

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 requirements for notification of a  
5           violation; requiring funds retained by a county or  
6           municipality for traffic infraction detector  
7           violations to be used only for certain purposes;  
8           revising provisions for reports that counties and  
9           municipalities are required to submit to the  
10          Department of Highway Safety and Motor Vehicles;  
11          requiring the department to provide notice of  
12          noncompliance with the reporting requirements;  
13          requiring certain funds to be remitted to the  
14          Department of Revenue if a county or municipality  
15          fails to comply with the reporting requirements;  
16          requiring the Department of Revenue to maintain  
17          records of such remissions; providing for the return  
18          of the funds to the county or municipality under  
19          certain circumstances; requiring the Department of  
20          Transportation to provide an annual summary report to  
21          the Governor and Legislature regarding certain crash  
22          data; amending s. 316.0745, F.S.; authorizing the  
23          Department of Transportation to inspect traffic  
24          infraction detectors and traffic control devices at  
25          intersections with traffic infraction detectors;  
26          amending s. 316.0776, F.S.; prohibiting a notice of

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27 violation or uniform traffic citation to be issued  
28 through the use of a traffic infraction detector that  
29 does not comply with all specifications; requiring a  
30 county or municipality to document and make available  
31 to the Department of Transportation its consideration  
32 and rejection of certain engineering countermeasures  
33 before installing a traffic infraction detector;  
34 providing an effective date.  
35

36 Be It Enacted by the Legislature of the State of Florida:  
37

38 Section 1. Paragraph (b) of subsection (1) and subsection  
39 (4) of section 316.0083, Florida Statutes, are amended to read:

40 316.0083 Mark Wandall Traffic Safety Program;  
41 administration; report.—

42 (1)

43 (b)1.a. Within 30 days after a violation, notification  
44 must be sent to the registered owner of the motor vehicle  
45 involved in the violation specifying the remedies available  
46 under s. 318.14 and that the violator must pay the penalty of  
47 \$158 to the department, county, or municipality, or furnish an  
48 affidavit in accordance with paragraph (d), or request a hearing  
49 within 60 days following the date of the notification in order  
50 to avoid the issuance of a traffic citation. The notification  
51 must be sent by certified ~~first-class~~ mail. The mailing of the  
52 notice of violation constitutes notification.

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

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

73 d. If the registered owner or coowner of the motor  
74 vehicle, or the person designated as having care, custody, or  
75 control of the motor vehicle at the time of the violation, or an  
76 authorized representative of the owner, coowner, or designated  
77 person, initiates a proceeding to challenge the violation  
78 pursuant to this paragraph, such person waives any challenge or

79 | dispute as to the delivery of the notice of violation.

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

89 |       3. Penalties to be assessed and collected by the  
90 | department, county, or municipality are as follows:

91 |       a. One hundred fifty-eight dollars for a violation of s.  
92 | 316.074(1) or s. 316.075(1)(c)1. when a driver failed to stop at  
93 | a traffic signal if enforcement is by the department's traffic  
94 | infraction enforcement officer. One hundred dollars shall be  
95 | remitted to the Department of Revenue for deposit into the  
96 | General Revenue Fund, \$10 shall be remitted to the Department of  
97 | Revenue for deposit into the Department of Health Emergency  
98 | Medical Services Trust Fund, \$3 shall be remitted to the  
99 | Department of Revenue for deposit into the Brain and Spinal Cord  
100 | Injury Trust Fund, and \$45 shall be distributed to the  
101 | municipality in which the violation occurred, or, if the  
102 | violation occurred in an unincorporated area, to the county in  
103 | which the violation occurred. Funds deposited into the  
104 | Department of Health Emergency Medical Services Trust Fund under

105 | this sub-subparagraph shall be distributed as provided in s.  
106 | 395.4036(1). Proceeds of the infractions in the Brain and Spinal  
107 | Cord Injury Trust Fund shall be distributed quarterly to the  
108 | Miami Project to Cure Paralysis and used for brain and spinal  
109 | cord research.

