

By the Committee on Transportation; and Senator Brandes

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1 A bill to be entitled
2 An act relating to the Department of Highway Safety
3 and Motor Vehicles; amending s. 112.19, F.S.;
4 providing that an employer may pay up to a certain
5 amount directly toward the venue expenses associated
6 with the funeral and burial services of a law
7 enforcement, correctional, or correctional probation
8 officer killed in the line of duty; amending s.
9 316.0083, F.S.; requiring the department to provide
10 notice of noncompliance with specified reporting
11 requirements to the county or municipality and the
12 Department of Revenue annually on a certain date under
13 certain circumstances; requiring the portion of
14 revenues collected and otherwise retained by the
15 county or municipality to be remitted to the
16 Department of Revenue in cases of such noncompliance;
17 requiring the Department of Revenue to maintain
18 records of such remissions subject to certain
19 requirements; requiring the Department of Revenue to
20 return those revenues under certain circumstances;
21 revising the date when certain counties or
22 municipalities are required to submit a report;
23 specifying information to be included in the report
24 submitted by the counties and municipalities; amending
25 s. 316.0776, F.S.; prohibiting a notice of violation
26 or uniform traffic citation to be issued through the
27 use of a traffic infraction detector that is not in
28 compliance with all specifications; requiring the
29 department to identify engineering countermeasures

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30 that are intended to reduce specified violations and
31 which may be considered and applied, where
32 appropriate, before the installation of a traffic
33 infraction detector on any roadway; requiring the
34 decision to place a traffic infraction detector on any
35 roadway to be based on the results of a traffic
36 engineering study subject to certain requirements;
37 amending s. 316.228, F.S.; requiring a vehicle with a
38 load that extends beyond its sides or a certain amount
39 beyond its rear to display red flags not less than 18
40 inches square under certain circumstances; amending s.
41 316.515, F.S.; authorizing the Department of
42 Transportation to permit truck tractor-semitrailer
43 combinations where the total number of overwidth
44 deliveries of manufactured buildings may be reduced by
45 the transport of multiple sections or single units on
46 an overlength trailer of no more than a specified
47 length under certain circumstances; amending s.
48 320.086, F.S.; requiring the department to issue a
49 special license plate to the owner of a motor vehicle
50 manufactured in the model year 1945 or earlier for
51 such motor vehicle, subject to certain requirements;
52 requiring the department to issue a special license
53 plate to the owner of a motor vehicle manufactured in
54 the model year after 1945 and of the age of 30 years
55 or more after the model year for such motor vehicle,
56 subject to certain requirements; amending s. 324.242,
57 F.S.; requiring the department to release the policy
58 number of a policy covering a vehicle involved in a

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59 motor vehicle accident to certain persons upon receipt
60 of a request and proof of a crash report created
61 pursuant to the laws of another state; requiring the
62 department to provide personal injury protection and
63 property damage liability insurance policy numbers to
64 department-approved third parties that provide data
65 collection services to certain insurers; requiring an
66 insurer's representative, a contracted third party, or
67 an attorney for a person involved in an accident to
68 provide the department with documentation confirming
69 proof of representation prior to the release of
70 certain policy numbers; authorizing the department to
71 disclose certain confidential and exempt information
72 to another governmental entity under certain
73 circumstances; defining the term "governmental
74 entity"; reenacting s. 319.23(3)(c), F.S., relating to
75 application for, and issuance of, certificate of
76 title, to incorporate the amendment made to s.
77 320.086, F.S., in a reference thereto; reenacting s.
78 320.08(2)(a) and (3)(e), F.S., relating to license
79 taxes, to incorporate the amendment made to s.
80 320.086, F.S., in a reference thereto; providing an
81 effective date.

82
83 Be It Enacted by the Legislature of the State of Florida:

84
85 Section 1. Paragraph (f) of subsection (2) of section
86 112.19, Florida Statutes, is amended to read:
87 112.19 Law enforcement, correctional, and correctional

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88 probation officers; death benefits.—

89 (2)

90 (f) If a full-time law enforcement, correctional, or
91 correctional probation officer who is employed by a state agency
92 is killed in the line of duty ~~as a result of an act of violence~~
93 ~~inflicted by another person~~ while the officer is engaged in the
94 performance of law enforcement duties or as a result of an
95 assault against the officer under riot conditions;7

96 1. The sum of \$1,000 shall be paid, as provided for in
97 paragraph (d), toward the funeral and burial expenses of such
98 officer. Such benefits are in addition to any other benefits
99 which employee beneficiaries and dependents are entitled to
100 under the provisions of the Workers' Compensation Law or any
101 other state or federal statutes; and

102 2. The officer's employer may pay up to \$5,000 directly
103 toward the venue expenses associated with the funeral and burial
104 services of such officer.

