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A bill to be entitled

An act relating to traffic control; amending s. 316.003, F.S.; revising the definition of "official traffic control devices"; amending s. 316.006, F.S.; revising jurisdiction provisions to provide for devices to enforce traffic control signals; amending s. 316.0745, F.S.; providing for a uniform system of traffic control signal enforcement devices to be included in the uniform system of traffic control devices adopted by the Department of Transportation; providing for inclusion of traffic control signal enforcement devices in the manual of definitions and specifications published by that department; requiring such signal enforcement devices to conform to the department's manual and specifications; providing for review and approval of the devices by the department; providing procedures for removal of nonconforming devices; providing penalties for failure to conform; providing for exceptions; creating s. 316.1003, F.S.; providing for enforcement of traffic control signals by the Department of Transportation; providing for signal enforcement officers; providing for issuance of citations; providing responsibility and liability for payment of a citation; providing for evidence; prohibiting submission of a false affidavit; providing penalties; providing for restricting issuance of a license plate or revalidation sticker for outstanding violations; providing for collection and distribution of fines; providing that enforcement is supplemental to enforcement by law enforcement officers; requiring rulemaking; amending s. 316.640, F.S.; providing

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30 for development of training and qualifications standards  
 31 for signal enforcement officers; authorizing such officers  
 32 to enforce traffic control signals; amending s. 316.650,  
 33 F.S.; providing procedures for citations issued pursuant  
 34 to s. 316.1003, F.S.; amending s. 318.14, F.S.; providing  
 35 procedures for disposition of said citations; amending s.  
 36 318.18, F.S.; providing for payment of a fine to the  
 37 Department of Transportation in lieu of court; amending s.  
 38 320.03, F.S.; restricting issuance of a license plate or  
 39 revalidation sticker for outstanding violations; amending  
 40 s. 335.09, F.S.; providing for erection and maintenance of  
 41 traffic control signal enforcement devices; amending s.  
 42 335.14, F.S.; exempting computerized traffic control  
 43 signal enforcement devices from the Information Resources  
 44 Management Act of 1997 and the Commerce Protection Act;  
 45 providing an effective date.

46  
 47 Be It Enacted by the Legislature of the State of Florida:

48  
 49 Section 1. Subsection (23) of section 316.003, Florida  
 50 Statutes, is amended to read:

51 316.003 Definitions.--The following words and phrases,  
 52 when used in this chapter, shall have the meanings respectively  
 53 ascribed to them in this section, except where the context  
 54 otherwise requires:

55 (23) OFFICIAL TRAFFIC CONTROL DEVICES.--All signs,  
 56 signals, markings, and devices, not inconsistent with this  
 57 chapter, placed or erected by authority of a public body or  
 58 official having jurisdiction for the purpose of regulating,

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59 warning, or guiding traffic or enforcing traffic control  
 60 signals.

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

63 316.006 Jurisdiction.--Jurisdiction to control traffic is  
 64 vested as follows:

65 (1) STATE.--The Department of Transportation shall have  
 66 all original jurisdiction over all state roads throughout this  
 67 state, including those within the grounds of all state  
 68 institutions and the boundaries of all dedicated state parks,  
 69 and may place and maintain such traffic control devices which  
 70 conform to its manual and specifications upon all such highways  
 71 as it shall deem necessary to indicate and to carry out the  
 72 provisions of this chapter or to regulate, warn, or guide  
 73 traffic or to enforce traffic control signals.

74 Section 3. Section 316.0745, Florida Statutes, is amended  
 75 to read:

76 316.0745 Uniform signals and devices.--

77 (1) The Department of Transportation shall adopt a uniform  
 78 system of traffic control devices for use on the streets and  
 79 highways of the state, which shall include a uniform system of  
 80 traffic control signal enforcement devices. The uniform system  
 81 shall, insofar as is practicable, conform to the system adopted  
 82 by the American Association of State Highway Officials and shall  
 83 be revised from time to time to include changes necessary to  
 84 conform to a uniform national system or to meet local and state  
 85 needs. The Department of Transportation may call upon  
 86 representatives of local authorities to assist in the

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87 preparation or revision of the uniform system of traffic control  
88 devices.

