

Florida Metropolitan Planning Organization Advisory Council



2010 Summary of State Legislation

May 25, 2010

Table of Contents

General Transportation Bill (HB 1271)	Page
Charter County and Regional Transportation System Surtax	1
Notice of toll violations	1
Issuance of permits for overweight trucks	3
Rule adoption for toll collection	3
Universal public transit and rail fare collection	3
Central Florida Regional Transportation Authority	4
Tampa-Hillsborough County Expressway Authority	5
Osceola County Expressway Authority	5
Appropriations Act (HB 5001 and HB 5003)	
Florida Rail Enterprise funding and reporting & South Florida RTA funding	9
Transfer of General Revenue Medicaid funds to State Transportation Trust Fund (STTF)	9
Transfer of STTF to General Revenue	10
Transfers funds from Tampa-Hillsborough County Expressway to FDOT	10
The Mark Wandall Traffic Safety Act (HB 325 and HB 5501)	
Definition of traffic infraction detector	11
Preemption to the state the use of red light cameras	11
Authorizes counties and municipalities to use traffic infraction detectors	11
Allows traffic enforcement officers to issue citations	12
Process for issuing citations, payment of violations	12

Distribution of funds collected by Department of Highway Safety & Motor Vehicles (DHSMV), counties and municipalities	12
Reporting results of using traffic infraction detectors	13
Establishment of FDOT specifications and public notification	14
Authorizes DHSMV to use traffic infraction detectors	15
Transportation Project Notification (SB 1842)	
Erecting median barriers and notification	17
Public hearing in local jurisdiction	17
Review of comments by FDOT	17
Highway Safety and Motor Vehicles (HB 971)	
Use of bicycle lanes	18
Local ordinances for use of golf carts, mopeds, etc. on sidewalks	18
Regional Transportation (SB 2470)	
Northeast Florida Regional Transportation Study Commission	19
Northwest Florida RTO study on advance funding	20

Summary of the General Transportation Bill (HB 1271)

Items of Interest to MPOs

Section 1 (s. 212.055, F.S.)

- **Renames the Charter County Transportation System Surtax (now called the Charter County and Regional Transportation System Surtax) and permits counties within or under an interlocal agreement with a regional transportation or transit authority to levy the surtax subject to the same requirements as Charter Counties. Also, expands the eligible use of surtax proceeds to include the planning, development, construction, expansion, operation, and maintenance of on-demand transportation services and defines the term "on-demand transportation services".**
 - “Each charter county that has adopted a charter, each county the government of which is consolidated with that of one or more municipalities, and each county that is within or under an interlocal agreement with a regional transportation or transit authority created under chapter 343 or chapter 349 may levy a discretionary sales surtax, subject to approval by a majority vote of the electorate of the county or by a charter amendment approved by a majority vote of the electorate of the county.”
 - “Proceeds from the surtax shall be applied to as many or as few of the uses enumerated below in whatever combination the county commission deems appropriate:
 - “1. Deposited by the county in the trust fund and shall be used for the purposes of development, construction, equipment, maintenance, operation, supportive services, including a countywide bus system, on-demand transportation services, and related costs of a fixed guideway rapid transit system;”
 - “2. Remitted by the governing body of the county to an expressway, transit, or transportation authority created by law to be used, at the discretion of such authority, for the development, construction, operation, or maintenance of roads or bridges in the county, for the operation and maintenance of a bus system, for the operation and maintenance of on-demand transportation services, for the payment of principal and interest on existing bonds issued for the construction of such roads or bridges, and, upon approval by the county commission, such proceeds may be pledged for bonds issued to refinance existing bonds or new bonds issued for the construction of such roads or bridges;”
 - “3. Used by the county for the development, construction, operation, and maintenance of roads and bridges in the county; for the expansion, operation, and maintenance of bus and fixed guideway systems; for the

expansion, operation, and maintenance of on-demand transportation services; and for the payment of principal and interest on bonds issued for the construction of fixed guideway rapid transit systems, bus systems, roads, or bridges; and such proceeds may be pledged by the governing body of the county for bonds issued to refinance existing bonds or new bonds issued for the construction of such fixed guideway rapid transit systems, bus systems, roads, or bridges and no more than 25 percent used for nontransit uses; and”

- “4. Used by the county for the planning, development, construction, operation, and maintenance of roads and bridges in the county; for the planning, development, expansion, operation, and maintenance of bus and fixed guideway systems; for the planning, development, construction, operation, and maintenance of on-demand transportation services; and for the payment of principal and interest on bonds issued for the construction of fixed guideway rapid transit systems, bus systems, roads, or bridges; and such proceeds may be pledged by the governing body of the county for bonds issued to refinance existing bonds or new bonds issued for the construction of such fixed guideway rapid transit systems, bus systems, roads, or bridges...”
- “As used in this subsection, the term "on-demand transportation services" means transportation provided between flexible points of origin and destination selected by individual users with such service being provided at a time that is agreed upon by the user and the provider of the service and that is not fixed-schedule or fixed-route in nature.”