110 |       b. One hundred fifty-eight dollars for a violation of s.  
111 | 316.074(1) or s. 316.075(1)(c)1. when a driver failed to stop at  
112 | a traffic signal if enforcement is by a county or municipal  
113 | traffic infraction enforcement officer. Seventy dollars shall be  
114 | remitted by the county or municipality to the Department of  
115 | Revenue for deposit into the General Revenue Fund, \$10 shall be  
116 | remitted to the Department of Revenue for deposit into the  
117 | Department of Health Emergency Medical Services Trust Fund, \$3  
118 | shall be remitted to the Department of Revenue for deposit into  
119 | the Brain and Spinal Cord Injury Trust Fund, and \$75 shall be  
120 | retained by the county or municipality enforcing the ordinance  
121 | enacted pursuant to this section. Funds retained by the county  
122 | or municipality under this sub-subparagraph shall be used only  
123 | for public safety initiatives, including costs related to the  
124 | administration of the Mark Wandall Traffic Safety Program under  
125 | this section. Funds deposited into the Department of Health  
126 | Emergency Medical Services Trust Fund under this sub-  
127 | subparagraph shall be distributed as provided in s. 395.4036(1).  
128 | Proceeds of the infractions in the Brain and Spinal Cord Injury  
129 | Trust Fund shall be distributed quarterly to the Miami Project  
130 | to Cure Paralysis and used for brain and spinal cord research.

131        4. If a county or municipality fails to comply with the  
 132 reporting requirements of subsection (4), as determined by the  
 133 department, the department shall annually, on October 1, provide  
 134 notice of such noncompliance to the county or municipality. The  
 135 county or municipality has 30 days after the date of the notice  
 136 within which to comply with the reporting requirements. If the  
 137 county or municipality does not comply within the 30 days, the  
 138 department shall immediately notify the Department of Revenue of  
 139 the county's or municipality's noncompliance. In cases of such  
 140 noncompliance, notwithstanding subparagraph 3., the portion of  
 141 revenues collected and otherwise retained by the county or  
 142 municipality may not be retained but shall be remitted to the  
 143 Department of Revenue. The Department of Revenue shall maintain  
 144 records of such remissions reflecting the total amount of  
 145 revenues received from each noncompliant county or municipality.  
 146 Upon notice from the department that the county or municipality  
 147 has complied, the Department of Revenue shall return those  
 148 revenues to the affected county or municipality.

149        ~~5.4.~~ An individual may not receive a commission from any  
 150 revenue collected from violations detected through the use of a  
 151 traffic infraction detector. A manufacturer or vendor may not  
 152 receive a fee or remuneration based upon the number of  
 153 violations detected through the use of a traffic infraction  
 154 detector.

155        (4) (a) Each county or municipality that operates a traffic  
 156 infraction detector shall submit a report ~~by October 1, 2012,~~

157 ~~and annually thereafter,~~ to the department no later than  
158 September 30 of each year which details the results of using the  
159 traffic infraction detector and the procedures for enforcement  
160 for the preceding state fiscal year. The information submitted  
161 by the counties and municipalities must include statistical data  
162 and information required by the department to complete the  
163 report required under paragraph (b), and must include the  
164 following:

165 1. The name of the jurisdiction and contact information  
166 for the person responsible for administration of the traffic  
167 infraction detector program.

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

170 3. The date that each red light camera became operational,  
171 and the dates of camera operation during the fiscal year,  
172 including any status changes of the camera's use during the  
173 reporting period.

174 4. Data related to the issuance and disposition of notices  
175 of violation and subsequent uniform traffic citations issued  
176 during the reporting period.

177 5. Vehicle crash data, including fatalities and injuries,  
178 for crashes that occurred within a 250-foot radius of the  
179 geospatial coordinates for each traffic infraction detector.  
180 Data submitted as required under this subsection should be able  
181 to be validated against department data.

182       6. Identification of all alternative safety measures,  
183 including increasing the interval between the yellow change  
184 light and the red clearance light, increasing the visibility of  
185 traffic lights, and installing advance dilemma-zone detection  
186 systems, which the jurisdiction considered or implemented during  
187 the reporting period in lieu of or in addition to the use of a  
188 traffic infraction detector. The jurisdiction shall include the  
189 date of implementation of any such measures to assist the  
190 department in the analysis of crash data at a specified  
191 location.

192       (b) On or before December 31, 2012, and annually  
193 thereafter, the department shall provide a summary report to the  
194 Governor, the President of the Senate, and the Speaker of the  
195 House of Representatives regarding the use and operation of  
196 traffic infraction detectors under this section, along with the  
197 department's recommendations and any necessary legislation. The  
198 summary report must include a review of the information  
199 submitted to the department by the counties and municipalities  
200 and must describe the enhancement of the traffic safety and  
201 enforcement programs.

202       (c) On or before July 1, 2016, and annually thereafter,  
203 the Department of Transportation shall provide a summary report  
204 to the Governor, the President of the Senate, and the Speaker of  
205 the House of Representatives regarding historical and current  
206 crash statistics derived from certified crash data of  
207 intersections where a traffic infraction detector was in

208 operation during the reporting period.

