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Proposed Committee Substitute by the Committee on Transportation

A bill to be entitled

An act relating to traffic infraction detectors;  
amending s. 316.0776, F.S.; requiring the Department  
of Transportation to develop signal timing  
specifications for traffic infraction detectors;  
prohibiting the issuance of a notice of violation or  
uniform traffic citation for traffic infraction  
detectors that are not in compliance with all  
specifications; requiring the department to identify  
certain engineering countermeasures that must be  
considered before installation of a traffic infraction  
detector; requiring a decision to place a traffic  
infraction detector on any roadway to be based on the  
results of a specified traffic engineering study;  
requiring the study to be signed and sealed by a  
Florida-licensed professional engineer; amending s.  
316.0083, F.S.; revising the distribution of penalties  
collected when violations are enforced by a Department  
of Highway Safety and Motor Vehicles traffic  
infraction enforcement officer; limiting the  
authorized uses of certain funds distributed to a  
county or municipality,; revising the distribution of  
penalties for violations enforced by a county or  
municipal traffic infraction officer; identifying the  
authorized uses of funds retained by a county or  
municipality after contractual obligations are  
satisfied; defining a term; specifying the format of  
the traffic infraction detector information that must



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29 be submitted to the department; nullifying certain  
30 issued notices of violation or citations during a  
31 certain time period if a county or municipality fails  
32 to submit the required information by a specified  
33 time; decreasing the amount of the authorized  
34 assessment of county or municipal costs related to  
35 notice of violation hearings; amending s. 318.18,  
36 F.S.; decreasing the amount of the authorized  
37 assessment of county or municipal costs if a local  
38 hearing officer upholds a notice of violation;  
39 providing an effective date.  
40

41 Be It Enacted by the Legislature of the State of Florida:  
42

43 Section 1. Subsection (1) of section 316.0776, Florida  
44 Statutes, is amended to read:

45 316.0776 Traffic infraction detectors; placement and  
46 installation.—

47 (1) Traffic infraction detectors are allowed on state roads  
48 when permitted by the Department of Transportation and under  
49 placement, ~~and~~ installation, and signal timing specifications  
50 developed by the Department of Transportation. Traffic  
51 infraction detectors are allowed on streets and highways under  
52 the jurisdiction of counties or municipalities in accordance  
53 with placement, ~~and~~ installation, and signal timing  
54 specifications developed by the Department of Transportation. A  
55 notice of violation or uniform traffic citation may not be  
56 issued through the use a traffic infraction detector that is not  
57 in compliance with all specifications. Additionally, the



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58 department shall identify engineering countermeasures that are  
59 intended to reduce violations of ss. 316.074(1) and  
60 316.075(1)(c)1. to be considered and applied, where appropriate,  
61 before the installation of a traffic infraction detector on any  
62 roadway. The decision to place a traffic infraction detector on  
63 any roadway must be based on the results of a traffic  
64 engineering study that documents the implementation and failure  
65 of any engineering countermeasure appropriate for the specific  
66 location. The study must be signed and sealed by a professional  
67 engineer licensed in this state.

68 Section 2. Paragraph (b) of subsection (1), subsection (4),  
69 and paragraph (e) of subsection (5) of section 316.0083, Florida  
70 Statutes, are amended to read:

71 316.0083 Mark Wandall Traffic Safety Program;  
72 administration; report.—

73 (1)

74 (b)1.a. Within 30 days after a violation, notification must  
75 be sent to the registered owner of the motor vehicle involved in  
76 the violation specifying the remedies available under s. 318.14  
77 and that the violator must pay the penalty of \$158 to the  
78 department, county, or municipality, or furnish an affidavit in  
79 accordance with paragraph (d), or request a hearing within 60  
80 days following the date of the notification in order to avoid  
81 the issuance of a traffic citation. The notification must be  
82 sent by first-class mail. The mailing of the notice of violation  
83 constitutes notification.

84 b. Included with the notification to the registered owner  
85 of the motor vehicle involved in the infraction must be a notice  
86 that the owner has the right to review the photographic or



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87 electronic images or the streaming video evidence that  
88 constitutes a rebuttable presumption against the owner of the  
89 vehicle. The notice must state the time and place or Internet  
90 location where the evidence may be examined and observed.

