

By Senator Calatayud

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1 A bill to be entitled
2 An act relating to traffic enforcement; creating s.
3 316.0077, F.S.; providing that provisions exempting
4 the purchase of commodities or contractual services
5 from competitive bidding requirements do not apply to
6 contracts for certain camera systems; creating s.
7 316.0078, F.S.; prohibiting certain camera systems or
8 components thereof constructed by a Chinese
9 manufacturer from being used for traffic enforcement
10 in this state; amending s. 316.0083, F.S.; requiring a
11 county or municipality to enact an ordinance to
12 authorize placement or installation of traffic
13 infraction detectors; requiring the county or
14 municipality to consider certain evidence and make a
15 certain determination at a public hearing; requiring a
16 county or municipality to place a specified annual
17 report on the agenda of a regular or special meeting
18 of its governing body; requiring approval by the
19 governing body at a regular or special meeting before
20 contracting or renewing a contract to place or install
21 traffic infraction detectors; providing for public
22 comment; prohibiting such report, contract, or
23 contract renewal from being considered as part of a
24 consent agenda; providing requirements for a written
25 summary of such report; requiring counties and
26 municipalities to report to the department that their
27 respective annual report was considered at a certain
28 meeting and the date of such meeting; prohibiting
29 compliance with certain provisions from being raised

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30 in a proceeding challenging a violation; providing for
31 suspension of a noncompliant county or municipality
32 from operating traffic infraction detectors until such
33 noncompliance is corrected; requiring the department
34 to publish certain reports on its website; providing
35 an effective date.

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

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39 Section 1. Section 316.0077, Florida Statutes, is created
40 to read:

41 316.0077 Camera systems; competitive bidding.—The
42 provisions of s. 287.057 which exempt the purchase of
43 commodities or contractual services from competitive bidding
44 requirements do not apply to contracts entered into with
45 manufacturers or vendors of school bus infraction detection
46 systems, speed detection systems, traffic infraction detectors,
47 or any other camera systems used for enforcing this chapter
48 which are regulated under s. 316.0076.

49 Section 2. Section 316.0078, Florida Statutes, is created
50 to read:

51 316.0078 Use of camera systems constructed by Chinese
52 manufacturers prohibited.—A school bus infraction detection
53 system, speed detection system, traffic infraction detector, or
54 any other camera system used for enforcing this chapter which is
55 regulated under s. 316.0076, or any component thereof, which is
56 constructed by a Chinese manufacturer or a domestic or
57 international manufacturer that uses materials imported from
58 China may not be used for traffic enforcement in this state.

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59 Section 3. Subsection (4) of section 316.0083, Florida
60 Statutes, is amended to read:

61 316.0083 Mark Wandall Traffic Safety Program;
62 administration; report.—

63 (4) (a)1. A county or municipality shall enact an ordinance
64 in order to authorize the placement or installation of, or to
65 authorize contracting with a vendor for the placement or
66 installation of, one or more traffic infraction detectors to
67 enforce s. 316.074(1) or s. 316.075(1)(c)1. As part of the
68 public hearing on such proposed ordinance, the county or
69 municipality shall consider traffic data or other evidence
70 supporting the installation and operation of each traffic
71 infraction detector, and the county or municipality must
72 determine that the intersection at which a traffic infraction
73 detector is to be placed or installed constitutes a heightened
74 safety risk that warrants additional enforcement measures.

75 2. A county or municipality that operates one or more
76 traffic infraction detectors shall annually report the results
77 of all traffic infraction detectors within the county's or
78 municipality's jurisdiction as a single reporting item on the
79 agenda of a regular or special meeting of the county's or
80 municipality's governing body. Before a county or municipality
81 contracts or renews a contract to place or install one or more
82 traffic infraction detectors, the county or municipality shall
83 approve the contract or contract renewal at a regular or special
84 meeting of the county's or municipality's governing body.

85 a. Interested members of the public must be allowed to
86 comment regarding the report, contract, or contract renewal
87 under the county's or municipality's public comment policies or

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88 formats, and the report, contract, or contract renewal may not
89 be considered as part of a consent agenda.

90 b. The report required under this subparagraph must include
91 a written summary, which must be read aloud at the regular or
92 special meeting, and the summary must contain, for the preceding
93 year, the number of notices of violation issued, the number that
94 were contested, the number that were upheld, the number that
95 were dismissed, the number that were issued as uniform traffic
96 citations, and the number that were paid and how collected funds
97 were distributed and in what amounts. The county or municipality
98 shall report to the department that the county's or
99 municipality's annual report was considered in accordance with
100 this paragraph, including the date of the regular or special
101 meeting at which the annual report was considered.

102 3. The compliance or sufficiency of compliance with this
103 paragraph may not be raised in a proceeding challenging a
104 violation of s. 316.074(1) or s. 316.075(1)(c)1. enforced by a
105 traffic infraction detector.

106 4. A county or municipality that does not comply with this
107 paragraph is suspended from operating traffic infraction
108 detectors under this subsection until such noncompliance is
109 corrected.

110 (b) ~~(a)~~ Each county or municipality that operates a traffic
111 infraction detector shall submit a report by October 1, 2012,
112 and annually thereafter, to the department which details the
113 results of using the traffic infraction detector and the
114 procedures for enforcement for the preceding state fiscal year.
115 The information submitted by the counties and municipalities
116 must include statistical data and information required by the

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117 department to complete the summary report required under
118 paragraph (c) ~~(b)~~. The department must publish each report
119 submitted by a county or municipality pursuant to this paragraph
120 on its website.

121 (c) ~~(b)~~ On or before December 31, 2012, and annually
122 thereafter, the department shall provide a summary report to the
123 Governor, the President of the Senate, and the Speaker of the
124 House of Representatives regarding the use and operation of
125 traffic infraction detectors under this section, along with the
126 department's recommendations and any necessary legislation. The
127 summary report must include a review of the information
128 submitted to the department by the counties and municipalities
129 and must describe the enhancement of the traffic safety and
130 enforcement programs.

131 Section 4. This act shall take effect July 1, 2024.