89 (2) The Department of Transportation shall compile and  
90 publish a manual of uniform traffic control devices which  
91 defines the uniform system adopted pursuant to subsection (1),  
92 and shall compile and publish minimum specifications for traffic  
93 control signals and devices and traffic control signal  
94 enforcement devices certified by it as conforming with the  
95 uniform system.

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

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

103 (3) All official traffic control signals and traffic  
104 control signal enforcement devices or official traffic control  
105 devices purchased and installed in this state by any public body  
106 or official shall conform with the manual and specifications  
107 published by the Department of Transportation pursuant to  
108 subsection (2).

109 (4) It shall be unlawful for any public body or official  
110 to purchase, or for anyone to sell, any traffic control signal,  
111 ~~or~~ device, or signal enforcement device unless it conforms with  
112 the manual and specifications published by the Department of  
113 Transportation and is certified to be of such conformance prior  
114 to sale. Any manufacturer or vendor who sells any traffic  
115 control signal, guide, or directional sign or device or any

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116 traffic control signal enforcement device without such  
117 certification shall be ineligible to bid or furnish traffic  
118 control devices to any public body or official for such period  
119 of time as may be established by the Department of  
120 Transportation; however, such period of time shall be for not  
121 less than 1 year from the date of notification of such  
122 ineligibility.

123 (5) It is unlawful for any public body to manufacture for  
124 installation or placement any traffic control signal, guide, or  
125 directional sign or device or any traffic control signal  
126 enforcement device unless it conforms to the uniform system of  
127 traffic control devices published by the Department of  
128 Transportation. It is unlawful for any public body to sell any  
129 traffic control signal, guide, or directional sign or device or  
130 any traffic control signal enforcement device it manufactures to  
131 any nongovernmental entity or person.

132 (6) Any system of traffic control devices controlled and  
133 operated from a remote location by electronic computers or  
134 similar devices shall meet all requirements established for the  
135 uniform system, and, where such systems affect the movement of  
136 traffic on state roads, the design of the system shall be  
137 reviewed and approved by the Department of Transportation.

138 (7) The Department of Transportation is authorized, after  
139 hearing pursuant to 14 days' notice, to direct the removal of  
140 any purported traffic control device wherever located which  
141 fails to meet the requirements of this section. The public  
142 agency erecting or installing the same shall immediately remove  
143 said device or signal or traffic control signal enforcement  
144 device upon the direction of the Department of Transportation

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145 and may not, for a period of 5 years, install any replacement or  
 146 new traffic control devices paid for in part or in full with  
 147 revenues raised by the state unless written prior approval is  
 148 received from the Department of Transportation. Any additional  
 149 violation by a public body or official shall be cause for the  
 150 withholding of state funds for traffic control purposes until  
 151 such public body or official demonstrates to the Department of  
 152 Transportation that it is complying with this section.

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

156 Section 4. Section 316.1003, Florida Statutes, is created  
 157 to read:

158 316.1003 Traffic control signal enforcement.--

159 (1)(a) For the purpose of enforcing s. 316.075, the  
 160 Department of Transportation shall by rule authorize a signal  
 161 enforcement officer to issue a uniform traffic citation for a  
 162 violation of s. 316.075. "Signal enforcement officer" means the  
 163 designee of the Department of Transportation whose sole  
 164 authority is to enforce traffic control signals. The Department  
 165 of Transportation may designate signal enforcement officers  
 166 pursuant to s. 316.640(1).

167 (b) A citation issued under this subsection may be issued  
 168 by mailing the citation by first-class mail, or by certified  
 169 mail, return receipt requested, to the address of the registered  
 170 owner of the motor vehicle involved in the violation. Mailing  
 171 the citation to this address constitutes notification. In the  
 172 case of joint ownership of a motor vehicle, the traffic citation  
 173 must be mailed to the first name appearing on the registration,

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174 unless the first name appearing on the registration is a  
 175 business organization, in which case the second name appearing  
 176 on the registration may be used. A citation issued under this  
 177 paragraph must be mailed to the registered owner of the motor  
 178 vehicle involved in the violation within 14 days after the date  
 179 of issuance of the violation. In addition to the citation,  
 180 notification must be sent to the registered owner of the motor  
 181 vehicle involved in the violation specifying remedies available  
 182 under ss. 318.14(13) and 318.18(13).

