

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Economic Affairs Committee
 2 Representative Avila offered the following:

Amendment (with title amendment)

5 Remove everything after the enacting clause and insert:

6 Section 1. Subsections (1) and (4) of section 316.0083,
 7 Florida Statutes, are amended to read:

8 316.0083 Mark Wandall Traffic Safety Program;
 9 administration; report.—

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

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18 must be sent by certified ~~first-class~~ mail. The mailing of the
19 notice of violation constitutes notification.

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

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

40 d. If the registered owner or coowner of the motor
41 vehicle, or the person designated as having care, custody, or
42 control of the motor vehicle at the time of the violation, or an
43 authorized representative of the owner, coowner, or designated

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44 person, initiates a proceeding to challenge the violation
45 pursuant to this paragraph, such person waives any challenge or
46 dispute as to the delivery of the notice of violation.

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

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

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

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

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

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96 Trust Fund shall be distributed quarterly to the Miami Project
97 to Cure Paralysis and used for brain and spinal cord research.

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

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

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121 violations detected through the use of a traffic infraction
122 detector.

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

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

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

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

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

145 5. Vehicle crash data, including fatalities and injuries,
146 for crashes that occurred within a 250-foot radius of the

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147 geospatial coordinates for each traffic infraction detector.
148 Data submitted as required under this subsection should be able
149 to be validated against department data.

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

160 (b) On or before December 31, 2012, and annually
161 thereafter, the department shall provide a summary report to the
162 Governor, the President of the Senate, and the Speaker of the
163 House of Representatives regarding the use and operation of
164 traffic infraction detectors under this section, along with the
165 department's recommendations and any necessary legislation. The
166 summary report must include a review of the information
167 submitted to the department by the counties and municipalities
168 and must describe the enhancement of the traffic safety and
169 enforcement programs.

170 (c) On or before July 1, 2016, and annually thereafter,
171 the Department of Transportation shall provide a summary report
172 to the Governor, the President of the Senate, and the Speaker of

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173 the House of Representatives regarding historical and current
174 crash statistics derived from certified crash data of
175 intersections where a traffic infraction detector was in
176 operation during the reporting period.

177 Section 2. Section 316.0745, Florida Statutes, is amended
178 to read:

179 316.0745 Uniform signals and devices.—

180 (1) The Department of Transportation shall adopt a uniform
181 system of traffic control devices for use on the streets and
182 highways of the state. The uniform system shall, insofar as is
183 practicable, conform to the system adopted by the American
184 Association of State Highway Officials and shall be revised from
185 time to time to include changes necessary to conform to a
186 uniform national system or to meet local and state needs. The
187 Department of Transportation may call upon representatives of
188 local authorities to assist in the preparation or revision of
189 the uniform system of traffic control devices.

190 (2) The Department of Transportation shall compile and
191 publish a manual of uniform traffic control devices which
192 defines the uniform system adopted pursuant to subsection (1),
193 and shall compile and publish minimum specifications for traffic
194 control signals and devices certified by it as conforming with
195 the uniform system.

196 (a) The department shall make copies of such manual and
197 specifications available to all counties, municipalities, and

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198 other public bodies having jurisdiction of streets or highways
199 open to the public in this state.

200 (b) The manual shall provide for the use of regulatory
201 speed signs in work zone areas. The installation of such signs
202 is exempt from the provisions of s. 335.10.

203 (3) All official traffic control signals or official
204 traffic control devices purchased and installed in this state by
205 any public body or official shall conform with the manual and
206 specifications published by the Department of Transportation
207 pursuant to subsection (2).

208 (4) It shall be unlawful for any public body or official
209 to purchase, or for anyone to sell, any traffic control signal
210 or device unless it conforms with the manual and specifications
211 published by the Department of Transportation and is certified
212 to be of such conformance prior to sale. Any manufacturer or
213 vendor who sells any traffic control signal, guide, or
214 directional sign or device without such certification shall be
215 ineligible to bid or furnish traffic control devices to any
216 public body or official for such period of time as may be
217 established by the Department of Transportation; however, such
218 period of time shall be for not less than 1 year from the date
219 of notification of such ineligibility.

220 (5) It is unlawful for any public body to manufacture for
221 installation or placement any traffic control signal, guide, or
222 directional sign or device unless it conforms to the uniform
223 system of traffic control devices published by the Department of

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224 Transportation. It is unlawful for any public body to sell any
225 traffic control signal, guide, or directional sign or device it
226 manufactures to any nongovernmental entity or person.

