

1 A bill to be entitled
 2 An act relating to traffic infraction detectors; amending
 3 s. 316.003, F.S.; revising the definition of "traffic
 4 infraction detector" to remove requirements for issuance
 5 of notifications and citations; repealing ss. 316.008(8),
 6 316.0083, 316.00831, and 321.50, F.S., relating to the
 7 installation and use of traffic infraction detectors to
 8 enforce specified provisions when a driver fails to stop
 9 at a traffic signal; removing provisions that authorize
 10 the Department of Highway Safety and Motor Vehicles, a
 11 county, or a municipality to use such detectors; repealing
 12 s. 316.07456, F.S., relating to transitional
 13 implementation of such detectors; repealing s. 316.0776,
 14 F.S., relating to placement and installation of traffic
 15 infraction detectors; amending ss. 316.640, 316.650,
 16 318.14, 318.18, and 322.27, F.S., relating to enforcement
 17 by such detectors, procedures for disposition of
 18 citations, penalties, and distribution of proceeds;
 19 conforming provisions to changes made by the act;
 20 providing an effective date.

21
 22 Be It Enacted by the Legislature of the State of Florida:

23
 24 Section 1. Subsection (87) of section 316.003, Florida
 25 Statutes, is amended to read:

26 316.003 Definitions.—The following words and phrases, when
 27 used in this chapter, shall have the meanings respectively
 28 ascribed to them in this section, except where the context

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29 otherwise requires:

30 (87) TRAFFIC INFRACTION DETECTOR.—A vehicle sensor
 31 installed to work in conjunction with a traffic control signal
 32 and a camera or cameras synchronized to automatically record two
 33 or more sequenced photographic or electronic images or streaming
 34 video of only the rear of a motor vehicle at the time the
 35 vehicle fails to stop behind the stop bar or clearly marked stop
 36 line when facing a traffic control signal steady red light. ~~Any~~
 37 ~~notification under s. 316.0083(1)(b) or traffic citation issued~~
 38 ~~by the use of a traffic infraction detector must include a~~
 39 ~~photograph or other recorded image showing both the license tag~~
 40 ~~of the offending vehicle and the traffic control device being~~
 41 ~~violated.~~

42 Section 2. Subsection (8) of section 316.008, Florida
 43 Statutes, is repealed.

44 Section 3. Section 316.0083, Florida Statutes, is
 45 repealed.

46 Section 4. Section 316.00831, Florida Statutes, is
 47 repealed.

48 Section 5. Section 316.07456, Florida Statutes, is
 49 repealed.

50 Section 6. Section 316.0776, Florida Statutes, is
 51 repealed.

52 Section 7. Section 321.50, Florida Statutes, is repealed.

53 Section 8. Paragraph (b) of subsection (1) and paragraph
 54 (a) of subsection (5) of section 316.640, Florida Statutes, are
 55 amended to read:

56 316.640 Enforcement.—The enforcement of the traffic laws

57 | of this state is vested as follows:

58 | (1) STATE.—

59 | (b)1. The Department of Transportation has authority to
60 | enforce on all the streets and highways of this state all laws
61 | applicable within its authority.

62 | 2.a. The Department of Transportation shall develop
63 | training and qualifications standards for toll enforcement
64 | officers whose sole authority is to enforce the payment of tolls
65 | pursuant to s. 316.1001. Nothing in this subparagraph shall be
66 | construed to permit the carrying of firearms or other weapons,
67 | nor shall a toll enforcement officer have arrest authority.

68 | b. For the purpose of enforcing s. 316.1001, governmental
69 | entities, as defined in s. 334.03, which own or operate a toll
70 | facility may employ independent contractors or designate
71 | employees as toll enforcement officers; however, any such toll
72 | enforcement officer must successfully meet the training and
73 | qualifications standards for toll enforcement officers
74 | established by the Department of Transportation.

75 | ~~3. For the purpose of enforcing s. 316.0083, the~~
76 | ~~department may designate employees as traffic infraction~~
77 | ~~enforcement officers. A traffic infraction enforcement officer~~
78 | ~~must successfully complete instruction in traffic enforcement~~
79 | ~~procedures and court presentation through the Selective Traffic~~
80 | ~~Enforcement Program as approved by the Division of Criminal~~
81 | ~~Justice Standards and Training of the Department of Law~~
82 | ~~Enforcement, or through a similar program, but may not~~
83 | ~~necessarily otherwise meet the uniform minimum standards~~
84 | ~~established by the Criminal Justice Standards and Training~~

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85 ~~Commission for law enforcement officers or auxiliary law~~
86 ~~enforcement officers under s. 943.13. This subparagraph does not~~
87 ~~authorize the carrying of firearms or other weapons by a traffic~~
88 ~~infraction enforcement officer and does not authorize a traffic~~
89 ~~infraction enforcement officer to make arrests. The department's~~
90 ~~traffic infraction enforcement officers must be physically~~
91 ~~located in the state.~~