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

108 316.0083 Mark Wandall Traffic Safety Program;
109 administration; report.—

110 (1)

111 (b)1.a. Within 30 days after a violation, notification must
112 be sent to the registered owner of the motor vehicle involved in
113 the violation specifying the remedies available under s. 318.14
114 and that the violator must pay the penalty of \$158 to the
115 department, county, or municipality, or furnish an affidavit in
116 accordance with paragraph (d), or request a hearing within 60

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117 days following the date of the notification in order to avoid
118 the issuance of a traffic citation. The notification must be
119 sent by first-class mail. The mailing of the notice of violation
120 constitutes notification.

121 b. Included with the notification to the registered owner
122 of the motor vehicle involved in the infraction must be a notice
123 that the owner has the right to review the photographic or
124 electronic images or the streaming video evidence that
125 constitutes a rebuttable presumption against the owner of the
126 vehicle. The notice must state the time and place or Internet
127 location where the evidence may be examined and observed.

128 c. Notwithstanding any other provision of law, a person who
129 receives a notice of violation under this section may request a
130 hearing within 60 days following the notification of violation
131 or pay the penalty pursuant to the notice of violation, but a
132 payment or fee may not be required before the hearing requested
133 by the person. The notice of violation must be accompanied by,
134 or direct the person to a website that provides, information on
135 the person's right to request a hearing and on all court costs
136 related thereto and a form to request a hearing. As used in this
137 sub-subparagraph, the term "person" includes a natural person,
138 registered owner or coowner of a motor vehicle, or person
139 identified on an affidavit as having care, custody, or control
140 of the motor vehicle at the time of the violation.

141 d. If the registered owner or coowner of the motor vehicle,
142 or the person designated as having care, custody, or control of
143 the motor vehicle at the time of the violation, or an authorized
144 representative of the owner, coowner, or designated person,
145 initiates a proceeding to challenge the violation pursuant to

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146 this paragraph, such person waives any challenge or dispute as
147 to the delivery of the notice of violation.

148 2. Penalties assessed and collected by the department,
149 county, or municipality authorized to collect the funds provided
150 for in this paragraph, less the amount retained by the county or
151 municipality pursuant to subparagraph 3., shall be paid to the
152 Department of Revenue weekly. Payment by the department, county,
153 or municipality to the state shall be made by means of
154 electronic funds transfers. In addition to the payment, summary
155 detail of the penalties remitted shall be reported to the
156 Department of Revenue.

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

159 a. One hundred fifty-eight dollars for a violation of s.
160 316.074(1) or s. 316.075(1)(c)1. when a driver failed to stop at
161 a traffic signal if enforcement is by the department's traffic
162 infraction enforcement officer. One hundred dollars shall be
163 remitted to the Department of Revenue for deposit into the
164 General Revenue Fund, \$10 shall be remitted to the Department of
165 Revenue for deposit into the Department of Health Emergency
166 Medical Services Trust Fund, \$3 shall be remitted to the
167 Department of Revenue for deposit into the Brain and Spinal Cord
168 Injury Trust Fund, and \$45 shall be distributed to the
169 municipality in which the violation occurred, or, if the
170 violation occurred in an unincorporated area, to the county in
171 which the violation occurred. Funds deposited into the
172 Department of Health Emergency Medical Services Trust Fund under
173 this sub-subparagraph shall be distributed as provided in s.
174 395.4036(1). Proceeds of the infractions in the Brain and Spinal

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175 Cord Injury Trust Fund shall be distributed quarterly to the
176 Miami Project to Cure Paralysis and used for brain and spinal
177 cord research.

