

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Transportation

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BILL: SB 1342

INTRODUCER: Senator Abruzzo

SUBJECT: Traffic Control

DATE: March 18, 2013                      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Eichin	TR	<b>Pre-meeting</b>
2.			ATD	
3.			AP	
4.				
5.				
6.				

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**I. Summary:**

SB 1342 revises various provisions relating to traffic infraction detectors, commonly known as “red light cameras,” used to enforce traffic laws by automatically photographing vehicles whose drivers run red lights.

This bill amends the following sections of the Florida Statutes: 316.0083 and 316.075.

**II. Present Situation:**

**Traffic Infraction Detectors Generally**

Traffic infraction detectors, or “red-light cameras,” are used to enforce traffic laws by automatically photographing vehicles whose drivers run red lights. A red light camera is connected to the traffic signal and to sensors that monitor traffic flow at the crosswalk or stop line. The system continuously monitors the traffic signal and the camera is triggered by any vehicle entering the intersection above a pre-set minimum speed and following a specified time after the signal has turned red. A second photograph typically shows the red light violator in the intersection. In some cases, video cameras are used. These video cameras record the license plate number, the date and time of day, the time elapsed since the signal has turned red and the vehicle’s speed.

**Traffic Infraction Detectors in Florida**

In 2010, the Florida Legislature enacted Chapter 2010-80, Laws of Florida. The law expressly preempted to the state regulation of the use of cameras for enforcing the provisions of Chapter

316, Florida Statutes.<sup>1</sup> The law authorized the Department of Highway Safety and Motor Vehicles (DHSMV), counties, and municipalities to authorize officials to issue notices of violations of ss. 316.074(1) and 316.075(1)(c)1., F.S., for a driver's failure to stop at a traffic signal when such violation was identified by a traffic infraction detector.<sup>2</sup>

Municipalities may install or authorize installation of traffic infraction detectors on streets and highways in accordance with FDOT standards, and on state roads within the incorporated area when permitted by FDOT.<sup>3</sup> Counties may install or authorize installation of traffic infraction detectors on streets and highways in unincorporated areas of the county in accordance with FDOT standards, and on state roads in unincorporated areas of the county when permitted by FDOT.<sup>4</sup> DHSMV may install or authorize installation of traffic infraction detectors on any state road under the original jurisdiction of FDOT, when permitted by FDOT.<sup>5</sup>

If DHSMV, a county, or a municipality installs a traffic infraction detector at an intersection, the respective governmental entity must notify the public that a traffic infraction device may be in use at that intersection, including specific notification of enforcement of violations concerning right turns.<sup>6</sup> Such signage must meet the specifications for uniform signals and devices adopted by FDOT pursuant to s. 316.0745, F.S.<sup>7</sup>

#### *Notifications and Citations*

If a traffic infraction detector identifies a vehicle violating ss. 316.074(1) or 316.075(1)(c)1., F.S., the visual information is captured and reviewed by a traffic infraction enforcement officer. A notification must be issued to the registered owner (first name on registration in cases of joint registration) of the vehicle within 30 days of the alleged violation.<sup>8</sup> The notice must be accompanied by a photograph or other recorded image of the violation, a statement of the vehicle owner's right to review images or video of the violation, and the time and place, or Internet location where the evidence may be reviewed.<sup>9</sup> Violations may not be issued if the driver is making a right-hand turn "in a careful and prudent manner."<sup>10</sup>

If the registered owner of the vehicle does not submit payment within 30 days of receipt of the notification described above, the traffic infraction enforcement officer must issue a UTC to the registered owner (first name on registration in cases of joint registration).<sup>11</sup> A citation must be mailed by certified mail, and must be issued no later than 60 days after the violation.<sup>12</sup> The citation must also include the photograph and statements described above regarding review of the photographic or video evidence.<sup>13</sup> The report of a traffic infraction enforcement officer and

<sup>1</sup> s. 316.0076, F.S.

<sup>2</sup> *See generally* s. 316.0083, F.S.

<sup>3</sup> s. 316.008(7), F.S.; s. 316.0776(1), F.S.

<sup>4</sup> *Id.*

<sup>5</sup> s. 321.50, F.S. DHSMV has not undertaken any effort to install or authorize traffic infraction detectors itself.

