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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/22/2015	.	
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The Committee on Appropriations (Hays) recommended the following:

Senate Amendment (with title amendment)

Between lines 617 and 618

insert:

Section 10. 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



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 the failure to the county or municipality. The county
100 or municipality shall have 30 days from the date of the notice
101 within which to establish compliance with the reporting
102 requirements. If compliance is not established within the 30
103 days, the department shall immediately notify the Department of
104 Revenue of the county's or municipality's noncompliance. In
105 cases of such noncompliance, notwithstanding subparagraph 3.,
106 the portion of revenues collected and otherwise retained by the
107 county or municipality may not be retained but shall be remitted
108 to the Department of Revenue. The Department of Revenue shall
109 maintain records of such remissions reflecting the total amount
110 of revenues received from each noncompliant county or
111 municipality. On notice from the department that the county or
112 municipality has established compliance, the Department of
113 Revenue shall return those revenues to the affected county or
114 municipality.

115 5.4. An individual may not receive a commission from any
116 revenue collected from violations detected through the use of a
117 traffic infraction detector. A manufacturer or vendor may not
118 receive a fee or remuneration based upon the number of
119 violations detected through the use of a traffic infraction
120 detector.

121 (4) (a) Each county or municipality that operates a traffic
122 infraction detector shall submit a report ~~by October 1, 2012,~~
123 ~~and annually thereafter,~~ to the department no later than
124 September 30 of each year which details the results of using the
125 traffic infraction detector and the procedures for enforcement
126 for the preceding state fiscal year. The information submitted



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127 by the counties and municipalities must include statistical data
128 and information required by the department to complete the
129 report required under paragraph (b), and must include all of the
130 following:-

131 1. The name of the jurisdiction and contact information for
132 the person responsible for the administration of the traffic
133 infraction detector program.

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

136 3. The date that each red light camera became operational,
137 and the dates of camera operation during the fiscal year,
138 including any status changes of the camera's use during the
139 reporting period.

140 4. Data related to the issuance and disposition of notices
141 of violation and subsequent uniform traffic citations issued
142 during the reporting period.

143 5. Vehicle crash data, including fatalities and injuries,
144 for crashes that occurred within 250 feet of the approach to, or
145 250 feet following, a traffic infraction detector on the
146 specific road monitored by the traffic infraction detector
147 during the 12-month period immediately preceding the initial
148 date of camera operation. Data submitted as required under this
149 subsection should be able to be validated against department
150 data.

151 6. Identification of any and all alternative safety
152 measures, including increasing the interval between the yellow
153 change light and the red clearance light, increasing the
154 visibility of traffic lights, and installing advance dilemma-
155 zone detection systems, which the jurisdiction considered or



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156 implemented during the reporting period in lieu of or in
157 addition to the use of a traffic infraction detector. The
158 jurisdiction shall include the date of implementation of any
159 such measures to assist the department in the analysis of crash
160 data at a specified location.

161 Section 11. Subsection (9) of section 316.0745, Florida
162 Statutes, is created to read:

163 316.0745 Uniform signals and devices.—

164 (9) The Department of Transportation is authorized to
165 inspect, at random, any traffic control device or any traffic
166 infraction detector at any intersection with a traffic
167 infraction detector for the purpose of verifying that such
168 device and detector conform to the specifications and
169 requirements of this section.

170 Section 12. Subsection (1) of section 316.0776, Florida
171 Statutes, is amended to read:

172 316.0776 Traffic infraction detectors; placement and
173 installation.—

174 (1) Traffic infraction detectors are allowed on state roads
175 when permitted by the Department of Transportation and under
176 placement and installation specifications developed by the
177 Department of Transportation. Traffic infraction detectors are
178 allowed on streets and highways under the jurisdiction of
179 counties or municipalities in accordance with placement and
180 installation specifications developed by the Department of
181 Transportation. A notice of violation or uniform traffic
182 citation may not be issued through the use of a traffic
183 infraction detector that is not in compliance with all
184 specifications. Additionally, before installation of any traffic



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185 infraction detector, the county or municipality shall document
186 and make available upon the request of the Department of
187 Transportation consideration and reasons for rejection of other
188 engineering countermeasures set forth in the most recent
189 publication addressing countermeasures by the Institute of
190 Transportation Engineers that are intended to reduce violations
191 of ss. 316.074(1) and 316.075(1) (c)1.

192
193 ===== T I T L E A M E N D M E N T =====

194 And the title is amended as follows:

195 Delete line 37

196 and insert:

197 redefining terms; amending s. 316.0083, F.S.; relating
198 to traffic infraction detectors; requiring the
199 Department of Highway Safety & Motor Vehicles to
200 provide notice of failure to comply with certain
201 reporting requirements; providing a period within
202 which to become compliant with such reporting
203 requirements; requiring a municipality or county to
204 remit certain revenues to the Department of Revenue;
205 requiring the Department of Revenue to maintain
206 records of such remissions; providing for the return
207 of certain revenues to a municipality or county under
208 certain circumstances; requiring the annual report
209 detailing the results of using traffic infraction
210 detectors and the procedures for enforcement to
211 include specified information; amending s. 316.0745,
212 F.S.; authorizing the Department of Transportation to
213 randomly inspect any traffic control device or any



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214 traffic infraction detector at certain locations to
215 verify compliance with certain specifications and
216 requirements; amending s. 316.0776, F.S.; prohibiting
217 issuance of a notice of violation or traffic citation
218 through use of a traffic infraction detector that is
219 not in compliance with all specifications; requiring a
220 municipality or county to document and make available
221 upon request of the Department of Transportation
222 consideration and reasons for rejection of certain
223 engineering countermeasures before installing any
224 traffic infraction detector; amending s. 316.0895,
225 F.S.;