183 (c) The owner of the motor vehicle involved in the  
 184 violation of s. 316.075 is responsible and liable for payment of  
 185 a citation issued for that violation, unless the owner can  
 186 establish that the motor vehicle was, at the time of the  
 187 violation, in the care, custody, or control of another person.  
 188 In order to establish such facts, the owner of the motor vehicle  
 189 is required, within 14 days after notification of the citation,  
 190 to furnish to the Department of Transportation an affidavit  
 191 setting forth:

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

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

198  
 199 Upon receipt by the Department of Transportation of an  
 200 affidavit, the person designated as having care, custody, or  
 201 control of the motor vehicle at the time of the violation of s.  
 202 316.075 may be issued a citation for that violation. The

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

207 (d) A written report of a signal enforcement officer or  
 208 photographic evidence that indicates the violation of s. 316.075  
 209 is admissible in any proceeding to enforce this section and s.  
 210 316.075 and raises a rebuttable presumption that the motor  
 211 vehicle named in the report or shown in the photographic  
 212 evidence was used in the violation of s. 316.075.

213 (2) The submission of a false affidavit is a misdemeanor  
 214 of the second degree, punishable as provided in s. 775.082 or s.  
 215 775.083.

216 (3) The Department of Transportation may supply the  
 217 department with data that is machine readable by the  
 218 department's computer system listing persons who have one or  
 219 more outstanding violations of s. 316.075. Pursuant to s.  
 220 320.03(8), those persons may not be issued a license plate or  
 221 revalidation sticker for any motor vehicle.

222 (4) The Department of Transportation shall remit the  
 223 moneys collected for the fines paid under ss. 318.14(13) and  
 224 318.18(13) to the Department of Revenue. The Department of  
 225 Revenue shall distribute the funds received as follows:

226 (a) Three percent annually to the Brain and Spinal Cord  
 227 Injury Program in the Department of Health, up to a total of  
 228 \$500,000 per year.

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



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232 (c) One and one-half percent annually to MADD Broward, up  
 233 to a total of \$250,000 per year, which shall be used for MADD  
 234 About Music to pay for educational programs to encourage teens  
 235 to abstain from underage drinking and substance abuse.

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

240 (e) Seventy-seven percent annually to the Department of  
 241 Elderly Affairs, up to a total of \$13.2 million per year, to be  
 242 distributed equally among the area agencies on aging to provide  
 243 for a transportation resource intervention program for  
 244 individuals over 79 years of age who become unable to drive. The  
 245 program shall identify and coordinate transportation resources  
 246 and services available to address the needs of such individuals  
 247 and to assist in the transition of an independent lifestyle to  
 248 one that requires assistance.

249  
 250 All remaining funds shall be deposited into the General Revenue  
 251 Fund.

252 (5) This section supplements the enforcement of s. 316.075  
 253 by law enforcement officers and does not prohibit a law  
 254 enforcement officer from issuing a citation for a violation of  
 255 s. 316.075 in accordance with normal traffic enforcement  
 256 techniques; however, no more than one citation for a violation  
 257 of s. 316.075 arising from the same incident shall be  
 258 enforceable.

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259 (6) The Department of Transportation shall develop and  
 260 adopt rules necessary to implement the provisions of this  
 261 section.

262 Section 5. Paragraph (b) of subsection (1) of section  
 263 316.640, Florida Statutes, is amended to read:

264 316.640 Enforcement.--The enforcement of the traffic laws  
 265 of this state is vested as follows:

266 (1) STATE.--

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

270 2.a. The Department of Transportation shall develop  
 271 training and qualifications standards for toll enforcement  
 272 officers whose sole authority is to enforce the payment of tolls  
 273 pursuant to s. 316.1001. Nothing in this subparagraph shall be  
 274 construed to permit the carrying of firearms or other weapons,  
 275 nor shall a toll enforcement officer have arrest authority.