Section 9 (s. 316.1001, F.S.)

- **Revises the method to be used to provide notice following the issuance of a citation for failure to pay a toll and provides that receipt of the citation rather than its mailing constitutes notification. Authorizes any governmental entity, including the clerk of court, to provide certain data to the Department of Highway Safety and Motor Vehicles regarding outstanding violations for failure to pay tolls.**
 - “A citation issued under this subsection may be issued by mailing the citation by first-class mail, return receipt requested, to the address of the registered owner of the motor vehicle involved in the violation. Receipt of the citation constitutes notification.”
 - “A citation issued under this paragraph must be mailed to the registered owner of the motor vehicle involved in the violation within 14 days after the date of issuance of the citation.”

- “Any governmental entity, including, without limitation, a clerk of court, may provide the department with data that is machine readable by the department's computer system, listing persons who have one or more outstanding violations of this section, with reference to the person's driver's license number or vehicle registration number in the case of a business entity...”

Section 13 (s. 316.550, F.S.)

- **Authorizes the FDOT or local authority to issue permits for commercial vehicles to operate on specified routes off the interstate highway system subject to statutory weight limitations. Permits requested under this section must be issued within 14 day of request. Provides for restrictions on routes with bridges determined to be unsafe for the permitted vehicle weight by the FDOT and conditions for when vehicles must be unloaded.**
 - “(a) The Department of Transportation or local authority may issue permits that authorize commercial vehicles having weights not exceeding the limits of s. 316.535(5), plus the scale tolerance provided in s. 316.545(2), to operate off the interstate highway system on a designated route specified in the permit. Such permits shall be issued within 14 days after receipt of the request.”
 - “(b) The designated route shall avoid any bridge which the department determines cannot safely accommodate vehicles with a gross vehicle weight authorized in paragraph (a).
 - “(c) Any vehicle or combination of vehicles which exceeds the weight limits authorized in paragraph (a) shall be unloaded and all material so unloaded shall be cared for by the owner or operator.”

Section 24 (s. 338.155, F.S.)

- **Authorizes the FDOT to adopt rules relating to payment, collection and enforcement of tolls. Emphasizes the department’s ability to implement video billing and variable pricing strategies.**
 - “The department is authorized to adopt rules relating to the payment, collection, and enforcement of tolls, as authorized in chapters 316, 318, 320, 322, and 338, including, but not limited to, rules for the implementation of video or other image billing and variable pricing.”

Section 25 & 26(s. 341.051 & 341.025, F.S.)

- **Requires the use of universally accepted contactless fare media on new or upgraded public rail transit systems or public transit systems connecting to such rail systems.**
 - “The Legislature recognizes the importance of encouraging the seamless use of local and regional public transportation systems by residents of and visitors

to the state wherever possible. The paramount concern is to encourage the implementation of fare collection systems that are interoperable and compatible with multiple public transportation systems throughout the state.”

- “Notwithstanding any other provision of law to the contrary, in order to facilitate the ease of transfer from one public transportation system to another, any public transit system which connects directly with a new public rail system put into service after December 1, 2010, and which is adding a new fare media system or is upgrading its existing fare media system shall use a universally accepted contactless fare media that is compatible with the American Public Transportation Association's Contactless Fare Media System Standard or the applicable bankcard contactless media standards and allows users to purchase fares at a single point of sale with coin, cash, or credit card. This paragraph does not require the use of a universally accepted contactless fare media for the paratransit element of any transit system or by any public transit system that does not share one or more points of origin or destination with a public rail system.”

- “Notwithstanding any other provision of law to the contrary, in order to facilitate the ease of transfer from one public transportation system to another, any new public rail system that is constructed after December 1, 2010, by the state, an agency of the state, a regional transportation authority, or one or more counties or municipalities shall use a universally accepted contactless fare media that is compatible with the American Public Transportation Association's Contactless Fare Media System Standard or the applicable bankcard contactless media standards and allows users to purchase fares at a single point of sale with coin, cash, or credit card. Additionally, any existing public rail system that is adding a new fare media system or is upgrading its existing fare media system shall use a universally accepted contactless fare media that is compatible with the American Public Transportation Association's Contactless Fare Media System Standard or the applicable bankcard contactless media standards and allows users to purchase fares at a single point of sale with coin, cash, or credit card.”