227 (6) Any system of traffic control devices controlled and
228 operated from a remote location by electronic computers or
229 similar devices must meet all requirements established for the
230 uniform system, and, if such a system affects the movement of
231 traffic on state roads, the design of the system shall be
232 reviewed and approved by the Department of Transportation.

233 (7) The Department of Transportation is authorized, after
234 hearing pursuant to 14 days' notice, to direct the removal of
235 any purported traffic control device wherever located which
236 fails to meet the requirements of this section. The public
237 agency erecting or installing the same shall immediately remove
238 said device or signal upon the direction of the Department of
239 Transportation and may not, for a period of 5 years, install any
240 replacement or new traffic control devices paid for in part or
241 in full with revenues raised by the state unless written prior
242 approval is received from the Department of Transportation. Any
243 additional violation by a public body or official shall be cause
244 for the withholding of state funds for traffic control purposes
245 until such public body or official demonstrates to the
246 Department of Transportation that it is complying with this
247 section.

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248 (8) The Department of Transportation is authorized to
249 permit traffic control devices not in conformity with the
250 uniform system upon showing of good cause.

251 (9) The Department of Transportation is authorized to
252 inspect, at random, any traffic infraction detector or any
253 traffic control device at an intersection with a traffic
254 infraction detector, for the purpose of verifying that such
255 equipment conforms to the specifications and requirements of
256 this section.

257 Section 3. Section 316.0776, Florida Statutes, is amended
258 to read:

259 316.0776 Traffic infraction detectors; placement and
260 installation.—

261 (1) Traffic infraction detectors are allowed on state
262 roads when permitted by the Department of Transportation and
263 under placement and installation specifications developed by the
264 Department of Transportation. Traffic infraction detectors are
265 allowed on streets and highways under the jurisdiction of
266 counties or municipalities in accordance with placement and
267 installation specifications developed by the Department of
268 Transportation. A notice of violation or uniform traffic
269 citation may not be issued through the use of a traffic
270 infraction detector that is not in compliance with all
271 specifications. Additionally, before installation of any traffic
272 infraction detector, the county or municipality shall document
273 and make available upon the request of the Department of

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274 Transportation consideration and reasons for rejection of other
275 engineering countermeasures set forth in the most recent
276 publication addressing countermeasures by the Institute of
277 Transportation Engineers that are intended to reduce violations
278 of ss. 316.074(1) and 316.075(1)(c)1.

279 (2)(a) If the department, county, or municipality installs
280 a traffic infraction detector at an intersection, the
281 department, county, or municipality shall notify the public that
282 a traffic infraction device may be in use at that intersection
283 and must specifically include notification of camera enforcement
284 of violations concerning right turns. Such signage used to
285 notify the public must meet the specifications for uniform
286 signals and devices adopted by the Department of Transportation
287 pursuant to s. 316.0745.

288 (b) If the department, county, or municipality begins a
289 traffic infraction detector program in a county or municipality
290 that has never conducted such a program, the respective
291 department, county, or municipality shall also make a public
292 announcement and conduct a public awareness campaign of the
293 proposed use of traffic infraction detectors at least 30 days
294 before commencing the enforcement program.

295
296 -----

297 **T I T L E A M E N D M E N T**

298 Remove lines 2-16 and insert:

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 7071 (2015)

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299 An act relating to traffic control; amending s. 316.0083, F.S.,
300 relating to traffic infraction detectors; revising notification
301 requirements; requiring funds retained by a county or
302 municipality for traffic infraction detector violations to be
303 used only for a certain purposes; requiring the Department of
304 Highway Safety and Motor Vehicles to provide notice of
305 noncompliance in certain situations; providing a period within
306 which to become compliant with such reporting requirements;
307 requiring the Department of Revenue to maintain records of such
308 remissions; providing for the return of certain revenues to a
309 county or municipality under certain circumstances; specifying
310 information to be included in the report submitted by the
311 counties and municipalities; revising information that the
312 Department of Transportation must provide in annual report;
313 amending s. 316.0745, F.S.; authorizing the department to
314 inspect traffic infraction detectors and traffic control devices
315 at intersections with traffic infraction detectors; amending s.
316 316.0776, F.S.; prohibiting a notice of violation or uniform
317 traffic citation to be issued through the use of a traffic
318 infraction detector that is not in compliance with all
319 specifications; requiring a county or municipality to document
320 and make available upon request of the Department of
321 Transportation consideration and rejection of certain
322 engineering countermeasures before installing any traffic
323 infraction detector; providing an effective date.

391937 - HB 7071 - Avila - Strike all RLCs.docx

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