276 b. For the purpose of enforcing s. 316.1001, governmental  
 277 entities, as defined in s. 334.03, which own or operate a toll  
 278 facility may employ independent contractors or designate  
 279 employees as toll enforcement officers; however, any such toll  
 280 enforcement officer must successfully meet the training and  
 281 qualifications standards for toll enforcement officers  
 282 established by the Department of Transportation.

283 3. The Department of Transportation shall develop training  
 284 and qualifications standards for signal enforcement officers  
 285 whose sole authority is to enforce traffic control signals  
 286 pursuant to s. 316.1003. Nothing in this subparagraph shall be

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287 construed to permit the carrying of firearms or other weapons,  
 288 nor shall a signal enforcement officer have arrest authority.

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

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

296 316.650 Traffic citations.--

297 (3)(a) Except for a traffic citation issued pursuant to s.  
 298 316.1001 or s. 316.1003, each traffic enforcement officer, upon  
 299 issuing a traffic citation to an alleged violator of any  
 300 provision of the motor vehicle laws of this state or of any  
 301 traffic ordinance of any city or town, shall deposit the  
 302 original and one copy of such traffic citation or, in the case  
 303 of a traffic enforcement agency which has an automated citation  
 304 issuance system, shall provide an electronic facsimile with a  
 305 court having jurisdiction over the alleged offense or with its  
 306 traffic violations bureau within 5 days after issuance to the  
 307 violator.

308 (b) If a traffic citation is issued pursuant to s.  
 309 316.1001 or s. 316.1003, a traffic enforcement officer may  
 310 deposit the original and one copy of such traffic citation or,  
 311 in the case of a traffic enforcement agency that has an  
 312 automated citation system, may provide an electronic facsimile  
 313 with a court having jurisdiction over the alleged offense or  
 314 with its traffic violations bureau within 45 days after the date  
 315 of issuance of the citation to the violator.

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316 Section 7. Subsections (2) and (4) of section 318.14,  
 317 Florida Statutes, are amended, and subsection (13) is added to  
 318 said section, to read:

319 318.14 Noncriminal traffic infractions; exception;  
 320 procedures.--

321 (2) Except as provided in ss. ~~s.~~ 316.1001(2) and 316.1003,  
 322 any person cited for an infraction under this section must sign  
 323 and accept a citation indicating a promise to appear. The  
 324 officer may indicate on the traffic citation the time and  
 325 location of the scheduled hearing and must indicate the  
 326 applicable civil penalty established in s. 318.18.

327 (4) Except as provided in subsections ~~subsection~~ (12) and  
 328 (13), any person charged with a noncriminal infraction under  
 329 this section who does not elect to appear shall pay the civil  
 330 penalty and delinquent fee, if applicable, either by mail or in  
 331 person, within 30 days after the date of issuance of the  
 332 citation. If the person cited follows the above procedure, he or  
 333 she shall be deemed to have admitted the infraction and to have  
 334 waived his or her right to a hearing on the issue of commission  
 335 of the infraction. Such admission shall not be used as evidence  
 336 in any other proceedings. Any person who is cited for a  
 337 violation of s. 320.0605 or s. 322.15(1), or subject to a  
 338 penalty under s. 320.07(3)(a) or (b) or s. 322.065, and who  
 339 makes an election under this subsection shall submit proof of  
 340 compliance with the applicable section to the clerk of the  
 341 court. For the purposes of this subsection, proof of compliance  
 342 consists of a valid driver's license or a valid registration  
 343 certificate.

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344 (13) Any person cited pursuant to s. 316.1003 for a  
 345 violation of s. 316.075 may, in lieu of making an election as  
 346 set forth in subsection (4), elect to pay his or her fine  
 347 directly to the Department of Transportation within 30 days  
 348 after the date of issuance of the citation. Any person cited  
 349 under s. 316.1003 for a violation of s. 316.075 who does not  
 350 elect to pay the fine directly to the Department of  
 351 Transportation as described in this subsection shall have an  
 352 additional 45 days after the date of the issuance of the  
 353 citation in which to pay the civil penalty and delinquent fee,  
 354 if applicable, as provided in s. 318.18, either by mail or in  
 355 person, in accordance with subsection (4).

