



Highway & Waterway Safety Subcommittee

MEETING PACKET

Wednesday, March 11, 2015
10:00 AM – 12:00 PM
116 (Knott Building)

Steve Crisafulli
Speaker

W. Gregory Steube
Chair

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Highway & Waterway Safety Subcommittee

Start Date and Time: Wednesday, March 11, 2015 10:00 am
End Date and Time: Wednesday, March 11, 2015 12:00 pm
Location: 116 Knott Building
Duration: 2.00 hrs

Consideration of the following bill(s):

HB 621 Voluntary Contributions to End Breast Cancer by Fitzenhagen
HB 231 Transportation by Passidomo, Fitzenhagen
HB 671 Use of Tobacco Products in Motor Vehicles by Powell

Consideration of the following proposed committee bill(s):

PCB HWSS 15-04 -- Specialty License Plates
PCB HWSS 15-05 -- Red Light Cameras

Pursuant to rule 7.12, the filing deadline for amendments to bills on the agenda by a member who is not a member of the committee or subcommittee considering the bill is 6:00 p.m., Tuesday, March 10, 2015.

By request of the Chair, all Subcommittee members are asked to have amendments to bills on the agenda submitted to staff by 6:00 p.m., Tuesday, March 10, 2015.

NOTICE FINALIZED on 03/09/2015 16:17 by Lawhon.Amanda

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 621 Voluntary Contributions to End Breast Cancer

SPONSOR(S): Fitzenhagen

TIED BILLS: IDEN./SIM. BILLS: SB 676

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Highway & Waterway Safety Subcommittee		Whittaker	Smith
2) Transportation & Economic Development Appropriations Subcommittee			
3) Economic Affairs Committee			

SUMMARY ANALYSIS

The bill directs the Department of Highway Safety and Motor Vehicles (DHSMV) to include language permitting a voluntary contribution of \$1 or more on a motor vehicle registration and driver license application listed as "End Breast Cancer." Such contributions will be distributed by the department to the Florida Breast Cancer Coalition Research Foundation, Inc., and shall be used for breast cancer research and education.

The organization has met all requirements to pursue legislation to establish a voluntary contribution by submitting a letter of request, \$20,000 application fee (\$10,000 for motor vehicle registration and \$10,000 for driver license renewal notices), and a marketing strategy outlining short-term and long-term plans.¹

The bill will become effective July 1, 2015.

¹ Letter from DHSMV on file with the Highway and Waterway Safety Subcommittee

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Establishing a Voluntary Contribution Check-off

Florida Statutes 320.023 and 322.081 provides requirements that must be met by an organization seeking authorization to establish a voluntary contribution on either a motor vehicle registration or driver license application or renewal. The organization must submit all of the following to DHSMV:

- A request for the particular voluntary contribution being sought, describing the proposed voluntary contribution in general terms.
- An application fee, not to exceed \$10,000 to defray the department's cost for reviewing the application and developing the voluntary contribution check-off, if authorized. State funds may not be used to pay the application fee.
- A marketing strategy outlining short-term and long-term marketing plans for the requested voluntary contribution and a financial analysis outlining the anticipated revenues and the planned expenditures of the revenues to be derived from the voluntary contribution.

The information must be submitted to DHSMV at least 90 days before the convening of the next regular session of the Legislature.

Currently, there are 26 different voluntary contribution options on a motor vehicle registration application and 19 different voluntary contribution options on a driver license and identification card application.²

The department is authorized to discontinue the voluntary contribution if less than \$25,000 has been contributed by the end of the 5th year or less than \$25,000 is contributed during any subsequent 5-year period.

Proposed Change

Florida Breast Cancer Foundation

The bill amends s. 320.02 and s. 322.08, F.S., directing DHSMV to include language permitting a voluntary contribution of \$1 or more on a motor vehicle registration and driver license application listed as "End Breast Cancer." Such contributions will be distributed by the department to the Florida Breast Cancer Coalition Research Foundation, Inc., and shall be used for breast cancer research and education.

The Florida Breast Cancer Foundation organization has met all of the requirements to pursue legislation to establish a voluntary contribution on both a vehicle registration and driver license application and renewal.³

The Florida Breast Cancer Foundation was founded by 3 Miami women in 1993. Originally named The South Florida Breast Cancer Coalition, the organization began as a nonprofit, grassroots organization dedicated to ending breast cancer through advocacy, education, and research. With the introduction of the specialty End Breast Cancer license plate in 2002, a second organization was formed and named the Florida Breast Cancer Coalition Research Foundation, created to receive the funds from the sale of the plate. A few years later the official name changed to the Florida Breast Cancer Foundation.⁴

² Email from DHSMV on file with Highway and Waterway Safety Subcommittee

³ Letter from DHSMV on file with the Highway and Waterway Safety Subcommittee

⁴ Florida Breast Cancer Foundation, *Together we WILL end Breast Cancer*, <http://www.floridabreastcancer.org/> (last viewed 2/5/15)

B. SECTION DIRECTORY:

- Section 1 Amends s. 320.02, F.S., directing DHSMV to include language permitting a voluntary contribution of \$1 or more on a motor vehicle registration application and renewal listed as "End Breast Cancer." Such contributions will be distributed by the department to the Florida Breast Cancer Coalition Research Foundation, Inc., and shall be used for breast cancer research and education.
- Section 2 Amends s. 322.08, F.S., directing DHSMV to include language permitting a voluntary contribution of \$1 or more on a driver license and identification card application and renewal listed as "End Breast Cancer." Such contributions will be distributed by the department to the Florida Breast Cancer Coalition Research Foundation, Inc., and shall be used for breast cancer research and education.
- Section 3 Provides an effective date of July 1, 2015.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

DHSMV will bear the cost to redesign and develop new application forms. This cost is partially offset by the \$20,000 application fee paid by the Florida Breast Cancer Foundation. The department will absorb the remaining costs within existing resources.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Voluntary contributions collected will benefit the Florida Breast Cancer Coalition Research Foundation, Inc., the estimated contribution is unknown.

D. FISCAL COMMENTS:

None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a municipality or county to expand funds or to take action requiring the expenditure of funds. The bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate. The bill does not require a reduction of the percentage of state tax shared with municipalities or counties.

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
 2 An act relating to voluntary contributions to End
 3 Breast Cancer; amending s. 320.02, F.S.; requiring the
 4 application forms for motor vehicle registration and
 5 renewal of registration to include language permitting
 6 the applicant to make a voluntary contribution to End
 7 Breast Cancer to be distributed to a specified
 8 organization and used for specified purposes; amending
 9 s. 322.08, F.S.; requiring an application form for a
 10 driver license or identification card to include
 11 language permitting the applicant to make a voluntary
 12 contribution to End Breast Cancer to be distributed to
 13 a specified organization; providing an effective date.

14
 15 Be It Enacted by the Legislature of the State of Florida:

16
 17 Section 1. Paragraph (u) is added to subsection (15) of
 18 section 320.02, Florida Statutes, to read:

19 320.02 Registration required; application for
 20 registration; forms.—

21 (15)

22 (u) The application form for motor vehicle registration
 23 and renewal of registration must include language permitting a
 24 voluntary contribution of \$1 or more per applicant to End Breast
 25 Cancer. Such contributions shall be distributed by the
 26 department to the Florida Breast Cancer Coalition Research

27 Foundation, Inc., an organization not-for-profit under s.
28 501(c)(3) of the Internal Revenue Code, and shall be used for
29 breast cancer research and education.

30

31 For the purpose of applying the service charge provided in s.
32 215.20, contributions received under this subsection are not
33 income of a revenue nature.

34 Section 2. Subsection (7) of section 322.08, Florida
35 Statutes, is amended to read:

36 322.08 Application for license; requirements for license
37 and identification card forms.—

38 (7) The application form for an original, renewal, or
39 replacement driver license or identification card must include
40 language permitting the following:

41 (a) A voluntary contribution of \$1 per applicant, which
42 contribution shall be deposited into the Health Care Trust Fund
43 for organ and tissue donor education and for maintaining the
44 organ and tissue donor registry.

45 (b) A voluntary contribution of \$1 per applicant, which
46 shall be distributed to the Florida Council of the Blind.

47 (c) A voluntary contribution of \$2 per applicant, which
48 shall be distributed to the Hearing Research Institute,
49 Incorporated.

50 (d) A voluntary contribution of \$1 per applicant, which
51 shall be distributed to the Juvenile Diabetes Foundation
52 International.

53 (e) A voluntary contribution of \$1 per applicant, which
 54 shall be distributed to the Children's Hearing Help Fund.

55 (f) A voluntary contribution of \$1 per applicant, which
 56 shall be distributed to Family First, a nonprofit organization.

57 (g) A voluntary contribution of \$1 per applicant to Stop
 58 Heart Disease, which shall be distributed to the Florida Heart
 59 Research Institute, a nonprofit organization.

60 (h) A voluntary contribution of \$1 per applicant to Senior
 61 Vision Services, which shall be distributed to the Florida
 62 Association of Agencies Serving the Blind, Inc., a not-for-
 63 profit organization.

64 (i) A voluntary contribution of \$1 per applicant for
 65 services for persons with developmental disabilities, which
 66 shall be distributed to The Arc of Florida.

67 (j) A voluntary contribution of \$1 to the Ronald McDonald
 68 House, which shall be distributed each month to Ronald McDonald
 69 House Charities of Tampa Bay, Inc.

70 (k) Notwithstanding s. 322.081, a voluntary contribution
 71 of \$1 per applicant, which shall be distributed to the League
 72 Against Cancer/La Liga Contra el Cancer, a not-for-profit
 73 organization.

74 (l) A voluntary contribution of \$1 per applicant to
 75 Prevent Child Sexual Abuse, which shall be distributed to
 76 Lauren's Kids, Inc., a nonprofit organization.

77 (m) A voluntary contribution of \$1 per applicant, which
 78 shall be distributed to Prevent Blindness Florida, a not-for-

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79 profit organization, to prevent blindness and preserve the sight
80 of the residents of this state.

81 (n) Notwithstanding s. 322.081, a voluntary contribution
82 of \$1 per applicant to the state homes for veterans, to be
83 distributed on a quarterly basis by the department to the State
84 Homes for Veterans Trust Fund, which is administered by the
85 Department of Veterans' Affairs.

86 (o) A voluntary contribution of \$1 per applicant to the
87 Disabled American Veterans, Department of Florida, which shall
88 be distributed quarterly to Disabled American Veterans,
89 Department of Florida, a nonprofit organization.

90 (p) A voluntary contribution of \$1 per applicant for
91 Autism Services and Supports, which shall be distributed to
92 Achievement and Rehabilitation Centers, Inc., Autism Services
93 Fund.

94 (q) A voluntary contribution of \$1 per applicant to
95 Support Our Troops, which shall be distributed to Support Our
96 Troops, Inc., a Florida not-for-profit organization.

97 (r) A voluntary contribution of \$1 or more per applicant,
98 which shall be distributed to the Auto Club Group Traffic Safety
99 Foundation, Inc., a not-for-profit organization.

100 (s) Notwithstanding s. 322.081, a voluntary contribution
101 of \$1 per applicant to aid the homeless. Contributions made
102 pursuant to this paragraph shall be deposited into the Grants
103 and Donations Trust Fund of the Department of Children and
104 Families and used by the State Office on Homelessness to

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105 supplement grants made under s. 420.622(4) and (5), provide
106 information to the public about homelessness in the state, and
107 provide literature for homeless persons seeking assistance.

108 (t) A voluntary contribution of \$1 or more per applicant
109 to End Breast Cancer, which shall be distributed to the Florida
110 Breast Cancer Coalition Research Foundation, Inc., a not-for-
111 profit organization.

112

113 A statement providing an explanation of the purpose of the trust
114 funds shall also be included. For the purpose of applying the
115 service charge provided under s. 215.20, contributions received
116 under paragraphs (b)-(t) ~~(b)-(s)~~ are not income of a revenue
117 nature.

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

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 231 Transportation
SPONSOR(S): Passidomo and others
TIED BILLS: IDEN./SIM. **BILLS:** SB 908

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Highway & Waterway Safety Subcommittee		Whittaker	Smith <i>MS</i>
2) Criminal Justice Subcommittee			
3) Appropriations Committee			
4) Economic Affairs Committee			

SUMMARY ANALYSIS

The bill amends and creates various sections of Florida Statutes related to bodily injury of a vulnerable user or vulnerable user of a right of way, bicyclists, and course requirements for Traffic Law and Substance Abuse programs.

Specifically, the bill:

- Defines Bodily Injury and Vulnerable User of a Right of Way or Vulnerable User.
- Provides that a person operating a vehicle who overtakes and passes a vulnerable user of a public right-of-way proceeding in the same direction may not make a right turn at an intersection or into a private road or driveway unless the turn can be made at a safe distance from the vulnerable user with reasonable safety and will not impede the travel of the vulnerable user.
- Provides an exemption for vehicles violating a no-passing zone when passing a vulnerable user.
- It is unlawful to harass, taunt, or maliciously throw an object at or in the direction of a person riding a bicycle.
- Allows a bicyclist to take the center of the lane if the lane is less than 14 feet wide and is not adjacent to a bicycle lane that is at least 5 feet wide.
- In addition to any other penalty imposed, if a violation contributed to the bodily injury of a vulnerable user, a fine of not more than \$2,000 shall be imposed and the driver license suspended for 6 months. These penalties can be delayed for 1 year under conditions that the offender complete a traffic safety course and perform between 100 to 200 hours of community service. An extension may be granted for good cause. Upon completion of the course and community service the fine and driver license suspension will be vacated.
- Requires a law enforcement officer to note on the traffic citation if said violation contributed to the bodily injury of a vulnerable user.
- A mandatory hearing is required before a designated official for any infraction of passing a vehicle in an unsafe manner, passing and turning in front of a vulnerable user in an unsafe manner, and a careless driving violation that contributes to bodily injury of a vulnerable user of a public right-of-way.
- Requires traffic education courses to include instruction on traffic laws relating to the rights and safety of vulnerable users.
- Requires the driver license and commercial driver license examination to include testing of an applicant's knowledge of traffic laws relating to the rights and safety of vulnerable users.
- Provides severability.