Section 27 (s. 343.64, F.S.)

- **Authorizes the Central Florida Regional Transportation Authority to borrow funds under certain circumstances.**
 - “The authority may exercise all powers necessary, appurtenant, convenient, or incidental to the carrying out of the aforesaid purposes, including, but not limited to, the following rights and powers ... to borrow money in a principal amount not to exceed \$10 million in any calendar year to refinance all or part of the costs or obligations of the authority, including, but not limited to, obligations of the authority as a lessee under a lease.”

Sections 28 through 33 (s. 348.51, 348.545, 348.56, 348.565, 348.57, and 348.70 F.S.)

- **A variety of amendments to the statutes pertaining to the Tampa-Hillsborough County Expressway Authority, including amendments to the Authority’s bond financing authority, the issuance of bonds on behalf of the Authority pursuant to the State Bond Act, and the issuance of revenue bonds.**
 - ““Bonds" means and includes the notes, bonds, refunding bonds, or other evidences of indebtedness or obligations, in either temporary or definitive form, which the authority is authorized to issue pursuant to this part.”
 - “Pursuant to s. 11(f), Art. VII of the State Constitution, the Legislature hereby approves for bond financing by the Tampa-Hillsborough County Expressway Authority improvements to toll collection facilities, interchanges to the legislatively approved expressway system, and any other facility appurtenant, necessary, or incidental to the approved system. Subject to terms and conditions of applicable revenue bond resolutions and covenants, such costs may be financed in whole or in part by revenue bonds issued pursuant to s. 348.56(1)(a) or (b), whether currently issued or issued in the future, or by a combination of such bonds.”
 - “Bonds may be issued on behalf of the authority pursuant to the State Bond Act.”
 - “The bonds issued ... shall be sold at public sale in the same manner provided in the State Bond Act. However, if the authority determines, by official action at a public meeting, that a negotiated sale of such bonds is in the best interest of the authority, the authority may negotiate the sale of such bonds with the underwriter or underwriters designated by the authority and the Division of Bond Finance within the State Board of Administration with respect to bonds issued The authority's determination to negotiate the sale of such bonds may be based, in part, upon the written advice of the authority's financial adviser.”
 - “Subject to public notice ... the authority is authorized to provide by resolution for the issuance from time to time of bonds ... for the purpose of refunding any bonds then outstanding regardless of whether the bonds being refunded were issued by the authority pursuant to this chapter or on behalf of the authority pursuant to the State Bond Act.”

Section 34 (creating s. 348.9950 through 348.9961 F.S.)

- **Creates the Osceola County Expressway Authority in Part XI of Chapter 348, including creating the Osceola County Expressway Authority as an agency of the state; providing for a governing body of the authority; providing for membership, terms, organization, personnel, and administration; authorizing**

payment of travel and other expenses; directing the authority to cooperate with and participate in any efforts to establish a regional expressway authority; declaring that the authority is not eligible for voting membership in certain metropolitan planning organizations; providing purposes and powers of the authority; authorizing the issuance of bonds to pay or secure certain obligations; authorizing the authority to enter into certain agreements; authorizing the department to act as the authority's appointed agent under certain circumstances; authorizing the authority to acquire certain lands and property; authorizing the authority to exercise eminent domain; authorizing certain entities to enter into agreements with the authority; providing legislative intent and a pledge of the state to bondholders; exempting the authority from taxation; providing an exemption from taxes for bonds issued by or on behalf of the authority and the income therefrom; providing an exception; and providing for dissolution of the authority under certain circumstances.

- “There is created a body politic and corporate, an agency of the state, to be known as the Osceola County Expressway Authority.”
- “The governing body of the authority shall consist of six members. Five members, at least one of whom must be a member of a racial or ethnic minority group, must be residents of Osceola County, three of whom shall be appointed by the governing body of the county and two of whom shall be appointed by the Governor. The sixth member shall be the district secretary of the department serving in the district that includes Osceola County, who shall serve as an ex officio, nonvoting member. The term of each appointed member shall be for 4 years, except that the first term of the initial members appointed by the Governor shall be 2 years each. Each appointed member shall hold office until his or her successor has been appointed and has qualified. A vacancy occurring during a term shall be filled only for the balance of the unexpired term. Each appointed member of the authority shall be a person of outstanding reputation for integrity, responsibility, and business ability, but a person who is an officer or employee of any municipality or of Osceola County in any other capacity may not be an appointed member of the authority. A member of the authority is eligible for reappointment.”
- “The authority may employ an executive secretary, an executive director, its own counsel and legal staff, technical experts, engineers, and other employees, permanent or temporary, as it may require, and may determine the qualifications and fix the compensation of such persons, firms, or corporations. Additionally, the authority may employ a fiscal agent or agents. However, the authority shall solicit sealed proposals from at least three persons, firms, or corporations for the performance of any services as fiscal agents. The authority may delegate to one or more of its agents or employees such of its power as it deems necessary to carry out the purposes of this part, subject always to the supervision and control of the authority.”