178 b. One hundred fifty-eight dollars for a violation of s.
179 316.074(1) or s. 316.075(1)(c)1. when a driver failed to stop at
180 a traffic signal if enforcement is by a county or municipal
181 traffic infraction enforcement officer. Seventy dollars shall be
182 remitted by the county or municipality to the Department of
183 Revenue for deposit into the General Revenue Fund, \$10 shall be
184 remitted to the Department of Revenue for deposit into the
185 Department of Health Emergency Medical Services Trust Fund, \$3
186 shall be remitted to the Department of Revenue for deposit into
187 the Brain and Spinal Cord Injury Trust Fund, and \$75 shall be
188 retained by the county or municipality enforcing the ordinance
189 enacted pursuant to this section. Funds deposited into the
190 Department of Health Emergency Medical Services Trust Fund under
191 this sub-subparagraph shall be distributed as provided in s.
192 395.4036(1). Proceeds of the infractions in the Brain and Spinal
193 Cord Injury Trust Fund shall be distributed quarterly to the
194 Miami Project to Cure Paralysis and used for brain and spinal
195 cord research.

196 4. If a county or municipality fails to comply with the
197 reporting requirements in subsection (4), as determined by the
198 department, the department shall annually, on October 1, provide
199 notice of such noncompliance to the county or municipality and
200 the Department of Revenue. In cases of such noncompliance,
201 notwithstanding subparagraph 3., the portion of revenues
202 collected and otherwise retained by the county or municipality
203 may not be retained but shall be remitted to the Department of

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204 Revenue. The Department of Revenue shall maintain records of
205 such remissions reflecting the total amount of revenues received
206 from each noncompliant county or municipality. On notice from
207 the department that the county or municipality has established
208 compliance, the Department of Revenue shall return those
209 revenues to the affected county or municipality.

210 5.4. An individual may not receive a commission from any
211 revenue collected from violations detected through the use of a
212 traffic infraction detector. A manufacturer or vendor may not
213 receive a fee or remuneration based upon the number of
214 violations detected through the use of a traffic infraction
215 detector.

216 (4) (a) Each county or municipality that operates a traffic
217 infraction detector shall submit a report ~~by October 1, 2012,~~
218 ~~and annually thereafter,~~ to the department no later than
219 September 30 of each year which details the results of using the
220 traffic infraction detector and the procedures for enforcement
221 for the preceding state fiscal year. The information submitted
222 by the counties and municipalities must include statistical data
223 and information required by the department to complete the
224 report required under paragraph (b), and must include all of the
225 following:-

226 1. The name of the jurisdiction and contact information for
227 the person responsible for the administration of the traffic
228 infraction detector program.

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

231 3. The date that each red light camera became operational,
232 and the dates of camera operation during the fiscal year,

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233 including any status changes of the camera's use during the
234 reporting period.

235 4. Data related to the issuance and disposition of notices
236 of violation and subsequent uniform traffic citations issued
237 during the reporting period.

238 5. Vehicle crash data, including fatalities and injuries,
239 for crashes that occurred within a 250-foot radius of the
240 geospatial coordinates for each traffic infraction detector
241 during the 12-month period immediately preceding the initial
242 date of camera operation. Data submitted as required under this
243 subsection should be able to be validated against department
244 data.

245 6. Identification of any and all alternative safety
246 measures, including increasing the interval between the yellow
247 change light and the red clearance light, increasing the
248 visibility of traffic lights, and installing advance dilemma-
249 zone detection systems, which the jurisdiction considered or
250 implemented during the reporting period in lieu of or in
251 addition to the use of a traffic infraction detector. The
252 jurisdiction shall include the date of implementation of any
253 such measures to assist the department in the analysis of crash
254 data at a specified location.

255 Section 3. Subsection (1) of section 316.0776, Florida
256 Statutes, is amended to read:

257 316.0776 Traffic infraction detectors; placement and
258 installation.—

259 (1) Traffic infraction detectors are allowed on state roads
260 when permitted by the Department of Transportation and under
261 placement and installation specifications developed by the

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262 Department of Transportation. Traffic infraction detectors are
263 allowed on streets and highways under the jurisdiction of
264 counties or municipalities in accordance with placement and
265 installation specifications developed by the Department of
266 Transportation. A notice of violation or uniform traffic
267 citation may not be issued through the use of a traffic
268 infraction detector that is not in compliance with all
269 specifications. Additionally, the Department of Transportation
270 shall identify engineering countermeasures that are intended to
271 reduce violations of ss. 316.074(1) and 316.075(1)(c)1. and
272 which may be considered and applied, where appropriate, before
273 the installation of a traffic infraction detector on any
274 roadway. The decision to place a traffic infraction detector on
275 any roadway must be based on the results of a traffic
276 engineering study that documents the implementation and failure
277 of any engineering countermeasure appropriate for the specific
278 location. The study must be signed and sealed by a professional
279 engineer licensed in this state.

