



133272

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/05/2015	.	
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The Committee on Transportation (Brandes) recommended the following:

Senate Amendment (with title amendment)

Between lines 69 and 70

insert:

Section 2. Paragraph (b) of subsection (1) and paragraph (a) of subsection (4) of section 316.0083, Florida Statutes, are amended to read:

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

(1)



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11 (b)1.a. Within 30 days after a violation, notification must
12 be sent to the registered owner of the motor vehicle involved in
13 the violation specifying the remedies available under s. 318.14
14 and that the violator must pay the penalty of \$158 to the
15 department, county, or municipality, or furnish an affidavit in
16 accordance with paragraph (d), or request a hearing within 60
17 days following the date of the notification in order to avoid
18 the issuance of a traffic citation. The notification must be
19 sent by first-class mail. The mailing of the notice of violation
20 constitutes notification.

21 b. Included with the notification to the registered owner
22 of the motor vehicle involved in the infraction must be a notice
23 that the owner has the right to review the photographic or
24 electronic images or the streaming video evidence that
25 constitutes a rebuttable presumption against the owner of the
26 vehicle. The notice must state the time and place or Internet
27 location where the evidence may be examined and observed.

28 c. Notwithstanding any other provision of law, a person who
29 receives a notice of violation under this section may request a
30 hearing within 60 days following the notification of violation
31 or pay the penalty pursuant to the notice of violation, but a
32 payment or fee may not be required before the hearing requested
33 by the person. The notice of violation must be accompanied by,
34 or direct the person to a website that provides, information on
35 the person's right to request a hearing and on all court costs
36 related thereto and a form to request a hearing. As used in this
37 sub-subparagraph, the term "person" includes a natural person,
38 registered owner or coowner of a motor vehicle, or person
39 identified on an affidavit as having care, custody, or control



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40 of the motor vehicle at the time of the violation.

41 d. If the registered owner or coowner of the motor vehicle,
42 or the person designated as having care, custody, or control of
43 the motor vehicle at the time of the violation, or an authorized
44 representative of the owner, coowner, or designated person,
45 initiates a proceeding to challenge the violation pursuant to
46 this paragraph, such person waives any challenge or dispute as
47 to the delivery of the notice of violation.

48 2. Penalties assessed and collected by the department,
49 county, or municipality authorized to collect the funds provided
50 for in this paragraph, less the amount retained by the county or
51 municipality pursuant to subparagraph 3., shall be paid to the
52 Department of Revenue weekly. Payment by the department, county,
53 or municipality to the state shall be made by means of
54 electronic funds transfers. In addition to the payment, summary
55 detail of the penalties remitted shall be reported to the
56 Department of Revenue.

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

59 a. One hundred fifty-eight dollars for a violation of s.
60 316.074(1) or s. 316.075(1)(c)1. when a driver failed to stop at
61 a traffic signal if enforcement is by the department's traffic
62 infraction enforcement officer. One hundred dollars shall be
63 remitted to the Department of Revenue for deposit into the
64 General Revenue Fund, \$10 shall be remitted to the Department of
65 Revenue for deposit into the Department of Health Emergency
66 Medical Services Trust Fund, \$3 shall be remitted to the
67 Department of Revenue for deposit into the Brain and Spinal Cord
68 Injury Trust Fund, and \$45 shall be distributed to the



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69 municipality in which the violation occurred, or, if the
70 violation occurred in an unincorporated area, to the county in
71 which the violation occurred. Funds deposited into the
72 Department of Health Emergency Medical Services Trust Fund under
73 this sub-subparagraph shall be distributed as provided in s.
74 395.4036(1). Proceeds of the infractions in the Brain and Spinal
75 Cord Injury Trust Fund shall be distributed quarterly to the
76 Miami Project to Cure Paralysis and used for brain and spinal
77 cord research.