<sup>6</sup> s. 316.0776(2), F.S.

<sup>7</sup> *Id.*

<sup>8</sup> s. 316.0083(1)(b), F.S.

<sup>9</sup> *Id.*

<sup>10</sup> s. 316.0083(2), F.S.

<sup>11</sup> s. 316.0083(1)(c), F.S.

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

images provided by a traffic infraction detector are admissible in court and provide a rebuttable presumption the vehicle was used in a violation.<sup>14</sup>

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 5 days after the issuance date of the citation to the violator.<sup>15</sup>

### *Defenses*

The registered owner of the motor vehicle is responsible for payment of the fine unless the owner can establish that the vehicle:

- Passed through the intersection to yield the right-of-way to an emergency vehicle or as part of a funeral procession;
- Passed through the intersection at the direction of a law enforcement officer;
- Was, at the time of the violation, in the care, custody, or control of another person; or
- Received a UTC for the alleged violation issued by a law enforcement officer.

An additional defense is available if the motor vehicle's owner was deceased on or before the date the UTC was issued.<sup>16</sup>

To establish any of these defenses, the owner of the vehicle must furnish an affidavit to the appropriate governmental entity that provides detailed information supporting an exemption as provided above, including relevant documents such as a police report (if the car had been reported stolen) or a copy of the UTC, if issued.<sup>17</sup> If the owner submits an affidavit that another driver was behind the wheel, the affidavit must contain the name, address, date of birth, and if known, the driver's license number, of the driver.<sup>18</sup> A traffic citation may be issued to this person, and the affidavit from the registered owner may be used as evidence in a further proceeding regarding that person's alleged violation of ss. 316.074(1) or 316.075(1)(c)1., F.S.<sup>19</sup> Submission of a false affidavit is a second degree misdemeanor.

If a vehicle is leased, the owner of the leased vehicle is not responsible for paying the citation, nor required to submit an affidavit, if the motor vehicle is registered in the name of the lessee.<sup>20</sup> If a person presents documentation from the appropriate governmental entity that the citation was issued in error, the clerk of court may dismiss the case and may not charge for such service.<sup>21</sup>

### *Fines*

A fine of \$158 is levied on violators who fail to stop at a traffic signal as required by ss. 316.074(1) or 316.075(1)(c)1., F.S. When the \$158 fine is the result of a local government's

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<sup>14</sup> s. 316.0083(1)(e), F.S.

<sup>15</sup> s. 316.650(3)(c), F.S.

<sup>16</sup> s. 316.0083(1)(d), F.S.

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> s. 318.18(15), F.S.

traffic infraction detector, \$75 is retained by the local government and \$83 is deposited with the Department of Revenue (DOR).<sup>22</sup> DOR subsequently distributes the fines by depositing \$70 in the General Revenue Fund, \$10 in the Department of Health Administrative Trust Fund, and \$3 in the Brain and Spinal Cord Injury Trust Fund.<sup>23</sup>

If a law enforcement officer cites a motorist for the same offense, the fine 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.<sup>24</sup>

Violations of ss. 316.074(1) or 316.075(1)(c)1., F.S., enforced by traffic infraction detectors may not result in points being assessed against the operator's driver's license and may not be used for the purpose of setting motor vehicle insurance rates.<sup>25</sup>

#### *No Notice of Violation issued to Person Named in the Affidavit*

In instances where the registered owner furnishes an affidavit raising the exemption that the vehicle was, at the time of the violation, in the care, custody or control of another person, the identified person is not issued a notice of violation. Instead, the person is immediately issued a traffic citation at a higher amount,<sup>26</sup> which includes associated court fees and costs.<sup>27</sup> The immediate issuance of a traffic citation comes as a result of time constraints imposed by the red-light camera statute. Because a traffic citation must be issued to the registered owner within 60 days after the date of the violation in cases of nonpayment, there is not enough time to issue another notice of violation – even if the registered owner furnishes an affidavit identifying someone else as the driver. As such, while registered owners are given the opportunity to pay a \$158 fine pursuant to the notice of violation, persons identified on the affidavit are subject to a higher fine and run the risk of having a conviction recorded on their driving record if they elect to attend a hearing and are found to have committed the violation.

