

1                                   A bill to be entitled  
 2           An act relating to traffic control; amending s.  
 3           316.0083, F.S., relating to traffic infraction  
 4           detectors; revising provisions that prohibit issuing a  
 5           notice of violation and citation for failure to stop  
 6           when making a right-hand turn; revising notification  
 7           requirements; specifying that funds retained by county  
 8           or municipality may only be used for a specific  
 9           purpose; revising information that a county or  
 10          municipality must provide in annual report; providing  
 11          for dismissal of citations issued by a county or  
 12          municipality that does not comply with annual  
 13          reporting requirements; revising information that the  
 14          Department of Transportation must provide in annual  
 15          report; amending s. 316.0745, F.S.; authorizing the  
 16          department to inspect traffic control devices at  
 17          intersections with traffic infraction detectors;  
 18          providing an effective date.

19  
 20   Be It Enacted by the Legislature of the State of Florida:

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 22           Section 1. Subsections (1), (2), and (4) of section  
 23   316.0083, Florida Statutes, are amended to read:

24           316.0083   Mark Wandall Traffic Safety Program;  
 25   administration; report.—

26           (1)(a) For purposes of administering this section, the

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27 department, a county, or a municipality may authorize a traffic  
28 infraction enforcement officer under s. 316.640 to issue a  
29 traffic citation for a violation of s. 316.074(1) or s.  
30 316.075(1)(c)1. A notice of violation and a traffic citation may  
31 not be issued for failure to stop at a red light if the driver  
32 is making a right-hand turn ~~in a careful and prudent manner at~~  
33 ~~an intersection where right-hand turns are permissible. A notice~~  
34 ~~of violation and a traffic citation may not be issued under this~~  
35 ~~section if the driver of the vehicle came to a complete stop~~  
36 ~~after crossing the stop line and before turning right if~~  
37 ~~permissible at a red light, but failed to stop before crossing~~  
38 ~~over the stop line or other point at which a stop is required.~~  
39 This paragraph does not prohibit a review of information from a  
40 traffic infraction detector by an authorized employee or agent  
41 of the department, a county, or a municipality before issuance  
42 of the traffic citation by the traffic infraction enforcement  
43 officer. This paragraph does not prohibit the department, a  
44 county, or a municipality from issuing notification as provided  
45 in paragraph (b) to the registered owner of the motor vehicle  
46 involved in the violation of s. 316.074(1) or s. 316.075(1)(c)1.

47 (b)1.a. Within 30 days after a violation, notification  
48 must be sent to the registered owner of the motor vehicle  
49 involved in the violation specifying the remedies available  
50 under s. 318.14 and that the violator must pay the penalty of  
51 \$158 to the department, county, or municipality, or furnish an  
52 affidavit in accordance with paragraph (d), or request a hearing

53 within 60 days following the date of the notification in order  
54 to avoid the issuance of a traffic citation. The notification  
55 must be sent by certified ~~first-class~~ mail. The mailing of the  
56 notice of violation constitutes notification.

57 b. Included with the notification to the registered owner  
58 of the motor vehicle involved in the infraction must be a notice  
59 that the owner has the right to review the photographic or  
60 electronic images or the streaming video evidence that  
61 constitutes a rebuttable presumption against the owner of the  
62 vehicle. The notice must state the time and place or Internet  
63 location where the evidence may be examined and observed.

64 c. Notwithstanding any other provision of law, a person  
65 who receives a notice of violation under this section may  
66 request a hearing within 60 days following the notification of  
67 violation or pay the penalty pursuant to the notice of  
68 violation, but a payment or fee may not be required before the  
69 hearing requested by the person. The notice of violation must be  
70 accompanied by, or direct the person to a website that provides,  
71 information on the person's right to request a hearing and on  
72 all court costs related thereto and a form to request a hearing.  
73 As used in this sub-subparagraph, the term "person" includes a  
74 natural person, registered owner or coowner of a motor vehicle,  
75 or person identified on an affidavit as having care, custody, or  
76 control of the motor vehicle at the time of the violation.

77 d. If the registered owner or coowner of the motor  
78 vehicle, or the person designated as having care, custody, or

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79 control of the motor vehicle at the time of the violation, or an  
80 authorized representative of the owner, coowner, or designated  
81 person, initiates a proceeding to challenge the violation  
82 pursuant to this paragraph, such person waives any challenge or  
83 dispute as to the delivery of the notice of violation.

84 2. Penalties assessed and collected by the department,  
85 county, or municipality authorized to collect the funds provided  
86 for in this paragraph, less the amount retained by the county or  
87 municipality pursuant to subparagraph 3., shall be paid to the  
88 Department of Revenue weekly. Payment by the department, county,  
89 or municipality to the state shall be made by means of  
90 electronic funds transfers. In addition to the payment, summary  
91 detail of the penalties remitted shall be reported to the  
92 Department of Revenue.

