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LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
04/16/2015	.	
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Appropriations Subcommittee on Transportation, Tourism, and
Economic Development (Brandes) recommended the following:

Senate Amendment (with title amendment)

Between lines 591 and 592

insert:

Section 7. 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 retained by the county
90 or municipality under this sub-subparagraph shall be used only
91 for traffic safety initiatives, including costs related to the
92 administration of the Mark Wandall Traffic Safety Program under
93 this section. Funds deposited into the Department of Health
94 Emergency Medical Services Trust Fund under this sub-
95 subparagraph shall be distributed as provided in s. 395.4036(1).
96 Proceeds of the infractions in the Brain and Spinal Cord Injury
97 Trust Fund shall be distributed quarterly to the Miami Project



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98 to Cure Paralysis and used for brain and spinal cord research.

99 4. If a county or municipality fails to comply with the
100 reporting requirements in subsection (4), as determined by the
101 department, the department shall annually, on October 1, provide
102 notice of the failure to the county or municipality. The county
103 or municipality shall have 30 days from the date of the notice
104 within which to establish compliance with the reporting
105 requirements. If compliance is not established within the 30
106 days, the department shall immediately notify the Department of
107 Revenue of the county's or municipality's noncompliance. In
108 cases of such noncompliance, notwithstanding subparagraph 3.,
109 the portion of revenues collected and otherwise retained by the
110 county or municipality may not be retained but shall be remitted
111 to the Department of Revenue. The Department of Revenue shall
112 maintain records of such remissions reflecting the total amount
113 of revenues received from each noncompliant county or
114 municipality. On notice from the department that the county or
115 municipality has established compliance, the Department of
116 Revenue shall return those revenues to the affected county or
117 municipality.

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

124 (4) (a) Each county or municipality that operates a traffic
125 infraction detector shall submit a report ~~by October 1, 2012,~~
126 ~~and annually thereafter,~~ to the department no later than



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127 September 30 of each year which details the results of using the
128 traffic infraction detector and the procedures for enforcement
129 for the preceding state fiscal year. The information submitted
130 by the counties and municipalities must include statistical data
131 and information required by the department to complete the
132 report required under paragraph (b), and must include all of the
133 following:-

134 1. The name of the jurisdiction and contact information for
135 the person responsible for the administration of the traffic
136 infraction detector program.

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

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

143 4. Data related to the issuance and disposition of notices
144 of violation and subsequent uniform traffic citations issued
145 during the reporting period.

146 5. Vehicle crash data, including fatalities and injuries,
147 for crashes that occurred within a 250-foot radius of the
148 geospatial coordinates for each traffic infraction detector
149 during the 12-month period immediately preceding the initial
150 date of camera operation. Data submitted as required under this
151 subsection should be able to be validated against department
152 data.

153 6. Identification of any and all alternative safety
154 measures, including increasing the interval between the yellow
155 change light and the red clearance light, increasing the



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156 visibility of traffic lights, and installing advance dilemma-
157 zone detection systems, which the jurisdiction considered or
158 implemented during the reporting period in lieu of or in
159 addition to the use of a traffic infraction detector. The
160 jurisdiction shall include the date of implementation of any
161 such measures to assist the department in the analysis of crash
162 data at a specified location.

163 Section 8. Subsection (9) of section 316.0745, Florida
164 Statutes, is created to read:

165 316.0745 Uniform signals and devices.—

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

172 Section 9. Subsection (1) of section 316.0776, Florida
173 Statutes, is amended to read:

174 316.0776 Traffic infraction detectors; placement and
175 installation.—

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



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185 infraction detector that is not in compliance with all
186 specifications. Additionally, before installation of any traffic
187 infraction detector, the county or municipality shall document
188 and make available upon the request of the Department of
189 Transportation consideration and reasons for rejection of other
190 engineering countermeasures set forth in the most recent
191 publication addressing countermeasures by the Institute of
192 Transportation Engineers that are intended to reduce violations
193 of ss. 316.074(1) and 316.075(1)(c)1.

194
195 ===== T I T L E A M E N D M E N T =====

196 And the title is amended as follows:

197 Delete line 29

198 and insert:

199 defining and redefining terms; amending s. 316.0083,
200 F.S.; relating to traffic infraction detectors;
201 requiring funds retained by a municipality or county
202 for traffic infraction detector violations to be used
203 only for certain purposes; requiring the Department of
204 Highway Safety & Motor Vehicles to provide notice of
205 failure to comply with certain reporting requirements;
206 providing a period within which to become compliant
207 with such reporting requirements; requiring a
208 municipality or county to remit certain revenues to
209 the Department of Revenue; requiring the Department of
210 Revenue to maintain records of such remissions;
211 providing for the return of certain revenues to a
212 municipality or county under certain circumstances;
213 requiring the annual report detailing the results of



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214 using traffic infraction detectors and the procedures
215 for enforcement to include specified information;
216 amending s. 316.0745, F.S.; authorizing the Department
217 of Transportation to randomly inspect any traffic
218 control device or any traffic infraction detector at
219 certain locations to verify compliance with certain
220 specifications and requirements; amending s. 316.0776,
221 F.S.; prohibiting issuance of a notice of violation or
222 traffic citation through use of a traffic infraction
223 detector that is not in compliance with all
224 specifications; requiring a municipality or county to
225 document and make available upon request of the
226 Department of Transportation consideration and reasons
227 for rejection of certain engineering countermeasures
228 before installing any traffic infraction detector;
229 amending s. 316.0895,