- “The department is not required to grant funds for startup costs to the authority. However, the governing body of the county may provide funds for such startup costs.”
- “The authority shall cooperate with and participate in any efforts to establish a regional expressway authority.”
- “Notwithstanding any other provision of law, including s. 339.175(3), the authority is not entitled to voting membership in a metropolitan planning organization in which Osceola County, or any of the municipalities therein, are also voting members.”
- “Bonds may be issued on behalf of the authority as provided by the State Bond Act and subject to the provisions of the Florida Expressway Authority Act.”
- “The authority may enter into lease-purchase agreements with the department as provided in the Florida Expressway Authority Act.”
- “The authority may appoint the department as its agent as provided in the Florida Expressway Authority Act.”
- “The authority may acquire such rights, title, or interest in private or public property and such property rights, including easements, rights of access, air, view, and light by gift, devise, purchase, or condemnation by eminent domain proceedings, as the authority may deem necessary for the purposes of this part and subject to the provisions of the Florida Expressway Authority Act.”
- “Any county, municipality, drainage district, road and bridge district, school district, or other political subdivision, board, commission, or individual in or of the state may make and enter into any contract, lease, conveyance, partnership, or other agreement with the authority within the provisions and for purposes of this part. The authority may make and enter into any contract, lease, conveyance, partnership, or other agreement with any political subdivision, agency, or instrumentality of the state or any federal agency, corporation, or individual for the purpose of carrying out the provisions of this part.”
- “As provided under and limited by the Florida Expressway Authority Act, the Osceola County Expressway Authority is not required to pay taxes or assessments of any kind or nature whatsoever upon any property acquired by it or used by it for such purpose or upon revenues at any time received by it.”

- “If, before January 1, 2020, the authority has not encumbered any funds to further its purposes and powers ... to establish the system, the Osceola County Expressway Authority is dissolved.”

(This bill has not been approved by the Governor)

**Summary of Other Items of Interest to MPOs Included in Bills Passed by the
2010 Florida Legislature**

Fiscal Year 2010/2011 Appropriations Act (HB 5001)

Section 5 (pertaining to the allocation of funds to Natural Resources, Environment, Growth Management and Transportation, including to the Department of Transportation for Fiscal Year 2010/2011 – statute number not specified)

- **Allocates funds to the Florida Rail Enterprise and requires a report regarding a five year plan on all possible new rail transit systems in the State of Florida and a detailed update on the Florida East Coast Railroad Study by January 1, 2011. Also allocates funds to the South Florida Regional Transportation Authority for operations, maintenance and dispatching services.**
 - “From the funds provided in Specific Appropriations 2084 through 2089, as a part of the rail system plan to be developed pursuant to section 341.302(3), Florida Statutes, the Department of Transportation is directed to provide the Legislature with a report regarding a five year plan on all possible new rail transit systems in the State of Florida, and a detailed update on the Department of Transportation Florida East Coast Railroad Corridor Study as to its findings, cost of implementation and timing. This report shall be submitted to the Legislative Budget Commission no later than January 1, 2011.”
 - “From the funds provided in Specific Appropriation 2092, \$1,000,000 is provided to the South Florida Regional Transportation Authority for operations, maintenance and dispatching services. These funds are in addition to the funds provided in section 343.58 (4)(a), Florida Statutes.”

Section 77 (statute number not specified)

- **Restores \$40 million to the State Transportation Trust Fund from the General Revenue Fund if the federal government extends the enhanced Federal Medicaid Assistance Percentage rate.**
 - “The nonrecurring sum of \$40,000,000 is appropriated from the General Revenue Fund to restore reductions to the State Transportation Trust Fund and to provide funding to the Department of Transportation Work Program.”
 - “This funding is contingent upon the enactment of federal law which extends the enhanced Federal Medicaid Assistance Percentage rate, as provided under the American Reinvestment and Recovery Act (P.L. 111-5), from December 31, 2010, through June 30, 2011.”