The bill has an indeterminate, negative fiscal impact on the Department of Highway Safety and Motor Vehicles.

The bill becomes effective July 1, 2015.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

2013 Annual Crash Report

In 2013, Florida crash reports show that 7,467 pedestrians, 7,905 motorcyclists, 6,520 bicyclists, and 432 other non-motorists were injured in traffic crashes.¹

Vulnerable Road User

“Vulnerable road user” is defined in current law as:

- A pedestrian, including a person actually engaged in work upon a highway, work upon utility facilities along a highway, or the provision of emergency services within the right of way;
- A person operating a bicycle, motorcycle, scooter, or moped lawfully on the roadway;
- A person riding an animal; or
- A person lawfully operating on a public right-of-way, crosswalk, or shoulder of the roadway:
 - A farm tractor or similar vehicle designed primarily for farm use;
 - A skateboard, roller skates, or in-line skates;
 - A horse-drawn carriage;
 - An electric personal assistive mobility device; or
 - A wheelchair.²

Protecting Bicyclists

Colorado, Louisiana, Mississippi and Vermont specifically passed measures to protect bicyclists from aggressive and deviant motorist behavior. All included language restricting throwing an object at bicyclists or taunting or harassing them. Louisiana law, for example, states: “It shall be unlawful to harass, taunt, or maliciously throw objects at or in the direction of any person riding a bicycle. Any person who violates this section shall be fined not less than two hundred dollars or imprisoned for not more than thirty days.” Mississippi law contains similar language. Colorado and Vermont also extended such protections to pedestrians.³

Bicyclists

Bicyclists are considered vehicle operators and are required to obey the same rules of the road as other vehicle operators, including obeying traffic signs, signals, and lane markings.

A bicyclist is required to ride in a bike lane or as far right as practicable with a few exceptions:

- When overtaking and passing another bicycle or vehicle proceeding in the same direction.
- When preparing for a left turn at an intersection or into a private road or driveway.
- When reasonably necessary to avoid any condition or potential conflict, including, but not limited to, a fixed or moving object, parked or moving vehicle, bicycle, pedestrian, animal, surface hazard, turn lane, or substandard width lane, which makes it unsafe to continue along the right hand curb or edge or within a bicycle lane.⁴

¹ Florida Department of Highway Safety and Motor Vehicles, *Traffic Crash Facts Annual Report 2013*, <http://www.flhsmv.gov/html/safety.html> (last visited February 24, 2015).

² s. 316.027 (1)(b), F.S.

³ National Conference of State Legislatures, *Bicycle and Pedestrian Safety*, <http://www.ncsl.org/research/transportation/bicycle-and-pedestrian-safety.aspx> (last visited March 5, 2015)

⁴ s. 316.2065(5)(a), F.S.

Traffic Law and Substance Abuse Education Courses

The Department of Highway Safety and Motor Vehicles (DHSMV) must approve traffic law and substance abuse education courses, including courses that use communications technology as the delivery method.

Each course provider seeking approval of a traffic law and substance abuse education course must submit:

- Proof of ownership, copyright, or written permission from the course owner to use the course in the state.
- The curriculum for the courses which must promote motorcyclist, bicyclist, and pedestrian safety and provide instruction on the physiological and psychological consequences of the abuse of alcohol and other drugs; the societal and economic costs of alcohol and drug abuse; the effects of alcohol and drug abuse on the driver of a motor vehicle; the laws of this state relating to the operation of a motor vehicle; the risk factors involved in driver attitude and irresponsible driver behaviors, such as speeding, reckless driving, and running red lights and stop signs; and the results of the use of electronic devices while driving.⁵

Driver License and Commercial Driver License Examinations

An applicant for a Class E driver license must be examined for:

- eyesight;
- ability to read and understand highway signs regulating, warning, and directing traffic;
- knowledge of the traffic laws of this state;
- knowledge of the effects of alcohol and controlled substances; and
- an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle⁶

An applicant for a commercial driver license must be examined for:

- eyesight;
- ability to read and understand highway signs regulating, warning, and directing traffic;
- knowledge of the traffic laws of this state;
- knowledge of the effects of alcohol and controlled substances ;
- knowledge of any special skills, requirements, or precautions necessary for the safe operation of the class of vehicle which he or she is applying to be licensed to operate;
- an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle or combination of vehicles of the type covered by the license classification which the applicant is seeking, including an examination of the applicant's ability to perform an inspection of his or her vehicle⁷

Driver Education Courses

By law, a course of study and instruction in the safe and lawful operation of a motor vehicle shall be made available by each district school board to students in the secondary schools in the state.⁸

⁵ s. 322.095 (2)(b), F.S.

⁶ s. 322.12 (3), F.S.

⁷ s. 322.12 (4), F.S.

⁸ s. 1003.48 (1), F.S.

Proposed Changes

Definitions

The bill creates a definition for Bodily Injury and Vulnerable User or Vulnerable User of a Public Right-of-way:

Bodily Injury is defined as:

- a) A cut, abrasion, bruise, burn, or disfigurement;
- b) Physical pain;
- c) Illness;
- d) Impairment of the function of a bodily member, organ, or mental faculty; or
- e) Any other injury to the body, no matter how temporary.

Vulnerable User of a Public Right of Way or Vulnerable User is defined as:

- a) A pedestrian, including a person actually engaged in work upon a highway, work upon utility facilities along a highway, or the provision of emergency services within the right-of-way;
- b) A person operating, or who is a passenger on, a bicycle, motorcycle, scooter, or moped lawfully on the roadway;
- c) A person riding an animal; or
- d) A person lawfully operating on a public right-of-way, crosswalk, or shoulder of the roadway:
 1. A farm tractor or similar vehicle designed primarily for farm use;
 2. A skateboard, roller skates, or in-line skates;
 3. A horse-drawn carriage;
 4. An electric personal assistive mobility device; or
 5. A wheelchair.

New Sections Created

Right turns when passing vulnerable user

The bill provides that a person operating a vehicle who overtakes and passes a vulnerable user of a public right-of-way proceeding in the same direction may not make a right turn at an intersection or into a private road or driveway unless the turn can be made at a safe distance from the vulnerable user with reasonable safety and will not impede the travel of the vulnerable user.

A violation is a noncriminal moving violation.

Harassing or taunting a person riding a bicycle

It is unlawful to harass, taunt, or maliciously throw an object at or in the direction of a person riding a bicycle.

A violation is a 1st degree misdemeanor, punishable by a fine of at least \$250 or 30 day imprisonment or both.

Infractions contributing to bodily injury of a vulnerable user of a public right-of-way

The bill provides that in addition to any other penalty imposed, if a traffic violation contributed to the bodily injury of a vulnerable user, a fine of not more than \$2,000 shall be imposed and the driver license suspended for 6 months. These penalties can be delayed for 1 year under conditions that the offender complete a traffic safety course and perform between 100 to 200 hours of community service. An

extension may be granted for good cause. Upon completion of the course and community service the fine and driver license suspension will be vacated.

Exemption

The bill provides an exemption for vehicles violating a no-passing zone in order to provide at least three feet between the vehicle and a vulnerable user when passing.

Law Enforcement Citation Note

The bill requires a law enforcement officer to note on the traffic citation if said violation contributed to the bodily injury of a vulnerable user.

Bicyclist Taking the Lane

The bill allows a bicyclist to take the center of the lane if the lane is less than 14 feet wide and is not adjacent to a bicycle lane that is at least 5 feet wide.

Mandatory Hearing

The bill requires a mandatory hearing, before a designated officer, for any infraction of overtaking or passing a vehicle or vulnerable user in an unsafe manner, passing and turning in front of a vulnerable user in an unsafe manner, or a careless driving violation that contributes to bodily injury of a vulnerable user of a public right-of-way.

Course Requirements for Traffic Law and Substance Abuse Programs

The bill requires traffic education courses to include instruction on traffic laws relating to the rights and safety of vulnerable users.

Driver License and Commercial Driver License Exam Requirements

The bill requires driver license and commercial driver license examination to include testing of an applicant's knowledge of traffic laws relating to the rights and safety of vulnerable users.

The bill will become effective July 1, 2015.

B. SECTION DIRECTORY:

- | | |
|-----------|--|
| Section 1 | Amends s. 316.003, F.S., providing definitions. |
| Section 2 | Amends s. 316.083, F.S., revising provisions related to the passing of a vehicle |
| Section 3 | Creates s. 316.0833, F.S., prohibiting passing and turning in front of a vulnerable user in an unsafe manner; providing penalties. |
| Section 4 | Amends s. 316.0875, F.S., revising exceptions to provisions for designated no-passing zones |
| Section 5 | Creates s. 316.1921, F.S., prohibiting harassing, taunting, or throwing object at person riding a bicycle; providing penalties. |
| Section 6 | Amends s. 316.1925, F.S., revising provisions relating to careless driving. |
| Section 7 | Amends s. 316.2065, F.S., revising the definition of the term "substandard-width lane." |
| Section 8 | Creates s. 318.142, F.S., providing penalties for specified infractions contributing to bodily injury of a vulnerable user. |
| Section 9 | Amends s. 318.19, F.S., requiring a hearing for specified offenses. |

- Section 10 Amends s. 322.095, F.S., requiring traffic law and substance abuse education courses to include instruction on traffic laws relating to rights and safety of vulnerable users.
- Section 11 Amends s. 322.12, F.S., requiring driver license examinations to include a test of the applicant's knowledge of traffic laws relating to rights and safety of vulnerable users.
- Section 12 Amends s. 1003.48, F.S., requiring driver education courses offered by a school district to include certain instruction.
- Section 13 Providing severability
- Section 14 Provides an effective date of July 1, 2015.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

The bill has an indeterminate, negative fiscal impact on the Department of Highway Safety and Motor Vehicles for the programming of Class E and Commercial Driver License examinations.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

D. FISCAL COMMENTS:

None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a municipality or county to expend funds or to take any action requiring the expenditure of funds. The bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate. The bill does not require a reduction of the percentage of state tax shared with municipalities or counties.

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

27 1003.48, F.S.; requiring driver education courses
 28 offered by a school district to include certain
 29 instruction; providing severability; providing an
 30 effective date.

31

32 Be It Enacted by the Legislature of the State of Florida:

33

34 Section 1. Subsections (94) and (95) are added to section
 35 316.003, Florida Statutes, to read:

36 316.003 Definitions.—The following words and phrases, when
 37 used in this chapter, shall have the meanings respectively
 38 ascribed to them in this section, except where the context
 39 otherwise requires:

40 (94) BODILY INJURY.—

41 (a) A cut, abrasion, bruise, burn, or disfigurement;

42 (b) Physical pain;

43 (c) Illness;

44 (d) Impairment of the function of a bodily member, organ,
 45 or mental faculty; or

46 (e) Any other injury to the body, no matter how temporary.

47 (95) VULNERABLE USER OF A PUBLIC RIGHT-OF-WAY OR

48 VULNERABLE USER.—

49 (a) A pedestrian, including a person actually engaged in
 50 work upon a highway, work upon utility facilities along a
 51 highway, or the provision of emergency services within the
 52 right-of-way;

53 (b) A person operating, or who is a passenger on, a
 54 bicycle, motorcycle, scooter, or moped lawfully on the roadway;

55 (c) A person riding an animal; or

56 (d) A person lawfully operating on a public right-of-way,
 57 crosswalk, or shoulder of the roadway:

58 1. A farm tractor or similar vehicle designed primarily
 59 for farm use;

60 2. A skateboard, roller skates, or in-line skates;

61 3. A horse-drawn carriage;

62 4. An electric personal assistive mobility device; or

63 5. A wheelchair.

64 Section 2. Section 316.083, Florida Statutes, is amended
 65 to read:

66 316.083 Overtaking and passing a vehicle.—The following
 67 provisions ~~rules shall~~ govern the overtaking and passing of
 68 vehicles proceeding in the same direction, ~~subject to those~~
 69 ~~limitations, exceptions, and special rules hereinafter stated:~~

70 (1) The driver of a vehicle overtaking another vehicle
 71 proceeding in the same direction shall give an appropriate
 72 signal as provided for in s. 316.156, shall pass to the left
 73 thereof at a safe distance, and shall not again drive to the
 74 right side of the roadway until safely clear of the overtaken
 75 vehicle.

76 (2) The driver of a motor vehicle overtaking a person
 77 operating a bicycle or other vulnerable user of a public right-
 78 of-way ~~nonmotorized vehicle~~ must pass the person operating the

79 bicycle or other vulnerable user ~~nonmotorized vehicle~~ at a safe
 80 distance of not less than 3 feet between any part of or
 81 attachment to the motor vehicle, any thing extending from the
 82 motor vehicle, and any trailer or other thing being towed by the
 83 motor vehicle and the bicycle, the person operating the bicycle,
 84 or other vulnerable user ~~nonmotorized vehicle~~.

85 ~~(3)(2)~~ Except when overtaking and passing on the right is
 86 permitted, the driver of an overtaken vehicle shall give way to
 87 the right in favor of the overtaking vehicle, on audible signal
 88 or upon the visible blinking of the headlamps of the overtaking
 89 vehicle if such overtaking is being attempted at nighttime, and
 90 shall not increase the speed of his or her vehicle until
 91 completely passed by the overtaking vehicle.