#### *Federal Rules on Traffic Control Devices*

The Federal Highway Administration (“FHWA”) publishes a Manual on Uniform Traffic Control Devices (“MUTCD”) that defines standards related to the installation and maintenance of traffic control signals. The MUTCD is updated periodically to “accommodate the nation’s changing transportation needs and address new safety technologies, traffic control tools and traffic management techniques.”<sup>28</sup> On December 16, 2009, a final rule adopting the 2009 Edition of the MUTCD was published in the Federal Register with an effective date of January 15,

<sup>22</sup> s. 318.18(15), F.S., s. 316.0083(1)(b)3., F.S.

<sup>23</sup> *Id.*

<sup>24</sup> s. 318.18(15), F.S.

<sup>25</sup> s. 322.27(3)(d)6., F.S.

<sup>26</sup> The UTC amount varies across jurisdictions due to differing court costs and fees, but is generally above \$200.

<sup>27</sup> s. 316.0083(1)(d)3., F.S.

<sup>28</sup> See the Federal Highway Administration’s (FHWA) information on the MUTCD at <http://mutcd.fhwa.dot.gov/> (Last viewed 2/19/2013).

2010.<sup>29</sup> All states must adopt the 2009 edition of the MUTCD by January 15, 2012.<sup>30</sup> According to information published on FHWA’s website, Florida has adopted this national standard.<sup>31</sup>

### **Florida Laws and Rules on 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. Section 316.0745(2), F.S., requires FDOT to compile and publish a manual defining its uniform system. The statute also requires FDOT to compile and publish minimum specifications for traffic control signal devices “certified by [FDOT] as conforming with the uniform system.”<sup>32</sup>

Following statutory requirements, FDOT publishes a Traffic Engineering Manual (“TEM”) to provide traffic engineering standards and guidelines.<sup>33</sup> The TEM covers the processes whereby standards and guidelines are adopted, as well as chapters devoted to “highway signs and markings, traffic signals, traffic optimization through the use of computer models . . . , and links to information on [FDOT’s] aging road user program –Safe Mobility for Life.”<sup>34</sup>

In addition to FDOT’s TEM, many sections of Florida law require drivers to obey traffic control signal demands. Section 316.075, F.S., requires drivers to follow set traffic control signal commands and yield the right-of-way to pedestrians lawfully in intersections and crosswalks. Violators of s. 316.075, F.S., including those that run red lights, commit non-criminal traffic violations punishable pursuant to ch. 318, F.S.

### **Institute of Transportation Engineers**

According to its website, the Institute of Transportation Engineers (“ITE”) is an international, educational and scientific association of transportation professionals.<sup>35</sup> Among other things, ITE offers recommendations to the MUTCD and is recognized as one of the leading organizations in transportation research. It publishes a Traffic Engineering Handbook containing information used by transportation officials nationwide. FDOT’s TEM calculates the minimum yellow signal change and all-red clearance intervals using formulas contained within the ITE’s Traffic Engineering Handbook. However, there is no express requirement in Florida law that FDOT’s TEM contain formulas contained within ITE’s Traffic Engineering Handbook.

### **Traffic Signal Yellow Intervals**

The purpose of the yellow light display is “to provide a safe transition between two conflicting traffic signal phases.”<sup>36</sup> More specifically, the function of the yellow light display is “to warn

<sup>29</sup> *Id.*

<sup>30</sup> *Id.*

<sup>31</sup> See FHWA’s site indicating Florida has adopted the 2009 Edition of the MUTCD. This information can be accessed at [http://mutcd.fhwa.dot.gov/resources/state\\_info/florida/fl.htm](http://mutcd.fhwa.dot.gov/resources/state_info/florida/fl.htm) (Last visited 2/19/2013).

<sup>32</sup> s. 316.0745(2), F.S.

<sup>33</sup> Florida Department of Transportation *Traffic Engineering Manual*, “Adoption Procedure.” This information can be viewed at <http://www.dot.state.fl.us/trafficoperations/Operations/Studies/TEM/TEM.shtm> (Last visited 2/19/13).

<sup>34</sup> *Id.*

<sup>35</sup> See the Institute of Transportation Engineers website at <http://www.ite.org/aboutite/index.asp> (Last visited 2/19/13).