Section 129 (s. 215.32, F.S.)

- **Transfers \$160,000,000 from the State Transportation Trust Fund to the General Revenue Fund.**
 - “The transfer of funds from the State Transportation Trust fund to the General Revenue Fund for Fiscal Year 2010-2011 shall occur in September and December of 2010, and in January and April of 2011.”
 - “Funds ... from each trust fund shall be transferred in four equal installments on a quarterly basis during the fiscal year, except for the Local Government Housing Trust Fund, which shall be transferred by June 30, 2011.”

(This bill has not been approved by the Governor)

An Act Relating to Implementing the 2010/2011 General Appropriations Act (HB 5003)

Section 52 (s. 348.60, F.S.)

- **Requires the Tampa-Hillsborough County Expressway Authority to transfer \$19 million to FDOT by July 15, 2010 and provides for the transfer of governance and control and the assets and liabilities of the Authority if the funds are not transferred by that date.**
 - “On or before July 15, 2010 the authority shall pay \$19 million to the department to reduce the authority’s operation and maintenance liability owed to the department. Effective July 16, 2010, unless the secretary of the department certifies in writing to the Speaker of the House of Representatives, the President of the Senate, and the Secretary of State that such payment has been made, the governance, control, assets, and liabilities of the authority shall transfer to the department. Upon such transfer, the department shall succeed to all powers and responsibilities of the authority, and the operations and maintenance of the expressway system shall be under the control of the department, pursuant to this subsection.”

(Not yet approved by the Governor)

The Mark Wandall Traffic Safety Act (HB 325)

Section 2 (s. 316.003, F.S.)

- **Provides a definition in law for a traffic infraction detector.**
 - “TRAFFIC INFRACTION DETECTOR.—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.”

Section 3 (s. 316.0076, F.S.)

- **Preempts to the state the use of cameras to enforce traffic laws**
 - “Regulation of the use of cameras for enforcing the provisions of this chapter is expressly preempted to the state. The regulation of the use of cameras for enforcing the provisions of this chapter is not required to comply with provisions of chapter 493.”

Section 4 (s.316.008, F.S.)

- **Authorizes counties and municipalities to use traffic infraction detectors to enforce a traffic control device such as a traffic signal or stop sign. Municipalities are responsible for installing or authorizing the installation of detectors within the incorporated area of the municipality. Counties are responsible for installing or authorizing the installation of detectors within the unincorporated area of the county or on roads under its jurisdiction.**
 - “A county or municipality may use traffic infraction detectors to enforce s. 316.074(1) or s. 316.075(1)(c)1 [failure to observe traffic devices] when a driver fails to stop at a traffic signal on streets and highways under their jurisdiction ... Only a municipality may install or authorize the installation of any such detectors within the incorporated area of the municipality. Only a county may install or authorize the installation of any such detectors within the unincorporated area of the county.”
 - “... a municipality may install or, by contract or interlocal agreement, authorize the installation of any such detectors only within the incorporated area of the municipality, and a county may install or, by contract or interlocal

agreement, authorize the installation of any such detectors only within the unincorporated area of the county. A county may authorize installation of any such detectors by interlocal agreement on roads under its jurisdiction.”

Section 5 (s. 316.0083, F.S.)

- **Allows traffic enforcement officers to issue citations based on evidence collected by detectors. Right hand turns made under safe conditions are prohibited from being cited.**
 - “For purposes of administering this section, the department, a county, or a municipality may authorize a traffic infraction enforcement officer...to issue a traffic citation for a violation of s. 316.074(1) or s. 316.075(1)(c)1 [failure to obey a traffic signal device]. A notice of violation and a traffic citation may not be issued 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...”

- **Describes the process for issuing citations, payment of violations and challenging citations.**
 - “Within 30 days after a violation, notification must be sent to the registered owner of the motor vehicle involved in the violation specifying the remedies available ... and that the violator must pay the penalty of \$158 to the department, county, or municipality, or furnish an affidavit in accordance with paragraph (d) [providing cause for why the driver is not responsible or liable for payment of the citation], within 30 days following the date of the notification in order to avoid court fees, costs, and the issuance of a traffic citation. The notification shall be sent by first-class mail.”