92 ~~(4)(3)~~ A violation of this section is a noncriminal
 93 traffic infraction, punishable as a moving violation as provided
 94 in chapter 318. If a violation of this section contributed to
 95 the bodily injury of a vulnerable user of a public right-of-way,
 96 the law enforcement officer issuing the citation for the
 97 violation shall note such information on the citation.

98 Section 3. Section 316.0833, Florida Statutes, is created
 99 to read:

100 316.0833 Right turn when passing vulnerable user.-

101 (1) A person operating a vehicle who overtakes and passes
 102 a vulnerable user of a public right-of-way proceeding in the
 103 same direction may not make a right turn at an intersection or
 104 into a private road or driveway unless the turn can be made at a

105 safe distance from the vulnerable user with reasonable safety
 106 and will not impede the travel of the vulnerable user.

107 (2) A violation of subsection (1) is a noncriminal traffic
 108 infraction, punishable as a moving violation as provided in
 109 chapter 318. If a violation of subsection (1) contributed to the
 110 bodily injury of a vulnerable user of a public right-of-way, the
 111 law enforcement officer issuing the citation for the violation
 112 shall note such information on the citation.

113 Section 4. Subsection (3) of section 316.0875, Florida
 114 Statutes, is amended to read:

115 316.0875 No-passing zones.—

116 (3) This section does not apply:

117 (a) When an obstruction exists making it necessary to
 118 drive to the left of the center of the highway; ~~nor~~

119 (b) To the driver of a vehicle turning left into or from
 120 an alley, private road, or driveway; or

121 (c) When the driver of a motor vehicle is required to
 122 cross pavement striping indicating a no-passing zone when
 123 passing a vulnerable user of a public right-of-way in order to
 124 provide at least 3 feet between the motor vehicle and the
 125 vulnerable user.

126 Section 5. Section 316.1921, Florida Statutes, is created
 127 to read:

128 316.1921 Harassing, taunting, or throwing object at person
 129 riding a bicycle.—It is unlawful to harass, taunt, or
 130 maliciously throw an object at or in the direction of a person

131 riding a bicycle. A person who violates this section commits a
 132 misdemeanor of the first degree, punishable by a fine of at
 133 least \$250 or by imprisonment of not more than 30 days, or both.

134 Section 6. Section 316.1925, Florida Statutes, is amended
 135 to read:

136 316.1925 Careless driving.—

137 (1) A ~~Any~~ person operating a vehicle upon the streets or
 138 highways within the state shall drive the same in a careful and
 139 prudent manner, having regard for the width, grade, curves,
 140 corners, traffic, and all other attendant circumstances, so as
 141 not to endanger the life, limb, or property of any person. A
 142 person who fails ~~Failure~~ to drive in such manner commits ~~shall~~
 143 ~~constitute~~ careless driving and ~~a violation of this section.~~

144 ~~(2) Any person who violates this section shall be cited~~
 145 ~~for a moving violation, punishable as provided in chapter 318.~~

146 (2) If a violation under this section contributed to the
 147 bodily injury of a vulnerable user of a public right-of-way, the
 148 law enforcement officer issuing the citation for the violation
 149 shall note such information on the citation.

150 Section 7. Paragraph (a) of subsection (5) of section
 151 316.2065, Florida Statutes, is amended to read:

152 316.2065 Bicycle regulations.—

153 (5)(a) Any person operating a bicycle upon a roadway at
 154 less than the normal speed of traffic at the time and place and
 155 under the conditions then existing shall ride in the lane marked
 156 for bicycle use or, if no lane is marked for bicycle use, as

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157 close as practicable to the right-hand curb or edge of the
158 roadway except under any of the following situations:

159 1. When overtaking and passing another bicycle or vehicle
160 proceeding in the same direction.

161 2. When preparing for a left turn at an intersection or
162 into a private road or driveway.

163 3. When reasonably necessary to avoid any condition or
164 potential conflict, including, but not limited to, a fixed or
165 moving object, parked or moving vehicle, bicycle, pedestrian,
166 animal, surface hazard, turn lane, or substandard-width lane,
167 which makes it unsafe to continue along the right-hand curb or
168 edge or within a bicycle lane. For the purposes of this
169 subsection, a "substandard-width lane" is a lane that is less
170 than 14 feet wide which is not adjacent to a bicycle lane that
171 is at least 5 feet wide ~~too narrow for a bicycle and another~~
172 ~~vehicle to travel safely side by side within the lane.~~

173 Section 8. Section 318.142, Florida Statutes, is created
174 to read:

175 318.142 Infractions contributing to bodily injury of a
176 vulnerable user of a public right-of-way.-

177 (1)(a) In addition to any other penalty imposed for a
178 violation under s. 316.083, s. 316.0833, or s. 316.1925, if the
179 violation contributed to the bodily injury of a vulnerable user
180 of a public right-of-way as defined in s. 316.003, the
181 designated official shall impose a fine of not more than \$2,000
182 and the department shall suspend the offender's driving

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183 privileges for 6 months.

184 (b) Imposition of the penalties under paragraph (a) shall
185 be delayed upon the condition that, within 1 year after the date
186 of sentencing, the offender complete a traffic safety course
187 approved by the department and perform at least 100 but not more
188 than 200 hours of community service, which must include
189 activities related to driver improvement and public education on
190 traffic safety. The designated official may grant an extension
191 of the 1-year period for good cause shown.

192 (2) (a) If the offender successfully completes the
193 requirements under paragraph (1) (b) within the time allowed, the
194 penalties under paragraph (1) (a) shall be vacated.

195 (b) If the offender does not successfully complete the
196 requirements under paragraph (1) (b) within the time allowed, the
197 penalties under paragraph (1) (a) shall be imposed.

198 Section 9. Section 318.19, Florida Statutes, is amended to
199 read:

200 318.19 Infractions requiring a mandatory hearing.—Any
201 person cited for the infractions listed in this section shall
202 not have the provisions of s. 318.14(2), (4), and (9) available
203 to him or her but must appear before the designated official at
204 the time and location of the scheduled hearing:

205 (1) Any infraction which results in a crash that causes
206 the death of another;

207 (2) Any infraction which results in a crash that causes
208 "serious bodily injury" of another as defined in s. 316.1933(1);

- 209 (3) Any infraction of s. 316.172(1)(b);
 210 (4) Any infraction of s. 316.520(1) or (2); ~~or~~
 211 (5) Any infraction of s. 316.183(2), s. 316.187, or s.
 212 316.189 of exceeding the speed limit by 30 m.p.h. or more; or
 213 (6) Any infraction of s. 316.083, s. 316.0833, or s.
 214 316.1925 which contributes to bodily injury of a vulnerable user
 215 of a public right-of-way as defined in s. 316.003.

216 Section 10. Paragraph (b) of subsection (2) of section
 217 322.095, Florida Statutes, is amended to read:

218 322.095 Traffic law and substance abuse education program
 219 for driver license applicants.—

220 (2) The Department of Highway Safety and Motor Vehicles
 221 must approve traffic law and substance abuse education courses,
 222 including courses that use communications technology as the
 223 delivery method.

224 (b) Each course provider seeking approval of a traffic law
 225 and substance abuse education course must submit:

226 1. Proof of ownership, copyright, or written permission
 227 from the course owner to use the course in the state.

228 2. The curriculum for the courses which must promote
 229 motorcyclist, bicyclist, and pedestrian safety and provide
 230 instruction on traffic laws relating to the rights and safety of
 231 vulnerable users of public rights-of-way as defined in s.

232 316.003; the physiological and psychological consequences of the
 233 abuse of alcohol and other drugs; the societal and economic
 234 costs of alcohol and drug abuse; the effects of alcohol and drug

235 | abuse on the driver of a motor vehicle; the laws of this state
236 | relating to the operation of a motor vehicle; the risk factors
237 | involved in driver attitude and irresponsible driver behaviors,
238 | such as speeding, reckless driving, and running red lights and
239 | stop signs; and the results of the use of electronic devices
240 | while driving.

241 | Section 11. Subsections (3) and (4) of section 322.12,
242 | Florida Statutes, are amended to read:

243 | 322.12 Examination of applicants.—

244 | (3) For an applicant for a Class E driver license, such
245 | examination shall include a test of the applicant's eyesight
246 | given by the driver license examiner designated by the
247 | department or by a licensed ophthalmologist, optometrist, or
248 | physician and a test of the applicant's hearing given by a
249 | driver license examiner or a licensed physician. The examination
250 | shall also include a test of the applicant's ability to read and
251 | understand highway signs regulating, warning, and directing
252 | traffic; his or her knowledge of the traffic laws of this state,
253 | including laws regulating driving under the influence of alcohol
254 | or controlled substances, driving with an unlawful blood-alcohol
255 | level, and driving while intoxicated; and his or her knowledge
256 | of the effects of alcohol and controlled substances upon persons
257 | and the dangers of driving a motor vehicle while under the
258 | influence of alcohol or controlled substances and shall include
259 | an actual demonstration of ability to exercise ordinary and
260 | reasonable control in the operation of a motor vehicle.

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261 Examination under this subsection testing the applicant's
262 knowledge of traffic laws must include laws relating to the
263 rights and safety of vulnerable users of public rights-of-way as
264 defined in s. 316.003.

265 (4) The examination for an applicant for a commercial
266 driver license shall include a test of the applicant's eyesight
267 given by a driver license examiner designated by the department
268 or by a licensed ophthalmologist, optometrist, or physician and
269 a test of the applicant's hearing given by a driver license
270 examiner or a licensed physician. The examination shall also
271 include a test of the applicant's ability to read and understand
272 highway signs regulating, warning, and directing traffic; his or
273 her knowledge of the traffic laws of this state pertaining to
274 the class of motor vehicle which he or she is applying to be
275 licensed to operate, including laws regulating driving under the
276 influence of alcohol or controlled substances, driving with an
277 unlawful blood-alcohol level, and driving while intoxicated; his
278 or her knowledge of the effects of alcohol and controlled
279 substances and the dangers of driving a motor vehicle after
280 having consumed alcohol or controlled substances; and his or her
281 knowledge of any special skills, requirements, or precautions
282 necessary for the safe operation of the class of vehicle which
283 he or she is applying to be licensed to operate. In addition,
284 the examination shall include an actual demonstration of the
285 applicant's ability to exercise ordinary and reasonable control
286 in the safe operation of a motor vehicle or combination of

287 vehicles of the type covered by the license classification which
 288 the applicant is seeking, including an examination of the
 289 applicant's ability to perform an inspection of his or her
 290 vehicle.

291 (a) The portion of the examination which tests an
 292 applicant's safe driving ability shall be administered by the
 293 department or by an entity authorized by the department to
 294 administer such examination, pursuant to s. 322.56. Such
 295 examination shall be administered at a location approved by the
 296 department.

297 (b) A person who seeks to retain a hazardous-materials
 298 endorsement must, upon renewal, pass the test for such
 299 endorsement as specified in s. 322.57(1)(e), if the person has
 300 not taken and passed the hazardous-materials test within 2 years
 301 preceding his or her application for a commercial driver license
 302 in this state.

303 (c) Examination under this subsection testing the
 304 applicant's knowledge of traffic laws must include laws relating
 305 to the rights and safety of vulnerable users of public rights-
 306 of-way as defined in s. 316.003.

307 Section 12. Subsection (6) is added to section 1003.48,
 308 Florida Statutes, to read:

309 1003.48 Instruction in operation of motor vehicles.—

310 (6) In addition to the lawful and safe operation of a
 311 motor vehicle, a course offered under this section shall include
 312 instruction on traffic laws relating to the rights and safety of

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313 vulnerable users of public rights-of-way as defined in s.
314 316.003.

315 Section 13. If any provision of this act or its
316 application to any person or circumstance is held invalid, the
317 invalidity does not affect other provisions or applications of
318 this act which can be given effect without the invalid provision
319 or application, and, to this end, the provisions of this act are
320 severable.

321 Section 14. This act shall take effect July 1, 2015.



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Highway & Waterway Safety
2 Subcommittee
3 Representative Passidomo offered the following:

Amendment (with title amendment)

Remove lines 182-197 and lines 216-314

T I T L E A M E N D M E N T

Remove lines 19-29 and insert:
a hearing for specified offenses; providing severability;
providing an



Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Highway & Waterway Safety
 2 Subcommittee
 3 Representatives McBurney and Passidomo offered the following:
 4

Amendment (with title amendment)

Between lines 63 and 64, insert:

7 Section 2. Section 316.0275, Florida Statutes, is created
 8 to read:

9 316.0275 Noncriminal traffic infractions leading to
 10 serious bodily injury or death; reclassification.-

11 (1) Notwithstanding any other provision of law, if an
 12 individual commits a noncriminal traffic infraction under this
 13 chapter which causes serious bodily injury or death to a person
 14 and within 5 years after that violation, commits another
 15 noncriminal traffic infraction under this chapter which causes
 16 serious bodily injury or death to a person, the second such
 17 violation shall be reclassified as a felony of the third degree,



Amendment No. 2

18 | punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

19 | (2) As used in this section, the term "serious bodily
20 | injury" means an injury to a person, excluding the at fault
21 | driver, which consists of a physical condition that creates a
22 | substantial risk of death, serious personal disfigurement, or
23 | protracted loss or impairment of the function of any bodily
24 | member or organ.