<sup>36</sup> Florida Department of Transportation *Traffic Engineering Manual*, s. 3.6.1, “Purpose.” This information can be viewed at [http://www.dot.state.fl.us/trafficoperations/Operations/PDFs/FDOT\\_Traffic\\_Engineering\\_Manual\\_revised\\_January\\_2012.pdf](http://www.dot.state.fl.us/trafficoperations/Operations/PDFs/FDOT_Traffic_Engineering_Manual_revised_January_2012.pdf) (Last visited 2/19/13).

traffic of an impending change in the right-of-way assignment.”<sup>37</sup> The MUTCD states that a yellow change interval should have a minimum duration of 3 seconds and a maximum duration of 6 seconds and a red clearance interval should have a duration not exceeding 6 seconds.<sup>38</sup>

Drivers approaching a traffic signal displaying a yellow light face at least four conditions:

- The vehicle is traveling at a speed where the driver can stop comfortably;
- The vehicle is too close to the intersection to stop comfortably, and must thus continue at the same speed or accelerate to travel through the intersection before conflicting traffic movements begin;
- The driver can neither stop comfortably nor continue without encountering a conflicting traffic movement (prevalent with short yellow intervals and/or high approach speeds); or
- The driver can either stop or proceed safely through the intersection.

The ideal yellow interval accommodates conditions 1 and 2, eliminates condition 3, and minimizes condition 4. To accomplish this, traffic engineers nationwide typically employ the following formula, which is heavily influenced by vehicle approach speed, and was developed by the Institute of Transportation Engineers (ITE):

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

Where:

Y= length of yellow interval, sec.

t = perception-reaction time, (Use 1 sec.).

v = speed of approaching vehicles, in mph.

a = deceleration rate in response to the onset of a yellow indication. (Use 10 ft/sec<sup>2</sup>)

g = acceleration due to gravity. (Use 32.2 ft/sec<sup>2</sup>)

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

For Florida traffic signal timing, the FDOT TEM (Topic No. 750-000-005) provides required minimum durations for the yellow change interval in the following table which was computed using the ITE formula:

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<sup>37</sup> *Id.*

<sup>38</sup> *Id.*

APPROACH SPEED (MPH)	YELLOW INTERVAL (SECONDS)
25	3.0
30	3.2
35	3.6
40	4.0
45	4.3
50	4.7
55	5.0
60	5.4
65	5.8
* For approach grades other than 0%, Use ITE Formula.	

**III. Effect of Proposed Changes:**

**Section 1** of the bill makes several changes to s. 316.0083, F.S., governing administration of red light camera violations. Taken together, these provisions subject a person having care, custody, or control of the vehicle involved in the violation to the same procedure that applies to the registered owner. A notice of violation would be issued to that person before issuance of a UTC. The changes lift the time constraints on traffic infraction enforcement officers responsible for mailing notices of violations and UTCs and give the identified person the same rights as the registered owner. The bill allows the person identified to pay a \$158 fine that is not subject to court costs, fees, and risks associated with attending a hearing; namely, the possibility of a conviction being recorded on the person’s driving record. The identified person receives the same amount of time as a registered vehicle owner to pay the imposed fine before a UTC is issued.

The “chain of evidence” provisions in the bill (device authentication by any person who received or processed the evidence, any person who reviewed the evidence to determine whether to issue a notice of violation, and any person who issued a notice of violation or a UTC) may present a significant obstacle to enforcement. For example, a person who receives or processes the evidence may be physically located in another state. Specifically, the bill:

- replaces the current prohibition against issuing a notice of violation or a citation for failure to stop at a red light, if the driver is making a right-hand turn in a careful and prudent manner at an intersection where right-hand turns are permissible, with a prohibition against issuing a notice of violation or a citation for a right-on-red violation detected by a traffic infraction detector; and provides that DHSMV, a county, or a city is not prohibited from issuing a notice of violation, in addition to the registered vehicle owner, to another person identified as having care, custody, or control of the motor vehicle involved in the violation, unless the notification is for a right-on-red violation. Right-on-red violations may no longer be enforced by use of a traffic infraction detector;
- requires the notification that must be sent to the registered owner of the motor vehicle involved in the violation, in addition to specifying the remedies available and the \$158 penalty to be paid and informing the owner of the opportunity to furnish an

affidavit setting forth an allowable defense, to also provide the option of requesting a hearing within 30 days following the date of delivery or attempted delivery of the notification (rather than the date of the notification); and requires the notification to be sent by certified, rather than first-class, mail.

