

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 notification requirements;  
 5           specifying that funds retained by county or  
 6           municipality may only be used for a specific purpose;  
 7           revising information that a county or municipality  
 8           must provide in annual report; providing for dismissal  
 9           of citations issued by a county or municipality that  
 10          does not comply with annual reporting requirements;  
 11          revising information that the Department of  
 12          Transportation must provide in annual report; amending  
 13          s. 316.0745, F.S.; authorizing the department to  
 14          inspect traffic control devices at intersections with  
 15          traffic infraction detectors; providing an effective  
 16          date.

17  
 18 Be It Enacted by the Legislature of the State of Florida:

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 20           Section 1. Paragraph (b) of subsection (1) and subsection  
 21           (4) of section 316.0083, Florida Statutes, are amended to read:  
 22           316.0083 Mark Wandall Traffic Safety Program;  
 23           administration; report.—  
 24           (1)  
 25           (b)1.a. Within 30 days after a violation, notification  
 26           must be sent to the registered owner of the motor vehicle

27 involved in the violation specifying the remedies available  
28 under s. 318.14 and that the violator must pay the penalty of  
29 \$158 to the department, county, or municipality, or furnish an  
30 affidavit in accordance with paragraph (d), or request a hearing  
31 within 60 days following the date of the notification in order  
32 to avoid the issuance of a traffic citation. The notification  
33 must be sent by certified ~~first-class~~ mail. The mailing of the  
34 notice of violation constitutes notification.

35 b. Included with the notification to the registered owner  
36 of the motor vehicle involved in the infraction must be a notice  
37 that the owner has the right to review the photographic or  
38 electronic images or the streaming video evidence that  
39 constitutes a rebuttable presumption against the owner of the  
40 vehicle. The notice must state the time and place or Internet  
41 location where the evidence may be examined and observed.

42 c. Notwithstanding any other provision of law, a person  
43 who receives a notice of violation under this section may  
44 request a hearing within 60 days following the notification of  
45 violation or pay the penalty pursuant to the notice of  
46 violation, but a payment or fee may not be required before the  
47 hearing requested by the person. The notice of violation must be  
48 accompanied by, or direct the person to a website that provides,  
49 information on the person's right to request a hearing and on  
50 all court costs related thereto and a form to request a hearing.  
51 As used in this sub-subparagraph, the term "person" includes a  
52 natural person, registered owner or coowner of a motor vehicle,

CS/HB 7071

2015

53 or person identified on an affidavit as having care, custody, or  
54 control of the motor vehicle at the time of the violation.

55 d. If the registered owner or coowner of the motor  
56 vehicle, or the person designated as having care, custody, or  
57 control of the motor vehicle at the time of the violation, or an  
58 authorized representative of the owner, coowner, or designated  
59 person, initiates a proceeding to challenge the violation  
60 pursuant to this paragraph, such person waives any challenge or  
61 dispute as to the delivery of the notice of violation.

62 2. Penalties assessed and collected by the department,  
63 county, or municipality authorized to collect the funds provided  
64 for in this paragraph, less the amount retained by the county or  
65 municipality pursuant to subparagraph 3., shall be paid to the  
66 Department of Revenue weekly. Payment by the department, county,  
67 or municipality to the state shall be made by means of  
68 electronic funds transfers. In addition to the payment, summary  
69 detail of the penalties remitted shall be reported to the  
70 Department of Revenue.

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

73 a. One hundred fifty-eight dollars for a violation of s.  
74 316.074(1) or s. 316.075(1)(c)1. when a driver failed to stop at  
75 a traffic signal if enforcement is by the department's traffic  
76 infraction enforcement officer. One hundred dollars shall be  
77 remitted to the Department of Revenue for deposit into the  
78 General Revenue Fund, \$10 shall be remitted to the Department of

79 Revenue for deposit into the Department of Health Emergency  
80 Medical Services Trust Fund, \$3 shall be remitted to the  
81 Department of Revenue for deposit into the Brain and Spinal Cord  
82 Injury Trust Fund, and \$45 shall be distributed to the  
83 municipality in which the violation occurred, or, if the  
84 violation occurred in an unincorporated area, to the county in  
85 which the violation occurred. Funds deposited into the  
86 Department of Health Emergency Medical Services Trust Fund under  
87 this sub-subparagraph shall be distributed as provided in s.  
88 395.4036(1). Proceeds of the infractions in the Brain and Spinal  
89 Cord Injury Trust Fund shall be distributed quarterly to the  
90 Miami Project to Cure Paralysis and used for brain and spinal  
91 cord research.

92       b. One hundred fifty-eight dollars for a violation of s.  
93 316.074(1) or s. 316.075(1)(c)1. when a driver failed to stop at  
94 a traffic signal if enforcement is by a county or municipal  
95 traffic infraction enforcement officer. Seventy dollars shall be  
96 remitted by the county or municipality to the Department of  
97 Revenue for deposit into the General Revenue Fund, \$10 shall be  
98 remitted to the Department of Revenue for deposit into the  
99 Department of Health Emergency Medical Services Trust Fund, \$3  
100 shall be remitted to the Department of Revenue for deposit into  
101 the Brain and Spinal Cord Injury Trust Fund, and \$75 shall be  
102 retained by the county or municipality enforcing the ordinance  
103 enacted pursuant to this section. Funds retained by the county  
104 or municipality under this sub-subparagraph shall be used only

105 for public safety initiatives, including costs related to the  
106 administration of the Mark Wandall Traffic Safety Program under  
107 this section. Funds deposited into the Department of Health  
108 Emergency Medical Services Trust Fund under this sub-  
109 subparagraph shall be distributed as provided in s. 395.4036(1).  
110 Proceeds of the infractions in the Brain and Spinal Cord Injury  
111 Trust Fund shall be distributed quarterly to the Miami Project  
112 to Cure Paralysis and used for brain and spinal cord research.