25 |
26 |
27 |
28 |
29 |

T I T L E A M E N D M E N T

31 | Remove line 3 and insert:
32 | 316.003, F.S.; providing definitions; creating s. 316.0275,
33 | F.S.; providing criminal penalties for certain noncriminal
34 | traffic infractions that cause serious bodily injury or death to
35 | a person; amending s.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 671 Use of Tobacco Products in Motor Vehicles

SPONSOR(S): Powell

TIED BILLS: **IDEN./SIM. BILLS:** SB 548

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Highway & Waterway Safety Subcommittee		Whittaker <i>SW</i>	Smith <i>MS</i>
2) Transportation & Economic Development Appropriations Subcommittee			
3) Economic Affairs Committee			

SUMMARY ANALYSIS

The bill creates a new section of Florida Statute prohibiting a person from smoking a tobacco product in a motor vehicle if a child under 13 years of age is also present. A violation of this prohibition is a nonmoving violation which carries a fine of \$30.

The bill has no fiscal impact on state funds.

The bill will become effective October 1, 2015.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

There is currently no restriction in Florida regarding the use of tobacco products in a motor vehicle. However, Florida law does require a person to be 18 years of age to purchase or be in possession of a tobacco product.¹

Smoking in Cars with Children Legislation by State

Other states have adopted laws prohibiting smoking in motor vehicles when children are present. The age range varies among the states as seen in the below chart.

State/Commonwealth	Effective Date	Applicable Age
	2006; Revised	
Arkansas	2011	Under age 14
California	2008	Under age 18
Oregon	2014	Under age 18
Utah	2013	Under age 16

Offenses are primarily classified as secondary and penalties include fines ranging from \$25-\$250 for a first offense.²

Proposed Change

The bill creates section 316.6136, F.S., prohibiting a person from smoking a tobacco product in a motor vehicle if a child under 13 years of age is also present. A violation of this prohibition is a nonmoving violation which carries a fine of \$30.

Smoking Defined

For purposes of this new section, the term "smoking" has the same meaning as defined in s. 386.203, F.S., which is the "inhaling, exhaling, burning, carrying, or possessing any lighted tobacco product, including cigarettes, cigars, pipe tobacco, and any other lighted tobacco product."

The bill has an effective date of October 1, 2015.

B. SECTION DIRECTORY:

Section 1 Creates s. 316.6136, F.S., prohibiting a person from smoking a tobacco product in a motor vehicle in which a child under 13 years of age is present; provides penalties.

Section 2 Provides an effective date of October 1, 2015.

¹ s. 569.11, F.S.

² Arizona Department of Public Health, *Smoking in Cars with Kids Policy Report* (June 30, 2014), <http://azdhs.gov/tobaccofreeaz/reports/> (last visited March 6, 2015).

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Anyone who commits a violation of smoking a tobacco product in a motor vehicle in which a child under 13 years of age is present may be fined \$30.

D. FISCAL COMMENTS:

None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a municipality or county to expand funds or to take action requiring the expenditure of funds. The bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate. The bill does not require a reduction of the percentage of state tax shared with municipalities or counties.

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

As written, the bill prohibits "smoking" in a motor vehicle when a minor under the age of 13 is also present. As defined, the term "smoking" only includes *tobacco* products such as cigarettes, cigars, and pipe tobacco. Not included are "nicotine products" such as electronic cigarettes and electronic cigars that are not considered *tobacco* products. As a primary offense, the similar design of both cigarettes and electronic cigarettes may create an enforcement challenge.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

HB 671

2015

1 A bill to be entitled
2 An act relating to the use of tobacco products in
3 motor vehicles; creating s. 316.6136, F.S.;
4 prohibiting a person from smoking a tobacco product in
5 a motor vehicle in which a child under 13 years of age
6 is present; providing penalties; providing an
7 effective date.

8
9 Be It Enacted by the Legislature of the State of Florida:

10
11 Section 1. Section 316.6136, Florida Statutes, is created
12 to read:

13 316.6136 Smoking in vehicle in which a child under 13
14 years of age is present; prohibition.—A person smoking a tobacco
15 product in a motor vehicle in which a child under 13 years of
16 age is present commits a nonmoving violation, punishable as
17 provided in chapter 318. As used in this section, the term
18 "smoking" has the same meaning as defined in s. 386.203.

19 Section 2. This act shall take effect October 1, 2015.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB HWSS 15-04 Specialty License Plates
SPONSOR(S): Highway & Waterway Safety Subcommittee
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Highway & Waterway Safety Subcommittee		Whittaker	Smith

SUMMARY ANALYSIS

The bill removes requirements for an application, application fee, and marketing strategy to be submitted to the Department of Highway Safety and Motor Vehicles (DHSMV) for establishing a specialty license plate. This application process was replaced by the pre-sale methodology in 2010 and is no longer enforced.

The bill raises the minimum pre-sale requirement for a specialty plate to 4,000 before manufacturing of that specialty plate can begin.

The bill further provides that, beginning July 1, 2017, the department must discontinue the issuance of a specialty plate if the number of valid specialty plate registrations falls below 4,000 for at least 12 consecutive months. An exemption from this requirement is provided for Marine Corps, Military Services, Special Olympics, Autism, and Florida Professional Sports Team license plates.

The bill directs DHSMV to develop certain specialty plates with an established annual use fee for each plate, and provides for the distribution of the annual use fees.

Other conforming cross-references are provided.

There is a negative but indeterminate cost to DHSMV for the programming of new specialty license plates. These costs will be absorbed within existing resources.

The bill, except as otherwise expressly provided, becomes effective July 1, 2015.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Background

In 2011, the U.S. Middle District Court in Orlando declared the specialty plate application process as it existed in 2009 to be unconstitutional. That process included an application process, an application fee, and a marketing strategy outlining short and long term marketing plans for the specialty plate.

The pre-sale methodology, created in 2010, replaced the application process. However, the application process, application fee, and marketing strategy language still exist in statute.

The recognized process to establish a specialty plate requires the plate to first be approved by law. After a new specialty plate becomes law the following requirements must be met:

- Within 60 days, the organization must submit an art design, in a medium prescribed by DHSMV.
- Within 120 days, DHSMV must establish a method to issue a specialty license plate voucher to allow for the pre-sale of the specialty plate.
- Within 24 months after the voucher is established, the organization must obtain a minimum of 1,000 voucher sales before manufacturing may begin. If this requirement is not met, the plate is deauthorized and DHSMV must discontinue development of the plate and issuance of the vouchers.

DHSMV must discontinue the issuance of an approved specialty license plate if the number of valid specialty plate registrations falls below 1,000 plates for at least 12 consecutive months. A warning letter is mailed to the sponsoring organization following the first month in which the total number of valid specialty plate registrations falls below 1,000 plates (does not apply to collegiate license plates).¹

Organizations must also adhere to certain accountability requirements found in statute. These requirements include an annual attestation document affirming, under penalty of perjury, that funds received have been spent in accordance with applicable statutes.²

There are currently over 120 specialty plates available.³

A moratorium on the issuance of specialty license plates was imposed by lawmakers in 2008, originally set to expire in 2011; it has been extended to July 1, 2016.

Proposed Changes

The bill amends s. 320.08053, F.S., removing requirements for establishing a specialty license plate that were declared unconstitutional in 2011 by the U.S. Middle District Court in Orlando. Also increases the minimum voucher sales to 4,000 before manufacturing of a specialty plate may begin.

The bill further provides that beginning July 1, 2017; the department must discontinue the issuance of a specialty plate if the number of valid specialty plate registrations falls below 4,000 for at least 12 consecutive months. An exemption from this requirement is provided for Marine Corps, Military Services, Special Olympics, Autism, and Florida Professional Sports Team license plates.

¹ s. 320.08056 (8)(a), F.S.

² s. 320.08062, F. S.

³ Florida Department of Highway Safety and Motor Vehicles, *Specialty License Plates Index*, <http://www.flhsmv.gov/dmv/specialtytags/> (last viewed 2/16/15).

The bill directs DHSMV to develop certain specialty plates with an established annual use fee for each plate, and provides for the distribution of the annual use fees. These newly created plates are the:

Bonefish and Tarpon Trust license plate, \$25.

Distributed to the Bonefish and Tarpon Trust to conserve and enhance Florida bonefish and tarpon fisheries and their respective environments.

Rotary's Camp Florida license plate, \$25.

Distributed to Rotary's Camp Florida to provide grants and direct support to the programs and services provided to children who attend the camp.

Support Down Syndrome license plate, \$25.

Distributed to Olivia's Angels Foundation, Inc., to fund its activities, programs, and projects within the state.

Safe and Free Florida license plate, \$25.

Distributed to the f2F Life Project, Inc., to distribute to nongovernmental, not for profit agencies within each county in this state which assist sexually abused, exploited, or trafficked victims for certain purposes.

Support Our Constitution license plate, \$25.

Distributed to The Constitution Foundation, Inc., to fund activities, programs, and projects of The Constitution Foundation, Inc.

Sun Sea Smiles license plate, \$25.

Distributed to the Florida Caribbean Charitable Foundation, Inc., for various purposes including scholarship programs and distribution to various other organizations.

Take Stock in Children license plate, \$25.

Distributed to Take Stock in Children, Inc., to fund its activities, scholarships and mentoring programs, and projects.

Paddle Florida license plate, \$25.

Distributed to Paddle Florida, Inc., to be used by the Florida Forever grant program to support activities that further outdoor recreation and natural resource protection.

Orlando City Soccer Club license plate, \$25.

Distributed to the Department of Economic Opportunity to attract and support major sports events in the state.

Dogs Making a Difference license plate, \$25.

Distributed to Southeastern Guide Dogs for the training of dogs for use by veterans and citizens who are blind.

Conforming cross-references are also provided in the bill.

The bill has an effective date of July 1, 2015, except where expressly provided.

B. SECTION DIRECTORY:

Section 1 Amends s. 320.08053, F.S., relating to requirements for requests to establish a specialty plate; deleting application requirements; revising presale requirements.

Section 2 Amends s. 320.08056, F.S., revising the minimum requirements to continue issuance of certain specialty plates.

- Section 3 Amends s. 320.08058, F.S., conforming cross-references.
- Section 4 Amends s. 320.08056, F.S., establishing an annual use fee for new specialty plates.
- Section 5 Amends s. 320.08058, F.S., directing the Department of Highway Safety and Motor Vehicles to develop certain specialty plates; providing for distribution and use of fees collected from the sale of the plates.
- Section 6 Except as otherwise expressly provided the bill will become effective July 1, 2015.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

There is a negative but indeterminate cost to DHSMV for the programming of new specialty license plates. These costs will be absorbed within existing resources.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Revenues generated from the sale of specialty plates are distributed to various organizations.

D. FISCAL COMMENTS:

None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a municipality or county to expend funds or to take any action requiring the expenditure of funds. The bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate. The bill does not require a reduction of the percentage of state tax shared with municipalities or counties.

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

W W
MJD

PCB HWSS 15-04

2015

1 A bill to be entitled
 2 An act relating to specialty license plates; amending
 3 s. 320.08053, F.S., relating to requirements for
 4 requests to establish a specialty plate; deleting
 5 application requirements; revising presale
 6 requirements; amending s. 320.08056, F.S.; revising
 7 the minimum requirements to continue issuance of
 8 certain specialty plates; amending s. 320.08058, F.S.;
 9 conforming cross-references; amending ss. 320.08056
 10 and 320.08058, F.S.; directing the Department of
 11 Highway Safety and Motor Vehicles to develop certain
 12 specialty license plates; establishing an annual use
 13 fee for the plates; providing for distribution and use
 14 of fees collected from the sale of the plates;
 15 providing effective dates.

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

19 Section 1. Section 320.08053, Florida Statutes, is amended
 20 to read:

21 320.08053 Establishment of Requirements for requests to
 22 ~~establish~~ specialty license plates.-

23 ~~(1) An organization that seeks authorization to establish~~
 24 ~~a new specialty license plate for which an annual use fee is to~~
 25 ~~be charged must submit to the department.~~

26 ~~(a) A request for the particular specialty license plate~~

27 ~~being sought, describing the proposed specialty license plate in~~
 28 ~~specific terms, including a sample plate that conforms to the~~
 29 ~~specifications set by the department and this chapter, and that~~
 30 ~~is in substantially final form.~~

31 ~~(b) An application fee, not to exceed \$60,000, to defray~~
 32 ~~the department's cost for reviewing the application and~~
 33 ~~developing the specialty license plate, if authorized. State~~
 34 ~~funds may not be used to pay the application fee, except for~~
 35 ~~collegiate specialty license plates authorized in s.~~
 36 ~~320.08058(3) and (13). All applications requested on or after~~
 37 ~~the effective date of this act must meet the requirements of~~
 38 ~~this act.~~

39 ~~(c) A marketing strategy outlining short term and long-~~
 40 ~~term marketing plans for the requested specialty license plate~~
 41 ~~and a financial analysis outlining the anticipated revenues and~~
 42 ~~the planned expenditures of the revenues to be derived from the~~
 43 ~~sale of the requested specialty license plates.~~

44
 45 ~~The information required under this subsection must be submitted~~
 46 ~~to the department at least 90 days before the convening of the~~
 47 ~~next regular session of the Legislature.~~

48 ~~(1)(2)~~ If a the specialty license plate requested by an
 49 ~~the~~ organization is approved by law, the organization must
 50 submit the proposed art design for the specialty license plate
 51 to the department, in a medium prescribed by the department, as
 52 soon as practicable, but no later than 60 days after the act

53 approving the specialty license plate becomes a law. ~~If the~~
 54 ~~specialty license plate requested by the organization is not~~
 55 ~~approved by the Legislature or does not meet the presale~~
 56 ~~requirements in subsection (3), the application fee shall be~~
 57 ~~refunded to the requesting organization.~~

58 (2)~~(3)~~(a) Within 120 days following the specialty license
 59 plate becoming law, the department shall establish a method to
 60 issue a specialty license plate voucher to allow for the presale
 61 of the specialty license plate. The processing fee as prescribed
 62 in s. 320.08056, the service charge and branch fee as prescribed
 63 in s. 320.04, and the annual use fee as prescribed in s.
 64 320.08056 shall be charged for the voucher. All other applicable
 65 fees shall be charged at the time of issuance of the license
 66 plates.