- provides that any person receiving a notice of violation has the option of requesting a hearing within 30 days following the date of delivery or attempted delivery of the notice of violation or paying the penalty pursuant to the notice, but no payment or fee may be required before a hearing requested by the person; and defines the term “person” to include a natural person, registered owner or co-owner of a motor vehicle, or person identified on an affidavit as having care, custody, or control of the motor vehicle at the time of the violation;
- provides that if the registered owner or co-owner of the motor vehicle, or the person designated as having care, custody, or control of the vehicle at the time of the violation, or a duly authorized representative of the owner, co-owner, or designated person, initiates a proceeding to challenge the delivery or attempted delivery of the notice of violation, such person waives any challenge or dispute as to delivery;
- provides that a UTC must be issued when payment specified in the notice of violation is not made within 30 days after the date of delivery or attempted delivery of the notice of violation (rather than 30 days after the notice), the registered owner has not requested a hearing, and the registered owner has not submitted an affidavit setting forth an allowable defense;
- provides that delivery *or attempted delivery* of the UTC constitutes notification; provides that if the registered owner or co-owner of the motor vehicle, or the person designated as having care, custody, or control of the vehicle at the time of the violation, or a duly authorized representative of the owner, co-owner, or designated person, initiates a proceeding to challenge the delivery or attempted delivery of the citation, such person waives any challenge or dispute as to delivery; and removes direction that the citation be mailed to the registered owner involved in the violation no later than 60 days after the date of the violation;
- provides that upon receipt of an affidavit of the owner of the motor vehicle involved in the violation, the person designated as having care, custody, or (rather than *and*) control of the vehicle at the time of the violation may be issued the specified notice of violation, rather than a traffic citation; provides for applicability of certain provisions to the person identified in the affidavit; and provides that a notice of violation must be sent to the person identified in the affidavit within 30 days after receipt of the affidavit.
- provides that the burden of proving guilt rests on the governmental entity bringing the charge and prohibits a person from being compelled to be a witness against himself or herself; and
- provides that in any hearing involving a traffic infraction detector or similar unattended device used to enforce the traffic laws of this state:
  - each person charged has the right to confront the witnesses against him or her;
  - any evidence obtained from such device must be authenticated in court by the person receiving or processing the evidence, any person having reviewed such evidence in order to make a decision to issue a notice of violation, and any person who issued the notice of violation or citation;



- an affidavit is insufficient to authenticate such evidence;
- such evidence must be accounted for in writing from the time of the alleged violation until the issuance of any notice of violation or citation.<sup>39</sup>

**Section 2** of the bill makes several changes to s. 316.075, F.S., relating to traffic control signal devices. The changes require re-timing of all intersections to conform with the traffic signal display durations for yellow and red lights specified in the bill, and some additional signage. Alleged red light violations, right-on-red violations, and violations for left-on-red from a one-way onto a one-way are unenforceable if the signal does not meet the display durations specified in the bill. Local governments are subjected to a \$500 fine and, in addition, all citations issued at an intersection with a non-compliant traffic infraction detector must be dismissed. The bill:

- provides that whenever an engineering analysis is undertaken for the purpose of evaluating or reevaluating yellow and red signal display durations of a new or existing traffic control signal, DHSMV and local authorities must adhere to the following:
  - the minimum yellow signal display duration on traffic control signals must be based on the posted speed limit plus 10 percent along with the standards set forth in the Florida Department of Transportation's (FDOT) Traffic Engineering Manual. The minimum yellow signal display duration must be three seconds for traffic control signals on streets with a posted speed limit of 25 miles per hour or less. The minimum yellow signal display duration found after the evaluation or reevaluation must be raised to the nearest half second, not to exceed six seconds;
  - intersections with a posted speed limit greater than 55 miles per hour must have a sign posted on the approach in accordance with FDOT's TEM to alert drivers to the traffic control signal;
- requires that the yellow signal display be followed by an all red clearance interval delaying the change of opposing red light signals, to provide additional time before conflicting traffic movements proceed. The duration of the clearance interval must be determined by engineering practices as provided in FDOT's TEM, and the duration may be extended from its predetermined value for a given cycle based upon the detection of a vehicle that is predicted to violate the red signal indication;
- clarifies that a violation under subsection (1) [traffic control signal device green indication, steady yellow indication, and steady red indication and related provisions] or a violation under subsection (2) [traffic control signals at a place other than an intersection] is a noncriminal traffic infraction, punishable pursuant to ch. 318, F.S., as either a pedestrian violation or, if the infraction resulted from the operation of a vehicle, as a moving violation; provided, however, that a citation for a violation of subparagraph (1)(c)1.<sup>40</sup> committed at an intersection where the traffic signal device does not meet all signal display requirements of subsection (3) is deemed unenforceable. In such instance, the court, clerk of the court, designated official, or

