this section,
11 and all court costs, fees, and surcharges provided for in this
12 chapter shall apply. However, within 30 days after issuance of
13 the citation, a person may elect to pay \$100 to the Department
14 of Transportation, in which case adjudication shall be
15 withheld, no points shall be assessed under s. 322.27, and
16 said court costs, fees, and surcharges provided for in this
17 chapter shall not apply. Any funds received by the Department
18 of Transportation for this violation shall be distributed as
19 provided for in s. 316.1003.

20 Section 9. Subsection (8) of section 320.03, Florida
21 Statutes, is amended to read:

22 320.03 Registration; duties of tax collectors;
23 International Registration Plan.--

24 (8) If the applicant's name appears on the list
25 referred to in s. 316.1001(4), s. 316.1967(6), or s.
26 713.78(13), a license plate or revalidation sticker may not be
27 issued until that person's name no longer appears on the list
28 or until the person presents a receipt from the clerk showing
29 that the fines outstanding have been paid. If the applicant's
30 name appears on the list referred to in s. 316.1003(3), a
31 license plate or revalidation sticker may not be issued until

1 that person's name no longer appears on the list or until the
2 person presents a receipt from the Department of
3 Transportation showing that the fines outstanding have been
4 paid.The tax collector and the clerk of the court are each
5 entitled to receive monthly, as costs for implementing and
6 administering this subsection, 10 percent of the civil
7 penalties and fines recovered from such persons. As used in
8 this subsection, the term "civil penalties and fines" does not
9 include a wrecker operator's lien as described in s.
10 713.78(13). If the tax collector has private tag agents, such
11 tag agents are entitled to receive a pro rata share of the
12 amount paid to the tax collector, based upon the percentage of
13 license plates and revalidation stickers issued by the tag
14 agent compared to the total issued within the county. The
15 authority of any private agent to issue license plates shall
16 be revoked, after notice and a hearing as provided in chapter
17 120, if he or she issues any license plate or revalidation
18 sticker contrary to the provisions of this subsection. This
19 section applies only to the annual renewal in the owner's
20 birth month of a motor vehicle registration and does not apply
21 to the transfer of a registration of a motor vehicle sold by a
22 motor vehicle dealer licensed under this chapter, except for
23 the transfer of registrations which is inclusive of the annual
24 renewals. This section does not affect the issuance of the
25 title to a motor vehicle, notwithstanding s. 319.23(7)(b).

26 Section 10. Section 335.09, Florida Statutes, is
27 amended to read:

28 335.09 Uniform erection and maintenance of traffic
29 control devices.--The department shall erect and maintain a
30 uniform system of signs, signals, markings, and other traffic
31 control devices and signal enforcement devices for the

1 regulation, control, guidance, and protection of traffic and
2 the enforcement of traffic control signals on the State
3 Highway System. Such system shall conform to the department's
4 uniform system of traffic control devices adopted pursuant to
5 s. 316.0745.

6 Section 11. Section 335.14, Florida Statutes, is
7 amended to read:

8 335.14 Traffic control devices on State Highway System
9 or State Park Road System; exemption for computerized traffic
10 systems and control devices.--

11 (1) All traffic control devices installed on any road
12 on the State Highway System or State Park Road System shall
13 conform to the uniform system of traffic control devices
14 adopted pursuant to s. 316.0745. No such device shall be
15 installed on the State Highway System without the approval of
16 the department and, if the road is a federal-aid road, the
17 additional concurrence of the Federal Highway Administration.
18 Any such device that is installed without such approval may be
19 removed without payment to the owner if, upon request by the
20 department, the owner refuses to remove such device.

21 (2) Computerized traffic systems and control devices
22 which are used solely for the purpose of motor vehicle traffic
23 control, ~~and~~ surveillance, and signal enforcement shall be
24 exempted from the provisions of chapter 282.

25 Section 12. This act shall take effect upon becoming a
26 law.

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