67 (b) Within 24 months after the presale specialty license
 68 plate voucher is established, the approved specialty license
 69 plate organization must record with the department a minimum of
 70 4,000 ~~1,000~~ voucher sales before manufacture of the license
 71 plate may commence. If, at the conclusion of the 24-month
 72 presale period, the minimum sales requirements have not been
 73 met, the specialty plate is deauthorized and the department
 74 shall discontinue development of the plate and discontinue
 75 issuance of the presale vouchers. Upon deauthorization of the
 76 license plate, a purchaser of the license plate voucher may use
 77 the annual use fee collected as a credit towards any other
 78 specialty license plate or apply for a refund on a form

79 | prescribed by the department.

80 | ~~(c) An organization that meets the requirements of this~~
 81 | ~~subsection shall be deemed to have submitted a valid survey for~~
 82 | ~~purposes of s. 45, chapter 2008-176, Laws of Florida, as~~
 83 | ~~amended.~~

84 | Section 2. Subsection (8) of section 320.08056, Florida
 85 | Statutes, is amended to read:

86 | 320.08056 Specialty license plates.—

87 | (8)(a) The department must discontinue the issuance of an
 88 | approved specialty license plate if the number of valid
 89 | specialty plate registrations falls below 1,000 plates for at
 90 | least 12 consecutive months. A warning letter shall be mailed to
 91 | the sponsoring organization following the first month in which
 92 | the total number of valid specialty plate registrations is below
 93 | 1,000 plates. Beginning July 1, 2017, the department must
 94 | discontinue the issuance of an approved specialty license plate
 95 | if the number of valid specialty plate registrations falls below
 96 | 4,000 for at least 12 consecutive months. A warning letter shall
 97 | be mailed to the sponsoring organization following the first
 98 | month in which the total number of valid specialty plate
 99 | registrations is below 4,000 plates. This paragraph does not
 100 | apply to collegiate license plates established under s.
 101 | 320.08058(3), Special Olympics Florida license plates
 102 | established under s. 320.08058(7), Florida Professional Sports
 103 | Team license plates established under s. 320.08058(9), United
 104 | States Marine Corps license plates established under s.

105 320.08058(28), Military Services license plates established
 106 under s. 320.08058(38), and Autism license plates established
 107 under s. 320.08058(69).

108 (b) The department is authorized to discontinue the
 109 issuance of a specialty license plate and distribution of
 110 associated annual use fee proceeds if the organization no longer
 111 exists, if the organization has stopped providing services that
 112 are authorized to be funded from the annual use fee proceeds, if
 113 the organization does not meet the presale requirements as
 114 prescribed in s. 320.08053(2) ~~320.08053(3)~~, or pursuant to an
 115 organizational recipient's request. Organizations shall notify
 116 the department immediately to stop all warrants for plate sales
 117 if any of the conditions in this section exist and must meet the
 118 requirements of s. 320.08062 for any period of operation during
 119 a fiscal year.

120 Section 3. Paragraph (b) of subsection (70), paragraph (d)
 121 of subsection (71), paragraph (a) of subsection (79), paragraph
 122 (a) of subsection (80), paragraph (a) of subsection (81),
 123 paragraph (a) of subsection (82), paragraph (a) of subsection
 124 (83), paragraph (a) of subsection (84), paragraph (a) of
 125 subsection (85), and paragraph (a) of subsection (86) of section
 126 320.08058, Florida Statutes, are amended to read:

127 320.08058 Specialty license plates.—

128 (70) ST. JOHNS RIVER LICENSE PLATES.—

129 (b) The requirements of s. 320.08053 must be met prior to
 130 the issuance of the plate. Thereafter, the license plate annual

131 use fees shall be distributed to the St. Johns River Alliance,
 132 Inc., a s. 501(c)(3) nonprofit organization, which shall
 133 administer the fees as follows:

134 1. The St. Johns River Alliance, Inc., shall retain the
 135 first \$60,000 of the annual use fees as direct reimbursement for
 136 administrative costs, startup costs, and costs incurred in the
 137 development and approval process. Thereafter, up to 10 percent
 138 of the annual use fee revenue may be used for administrative
 139 costs directly associated with education programs, conservation,
 140 research, and grant administration of the organization, and up
 141 to 10 percent may be used for promotion and marketing of the
 142 specialty license plate.

143 2. At least 30 percent of the fees shall be available for
 144 competitive grants for targeted community-based or county-based
 145 research or projects for which state funding is limited or not
 146 currently available. The remaining 50 percent shall be directed
 147 toward community outreach and access programs. The competitive
 148 grants shall be administered and approved by the board of
 149 directors of the St. Johns River Alliance, Inc. A grant advisory
 150 committee shall be composed of six members chosen by the St.
 151 Johns River Alliance board members.

152 3. Any remaining funds shall be distributed with the
 153 approval of and accountability to the board of directors of the
 154 St. Johns River Alliance, Inc., and shall be used to support
 155 activities contributing to education, outreach, and springs
 156 conservation.

157 4. Effective July 1, 2014, the St. Johns River license
 158 plate will shift into the presale voucher phase, as provided in
 159 s. 320.08053(2)(b) ~~320.08053(3)(b)~~. The St. Johns River
 160 Alliance, Inc., shall have 24 months to record a minimum of
 161 1,000 sales of the license plates. Sales include existing active
 162 plates and vouchers sold subsequent to July 1, 2014. During the
 163 voucher period, new plates may not be issued, but existing
 164 plates may be renewed. If, at the conclusion of the 24-month
 165 presale period, the requirement of a minimum of 1,000 sales has
 166 been met, the department shall resume normal distribution of the
 167 St. Johns River specialty plate. If, after 24 months, the
 168 minimum of 1,000 sales has not been met, the department shall
 169 discontinue the development and issuance of the plate. This
 170 subparagraph is repealed June 30, 2016.

171 (71) HISPANIC ACHIEVERS LICENSE PLATES.—

172 (d) Effective July 1, 2014, the Hispanic Achievers license
 173 plate will shift into the presale voucher phase, as provided in
 174 s. 320.08053(2)(b) ~~320.08053(3)(b)~~. National Hispanic Corporate
 175 Achievers, Inc., shall have 24 months to record a minimum of
 176 1,000 sales. Sales include existing active plates and vouchers
 177 sold subsequent to July 1, 2014. During the voucher period, new
 178 plates may not be issued, but existing plates may be renewed.
 179 If, at the conclusion of the 24-month presale period, the
 180 requirement of a minimum of 1,000 sales has been met, the
 181 department shall resume normal distribution of the Hispanic
 182 Achievers license plate. If, after 24 months, the minimum of

183 1,000 sales has not been met, the department shall discontinue
 184 the Hispanic Achievers license plate. This subsection is
 185 repealed June 30, 2016.

186 (79) FREEMASONRY LICENSE PLATES.—

187 (a) Notwithstanding s. 45, 2008-176, Laws of Florida, as
 188 amended by s. 21, chapter 2010-223, Laws of Florida, ~~and s.~~
 189 ~~320.08053(1)~~, the department shall develop a Freemasonry license
 190 plate as provided in this section and s. 320.08053 ~~320.08053(2)~~
 191 ~~and (3)~~. The word "Florida" must appear at the top of the plate,
 192 and the words "In God We Trust" must appear at the bottom of the
 193 plate.

194 (80) AMERICAN LEGION LICENSE PLATES.—

195 (a) Notwithstanding ~~s. 320.08053(1)~~ and s. 45, chapter
 196 2008-176, Laws of Florida, as amended by s. 21, chapter 2010-
 197 223, Laws of Florida, the department shall develop an American
 198 Legion license plate as provided in s. 320.08053 ~~320.08053(2)~~
 199 ~~and (3)~~ and this section. The plate must bear the colors and
 200 design approved by the department. The word "Florida" must
 201 appear at the top of the plate, and the words "American Legion"
 202 must appear at the bottom of the plate.

203 (81) LAUREN'S KIDS LICENSE PLATES.—

204 (a) Notwithstanding ~~s. 320.08053(1)~~ and s. 45, chapter
 205 2008-176, Laws of Florida, as amended by s. 21, chapter 2010-
 206 223, Laws of Florida, the department shall develop a Lauren's
 207 Kids, Prevent Child Sexual Abuse license plate as provided in s.
 208 320.08053 ~~320.08053(2)~~ ~~and (3)~~, and this section. The plate must

209 bear the colors and design approved by the department. The word
 210 "Florida" must appear at the top of the plate, and the words
 211 "Lauren's Kids" must appear at the bottom of the plate.

212 (82) BIG BROTHERS BIG SISTERS LICENSE PLATES.—

213 (a) Notwithstanding ~~s. 320.08053(1)~~ and s. 45, chapter
 214 2008-176, Laws of Florida, as amended by s. 21, chapter 2010-
 215 223, Laws of Florida, the department shall develop a Big
 216 Brothers Big Sisters license plate as provided in s. 320.08053
 217 ~~320.08053(2) and (3)~~, and this section. The plate must bear the
 218 colors and design approved by the department. The word "Florida"
 219 must appear at the top of the plate, and the words "Big Brothers
 220 Big Sisters" must appear at the bottom of the plate.

221 (83) FALLEN LAW ENFORCEMENT OFFICERS LICENSE PLATES.—

222 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
 223 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
 224 ~~and s. 320.08053(1)~~, the department shall develop a Fallen Law
 225 Enforcement Officers license plate as provided in s. 320.08053
 226 ~~320.08053(2) and (3)~~ and this section. The plate must bear the
 227 colors and design approved by the department. The word "Florida"
 228 must appear at the top of the plate, and the words "A Hero
 229 Remembered Never Dies" must appear at the bottom of the plate.

230 (84) FLORIDA SHERIFFS ASSOCIATION LICENSE PLATES.—

231 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
 232 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
 233 ~~and s. 320.08053(1)~~, the department shall develop a Florida
 234 Sheriffs Association license plate as provided in s. 320.08053

235 ~~320.08053(2) and (3)~~ and this section. The plate must bear the
 236 colors and design approved by the department. A sheriff's star
 237 must appear on the left side of the plate, the word "Florida"
 238 must appear at the top of the plate, and the words "Florida
 239 Sheriffs Association" must appear at the bottom of the plate.

240 (85) KEISER UNIVERSITY LICENSE PLATES.-

241 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
 242 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
 243 ~~and s. 320.08053(1)~~, the department shall develop a Keiser
 244 University license plate as provided in s. 320.08053
 245 ~~320.08053(2) and (3)~~ and this section. The plate must bear the
 246 colors and design approved by the department. The word "Florida"
 247 must appear at the top of the plate, and the words "Keiser
 248 University" must appear at the bottom of the plate.

249 (86) MOFFITT CANCER CENTER LICENSE PLATES.-

250 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
 251 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
 252 ~~and s. 320.08053(1)~~, the department shall develop a Moffitt
 253 Cancer Center license plate as provided in s. 320.08053
 254 ~~320.08053(2) and (3)~~ and this section. The word "Florida" must
 255 appear at the top of the plate, and the words "Moffitt Cancer
 256 Center" must appear at the bottom of the plate.

257 Section 4. Effective October 1, 2015, paragraphs (iiii)
 258 through (rrrr) are added to subsection (4) of section 320.08056,
 259 Florida Statutes, to read:

260 320.08056 Specialty license plates.-

261 (4) The following license plate annual use fees shall be
 262 collected for the appropriate specialty license plates:

263 (iiii) Bonefish and Tarpon Trust license plate, \$25.

264 (jjjj) Rotary's Camp Florida license plate, \$25.

265 (kkkk) Support Down Syndrome license plate, \$25.

266 (llll) Safe and Free Florida license plate, \$25.

267 (mmmm) Support Our Constitution license plate, \$25.

268 (nnnn) Sun Sea Smiles license plate, \$25.

269 (oooo) Take Stock in Children license plate, \$25.

270 (pppp) Paddle Florida license plate, \$25.

271 (qqqq) Orlando City Soccer Club license plate, \$25.

272 (rrrr) Dogs Making a Difference license plate, \$25.

273 Section 5. Effective October 1, 2015, subsection (9) of
 274 section 320.08058, Florida Statutes, is amended, and subsections
 275 (87) through (96) are added to that section, to read:

276 320.08058 Specialty license plates.—

277 (9) FLORIDA PROFESSIONAL SPORTS TEAM LICENSE PLATES.—

278 (a) The Department of Highway Safety and Motor Vehicles
 279 shall develop a Florida Professional Sports Team license plate
 280 as provided in this section for Major League Baseball, National
 281 Basketball Association, National Football League, Arena Football
 282 League Teams, and National Hockey League, and Major League
 283 Soccer teams domiciled in this state. However, any Florida
 284 Professional Sports Team license plate created or established
 285 after January 1, 1997, must comply with the requirements of s.
 286 320.08053 and be specifically authorized by an act of the

287 Legislature. Florida Professional Sports Team license plates
 288 must bear the colors and design approved by the department and
 289 must include the official league or team logo, or both, as
 290 appropriate for each team. The word "Florida" must appear at the
 291 top of the plate.

292 (b) The license plate annual use fees are to be annually
 293 distributed as follows:

294 1. Fifty-five percent of the proceeds from the Florida
 295 Professional Sports Team plate must be deposited into the
 296 Professional Sports Development Trust Fund within the Department
 297 of Economic Opportunity. These funds must be used solely to
 298 attract and support major sports events in this state. As used
 299 in this subparagraph, the term "major sports events" means, but
 300 is not limited to, championship or all-star contests of Major
 301 League Baseball, the National Basketball Association, the
 302 National Football League, the National Hockey League, Major
 303 League Soccer, the men's and women's National Collegiate
 304 Athletic Association Final Four basketball championship, or a
 305 horseracing or dogracing Breeders' Cup. All funds must be used
 306 to support and promote major sporting events, and the uses must
 307 be approved by the Department of Economic Opportunity.