<sup>39</sup> The bill also provides for compensation of any prosecution witness as required in s. 92.143, F.S.

<sup>40</sup> That subparagraph generally requires vehicular traffic facing a steady red signal to stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing, with exceptions for right-on-red and for left-on-red from a one-way street intersecting another one-way street on which traffic moves to the left, except when prohibited, in both cases, by a county or city and such prohibition is visibly posted.

authorized operator of a traffic violations bureau must dismiss the citation without penalty or assessment of points against the license of the person cited;

- requires that all intersections with traffic infraction detectors must meet the section's requirements by December 31, 2013; that all intersections with traffic infraction detectors installed after December 31, 2013, meet the requirements upon installation of the traffic infraction detector; and that all other intersections meet the requirements by December 31, 2014;
- imposes a \$500 fine against a local governmental entity that violates the section and directs the fines to DOR for deposit into the Brain and Spinal Cord Injury Trust Fund; and
- requires, in addition to the \$500 fine, all citations issued at a nonconforming intersection over the preceding 60 days to be dismissed and all fine amounts paid to be refunded, with the 60-day period beginning and, and including, the date the traffic infraction detector was found to be in violation.

**Section 3** provides the act shall take effect July 1, 2013.

#### **IV. Constitutional Issues**

##### **A. Municipality/County Mandates Restrictions:**

None.

##### **B. Public Records/Open Meetings Issues:**

None.

##### **C. Trust Funds Restrictions:**

None.

#### **V. Fiscal Impact Statement:**

##### **A. Tax/Fee Issues:**

None.

##### **B. Private Sector Impact:**

The registered owner of a motor vehicle and the person identified as having care, custody, or control of the motor vehicle will be subject to the same procedure for the disposition of a red-light camera violation.

##### **C. Government Sector Impact:**

The changes in the bill are expected to reduce red-light camera revenues. Local governments are subject to potential fines for noncompliant traffic infraction detectors. FDOT advises the bill presents a substantial negative impact to the State Transportation Trust Fund due to the signal re-timing requirements. According to FDOT, the cost per

intersection to comply with the bill ranges from \$3,000 to \$5,000. With approximately 7,800 intersections on the State Highway System, the expected negative impact ranges from \$23,400,000 to \$39,000,000. The cost to local governments to re-time traffic signals is unknown, as is the cost of providing opportunities to request hearings.

## **VI. Technical Deficiencies:**

DOR notes: “Traffic fines that are issued on standard traffic citations by traffic infraction enforcement officers are paid to the clerk of the court and remitted to [DOR] for distribution into the designated trust fund. It is not clear how the proposed \$500 fine would be assessed upon a local governmental entity or who would collect the fine. Provisions on how the fine will be imposed upon a local governmental entity and who will collect and remit the fines collected to [DOR] for distribution are necessary.

“The proposed language requires that all fines paid for traffic citations issued at a nonconforming intersection during the preceding 60 days of the date that a traffic infraction detector was found to be in violation of section 316.075, F.S., will be refunded. It is not clear who will be required to make the refunds. [DOR] does not receive information on the person who paid the fine and does not have the authority to expend money deposited into the Department of Health Brain and Spinal Cord Injury Trust Fund. Additional provisions are needed to provide for the administration of the refund of the fines collected by the clerks of the court, remitted to [DOR], and deposited into the designated trust fund.”<sup>41</sup>

## **VII. Related Issues:**

None.

## **VIII. Additional Information:**

### **A. Committee Substitute – Statement of Substantial Changes:** (Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

### **B. Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.

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<sup>41</sup> DOR SB 1342 bill analysis on file in the Senate Transportation Committee.