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

- **Outlines the distribution of funds collected by use of a traffic infraction detector, distinguished by the enforcement agency responsible for issuing the citation.**
 - “Penalties to be assessed and collected by the department [Department of Highway Safety and Motor Vehicles], county, or municipality are as follows:
 - “One hundred fifty-eight dollars for a violation ... when a driver has failed to stop at a traffic signal if enforcement is by the department's traffic infraction enforcement officer. One hundred dollars shall be

remitted [by the Department of Highway Safety and Motor Vehicles] to the Department of Revenue for deposit into the General Revenue Fund, \$10 shall be remitted to the Department of Revenue for deposit into the Department of Health Administrative Trust Fund, \$3 shall be remitted to the Department of Revenue for deposit into the Brain and Spinal Cord Injury Trust Fund, and \$45 shall be distributed to the municipality in which the violation occurred, or, if the violation occurred in an unincorporated area, to the county in which the violation occurred...”

- “One hundred fifty-eight dollars for a violation ... when a driver has failed to stop at a traffic signal if enforcement is by a **county or municipal** traffic infraction enforcement officer. Seventy dollars shall be remitted by the county or municipality to the Department of Revenue for deposit into the General Revenue Fund, \$10 shall be remitted to the Department of Revenue for deposit into the Department of Health Administrative Trust Fund, \$3 shall be remitted to the Department of Revenue for deposit into the Brain and Spinal Cord Injury Trust Fund, and \$75 shall be retained by the county or municipality enforcing the ordinance enacted pursuant to this section.”
- **Clarifies that individuals, manufacturers and vendors may not receive a fee or remuneration based on the number of violations detected through the use of a traffic infraction detector.**
 - “An individual may not receive a commission from any revenue collected from violations detected through the use of a traffic infraction detector. A manufacturer or vendor may not receive a fee or remuneration based upon the number of violations detected through the use of a traffic infraction detector.”
- **Clarifies that the use of detectors is supplemental to traditional enforcement of traffic control devices by law enforcement officers and does not prohibit a law enforcement officer from issuing a traffic citation.**
 - “This section supplements the enforcement ... by law enforcement officers when a driver fails to stop at a traffic signal and does not prohibit a law enforcement officer from issuing a traffic citation for a violation ... when a driver fails to stop at a traffic signal in accordance with normal traffic enforcement techniques.”
- **Requires each municipality and county operating a traffic infraction detector to report on the results of using the detector on or before October 1, 2012 and annually thereafter. Requires the FDOT to report on the results of using traffic infraction detectors on or before December 31, 2012 and annually thereafter.**

- “Each county or municipality that operates a traffic infraction detector shall submit a report by October 1, 2012, and annually thereafter, to the department which details the results of using the traffic infraction detector and the procedures for enforcement for the preceding state fiscal year. The information submitted by the counties and municipalities must include statistical data and information required by the department to complete the report...”
- “On or before December 31, 2012, and annually thereafter, the department shall provide a summary report to the Governor, the President of the Senate, and the Speaker of the House of Representatives regarding the use and operation of traffic infraction detectors under this section, along with the department's recommendations and any necessary legislation. The summary report must include a review of the information submitted to the department by the counties and municipalities and must describe the enhancement of the traffic safety and enforcement programs.”

Section 7 (s. 316.07456, F.S.)

- **Requires that all traffic infraction detectors deployed on highways, streets and roads in Florida will meet specifications established by FDOT.**
 - “Any traffic infraction detector deployed on the highways, streets, and roads of this state must meet specifications established by the Department of Transportation, and must be tested at regular intervals according to specifications prescribed by the Department of Transportation. The Department of Transportation must establish such specifications on or before December 31, 2010. However, any such equipment acquired by purchase, lease, or other arrangement under an agreement entered into by a county or municipality on or before July 1, 2011, or equipment used to enforce an ordinance enacted by a county or municipality on or before July 1, 2011, is not required to meet the specifications established by the Department of Transportation until July 1, 2011.”

Section 8 (s. 316.0776, F.S.)

- **Requires public notification of the installation of traffic infraction detectors.**
 - “If the department, county, or municipality installs a traffic infraction detector at an intersection, the department, county, or municipality shall notify the public that a traffic infraction device may be in use at that intersection and must specifically include notification of camera enforcement of violations concerning right turns. Such signage used to notify the public must meet the specifications for uniform signals and devices adopted by the Department of Transportation ...”

- “If the department, county, or municipality begins a traffic infraction detector program in a county or municipality that has never conducted such a program, the respective department, county, or municipality shall also make a public announcement and conduct a public awareness campaign of the proposed use of traffic infraction detectors at least 30 days before commencing the enforcement program.”

Section 9 (s. 316.640, F.S.)