308 2. The remaining proceeds of the Florida Professional
 309 Sports Team license plate must be allocated to Enterprise
 310 Florida, Inc. These funds must be deposited into the
 311 Professional Sports Development Trust Fund within the Department
 312 of Economic Opportunity. These funds must be used by Enterprise

313 Florida, Inc., to promote the economic development of the sports
 314 industry; to distribute licensing and royalty fees to
 315 participating professional sports teams; to promote education
 316 programs in Florida schools that provide an awareness of the
 317 benefits of physical activity and nutrition standards; to
 318 partner with the Department of Education and the Department of
 319 Health to develop a program that recognizes schools whose
 320 students demonstrate excellent physical fitness or fitness
 321 improvement; to institute a grant program for communities
 322 bidding on minor sporting events that create an economic impact
 323 for the state; to distribute funds to Florida-based charities
 324 designated by Enterprise Florida, Inc., and the participating
 325 professional sports teams; and to fulfill the sports promotion
 326 responsibilities of the Department of Economic Opportunity.

327 3. Enterprise Florida, Inc., shall provide an annual
 328 financial audit in accordance with s. 215.981 of its financial
 329 accounts and records by an independent certified public
 330 accountant pursuant to the contract established by the
 331 Department of Economic Opportunity. The auditor shall submit the
 332 audit report to the Department of Economic Opportunity for
 333 review and approval. If the audit report is approved, the
 334 Department of Economic Opportunity shall certify the audit
 335 report to the Auditor General for review.

336 4. Notwithstanding the provisions of subparagraphs 1. and
 337 2., proceeds from the Professional Sports Development Trust Fund
 338 may also be used for operational expenses of Enterprise Florida,

339 Inc., and financial support of the Sunshine State Games.

340 (87) BONEFISH AND TARPON TRUST LICENSE PLATES.-

341 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
 342 Florida, as amended by s. 21, chapter 2010-223 and s. 45,
 343 chapter 2014-216, Laws of Florida, the department shall develop
 344 a Bonefish and Tarpon Trust license plate as provided in this
 345 section and s. 320.08053. The word "Florida" must appear at the
 346 top of the plate, and the words "Bonefish and Tarpon Trust" must
 347 appear at the bottom of the plate.

348 (b) The department shall retain all annual use fees from
 349 the sale of such plates until all startup costs for developing
 350 and issuing the plates have been recovered. Thereafter, the
 351 annual use fees from the sale of the plate shall be distributed
 352 to the Bonefish and Tarpon Trust, which:

353 1. May use a maximum of 10 percent of the proceeds to
 354 promote and market the Bonefish and Tarpon Trust license plate.

355 2. Shall invest and reinvest the remainder of the proceeds
 356 and use the interest thereon to conserve and enhance Florida
 357 bonefish and tarpon fisheries and their respective environments
 358 through stewardship, research, education, and advocacy.

359 (88) ROTARY'S CAMP FLORIDA LICENSE PLATES.-

360 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
 361 Florida, as amended by s. 21, chapter 2010-223 and s. 45,
 362 chapter 2014-216, Laws of Florida, the department shall develop
 363 a Rotary's Camp Florida license plate as provided in this
 364 section and s. 320.08053. The plate must bear the colors and

365 design approved by the department. The word "Florida" must
 366 appear at the top of the plate, and the words "Rotary's Camp
 367 Florida" must appear at the bottom of the plate.

368 (b) The license plate annual use fees shall be distributed
 369 to Rotary's Camp Florida, which may use a maximum of 10 percent
 370 of the proceeds for administrative costs and for marketing the
 371 plate. Up to 23 percent shall be distributed as grants for
 372 Florida Rotary Districts that provide camp services to children
 373 throughout Florida, and the balance of the proceeds shall be
 374 used by Rotary's Camp Florida for direct support to the programs
 375 and services provided to children who attend the camp.

376 (89) SUPPORT DOWN SYNDROME LICENSE PLATES.—

377 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
 378 Florida, as amended by s. 21, chapter 2010-223 and s. 45,
 379 chapter 2014-216, Laws of Florida, the department shall develop
 380 a Support Down Syndrome license plate as provided in this
 381 section and s. 320.08053. Support Down Syndrome license plates
 382 must bear the colors and design approved by the department. The
 383 word "Florida" must appear at the top of the plate, and the
 384 words "Support Down Syndrome" must appear at the bottom of the
 385 plate.

386 (b) The license plate annual use fees shall be distributed
 387 to Olivia's Angels Foundation, Inc., to fund its activities,
 388 programs, and projects within the state. Olivia's Angels
 389 Foundation, Inc., may retain all revenue from the annual use
 390 fees until all startup costs for developing and establishing the

391 plate have been recovered. Thereafter, up to 10 percent of the
 392 annual use fee revenue may be used for administrative costs and
 393 promotion and marketing of the specialty license plate.

394 (90) SAFE AND FREE FLORIDA LICENSE PLATES.-

395 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
 396 Florida, as amended by s. 21, chapter 2010-223 and s. 45,
 397 chapter 2014-216, Laws of Florida, the department shall develop
 398 a Safe and Free Florida license plate as provided in this
 399 section and s. 320.08053. Safe and Free Florida license plates
 400 must bear the colors and design approved by the department. The
 401 word "Florida" must appear at the bottom of the plate, and the
 402 words "End Human Trafficking" must appear at the top of the
 403 plate.

404 (b) The license plate annual use fees shall be distributed
 405 to The f2F Life Project, Inc., with a report that specifies the
 406 ratio that the annual use fees collected by each county bear to
 407 the total fees collected for the plates statewide. The f2F Life
 408 Project, Inc., may retain all revenue from the annual use fees
 409 until all startup costs for developing and establishing the
 410 plate have been recovered. Thereafter, up to 15 percent of the
 411 annual use fee revenue may be used for administrative costs and
 412 for promotion and marketing of the specialty license plate. The
 413 f2F Life Project, Inc., shall distribute the remaining funds to
 414 nongovernmental, not-for-profit agencies within each county in
 415 this state which assist sexually abused, exploited, or

416 trafficked victims. Funds may not be distributed to any agency
 417 that charges victims for services received.

418 1. An agency that receives the funds must use the funds:

419 a. To provide for the material needs of sexually abused,
 420 exploited, or trafficked victims, including, but not limited to,
 421 clothing, housing, medical care, food, utilities, and
 422 transportation.

423 b. For detoxification services.

424 c. For prenatal and postnatal care and to provide services
 425 for infants awaiting placement with adoptive parents.

426 d. To purchase real estate to facilitate a safe house or a
 427 transitional care or recovery care center.

428 e. For counseling, training, awareness, and prevention
 429 programs and advertising.

430 2. An agency that receives the funds may not use the funds
 431 for administrative or legal expenses or capital expenditures.

432 3. Each year, any unused funds that exceed 10 percent of
 433 the total amount received by an agency must be returned to The
 434 f2F Life Project, Inc., to be redistributed by The f2F Life
 435 Project, Inc., to other qualified agencies.

436 4. Each agency that receives funds from The f2F Life
 437 Project, Inc., must submit an annual attestation to The f2F Life
 438 Project, Inc.

439 5. If no qualified agency applies to receive funds in a
 440 county in any year, that county's share of the funds shall be
 441 distributed pro rata to the qualified agencies that apply and

442 maintain a place of business within a 100-mile radius of the
 443 county seat of that county. If no qualified agency within the
 444 100-mile radius applies, the funds shall be distributed to other
 445 qualified agencies within the state.

446 (91) SUPPORT OUR CONSTITUTION LICENSE PLATES.-

447 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
 448 Florida, as amended by s. 21, chapter 2010-223 and s. 45,
 449 chapter 2014-216, Laws of Florida, the department shall develop
 450 a Support Our Constitution license plate as provided in this
 451 section and s. 320.08053. Support Our Constitution license
 452 plates must bear the colors and design approved by the
 453 department. The word "Florida" must appear at the top of the
 454 plate, and the words "Support Our Constitution" must appear at
 455 the bottom of the plate.

456 (b) The annual use fees shall be distributed to The
 457 Constitution Foundation, Inc., which may retain all proceeds
 458 from the annual use fees until the startup costs for developing
 459 and issuing the license plates have been recovered. Thereafter,
 460 The Constitution Foundation, Inc., may use the proceeds as
 461 follows:

462 1. A maximum of 15 percent may be used for administrative
 463 costs of the organization.

464 2. A maximum of 10 percent may be used for promotion and
 465 marketing costs of the license plate.

466 3. The remainder shall be used to fund the activities,
 467 programs, and projects of The Constitution Foundation, Inc.

468 (92) SUN SEA SMILES LICENSE PLATES.—

469 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
 470 Florida, as amended by s. 21, chapter 2010-223 and s. 45,
 471 chapter 2014-216, Laws of Florida, the department shall develop
 472 a Sun Sea Smiles license plate as provided in this section and
 473 s. 320.08053. The plate must bear the colors and design approved
 474 by the department. The word "Florida" must appear at the top of
 475 the plate, and the words "Sun Sea Smiles" must appear at the
 476 bottom of the plate.

477 (b) The department shall retain all annual use fees from
 478 the sale of such plates until all startup costs for developing
 479 and issuing the plates have been recovered. Thereafter, the
 480 annual use fees from the sale of the plate shall be distributed
 481 as follows:

482 1. Five percent shall be distributed to the Florida
 483 Caribbean Charitable Foundation, Inc., strictly for marketing of
 484 the Sun Sea Smiles license plate.

485 2. Thirty percent shall be distributed to the Florida
 486 Caribbean Charitable Foundation, Inc. Of this amount, up to 5
 487 percent may be used for administrative expenses, and the
 488 remainder shall be used as follows:

489 a. Sixty percent shall be used for a college scholarship
 490 program.

491 b. Fifteen percent shall be used to promote health and
 492 wellness among Florida residents of Caribbean descent.

493 c. Twenty-five percent shall be used to promote awareness
 494 of Caribbean culture within the state.

495 3. Twenty percent shall be distributed to the American
 496 Friends of Jamaica, Inc., a charitable, not-for-profit
 497 organization under s. 501(c)(3) of the Internal Revenue Code
 498 registered with the Department of Agriculture and Consumer
 499 Services and incorporated in New York, for use as grants to
 500 promote social and community development among Florida
 501 residents. Of this amount, up to 5 percent may be used for
 502 administrative and marketing expenses.

503 4. Ten percent shall be distributed to Haitian
 504 Neighborhood Center Sant La, Inc., to promote social and
 505 community development. Of this amount, up to 5 percent may be
 506 used for administrative expenses.

507 5. Ten percent shall be distributed to Fanm Ayisyen Nan
 508 Miyami, Inc., to promote social and community development. Of
 509 this amount, up to 10 percent may be used for administrative
 510 expenses.

511 6. Twenty percent shall be distributed to Greater
 512 Caribbean American Cultural Coalition, Inc., to promote
 513 awareness of Caribbean culture within the state. Of this amount,
 514 up to 5 percent may be used for administrative expenses.

515 7. Five percent shall be distributed to Little Haiti
 516 Optimist Foundation, Inc., to promote awareness of Caribbean
 517 culture and youth development within the state. Of this amount,
 518 up to 5 percent may be used for administrative expenses.

519 (93) TAKE STOCK IN CHILDREN LICENSE PLATES.-

520 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
 521 Florida, as amended by s. 21, chapter 2010-223 and s. 45,
 522 chapter 2014-216, Laws of Florida, the department shall develop
 523 a Take Stock in Children license plate as provided in this
 524 section and s. 320.08053. Take Stock in Children license plates
 525 must bear the colors and design approved by the department. The
 526 word "Florida" must appear at the top of the plate, and the
 527 words "Take Stock in Children" must appear at the bottom of the
 528 plate.

529 (b) The license plate annual use fees shall be distributed
 530 to Take Stock in Children, Inc., to fund its activities,
 531 scholarship and mentoring programs, and projects. Take Stock in
 532 Children, Inc., may retain all revenue from the annual use fees
 533 until all startup costs for developing and establishing the
 534 plate have been recovered. Thereafter, up to 10 percent of the
 535 annual use fee revenue may be used for administrative costs
 536 directly associated with the corporation's programs and the
 537 specialty license plate and up to 15 percent may be used for
 538 promotion and marketing of the specialty license plate.

539 (94) PADDLE FLORIDA LICENSE PLATES.-

540 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
 541 Florida, as amended by s. 21, chapter 2010-223 and s. 45,
 542 chapter 2014-216, Laws of Florida, the department shall develop
 543 a Paddle Florida license plate as provided in this section and
 544 s. 320.08053. The word "Florida" must appear at the top of the

545 plate, and words approved by the department must appear at the
 546 bottom of the plate.

547 (b) The department shall retain all annual use fees from
 548 the sale of such plates until the startup costs for developing
 549 and issuing the plates have been recovered. Thereafter, the
 550 annual use fees shall be distributed to Paddle Florida, Inc.,
 551 which may use up to 10 percent of the proceeds for
 552 administrative costs and marketing of the plate. The balance of
 553 the fees shall be used by the Florida Forever grant program to
 554 support activities that further outdoor recreation and natural
 555 resource protection.

556 (95) ORLANDO CITY SOCCER CLUB LICENSE PLATES.—
 557 Notwithstanding s. 45, chapter 2008-176, Laws of Florida, as
 558 amended by s. 21, chapter 2010-223 and s. 45, chapter 2014-216,
 559 Laws of Florida, the department shall develop an Orlando City
 560 Soccer Club license plate as provided in subsection (9).