209 Section 2. Section 316.0745, Florida Statutes, is amended  
210 to read:

211 316.0745 Uniform signals and devices.—

212 (1) The Department of Transportation shall adopt a uniform  
213 system of traffic control devices for use on the streets and  
214 highways of the state. The uniform system shall, insofar as is  
215 practicable, conform to the system adopted by the American  
216 Association of State Highway Officials and shall be revised from  
217 time to time to include changes necessary to conform to a  
218 uniform national system or to meet local and state needs. The  
219 Department of Transportation may call upon representatives of  
220 local authorities to assist in the preparation or revision of  
221 the uniform system of traffic control devices.

222 (2) The Department of Transportation shall compile and  
223 publish a manual of uniform traffic control devices which  
224 defines the uniform system adopted pursuant to subsection (1),  
225 and shall compile and publish minimum specifications for traffic  
226 control signals and devices certified by it as conforming with  
227 the uniform system.

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

232 (b) The manual shall provide for the use of regulatory  
233 speed signs in work zone areas. The installation of such signs

234 is exempt from the provisions of s. 335.10.

235 (3) All official traffic control signals or official  
236 traffic control devices purchased and installed in this state by  
237 any public body or official shall conform with the manual and  
238 specifications published by the Department of Transportation  
239 pursuant to subsection (2).

240 (4) It shall be unlawful for any public body or official  
241 to purchase, or for anyone to sell, any traffic control signal  
242 or device unless it conforms with the manual and specifications  
243 published by the Department of Transportation and is certified  
244 to be of such conformance prior to sale. Any manufacturer or  
245 vendor who sells any traffic control signal, guide, or  
246 directional sign or device without such certification shall be  
247 ineligible to bid or furnish traffic control devices to any  
248 public body or official for such period of time as may be  
249 established by the Department of Transportation; however, such  
250 period of time shall be for not less than 1 year from the date  
251 of notification of such ineligibility.

252 (5) It is unlawful for any public body to manufacture for  
253 installation or placement any traffic control signal, guide, or  
254 directional sign or device unless it conforms to the uniform  
255 system of traffic control devices published by the Department of  
256 Transportation. It is unlawful for any public body to sell any  
257 traffic control signal, guide, or directional sign or device it  
258 manufactures to any nongovernmental entity or person.

259 (6) Any system of traffic control devices controlled and

260 operated from a remote location by electronic computers or  
261 similar devices must meet all requirements established for the  
262 uniform system, and, if such a system affects the movement of  
263 traffic on state roads, the design of the system shall be  
264 reviewed and approved by the Department of Transportation.

265 (7) The Department of Transportation is authorized, after  
266 hearing pursuant to 14 days' notice, to direct the removal of  
267 any purported traffic control device wherever located which  
268 fails to meet the requirements of this section. The public  
269 agency erecting or installing the same shall immediately remove  
270 said device or signal upon the direction of the Department of  
271 Transportation and may not, for a period of 5 years, install any  
272 replacement or new traffic control devices paid for in part or  
273 in full with revenues raised by the state unless written prior  
274 approval is received from the Department of Transportation. Any  
275 additional violation by a public body or official shall be cause  
276 for the withholding of state funds for traffic control purposes  
277 until such public body or official demonstrates to the  
278 Department of Transportation that it is complying with this  
279 section.

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

283 (9) The Department of Transportation is authorized to  
284 inspect, at random, any traffic infraction detector or any  
285 traffic control device at an intersection with a traffic

286 infraction detector for the purpose of verifying that such  
287 device conforms to the specifications and requirements of this  
288 section.

289 Section 3. Subsection (1) of section 316.0776, Florida  
290 Statutes, is amended to read:

291 316.0776 Traffic infraction detectors; placement and  
292 installation.—

293 (1) Traffic infraction detectors are allowed on state  
294 roads when permitted by the Department of Transportation and  
295 under placement and installation specifications developed by the  
296 Department of Transportation. Traffic infraction detectors are  
297 allowed on streets and highways under the jurisdiction of  
298 counties or municipalities in accordance with placement and  
299 installation specifications developed by the Department of  
300 Transportation. A notice of violation or uniform traffic  
301 citation may not be issued through the use of a traffic  
302 infraction detector that does not comply with all  
303 specifications. Before installation of any traffic infraction  
304 detector and upon request of the Department of Transportation,  
305 the county or municipality shall document and make available its  
306 considerations and reasons for rejecting other engineering  
307 countermeasures set forth in the most recent publication  
308 addressing countermeasures by the Institute of Transportation  
309 Engineers which are intended to reduce violations of ss.  
310 316.074(1) and 316.075(1)(c)1.

311 Section 4. This act shall take effect July 1, 2015.