

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:

21
 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

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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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

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-

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

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.