561 (96) DOGS MAKING A DIFFERENCE LICENSE PLATES.—

562 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
 563 Florida, as amended by s. 21, chapter 2010-223 and s. 45,
 564 chapter 2014-216, Laws of Florida, the department shall develop
 565 a Dogs Making a Difference license plate as provided in this
 566 section and s. 320.08053. The plate must bear the colors and
 567 design approved by the department. The word "Florida" must
 568 appear at the top of the plate, and the words "Dogs Making a
 569 Difference" must appear at the bottom of the plate.

570 (b) The department may retain all annual use fees from
 571 the sale of such plates until the startup costs for developing
 572 and issuing the plates have been recovered. Thereafter, the
 573 annual use fees shall be distributed to Southeastern Guide Dogs,
 574 which may use up to 10 percent of the proceeds for
 575 administrative costs and marketing of the plate. The balance of
 576 the fees shall be used by Southeastern Guide Dogs for the
 577 training and promotion of dogs for use by veterans and citizens
 578 who are blind.

579 Section 6. Except as otherwise expressly provided in this
 580 act, this act shall take effect July 1, 2015.



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Highway & Waterway Safety
2 Subcommittee

3 Representative Sullivan offered the following:

4
5 **Amendment**

6 Remove lines 404-445 and insert:

7 (b) The license plate annual use fees shall be distributed to
8 the Statewide Council on Human Trafficking, with a report that
9 specifies the ratio that the annual use fees collected by each
10 county bear to the total fees collected for the plates
11 statewide. The Statewide Council on Human Trafficking may retain
12 all revenue from the annual use fees until all startup costs for
13 developing and establishing the plate have been recovered.
14 Thereafter, up to 15 percent of the annual use fee revenue may
15 be used for administrative costs and for promotion and marketing
16 of the specialty license plate. The Statewide Council on Human
17 Trafficking shall distribute the remaining funds to

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Amendment No. 1

18 nongovernmental, not-for-profit agencies within each county in
19 this state which assist sexually abused, exploited, or
20 trafficked victims. Funds may not be distributed to any agency
21 that charges victims for services received.

22 1. An agency that receives the funds must use the funds:

23 a. To provide for the material needs of sexually abused,
24 exploited, or trafficked victims, including, but not limited to,
25 clothing, housing, medical care, food, utilities, and
26 transportation.

27 b. For detoxification services.

28 c. For prenatal and postnatal care and to provide services
29 for infants awaiting placement with adoptive parents.

30 d. To purchase real estate to facilitate a safe house or a
31 transitional care or recovery care center.

32 e. For counseling, training, awareness, and prevention
33 programs and advertising.

34 2. An agency that receives the funds may not use the funds
35 for administrative or legal expenses or capital expenditures.

36 3. Each year, any unused funds that exceed 10 percent of
37 the total amount received by an agency must be returned to the
38 Statewide Council on Human Trafficking to be redistributed by
39 the Statewide Council on Human Trafficking, to other qualified
40 agencies.

41 4. Each agency that receives funds from the Statewide
42 Council on Human Trafficking must submit an annual attestation
43 to the Statewide Council on Human Trafficking.

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Amendment No. 1

44 5. If no qualified agency applies to receive funds in a
45 county in any year, that county's share of the funds shall be
46 distributed pro rata to the qualified agencies that apply and
47 maintain a place of business within a 100-mile radius of the
48 county seat of that county. If no qualified agency within the
49 100-mile radius applies, the funds shall be distributed to other
50 qualified agencies within the state.

51



Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Highway & Waterway Safety
2 Subcommittee

3 Representative Perry offered the following:

4
5 **Amendment**

6 Between lines 272 and 273, insert:

7 (ssss) Ducks Unlimited Inc. license plate, \$25.

8 Between lines 578 and 579, insert:

9 (97) Ducks Unlimited Inc.-

10 (a) The department shall develop a Ducks Unlimited Inc.
11 license plate as provided in this section. Ducks Unlimited Inc.
12 license plates must bear the colors and design approved by the
13 department. The word "Florida" must appear at the top of the
14 plate, and the words "Conserving Florida's Wetlands" must appear
15 at the bottom of the plate.

16 (b) The license plate annual use fees shall be distributed
17 to Ducks Unlimited, Inc., a nonprofit corporation under s.501(c)



Amendment No. 2

18 | (3) of the Internal Revenue Code. The proceeds must be used to
19 | support Ducks Unlimited's mission and conservation efforts in
20 | the State of Florida as follows:

21 | 1. Up to 5 percent may be used for marketing and
22 | administrative expense of the Ducks Unlimited license plate.

23 | 2. A minimum of 95 percent will be used in Florida to
24 | support Ducks Unlimited's mission and conservation, restoration
25 | and management efforts of Florida's wetlands and associated
26 | habitats for the benefit of waterfowl, other wildlife and
27 | people.

28 |
29 |

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB HWSS 15-05 Traffic Control
SPONSOR(S): Highway & Waterway Safety Subcommittee
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Highway & Waterway Safety Subcommittee		Willson <i>MW</i>	Smith <i>MA</i>

SUMMARY ANALYSIS

The bill amends and creates certain requirements for the regulation and use of red light cameras. Specifically, the bill:

- prohibits issuance of a notice of violation and a traffic citation if the driver is making a right-hand turn;
- requires that red light camera notices of violation be sent via certified mail, rather than first-class mail;
- specifies that the portion of the red light camera fine retained by the local government must be used for a public safety purpose, which includes operation of a red light camera program;
- requires local governments to include a summary of any private vendor contract for operation and administration of red light camera programs, and any other information as required, in the annual report submitted to DHSMV;
- provides a penalty for local governments that do not comply with reporting requirements;
- requires the Department of Transportation (FDOT) to submit an annual report that summarizes the crash statistics for intersections with a red light camera;
- allows FDOT to inspect traffic control signals at intersections with a red light camera for compliance verification purposes;

The bill has indeterminate fiscal impact on both state and local government revenues and expenditures. See the Fiscal Analysis & economic Impact statement of this analysis for specific details.

The bill has an effective date of July 1, 2015.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Red Light Cameras Generally

Traffic infraction detectors,¹ more commonly known as “red light cameras,” are used to document traffic law violations by automatically photographing vehicles whose drivers have failed to yield a red light. The cameras are connected to the traffic signal and to sensors that monitor traffic flow at the crosswalk or stop line. The system photographs vehicles that enter the intersection above a pre-set minimum speed after the signal has turned red; a second photograph typically shows the driver in the intersection. In some cases, video cameras are used. Red light cameras also record the license plate number, date and time of day, time elapsed since the beginning of the red signal, and the vehicle’s speed.

Red light cameras in Florida

In 2010, the Florida Legislature enacted ch. 2010-80, L.O.F.² The law expressly preempted to the state regulation of the use of cameras for enforcing the provisions of Ch. 316, F.S.³ The law also authorized the Department of Highway Safety and Motor Vehicles (DHSMV), counties, and municipalities to employ red light camera programs.⁴

Jurisdiction, Installation, and Awareness

Every red light camera must meet requirements established by FDOT and must be tested at regular intervals according to procedures prescribed by FDOT.⁵ If DHSMV, a county, or a municipality installs a red light camera at an intersection, the respective governmental entity must notify the public that a camera is in use at that intersection, including specific notification of enforcement of right-on-red violations.⁶ Such signage must meet specifications adopted by FDOT pursuant to s. 316.0745, F.S.⁷

Traffic Control Devices

Section 316.0745(1), F.S., requires FDOT to adopt a uniform system of traffic control devices for use on the streets and highways of the state.⁸ Section 316.075(3)(a), F.S., states that no traffic control signal device shall be used which does not exhibit a yellow or “caution” light between the green or “go” signal and the red or “stop” signal, but it does not specify the length of time that the yellow or red light must be exhibited.

¹ Section 316.003(87), F.S., defines “traffic infraction detector” as “[a] vehicle sensor installed to work in conjunction with a traffic control signal and a camera or cameras synchronized to automatically record two or more sequenced photographic or electronic images or streaming video of only the rear of a motor vehicle at the time the vehicle fails to stop behind the stop bar or clearly marked stop line when facing a traffic control signal steady red light. Any notification under s. 316.0083(1)(b) or traffic citation issued by the use of a traffic infraction detector must include a photograph or other recorded image showing both the license tag of the offending vehicle and the traffic control device being violated.”

² House Bill 325 (2010).

³ Section 316.0076, F.S.

⁴ Section 316.0083, F.S.

⁵ Section 316.0776, F.S.

⁶ Section 316.0776(2), F.S.

⁷ *Id.*

⁸ Section 316.0745(1), F.S.

Yellow Light Display Duration

The purpose of the yellow light display is “to provide a safe transition between two conflicting traffic signal phases.”⁹ More specifically, the function of the yellow light display is “to warn traffic of an impending change in the right-of-way assignment.”¹⁰

The Federal Manual on uniform Traffic Control Devices (MUTCD) states that a yellow change interval should have a minimum duration of 3 seconds and a maximum duration of 6 seconds.¹¹ With regard to specific guidance for the length of a yellow signal, the MUTCD specifies that the length shall be determined using engineering practices.¹² These engineering practices are contained in FDOT’s Traffic Engineering Manual (TEM).

A study published in 2004 that examined before-and-after effects of increasing the yellow light change interval on red light running found that increasing yellow light duration by 0.5 seconds to 1.5 seconds decreased red light violations by at least 50%.¹³ Similarly, a 2007 report by the Insurance Institute for Highway Safety found that in the city studied, yellow light timing changes reduced red light violations by 36%.¹⁴ Most recently, a 2012 National Cooperative Highway Research Program report noted that the “best estimate” of the effect of increasing yellow light change intervals, “based on better designed studies,” is about a 36% to 50% reduction in red light running.¹⁵

The Institute of Transportation Engineers has a formula that calculates the yellow light interval as a function of driver perception/reaction time, speed of approaching vehicles, deceleration rate, acceleration due to gravity, and grade of road. For years, traffic engineers used 1.0 second for the perception/reaction time in the calculation of the formula. However, recent research indicates that using a value greater than 1.0 second would encompass the reaction times of a larger proportion of the driver population. Based on these research results, FDOT recently revised requirements for yellow light timing across all of the state’s jurisdictions. FDOT increased the perception/reaction time to 1.4 seconds, effectively increasing the department’s previous minimum yellow light change interval by 0.4 seconds.

ITE’s formula for yellow light intervals, and a table describing the minimum yellow intervals for a range of approach speeds for a 0% grade intersection, are depicted below.¹⁶

⁹ Florida Department of Transportation *Traffic Engineering Manual*, section 3.6.1, “Purpose.” This information can be viewed at <http://www.dot.state.fl.us/trafficoperations/Operations/Studies/TEM/TEM.shtm> (Last viewed February 09, 2015).

¹⁰ *Id.*

¹¹ *Id.*

¹² FHWA *Manual on Uniform Traffic Control Devices* S.4D.26(3). This section of the manual can be found here: <http://mutcd.fhwa.dot.gov/htm/2009/part4/part4d.htm> (Last viewed February 09, 2015).

¹³ Bonneson, J.A. and K.H. Zimmerman. “Effect of Yellow-Interval Timing On Red-Light-Violation Frequency at Urban Intersections.” In: Proceedings of the Transportation Research Board 83rd Annual Meeting, Washington, D.C., 2004.

¹⁴ Retting, R.A., S.A. Ferguson, and C.M. Farmer. “Reducing Red Light Running Through Longer Yellow Signal Timing and Red Light Camera Enforcement: Results of a Field Investigation.” Insurance Institute for Highway Safety, January 2007.

¹⁵ McGee, H., K. Moriarty, K. Eccles, M. Liu, T. Gates, and R. Retting. “Guidelines for Timing Yellow and All-Red Intervals at Signalized Intersections.” National Cooperative Highway Research Program, Report 731, 2012.

¹⁶ “Table 3.6-1.” is reproduced directly from section 3.6.2.1 of the TEM and can be seen in context at the following address: <http://www.dot.state.fl.us/trafficoperations/Operations/Studies/TEM/TEM.shtm> (Last viewed February 09, 2015).

Table 3.6-1. Florida Yellow Change Interval (0.0 % Grade) Standards

APPROACH SPEED (MPH)	YELLOW INTERVAL (SECONDS)
25	3.4
30	3.7
35	4.0
40	4.4
45	4.8
50	5.1
55	5.5
60	5.9
65	6.0

* For approach grades other than 0%, use ITE Formula.

Formula 3.6-1

$$Y = t + \frac{1.47v}{2(a + Gg)}$$

Where:

Y = length of yellow interval, sec.

t = perception-reaction time (use 1.4 sec.)

v = speed of approaching vehicles, in mph.

a = deceleration rate in response to the onset of a yellow indication (use 10 ft/sec²)

g = acceleration due to gravity (use 32.2 ft/sec²)

G = grade, with uphill positive and downhill negative (percent grade /100)

Yellow change intervals shall not be lower than the values shown in Table 3.6-1 of the TEM for a given posted speed limit (PSL), even if the ITE formula produces a lower value.¹⁷ Yellow change intervals calculated to be lower than 3.4 seconds shall be set at no less than 3.4 seconds.¹⁸

This 0.4 second increase will allow additional time for Florida drivers to perceive the traffic signal change from green to yellow. Intersections with existing red light cameras were required to comply with the new standards by December 31, 2013.