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

119 (4) (a) Each county or municipality that operates a traffic  
120 infraction detector shall submit a report by October 1, 2012,  
121 and annually thereafter, to the department which details the  
122 results of using the traffic infraction detector and the  
123 procedures for enforcement for the preceding state fiscal year.  
124 The information submitted by the counties and municipalities  
125 must include statistical data, a summary of contract provisions  
126 if any aspect of the traffic infraction detector program is  
127 managed by a private vendor, and any other information required  
128 by the department to complete the report required under  
129 paragraph (b). A county or municipality that fails to submit a  
130 report, or submits a report that does not comply with the

131 requirements of this paragraph as determined by the department,  
132 shall be deemed noncompliant with this section. A noncompliant  
133 county shall suspend the issuance of citations under this  
134 section until such time as the department receives a report that  
135 satisfies the requirements of this paragraph. Any citation  
136 issued for a violation under this section occurring during a  
137 period of noncompliance shall be dismissed.

138 (b) On or before December 31, 2012, and annually  
139 thereafter, the department shall provide a summary report to the  
140 Governor, the President of the Senate, and the Speaker of the  
141 House of Representatives regarding the use and operation of  
142 traffic infraction detectors under this section, along with the  
143 department's recommendations and any necessary legislation. The  
144 summary report must include a review of the information  
145 submitted to the department by the counties and municipalities  
146 and must describe the enhancement of the traffic safety and  
147 enforcement programs.

148 (c) On or before July 1, 2016, and annually thereafter,  
149 the Department of Transportation shall provide a summary report  
150 to the Governor, the President of the Senate, and the Speaker of  
151 the House of Representatives regarding historical and current  
152 crash statistics derived from certified crash data of  
153 intersections where a traffic infraction detector was in  
154 operation during the reporting period.

155 Section 2. Section 316.0745, Florida Statutes, is amended  
156 to read:

157 | 316.0745 Uniform signals and devices.—

158 | (1) The Department of Transportation shall adopt a uniform  
159 | system of traffic control devices for use on the streets and  
160 | highways of the state. The uniform system shall, insofar as is  
161 | practicable, conform to the system adopted by the American  
162 | Association of State Highway Officials and shall be revised from  
163 | time to time to include changes necessary to conform to a  
164 | uniform national system or to meet local and state needs. The  
165 | Department of Transportation may call upon representatives of  
166 | local authorities to assist in the preparation or revision of  
167 | the uniform system of traffic control devices.

168 | (2) The Department of Transportation shall compile and  
169 | publish a manual of uniform traffic control devices which  
170 | defines the uniform system adopted pursuant to subsection (1),  
171 | and shall compile and publish minimum specifications for traffic  
172 | control signals and devices certified by it as conforming with  
173 | the uniform system.

174 | (a) The department shall make copies of such manual and  
175 | specifications available to all counties, municipalities, and  
176 | other public bodies having jurisdiction of streets or highways  
177 | open to the public in this state.

178 | (b) The manual shall provide for the use of regulatory  
179 | speed signs in work zone areas. The installation of such signs  
180 | is exempt from the provisions of s. 335.10.

181 | (3) All official traffic control signals or official  
182 | traffic control devices purchased and installed in this state by

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

186 (4) It shall be unlawful for any public body or official  
187 to purchase, or for anyone to sell, any traffic control signal  
188 or device unless it conforms with the manual and specifications  
189 published by the Department of Transportation and is certified  
190 to be of such conformance prior to sale. Any manufacturer or  
191 vendor who sells any traffic control signal, guide, or  
192 directional sign or device without such certification shall be  
193 ineligible to bid or furnish traffic control devices to any  
194 public body or official for such period of time as may be  
195 established by the Department of Transportation; however, such  
196 period of time shall be for not less than 1 year from the date  
197 of notification of such ineligibility.

198 (5) It is unlawful for any public body to manufacture for  
199 installation or placement any traffic control signal, guide, or  
200 directional sign or device unless it conforms to the uniform  
201 system of traffic control devices published by the Department of  
202 Transportation. It is unlawful for any public body to sell any  
203 traffic control signal, guide, or directional sign or device it  
204 manufactures to any nongovernmental entity or person.

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



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

211 (7) The Department of Transportation is authorized, after  
212 hearing pursuant to 14 days' notice, to direct the removal of  
213 any purported traffic control device wherever located which  
214 fails to meet the requirements of this section. The public  
215 agency erecting or installing the same shall immediately remove  
216 said device or signal upon the direction of the Department of  
217 Transportation and may not, for a period of 5 years, install any  
218 replacement or new traffic control devices paid for in part or  
219 in full with revenues raised by the state unless written prior  
220 approval is received from the Department of Transportation. Any  
221 additional violation by a public body or official shall be cause  
222 for the withholding of state funds for traffic control purposes  
223 until such public body or official demonstrates to the  
224 Department of Transportation that it is complying with this  
225 section.

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

229 (9) The Department of Transportation is authorized to  
230 inspect, at random, any traffic control device at an  
231 intersection with a traffic infraction detector for the purpose  
232 of verifying that such device conforms to the specifications and  
233 requirements of this section.

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