- **Authorizes FDOT, municipalities and counties to designate and train employees as traffic infraction enforcement officers in the use of traffic infraction devices. Requires that FDOT traffic infraction enforcement officers be located in the state when enforcing traffic control law using a traffic infraction detector and that municipal and county traffic infraction enforcement officers be physically located in the county of the respective sheriff's or police department.**
 - “For the purpose of enforcing s. 316.0083, the department may designate employees as traffic infraction enforcement officers. A traffic infraction enforcement officer must successfully complete instruction in traffic enforcement procedures and court presentation through the Selective Traffic Enforcement Program as approved by the Division of Criminal Justice Standards and Training of the Department of Law Enforcement, or through a similar program, but may not necessarily otherwise meet the uniform minimum standards established by the Criminal Justice Standards and Training Commission for law enforcement officers or auxiliary law enforcement officers under s. 943.13. This subparagraph does not authorize the carrying of firearms or other weapons by a traffic infraction enforcement officer and does not authorize a traffic infraction enforcement officer to make arrests. The department's traffic infraction enforcement officers must be physically located in the state.”
 - “In addition, any such traffic infraction enforcement officer may issue a traffic citation under s. 316.0083. For purposes of enforcing s. 316.0083, any sheriff's department or police department of a municipality may designate employees as traffic infraction enforcement officers. The traffic infraction enforcement officers must be physically located in the county of the respective sheriff's or police department.”

Section 13(s. 321.50, F.S.)

- **Authorizes the Department of Highway Safety and Motor Vehicles to use traffic infraction detectors on state roads.**
 - “The Department of Highway Safety and Motor Vehicles is authorized to use traffic infraction detectors to enforce s. 316.074(1) or s. 316.075(1)(c)1. [traffic control devices] when a driver fails to stop on state roads ... which are

under the original jurisdiction of the Department of Transportation, when permitted by the Department of Transportation ...”

(Approved by the Governor on May 14, 2010)

An Act Relating to the Department of Highway Safety and Motor Vehicles (HB 5501 – a Companion to HB 325)

Section 1 (s. 316.008, F.S.)

- **Authorizes a county or municipality to use traffic infraction detectors to enforce specified provisions when a driver fails to stop at a traffic control device and provides that a county or municipality may install such detectors or authorize installation of such detectors by contract or interlocal agreement. Restricts installation and use of traffic infraction detectors by a county to unincorporated areas of the county and installation and use by a municipality to the incorporated area of the municipality. Further provides for such installation and use on state roads under the jurisdiction of the Department of Transportation.**
 - “A county or municipality may use traffic infraction detectors to enforce s. 316.074(1) or s. 316.075(1)(c)1. [traffic control devices] when a driver fails to stop at a traffic signal on streets and highways under its jurisdiction ... Only a municipality may install or authorize the installation of any such detectors within the incorporated area of the municipality. Only a county may install or authorize the installation of any such detectors within the unincorporated area of the county.”
 - “... a municipality may install or, by contract or interlocal agreement, authorize the installation of any such detectors only within the incorporated area of the municipality, and a county may install or, by contract or interlocal agreement, authorize the installation of any such detectors only within the unincorporated area of the county. A county may authorize installation of any such detectors by interlocal agreement on roads under its jurisdiction.”
 - “... a county or municipality may use traffic infraction detectors to enforce a s. 316.074(1) or s. 316.075(1)(c)1. [traffic control devices] when a driver fails to stop at a traffic signal on state roads under the original jurisdiction of the Department of Transportation when permitted by the Department of Transportation.”

(Not yet approved by the Governor)

An Act Relating to Transportation Projects (SB 1842)

Section 1 (s. 335.199, F.S.)

- **Directing the Department of Transportation to notify affected property owners and local governmental entities of proposed projects affecting property access before finalizing the project design. Requires the department to hold a public hearing and receive public input regarding the effects of the project on local businesses and directs the department to consider the comments received at the public hearing in the final design of the project.**
 - “Whenever the Department of Transportation proposes any project on the State Highway System which will divide a state highway, erect median barriers modifying currently available vehicle turning movements, or have the effect of closing or modifying an existing access to an abutting property owner, the department shall notify all affected property owners, municipalities, and counties at least 180 days before the design of the project is finalized. The department’s notice shall provide a written explanation regarding the need for the project and indicate that all affected parties will be given an opportunity to provide comments to the department regarding potential impacts of the change.”
 - “If the project is within the boundaries of a municipality, the notification shall be issued in writing to the chief elected official of the municipality. If the project is in the unincorporated area of a county, the notification shall be issued in writing to the chief elected official of the county.”
 - “The department must also consult with the applicable local government on its final design proposal if the department intends to divide a state highway, erect median barriers, or close or modify existing access to abutting commercial business properties. The local government may present the department with alternatives that relieve impacts to such business properties.”
 - “The department shall hold at least one public hearing in the jurisdiction where the project is located and receive public input to determine how the project will affect access to businesses and the potential economic impact of the project on the local business community.”
 - “The department must review all comments from the public hearing and take the comments and any alternatives presented by a local government ... into consideration in the final design of the highway project.”