91 c. Notwithstanding any other provision of law, a person who  
92 receives a notice of violation under this section may request a  
93 hearing within 60 days following the notification of violation  
94 or pay the penalty pursuant to the notice of violation, but a  
95 payment or fee may not be required before the hearing requested  
96 by the person. The notice of violation must be accompanied by,  
97 or direct the person to a website that provides, information on  
98 the person's right to request a hearing and on all court costs  
99 related thereto and a form to request a hearing. As used in this  
100 sub-subparagraph, the term "person" includes a natural person,  
101 registered owner or coowner of a motor vehicle, or person  
102 identified on an affidavit as having care, custody, or control  
103 of the motor vehicle at the time of the violation.

104 d. If the registered owner or coowner of the motor vehicle,  
105 or the person designated as having care, custody, or control of  
106 the motor vehicle at the time of the violation, or an authorized  
107 representative of the owner, coowner, or designated person,  
108 initiates a proceeding to challenge the violation pursuant to  
109 this paragraph, such person waives any challenge or dispute as  
110 to the delivery of the notice of violation.

111 2. Penalties assessed and collected by the department,  
112 county, or municipality authorized to collect the funds provided  
113 for in this paragraph, less the amount retained by the county or  
114 municipality pursuant to subparagraph 3., shall be paid to the  
115 Department of Revenue weekly. Payment by the department, county,



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116 or municipality to the state shall be made by means of  
117 electronic funds transfers. In addition to the payment, summary  
118 detail of the penalties remitted shall be reported to the  
119 Department of Revenue.

120 3. Penalties to be assessed and collected by the  
121 department, county, or municipality are as follows:

122 a. One hundred fifty-eight dollars for a violation of s.  
123 316.074(1) or s. 316.075(1)(c)1. when a driver failed to stop at  
124 a traffic signal if enforcement is by the department's traffic  
125 infraction enforcement officer. One hundred dollars shall be  
126 remitted to the Department of Revenue for deposit into the State  
127 Transportation Trust ~~General Revenue~~ Fund, \$10 shall be remitted  
128 to the Department of Revenue for deposit into the Department of  
129 Health Emergency Medical Services Trust Fund, \$3 shall be  
130 remitted to the Department of Revenue for deposit into the Brain  
131 and Spinal Cord Injury Trust Fund, and \$45 shall be distributed  
132 to the municipality in which the violation occurred, or, if the  
133 violation occurred in an unincorporated area, to the county in  
134 which the violation occurred. Of the funds distributed to a  
135 county or municipality, any funds remaining after satisfaction  
136 of contractual obligations must be used for traffic safety  
137 capital projects intended to protect vulnerable road users or to  
138 fund traffic studies required under s. 316.0776(1). Funds  
139 deposited into the State Transportation Trust Fund under this  
140 sub-subparagraph must be used for intersection safety  
141 improvements in the county or municipality in which the  
142 violation occurred. As used in this section, the term  
143 "vulnerable road users" includes pedestrians and bicyclists.  
144 Funds deposited into the Department of Health Emergency Medical



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145 Services Trust Fund under this sub-subparagraph shall be  
146 distributed as provided in s. 395.4036(1). Proceeds of the  
147 infractions in the Brain and Spinal Cord Injury Trust Fund shall  
148 be distributed quarterly to the Miami Project to Cure Paralysis  
149 and used for brain and spinal cord research.