Intersections with existing red light cameras were required to comply with these new standards by December 31, 2013.¹⁹ All other existing signalized intersections are required to comply with these new standards by June 30, 2015.²⁰

Inspection of Traffic Control Signal Devices

FDOT officials reported that the department enters into traffic signal maintenance agreements with counties and municipalities, and these agreements are the mechanism for ensuring that jurisdictions

¹⁷ Section 3.6.2 of the TEM.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

comply with yellow light timing and other traffic signal standards.²¹ In addition, FDOT staff conducts field tests and quality assurance reviews that encompass a number of issues, including yellow light interval timing. According to an OPPAGA survey conducted in 2014²², of the counties and municipalities that operate red light camera programs, most (58%) jurisdictions reported using DOT standards for yellow light interval timing, while some (43%) jurisdictions reported not having the authority to change yellow light interval timing, as it is often managed at the county level for many cities and towns.²³

Notifications and Citations

If a red light camera captures an image of a driver running a red light, the visual information is reviewed by a traffic infraction enforcement officer. A notification of violation must be issued to the registered owner of the vehicle within 30 days of the alleged violation.²⁴ The notification must be sent by first-class mail, and must include a statement that informs the owner of the right to review the photographic or video evidence upon which the violation is based, as well as the time and place or Internet location where the evidence may be reviewed.²⁵ Violations may not be issued if the driver is making a right-hand turn in a "careful and prudent manner",²⁶ or if the driver comes to a complete stop before making a permissible right turn.²⁷

A person who has been issued a notice of violation for a red light camera violation is authorized to elect to receive a hearing within 60 days following the date of the notice of violation. No payment or fee may be required in order to receive the hearing. Further, if a person elects to receive a hearing, the person waives his or her right to challenge delivery of the notice of violation.²⁸ If the notice of violation is upheld, the local hearing officer must require the petitioner to pay the \$158 penalty and may also require the petitioner to pay county or municipal costs, not to exceed \$250.²⁹

If the registered owner of the vehicle does not pay the violation within 60 days following the date of notification, the traffic infraction enforcement officer must issue a uniform traffic citation (UTC) to the owner.³⁰ The UTC must be mailed by certified mail.³¹ Like the notice of violation, the UTC must also include the photograph and statements described above regarding review of the photographic or video evidence.³² The report of an officer and images provided by a traffic infraction detector are admissible in court and provide a rebuttable presumption the vehicle was used to commit the violation.³³

A traffic infraction enforcement officer must provide by electronic transmission a replica of the citation data when issued under s. 316.0083, F.S., to the court having jurisdiction over the alleged offense or its traffic violations bureau within five days after the issuance date of a UTC to the violator.³⁴

Penalties

Red light camera citations carry a \$158 penalty. When the \$158 penalty is the result of local government enforcement, \$75 is retained by the local government and \$83 is deposited with the Florida

²¹ "Florida Red Light Camera Programs" OPPAGA research memorandum, (January 31, 2014)

²² *Id.*

²³ These percentages are not additive because some jurisdictions reported both, i.e., that yellow light timing is not under their jurisdiction and that DOT standards are being followed.

²⁴ Section 316.0083(1)(b), F.S.

²⁵ *Id.*

²⁶ Section 316.0083(2), F.S.

²⁷ Section 316.0083(1)(a), F.S.

²⁸ *Id.*

²⁹ Sections 316.0083(5)(e), and 318.18(22), F.S.

³⁰ Section 316.0083(1)(c), F.S.

³¹ *Id.*

³² *Id.*

³³ Section 316.0083(1)(e), F.S.

³⁴ Section 316.650(3)(c), F.S.

Department of Revenue (DOR).³⁵ DOR subsequently distributes the penalty by depositing \$70 in the General Revenue Fund, \$10 in the Department of Health (DOH) Administrative Trust Fund, and \$3 in the Brain and Spinal Cord Injury Trust Fund.³⁶

When the \$158 penalty is the result of enforcement by DHSMV, \$45 is retained by the local government and \$113 is deposited with the Department of Revenue (DOR).³⁷ DOR subsequently distributes the penalty by depositing \$100 in the General Revenue Fund, \$10 in the DOH Administrative Trust Fund, and \$3 in the Brain and Spinal Cord Injury Trust Fund.³⁸ DHSMV does not currently operate any red light cameras.

If a law enforcement officer cites a motorist for the same offense, the penalty is still \$158, but the revenue is distributed from the local clerk of court to DOR, where \$30 is distributed to the General Revenue Fund, \$65 is distributed to the Department of Health Administrative Trust Fund, and \$3 is distributed to the Brain and Spinal Cord Injury Trust Fund. The remaining \$60 is distributed in small percentages to a number of funds pursuant to s. 318.21, F.S.³⁹

Red light camera citations may not result in points assessed against the driver's driver license and may not be used for the purpose of setting motor vehicle insurance rates.⁴⁰

Proceeds retained by local government

As stated above, each time a \$158 red light violation penalty is collected the local government retains \$75 and remits \$83 to the state. In a survey of local governments that operate a red light camera program, the Office of Policy Analysis & Governmental Accountability (OPPAGA)⁴¹ reported that, over a three- year period:

- 49% of total money collected went to red light camera vendors.
- 78% of respondents reported excess revenue after payments to vendors and other program expenses. Excess revenue was allocated to:
 - general fund (76%)
 - public safety/police (14%)
 - road repair/maintenance (5%)
- 16% of respondents had difficulty generating sufficient revenue to make vendor payments and have accrued outstanding balances

Local governments must procure for the services of a red light camera vendor. The contract term generally ranges from three to five years.⁴² Local governments typically pay between \$4,250 and \$4,750 per camera, per month.⁴³

³⁵ Sections 318.18(15), and 316.0083(1)(b)3., F.S.

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Id.*

³⁹ Section 318.18(15), F.S.

⁴⁰ Section 322.27(3)(d)6., F.S.

⁴¹ "Florida Red Light Camera Programs." *OPPAGA Research Memorandum* (January 31, 2014)

⁴² *Id.*

⁴³ *Id.*

DHSMV – 2014 Red Light Camera Program Analysis

Florida law requires each county or municipality operating a red light camera program to annually self-report data to DHSMV containing:

- Red light camera program results over the preceding fiscal year;
- The procedures for enforcement; and
- Other statistical data and information required by DHSMV.⁴⁴

Based on this data covering the period between July 1, 2013 and June 30, 2014 (survey period), DHSMV submitted a summary report to the Governor and Legislature containing the following findings:

- 68 agencies, operating red light cameras at a total of 648 intersections, completed the online survey in accordance with the reporting requirements set forth by 316.0083(4)(a).
- During the survey period, the agencies issued a total of 940,814 Notices of Violation.⁴⁵
- Of the Notices of Violation issued, 647,991 were paid on time (68 percent).
- A Uniform Traffic Citation was issued after no response was received for 28 percent of the Notices of Violation.
- The number of Notices of Violation challenged was 37,236. Of those violations challenged, 19,066 were dismissed (51 percent), and 12,190 (33 percent) were upheld, and 5,980 (16 percent) were pending.
- In calendar year 2013, 295,075 Uniform Traffic Citations (UTC) were issued to owners who failed to pay the red light camera fine or contest the Notice of Violation within 60 days.⁴⁶
- When selecting intersections for red light camera installation, respondents indicated that the top contributing factors were traffic crash data, law enforcement officer observations, and traffic citation data. Other responses included engineering and infrastructure, pedestrian and bike safety, and statistics related to crashes, injuries, and fatalities.
- When determining whether a camera should be moved or removed, agencies most commonly looked at violation and crash-related metrics.
- Of the 68 survey respondents, 94 percent reported that they use their red light cameras to investigate other crimes. Examples of other crimes include robbery, burglary, DUI, hit-and-run crashes, police pursuits, homicide, shooting vehicles, general public investigations, auto theft, retail theft, bank robberies, missing persons and domestic violence. According to DHSMV, Florida law does not address the use of red light camera images for other purposes, nor are red light camera images specifically addressed in public record laws.⁴⁷
- Twelve respondents indicated that their jurisdiction has considered repealing their red-light camera ordinance. Only one off the twelve actually terminated their program during the reporting period.
- Of the survey respondents, 36 indicated that they had taken some form of action as a result of their program, such as infrastructure improvement or a public education and awareness campaign.

While there is a requirement that agencies self-report the details of the results of using red light cameras to DHSMV, there is no clear statutory requirement that this data include crash statistics.

⁴⁴ Section 316.0083(4), F.S. DHSMV uses an on-line questionnaire to facilitate data collection.

⁴⁵ According to DHSMV, law enforcement officers issued 62,328 citations for failure to yield at red light in calendar year 2013.

⁴⁶ While the reporting period for the DHMSV report was from July 1, 2013 through June 30, 2014, information regarding the number of UTCs issued was reported for calendar year 2013.

⁴⁷ See the Department of Highway Safety and Motor Vehicles' "Red Light Camera Program Analysis" on its website at <http://www.flhsmv.gov/html/safety.html> (Last visited February 9, 2015).

Crash statistics

Local governments operating red light camera programs do not compile and report crash statistics in a uniform manner.⁴⁸

The following table summarizes six years of crash data at 243 red light camera locations on the State Highway System.⁴⁹ In the table, the 36 month period immediately before a camera was turned on is compared to the 36 months immediately after the camera was activated.

12,284	48	6,583	4,946	2,008	1,274	0	454	3,602	1,324	643
14,129	34	6,520	6,979	2,560	157	0	358	4,075	1,417	534
1,845	-14	-63	2,033	552	-1,117	0	-96	473	93	-109

Litigation

In October 2014, the Florida Fourth District Court of Appeal dismissed a red light camera citation after finding that the local government had delegated an impermissible measure of discretion and control over their red light camera program to a private third-party vendor.⁵⁰ Under the terms of the contract, the vendor decided which infractions would be reviewed by the City, obtained the information needed to fill out a citation, completed the citation, issued the citation, and transmitted the citation information to the court.⁵¹ In Florida, only traffic infraction enforcement officers and sworn law enforcement officers are authorized to issue a traffic citation.⁵²

The *Arem* decision may have an effect on the administration of red light camera programs throughout the state. A number of jurisdictions have voted to suspend or terminate their red light camera programs since the decision was handed down.

Effect of Proposed Changes

Section One

Right-hand turns

The bill prohibits issuance of a notice of violation and a traffic citation if the driver is making a right-hand turn.

Notice

The bill requires that the notice of violation be sent via certified⁵³ mail, rather than first-class mail.

Fines

The bill specifies that, when a penalty is assessed and collected by a county or municipality for violation of s. 316.0083, F.S., the portion of the penalty proceeds retained by the county or municipality must be

⁴⁸ "Florida Red Light Camera Programs." *OPPAGA Research Memorandum* (January 31, 2014)

⁴⁹ Provided in an email from FDOT on February 13, 2015. On file with Highway and Waterway Safety Subcommittee.

⁵⁰ *City of Hollywood v. Arem*, 39 Fla. L. Weekly D2175 (Fla. 4th DCA October 15, 2014)

⁵¹ *Id.*

⁵² Sections 316.0083(1)(b)3., and 316.650(3)(c), F.S.

⁵³ "Certified Mail provides proof of mailing at time of mailing and the date and time of delivery or attempted delivery, and costs \$3.30." *USPS: A Customer's Guide to Mailing*, Domestic Mail Manual 9Sept. 2014) available at <https://www.usps.com/ship/insurance-extra-services.htm> (Last visited February 7, 2015)

used to promote public safety. The bill further specifies that the Mark Wandall Traffic Safety Program is considered a public safety initiative.

Reporting requirement - Local government

The bill provides that, when a county or municipality has entered into a contractual agreement with a private vendor for performance of red light camera services, a summary of the contract's material terms must be included in the annual report that is submitted to DHSMV as required in s. 316.0083(4)(a), F.S. (the section of law that requires each county or municipality operating a traffic infraction detector program to submit a detailed annual report to DHSMV) The bill further provides that a county or municipality that does not meet the reporting requirements must suspend operation of its red light camera program. While suspended, a county or municipality may not issue a notice of violation, and no penalty shall be assessed or collected for a violation that occurs during a suspension period.

Reporting requirement - FDOT

The bill requires FDOT to submit a report summarizing the certified crash data for each intersection with a red light camera in Florida. The report must be submitted to the Governor, the President of the Senate, and the Speaker of the House on an annual basis, beginning July 1, 2016.

Section Two

Inspection of traffic control signal devices

The bill provides FDOT with the discretion to inspect any traffic control signal device located at an intersection with a red light camera. This would allow FDOT to verify that the county or municipality is in fact operating a traffic control signal device as agreed to in their red light camera permit and other agreements/MOUs with FDOT.

Effective Date

The bill has an effective date of July 1, 2015.

B. SECTION DIRECTORY:

Section 1: revises provisions that prohibit issuing a notice of violation and citation for failure to stop when making a right-hand turn; requires the notice of violation be sent via certified mail; specifies that funds retained by the county or municipality must be used for public safety initiatives; requires county or municipality to include summary of contract with private vendor, if any, in annual report; requires dismissal of citations issued by noncompliant reporting entity; revises information that Department of Transportation must submit in annual report.

Section 2: allows Department of Transportation to audit traffic control signal devices at random.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

Indeterminate. The number of citations that may be dismissed pursuant to provisions of the bill is unknown. Additionally, the number of citations that would not be written due to a suspension for failure to meet reporting requirements is unknown.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

Indeterminate. The number of citations that may be dismissed pursuant to provisions of the bill is unknown. Additionally, the number of citations that would not be written due to a suspension for failure to meet reporting requirements is unknown. The bill would not limit the amount of revenue that may be collected, but it would limit how the revenue may be spent.

2. Expenditures:

Indeterminate. The difference in cost for a local government to mail a notice of violation via certified mail instead of first-class mail is unknown. The effect of an additional reporting requirement is also unknown.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

D. FISCAL COMMENTS:

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

2. Other:

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

MW ms
2015

PCB HWSS 15-05

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

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.