(Not yet approved by the Governor)

An Act Relating to Highway Safety and Motor Vehicles (HB 971)

Section 6 (s. 316.2065, F.S.)

- **Requires bicycles to be ridden in the lane marked for bicycle use except under specified circumstances.**
 - “Any person operating a bicycle upon a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall ride in the lane marked for bicycle use or, if no lane is marked for bicycle use, as close as practicable to the right-hand curb or edge of the roadway ...”

Section 44 (s. 316.008, F.S.)

- **Authorizes a county or municipality to enact an ordinance to permit, control, or regulate the operation of vehicles, golf carts, mopeds, motorized scooters, and electric personal assistive mobility devices on sidewalks or sidewalk areas under certain conditions. Also, require the ordinance to restrict such vehicles or devices to a maximum speed of 15 miles per hour.**
 - “A county or municipality may enact an ordinance to permit, control, or regulate the operation of vehicles, golf carts, mopeds, motorized scooters, and electric personal assistive mobility devices on sidewalks or sidewalk areas when such use is permissible under federal law. The ordinance must restrict such vehicles or devices to a maximum speed of 15 miles per hour in such areas.”

Section 45 (s. 316.1995, F.S.)

- **Clarifies that a person may not operate a non-human powered vehicle upon a bicycle path, sidewalk, or sidewalk area except as provided by local ordinance. An exception is made for motorized wheelchairs.**
 - “Except as provided in s. 316.008 or s. 316.212(8), a person may not drive any vehicle other than by human power upon a bicycle path, sidewalk, or sidewalk area, except upon a permanent or duly authorized temporary driveway.”
 - “This section does not apply to motorized wheelchairs”

Section 46 (s. 316.212, F.S.)

- **Provides for a local governmental entity to enact an ordinance relating to golf cart operation on sidewalks in certain areas if certain conditions are met.**

- “Golf cart operation on sidewalks adjacent to specific segments of municipal streets, county roads, or state highways within the jurisdictional territory of the local governmental entity if:

“1. The local governmental entity determines, after considering the condition and current use of the sidewalks, the character of the surrounding community, and the locations of authorized golf cart crossings, that golf carts, bicycles, and pedestrians may safely share the sidewalk;”

“2. The local governmental entity consults with the Department of Transportation before adopting the ordinance;”

“3. The ordinance restricts golf carts to a maximum speed of 15 miles per hour and permits such use on sidewalks adjacent to state highways only if the sidewalks are at least 8 feet wide;

“4. The ordinance requires the golf carts to meet the equipment requirements in subsection (6). However, the ordinance may require additional equipment, including horns or other warning devices ...; and

“5. The local governmental entity posts appropriate signs or otherwise informs residents that the ordinance exists and applies to such sidewalks.”

(Not yet approved by the Governor)

An Act Relating to Regional Transportation (SB 2470)

This bill is a resolution that outlines the powers of the Northeast Florida Regional Transportation Study Commission. The Commission will be overseen by a 20-member board, chaired by the chair of the Jacksonville Transportation Authority (JTA). The Chair of the North Florida Transportation Planning Organization is appointed the Commission a non-voting member. JTA will staff and fund the Commission. The Commission must make a report to the Senate President and House Speaker by December 31, 2012. This report will make:

“... specific legislative recommendations, including a regional transportation elements plan, the defining characteristics of transportation elements of regional significance, and an implementation plan for undertaking a regional transportation elements plan, and which may include the establishment of the regional transportation authority, draft legislation consistent with this section, and any other recommendations it deems appropriate.”

Additional language is included in the bill revising the due date for the Northwest Florida Regional Transportation Planning Organization to complete a study and make recommendations to the Legislature concerning advance-funding the costs of capacity projects in its member counties.

“The Northwest Florida Regional Transportation Planning Organization ... is authorized to study the feasibility of advance-funding the costs of capacity projects in its member counties and making recommendations to the Legislature by February 1, 2011.”

(Not yet approved by the Governor)