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

358 318.18 Amount of civil penalties.--The penalties required  
 359 for a noncriminal disposition pursuant to s. 318.14 are as  
 360 follows:

361 (13) The penalty for a violation of s. 316.075 cited  
 362 pursuant to s. 316.1003 shall be as provided in this section,  
 363 and all court costs, fees, and surcharges provided for in this  
 364 chapter shall apply. However, within 30 days after issuance of  
 365 the citation, a person may elect to pay \$100 to the Department  
 366 of Transportation, in which case adjudication shall be withheld,  
 367 no points shall be assessed under s. 322.27, and said court  
 368 costs, fees, and surcharges provided for in this chapter shall  
 369 not apply. Any funds received by the Department of  
 370 Transportation for this violation shall be distributed as  
 371 provided for in s. 316.1003.

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

374 320.03 Registration; duties of tax collectors;  
 375 International Registration Plan.--

376 (8) If the applicant's name appears on the list referred  
 377 to in s. 316.1001(4), s. 316.1967(6), or s. 713.78(13), a  
 378 license plate or revalidation sticker may not be issued until  
 379 that person's name no longer appears on the list or until the  
 380 person presents a receipt from the clerk showing that the fines  
 381 outstanding have been paid. If the applicant's name appears on  
 382 the list referred to in s. 316.1003(3), a license plate or  
 383 revalidation sticker may not be issued until that person's name  
 384 no longer appears on the list or until the person presents a  
 385 receipt from the Department of Transportation showing that the  
 386 fines outstanding have been paid. The tax collector and the  
 387 clerk of the court are each entitled to receive monthly, as  
 388 costs for implementing and administering this subsection, 10  
 389 percent of the civil penalties and fines recovered from such  
 390 persons. As used in this subsection, the term "civil penalties  
 391 and fines" does not include a wrecker operator's lien as  
 392 described in s. 713.78(13). If the tax collector has private tag  
 393 agents, such tag agents are entitled to receive a pro rata share  
 394 of the amount paid to the tax collector, based upon the  
 395 percentage of license plates and revalidation stickers issued by  
 396 the tag agent compared to the total issued within the county.  
 397 The authority of any private agent to issue license plates shall  
 398 be revoked, after notice and a hearing as provided in chapter  
 399 120, if he or she issues any license plate or revalidation  
 400 sticker contrary to the provisions of this subsection. This

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401 section applies only to the annual renewal in the owner's birth  
 402 month of a motor vehicle registration and does not apply to the  
 403 transfer of a registration of a motor vehicle sold by a motor  
 404 vehicle dealer licensed under this chapter, except for the  
 405 transfer of registrations which is inclusive of the annual  
 406 renewals. This section does not affect the issuance of the title  
 407 to a motor vehicle, notwithstanding s. 319.23(7)(b).

408 Section 10. Section 335.09, Florida Statutes, is amended  
 409 to read:

410 335.09 Uniform erection and maintenance of traffic control  
 411 devices.--The department shall erect and maintain a uniform  
 412 system of signs, signals, markings, and other traffic control  
 413 devices and signal enforcement devices for the regulation,  
 414 control, guidance, and protection of traffic and the enforcement  
 415 of traffic control signals on the State Highway System. Such  
 416 system shall conform to the department's uniform system of  
 417 traffic control devices adopted pursuant to s. 316.0745.

418 Section 11. Subsection (2) of section 335.14, Florida  
 419 Statutes, is amended to read:

420 335.14 Traffic control devices on State Highway System or  
 421 State Park Road System; exemption for computerized traffic  
 422 systems and control devices.--

423 (1) All traffic control devices installed on any road on  
 424 the State Highway System or State Park Road System shall conform  
 425 to the uniform system of traffic control devices adopted  
 426 pursuant to s. 316.0745. No such device shall be installed on  
 427 the State Highway System without the approval of the department  
 428 and, if the road is a federal-aid road, the additional  
 429 concurrence of the Federal Highway Administration. Any such

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430 device that is installed without such approval may be removed  
431 without payment to the owner if, upon request by the department,  
432 the owner refuses to remove such device.

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

437 Section 12. This act shall take effect upon becoming a  
438 law.