78 b. One hundred fifty-eight dollars for a violation of s.
79 316.074(1) or s. 316.075(1)(c)1. when a driver failed to stop at
80 a traffic signal if enforcement is by a county or municipal
81 traffic infraction enforcement officer. Seventy dollars shall be
82 remitted by the county or municipality to the Department of
83 Revenue for deposit into the General Revenue Fund, \$10 shall be
84 remitted to the Department of Revenue for deposit into the
85 Department of Health Emergency Medical Services Trust Fund, \$3
86 shall be remitted to the Department of Revenue for deposit into
87 the Brain and Spinal Cord Injury Trust Fund, and \$75 shall be
88 retained by the county or municipality enforcing the ordinance
89 enacted pursuant to this section. Funds deposited into the
90 Department of Health Emergency Medical Services Trust Fund under
91 this sub-subparagraph shall be distributed as provided in s.
92 395.4036(1). Proceeds of the infractions in the Brain and Spinal
93 Cord Injury Trust Fund shall be distributed quarterly to the
94 Miami Project to Cure Paralysis and used for brain and spinal
95 cord research.

96 4. If a county or municipality fails to comply with the
97 reporting requirements in subsection (4), as determined by the



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98 department, the department shall annually, on October 1, provide
99 notice of such noncompliance to the county or municipality and
100 the Department of Revenue. In cases of such noncompliance,
101 notwithstanding subparagraph 3., the portion of revenues
102 collected and otherwise retained by the county or municipality
103 may not be retained but shall be remitted to the Department of
104 Revenue. The Department of Revenue shall maintain records of
105 such remissions reflecting the total amount of revenues received
106 from each noncompliant county or municipality. On notice from
107 the department that the county or municipality has established
108 compliance, the Department of Revenue shall return those
109 revenues to the affected county or municipality.

110 ~~5.4.~~ An individual may not receive a commission from any
111 revenue collected from violations detected through the use of a
112 traffic infraction detector. A manufacturer or vendor may not
113 receive a fee or remuneration based upon the number of
114 violations detected through the use of a traffic infraction
115 detector.

116 (4) (a) Each county or municipality that operates a traffic
117 infraction detector shall submit a report ~~by October 1, 2012,~~
118 ~~and annually thereafter,~~ to the department no later than
119 September 30 of each year which details the results of using the
120 traffic infraction detector and the procedures for enforcement
121 for the preceding state fiscal year. The information submitted
122 by the counties and municipalities must include statistical data
123 and information required by the department to complete the
124 report required under paragraph (b), and must include all of the
125 following:-

126 1. The name of the jurisdiction and contact information for



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127 the person responsible for the administration of the traffic
128 infraction detector program.

129 2. The location of each camera, including both geospatial
130 and cross-road descriptions of the location of each device.

131 3. The date that each red light camera became operational,
132 and the dates of camera operation during the fiscal year,
133 including any status changes of the camera's use during the
134 reporting period.

135 4. Data related to the issuance and disposition of notices
136 of violation and subsequent uniform traffic citations issued
137 during the reporting period.

138 5. Vehicle crash data, including fatalities and injuries,
139 for crashes that occurred within a 250-foot radius of the
140 geospatial coordinates for each traffic infraction detector
141 during the 12-month period immediately preceding the initial
142 date of camera operation. Data submitted as required under this
143 subsection should be able to be validated against department
144 data.

145 6. Identification of any and all alternative safety
146 measures, including increasing the interval between the yellow
147 change light and the red clearance light, increasing the
148 visibility of traffic lights, and installing advance dilemma-
149 zone detection systems, which the jurisdiction considered or
150 implemented during the reporting period in lieu of or in
151 addition to the use of a traffic infraction detector. The
152 jurisdiction shall include the date of implementation of any
153 such measures to assist the department in the analysis of crash
154 data at a specified location.

155 ===== T I T L E A M E N D M E N T =====



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156 And the title is amended as follows:
157 Delete line 8
158 and insert:
159 officer killed in the line of duty; amending s.
160 316.0083, F.S.; requiring the department to provide
161 notice of noncompliance with specified reporting
162 requirements to the county or municipality and the
163 Department of Revenue annually on a certain date under
164 certain circumstances; requiring the portion of
165 revenues collected and otherwise retained by the
166 county or municipality to be remitted to the
167 Department of Revenue in cases of such noncompliance;
168 requiring the Department of Revenue to maintain
169 records of such remissions subject to certain
170 requirements; requiring the Department of Revenue to
171 return those revenues under certain circumstances;
172 revising the date when certain counties or
173 municipalities are required to submit a report;
174 specifying information to be included in the report
175 submitted by the counties and municipalities; amending
176 s.