280 Section 4. Subsection (1) of section 316.228, Florida
281 Statutes, is amended to read:

282 316.228 Lamps or flags on projecting load.-

283 (1) Except as provided in subsection (2), whenever the load
284 upon any vehicle extends to the rear 4 feet or more beyond the
285 bed or body of such vehicle, there shall be displayed at the
286 extreme rear end of the load, at the times specified in s.
287 316.217, two red lamps visible from a distance of at least 500
288 feet to the rear, two red reflectors visible at night from all
289 distances within 600 feet to 100 feet to the rear when directly
290 in front of lawful lower beams of headlamps and located so as to

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291 indicate maximum width, and on each side one red lamp visible
292 from a distance of at least 500 feet to the side and located so
293 as to indicate maximum overhang. There shall be displayed at all
294 other times on any vehicle having a load which extends beyond
295 its sides or more than 4 feet beyond its rear, red flags, not
296 less than 18 ~~12~~ inches square, marking the extremities of such
297 load, at each point where a lamp would otherwise be required by
298 this section. A violation of this section is a noncriminal
299 traffic infraction punishable as a nonmoving violation as
300 provided in chapter 318.

301 Section 5. Subsection (14) of section 316.515, Florida
302 Statutes, is amended to read:

303 316.515 Maximum width, height, length.—

304 (14) MANUFACTURED BUILDINGS.—The Department of
305 Transportation may, in its discretion and upon application and
306 good cause shown therefor that the same is not contrary to the
307 public interest, issue a special permit for truck tractor-
308 semitrailer combinations where the total number of overwidth
309 deliveries of manufactured buildings, as defined in s.
310 553.36(13), may be reduced by permitting the use of multiple
311 sections or single units on an overlength trailer of no more
312 than 80 ~~54~~ feet.

313 Section 6. Subsection (1) and paragraph (a) of subsection
314 (2) of section 320.086, Florida Statutes, are amended to read:

315 320.086 Ancient or antique motor vehicles; horseless
316 carriage, antique, or historical license plates; former military
317 vehicles.—

318 (1) The owner of a motor vehicle for private use
319 manufactured in the model year 1945 or earlier, ~~equipped with an~~

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320 ~~engine manufactured in 1945 or earlier or manufactured to the~~
321 ~~specifications of the original engine,~~ and operated on the
322 streets and highways of this state shall, upon application in
323 the manner and at the time prescribed by the department and upon
324 payment of the license tax for an ancient motor vehicle
325 prescribed by s. 320.08(1)(d), (2)(a), or (3)(e), be issued a
326 special license plate for such motor vehicle. The license plate
327 shall be permanent and valid for use without renewal so long as
328 the vehicle is in existence. In addition to the payment of all
329 other fees required by law, the applicant shall pay such fee for
330 the issuance of the special license plate as may be prescribed
331 by the department commensurate with the cost of its manufacture.
332 The registration numbers and special license plates assigned to
333 such motor vehicles shall run in a separate numerical series,
334 commencing with "Horseless Carriage No. 1," and the plates shall
335 be of a distinguishing color.

336 (2)(a) The owner of a motor vehicle for private use
337 manufactured in the model year after 1945 and of the age of 30
338 years or more after the model year ~~date of manufacture,~~ equipped
339 ~~with an engine of the age of 30 years or more after the date of~~
340 ~~manufacture,~~ and operated on the streets and highways of this
341 state may, upon application in the manner and at the time
342 prescribed by the department and upon payment of the license tax
343 prescribed by s. 320.08(1)(d), (2)(a), or (3)(e), be issued a
344 special license plate for such motor vehicle. In addition to the
345 payment of all other fees required by law, the applicant shall
346 pay the fee for the issuance of the special license plate
347 prescribed by the department, commensurate with the cost of its
348 manufacture. The registration numbers and special license plates

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349 assigned to such motor vehicles shall run in a separate
350 numerical series, commencing with "Antique No. 1," and the
351 plates shall be of a distinguishing color. The owner of the
352 motor vehicle may, upon application and payment of the license
353 tax prescribed by s. 320.08, be issued a regular Florida license
354 plate or specialty license plate in lieu of the special
355 "Antique" license plate.