150       b. One hundred fifty-eight dollars for a violation of s.  
151 316.074(1) or s. 316.075(1)(c)1. when a driver failed to stop at  
152 a traffic signal if enforcement is by a county or municipal  
153 traffic infraction enforcement officer. Seventy dollars shall be  
154 remitted by the county or municipality to the Department of  
155 Revenue for deposit into the State Transportation Trust General  
156 Revenue Fund, \$10 shall be remitted to the Department of Revenue  
157 for deposit into the Department of Health Emergency Medical  
158 Services Trust Fund, \$3 shall be remitted to the Department of  
159 Revenue for deposit into the Brain and Spinal Cord Injury Trust  
160 Fund, and \$75 shall be retained by the county or municipality  
161 enforcing the ordinance enacted pursuant to this section. Any  
162 funds retained by the county or municipality remaining after  
163 satisfaction of contractual obligations related to traffic  
164 infraction detectors must be used for traffic safety capital  
165 projects intended to protect vulnerable road users or to fund  
166 traffic studies required under s. 316.0776(1). Funds deposited  
167 into the State Transportation Trust Fund under this sub-  
168 subparagraph must be used for intersection safety improvements  
169 in the county or municipality in which the violation occurred.  
170 Funds deposited into the Department of Health Emergency Medical  
171 Services Trust Fund under this sub-subparagraph shall be  
172 distributed as provided in s. 395.4036(1). Proceeds of the  
173 infractions in the Brain and Spinal Cord Injury Trust Fund shall



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174 be distributed quarterly to the Miami Project to Cure Paralysis  
175 and used for brain and spinal cord research.

176 4. An individual may not receive a commission from any  
177 revenue collected from violations detected through the use of a  
178 traffic infraction detector. A manufacturer or vendor may not  
179 receive a fee or remuneration based upon the number of  
180 violations detected through the use of a traffic infraction  
181 detector.

182 (4) (a) Each county or municipality that operates a traffic  
183 infraction detector shall submit a report by October 1 of each  
184 year, 2012, and annually thereafter, to the department which  
185 details the results of using the traffic infraction detector and  
186 the procedures for enforcement for the preceding state fiscal  
187 year. The information submitted by the counties and  
188 municipalities must include statistical data and information  
189 required by the department and the Department of Transportation  
190 to complete the report required under paragraph (b). The data  
191 and information must be submitted in a format that enables the  
192 individual review of each intersection monitored by a traffic  
193 infraction detector. The failure of a county or municipality to  
194 submit the required data and information by October 1 of each  
195 year nullifies all notices of violation or uniform traffic  
196 citations issued through the use of traffic infraction detectors  
197 within the county or municipality on or after October 1 of such  
198 year until the date on which the data and information are  
199 submitted to the satisfaction of both departments, as evidenced  
200 by a letter from each department acknowledging a satisfactory  
201 submission.

202 (b) After collaborating with the Department of



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203 Transportation, on or before December 31 of each year, ~~2012, and~~  
204 ~~annually thereafter~~, the department shall provide a summary  
205 report to the Governor, the President of the Senate, and the  
206 Speaker of the House of Representatives regarding the use and  
207 operation of traffic infraction detectors under this section,  
208 along with the departments' ~~department's~~ recommendations and any  
209 necessary legislation. The summary report must include a review  
210 of the information submitted to the department by the counties  
211 and municipalities and must describe the enhancement of the  
212 traffic safety and enforcement programs.

213 (5) Procedures for a hearing under this section are as  
214 follows:

215 (e) At the conclusion of the hearing, the local hearing  
216 officer shall determine whether a violation under this section  
217 has occurred, in which case the hearing officer shall uphold or  
218 dismiss the violation. The local hearing officer shall issue a  
219 final administrative order including the determination and, if  
220 the notice of violation is upheld, require the petitioner to pay  
221 the penalty previously assessed under paragraph (1) (b), and may  
222 also require the petitioner to pay county or municipal costs,  
223 not to exceed \$100 ~~\$250~~. The final administrative order shall be  
224 mailed to the petitioner by first-class mail.

225 Section 3. Subsection (22) of section 318.18, Florida  
226 Statutes, is amended to read:

227 318.18 Amount of penalties.—The penalties required for a  
228 noncriminal disposition pursuant to s. 318.14 or a criminal  
229 offense listed in s. 318.17 are as follows:

230 (22) In addition to the penalty prescribed under s.  
231 316.0083 for violations enforced under s. 316.0083 which are





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232 upheld, the local hearing officer may also order the payment of  
233 county or municipal costs, not to exceed \$100 ~~\$250~~.

234 Section 4. This act shall take effect July 1, 2014.