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

95 a. One hundred fifty-eight dollars for a violation of s.  
96 316.074(1) or s. 316.075(1)(c)1. when a driver failed to stop at  
97 a traffic signal if enforcement is by the department's traffic  
98 infraction enforcement officer. One hundred dollars shall be  
99 remitted to the Department of Revenue for deposit into the  
100 General Revenue Fund, \$10 shall be remitted to the Department of  
101 Revenue for deposit into the Department of Health Emergency  
102 Medical Services Trust Fund, \$3 shall be remitted to the  
103 Department of Revenue for deposit into the Brain and Spinal Cord  
104 Injury Trust Fund, and \$45 shall be distributed to the

105 municipality in which the violation occurred, or, if the  
106 violation occurred in an unincorporated area, to the county in  
107 which the violation occurred. Funds deposited into the  
108 Department of Health Emergency Medical Services Trust Fund under  
109 this sub-subparagraph shall be distributed as provided in s.  
110 395.4036(1). Proceeds of the infractions in the Brain and Spinal  
111 Cord Injury Trust Fund shall be distributed quarterly to the  
112 Miami Project to Cure Paralysis and used for brain and spinal  
113 cord research.

114 b. One hundred fifty-eight dollars for a violation of s.  
115 316.074(1) or s. 316.075(1)(c)1. when a driver failed to stop at  
116 a traffic signal if enforcement is by a county or municipal  
117 traffic infraction enforcement officer. Seventy dollars shall be  
118 remitted by the county or municipality to the Department of  
119 Revenue for deposit into the General Revenue Fund, \$10 shall be  
120 remitted to the Department of Revenue for deposit into the  
121 Department of Health Emergency Medical Services Trust Fund, \$3  
122 shall be remitted to the Department of Revenue for deposit into  
123 the Brain and Spinal Cord Injury Trust Fund, and \$75 shall be  
124 retained by the county or municipality enforcing the ordinance  
125 enacted pursuant to this section. Funds retained by the county  
126 or municipality under this sub-subparagraph shall be used only  
127 for public safety initiatives, including costs related to the  
128 administration of the Mark Wandall Traffic Safety Program under  
129 this section. Funds deposited into the Department of Health  
130 Emergency Medical Services Trust Fund under this sub-

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131 subparagraph shall be distributed as provided in s. 395.4036(1).  
132 Proceeds of the infractions in the Brain and Spinal Cord Injury  
133 Trust Fund shall be distributed quarterly to the Miami Project  
134 to Cure Paralysis and used for brain and spinal cord research.

135 4. An individual may not receive a commission from any  
136 revenue collected from violations detected through the use of a  
137 traffic infraction detector. A manufacturer or vendor may not  
138 receive a fee or remuneration based upon the number of  
139 violations detected through the use of a traffic infraction  
140 detector.

141 (2) A notice of violation and a traffic citation may not  
142 be issued for failure to stop at a red light if the driver is  
143 making a right-hand turn ~~in a careful and prudent manner at an~~  
144 ~~intersection where right-hand turns are permissible.~~

145 (4) (a) Each county or municipality that operates a traffic  
146 infraction detector shall submit a report by October 1, 2012,  
147 and annually thereafter, to the department which details the  
148 results of using the traffic infraction detector and the  
149 procedures for enforcement for the preceding state fiscal year.  
150 The information submitted by the counties and municipalities  
151 must include statistical data, a summary of contract provisions  
152 if any aspect of the traffic infraction detector program is  
153 managed by a private vendor, and any other information required  
154 by the department to complete the report required under  
155 paragraph (b). A county or municipality that fails to submit a  
156 report, or submits a report that does not comply with the

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157 requirements of this paragraph as determined by the department,  
158 shall be deemed noncompliant with this section. A noncompliant  
159 county shall suspend the issuance of citations under this  
160 section until such time as the department receives a report that  
161 satisfies the requirements of this paragraph. Any citation  
162 issued for a violation under this section occurring during a  
163 period of noncompliance shall be dismissed.

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

174 (c) On or before July 1, 2016, and annually thereafter,  
175 the Department of Transportation shall provide a summary report  
176 to the Governor, the President of the Senate, and the Speaker of  
177 the House of Representatives regarding historical and current  
178 crash statistics derived from certified crash data of  
179 intersections where a traffic infraction detector was in  
180 operation during the reporting period.

181 Section 2. Section 316.0745, Florida Statutes, is amended  
182 to read:

183 316.0745 Uniform signals and devices.—

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

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

200 (a) The department shall make copies of such manual and  
201 specifications available to all counties, municipalities, and  
202 other public bodies having jurisdiction of streets or highways  
203 open to the public in this state.

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

207 (3) All official traffic control signals or official  
208 traffic control devices purchased and installed in this state by



209 any public body or official shall conform with the manual and  
210 specifications published by the Department of Transportation  
211 pursuant to subsection (2).

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

224 (5) It is unlawful for any public body to manufacture for  
225 installation or placement any traffic control signal, guide, or  
226 directional sign or device unless it conforms to the uniform  
227 system of traffic control devices published by the Department of  
228 Transportation. It is unlawful for any public body to sell any  
229 traffic control signal, guide, or directional sign or device it  
230 manufactures to any nongovernmental entity or person.

231 (6) Any system of traffic control devices controlled and  
232 operated from a remote location by electronic computers or  
233 similar devices must meet all requirements established for the  
234 uniform system, and, if such a system affects the movement of

235 traffic on state roads, the design of the system shall be  
 236 reviewed and approved by the Department of Transportation.

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

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

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

260 Section 3. This act shall take effect July 1, 2015.