356 Section 7. Subsection (2) of section 324.242, Florida
357 Statutes, is amended, present subsection (3) of that section is
358 redesignated as subsection (6), and new subsections (3), (4),
359 and (5) are added to that section, to read:

360 324.242 Personal injury protection and property damage
361 liability insurance policies; public records exemption.—

362 (2) Upon receipt of a ~~written~~ request and proof ~~a copy~~ of a
363 crash report as required under s. 316.065, s. 316.066, or s.
364 316.068, or a crash report created pursuant to the laws of
365 another state, the department shall release the policy number
366 for a policy covering a vehicle involved in a motor vehicle
367 accident to:

368 (a) Any person involved in such accident;

369 (b) The attorney of any person involved in such accident;

370 or

371 (c) A representative of the insurer of any person involved
372 in such accident.

373 (3) The department will provide personal injury protection
374 and property damage liability insurance policy numbers to
375 department-approved third parties that provide data collection
376 services to an insurer of any person involved in such accident.

377 (4) Before the department's release of a policy number in

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378 accordance with subsection (2) or subsection (3), an insurer's
379 representative, a contracted third party, or an attorney for a
380 person involved in an accident must provide the department with
381 documentation confirming proof of representation.

382 (5) Information made confidential and exempt by this
383 section may be disclosed to another governmental entity without
384 a written request or copy of the crash report if disclosure is
385 necessary for the receiving governmental entity to perform its
386 duties and responsibilities. For purposes of this subsection,
387 the term "governmental entity" means any federal, state, county,
388 district, authority, or municipal officer, department, division,
389 board, bureau, or commission created or established by law.

390 (6)~~(3)~~ This exemption applies to personal identifying
391 information of an insured or former insured and insurance policy
392 numbers held by the department before, on, or after October 11,
393 2007.

394 Section 8. For the purpose of incorporating the amendment
395 made by this act to section 320.086, Florida Statutes, in a
396 reference thereto, paragraph (c) of subsection (3) of section
397 319.23, Florida Statutes, is reenacted to read:

398 319.23 Application for, and issuance of, certificate of
399 title.—

400 (3) If a certificate of title has not previously been
401 issued for a motor vehicle or mobile home in this state, the
402 application, unless otherwise provided for in this chapter,
403 shall be accompanied by a proper bill of sale or sworn statement
404 of ownership, or a duly certified copy thereof, or by a
405 certificate of title, bill of sale, or other evidence of
406 ownership required by the law of the state or county from which

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407 the motor vehicle or mobile home was brought into this state.
408 The application shall also be accompanied by:

409 (c) If the vehicle is an ancient or antique vehicle, as
410 defined in s. 320.086, the application shall be accompanied by a
411 certificate of title; a bill of sale and a registration; or a
412 bill of sale and an affidavit by the owner defending the title
413 from all claims. The bill of sale must contain a complete
414 vehicle description to include the vehicle identification or
415 engine number, year make, color, selling price, and signatures
416 of the seller and purchaser.

417
418 Verification of the vehicle identification number is not
419 required for any new motor vehicle; any mobile home; any trailer
420 or semitrailer with a net weight of less than 2,000 pounds; or
421 any travel trailer, camping trailer, truck camper, or fifth-
422 wheel recreation trailer.

423 Section 9. For the purpose of incorporating the amendment
424 made by this act to section 320.086, Florida Statutes, in a
425 reference thereto, paragraph (a) of subsection (2) and paragraph
426 (e) of subsection (3) of section 320.08, Florida Statutes, are
427 reenacted to read:

428 320.08 License taxes.—Except as otherwise provided herein,
429 there are hereby levied and imposed annual license taxes for the
430 operation of motor vehicles, mopeds, motorized bicycles as
431 defined in s. 316.003(2), tri-vehicles as defined in s. 316.003,
432 and mobile homes, as defined in s. 320.01, which shall be paid
433 to and collected by the department or its agent upon the
434 registration or renewal of registration of the following:

435 (2) AUTOMOBILES OR TRI-VEHICLES FOR PRIVATE USE.—

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436 (a) An ancient or antique automobile, as defined in s.
437 320.086, or a street rod, as defined in s. 320.0863: \$7.50 flat.

438 (3) TRUCKS.—

439 (e) An ancient or antique truck, as defined in s. 320.086:
440 \$7.50 flat.

441 Section 10. This act shall take effect October 1, 2015.