92 (5) (a) Any sheriff's department or police department of a
93 municipality may employ, as a traffic infraction enforcement
94 officer, any individual who successfully completes instruction
95 in traffic enforcement procedures and court presentation through
96 the Selective Traffic Enforcement Program as approved by the
97 Division of Criminal Justice Standards and Training of the
98 Department of Law Enforcement, or through a similar program, but
99 who does not necessarily otherwise meet the uniform minimum
100 standards established by the Criminal Justice Standards and
101 Training Commission for law enforcement officers or auxiliary
102 law enforcement officers under s. 943.13. Any such traffic
103 infraction enforcement officer who observes the commission of a
104 traffic infraction or, in the case of a parking infraction, who
105 observes an illegally parked vehicle may issue a traffic
106 citation for the infraction when, based upon personal
107 investigation, he or she has reasonable and probable grounds to
108 believe that an offense has been committed which constitutes a
109 noncriminal traffic infraction as defined in s. 318.14. ~~In~~
110 ~~addition, any such traffic infraction enforcement officer may~~
111 ~~issue a traffic citation under s. 316.0083. For purposes of~~
112 ~~enforcing s. 316.0083, any sheriff's department or police~~

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113 ~~department of a municipality may designate employees as traffic~~
 114 ~~infraction enforcement officers.~~ The traffic infraction
 115 enforcement officers must be physically located in the county of
 116 the respective sheriff's or police department.

117 Section 9. Paragraphs (a) and (c) of subsection (3) of
 118 section 316.650, Florida Statutes, are amended to read:

119 316.650 Traffic citations.—

120 (3) (a) Except for a traffic citation issued pursuant to s.
 121 316.1001 ~~or s. 316.0083~~, each traffic enforcement officer, upon
 122 issuing a traffic citation to an alleged violator of any
 123 provision of the motor vehicle laws of this state or of any
 124 traffic ordinance of any municipality or town, shall deposit the
 125 original traffic citation or, in the case of a traffic
 126 enforcement agency that has an automated citation issuance
 127 system, the chief administrative officer shall provide by an
 128 electronic transmission a replica of the citation data to a
 129 court having jurisdiction over the alleged offense or with its
 130 traffic violations bureau within 5 days after issuance to the
 131 violator.

132 ~~(c) If a traffic citation is issued under s. 316.0083, the~~
 133 ~~traffic infraction enforcement officer shall provide by~~
 134 ~~electronic transmission a replica of the traffic citation data~~
 135 ~~to the court having jurisdiction over the alleged offense or its~~
 136 ~~traffic violations bureau within 5 days after the date of~~
 137 ~~issuance of the traffic citation to the violator.~~

138 Section 10. Subsection (2) of section 318.14, Florida
 139 Statutes, is amended to read:

140 318.14 Noncriminal traffic infractions; exception;

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141 procedures.-

142 (2) Except as provided in s. ~~ss.~~ 316.1001(2) and ~~316.0083~~,

143 any person cited for a violation requiring a mandatory hearing

144 listed in s. 318.19 or any other criminal traffic violation

145 listed in chapter 316 must sign and accept a citation indicating

146 a promise to appear. The officer may indicate on the traffic

147 citation the time and location of the scheduled hearing and must

148 indicate the applicable civil penalty established in s. 318.18.

149 For all other infractions under this section, except for

150 infractions under s. 316.1001, the officer must certify by

151 electronic, electronic facsimile, or written signature that the

152 citation was delivered to the person cited. This certification

153 is prima facie evidence that the person cited was served with

154 the citation.

155 Section 11. Subsection (15) of section 318.18, Florida

156 Statutes, is amended to read:

157 318.18 Amount of penalties.—The penalties required for a

158 noncriminal disposition pursuant to s. 318.14 or a criminal

159 offense listed in s. 318.17 are as follows:

160 (15)~~(a)1.~~ One hundred and fifty-eight dollars for a

161 violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver

162 has failed to stop at a traffic signal and ~~when enforced by a~~

163 ~~law enforcement officer.~~ Sixty dollars shall be distributed as

164 provided in s. 318.21, \$30 shall be distributed to the General

165 Revenue Fund, \$3 shall be remitted to the Department of Revenue

166 for deposit into the Brain and Spinal Cord Injury Trust Fund,

167 and the remaining \$65 shall be remitted to the Department of

168 Revenue for deposit into the Administrative Trust Fund of the

169 Department of Health.

170 ~~2. One hundred and fifty-eight dollars for a violation of~~
 171 ~~s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to~~
 172 ~~stop at a traffic signal and when enforced by the department's~~
 173 ~~traffic infraction enforcement officer. One hundred dollars~~
 174 ~~shall be remitted to the Department of Revenue for deposit into~~
 175 ~~the General Revenue Fund, \$45 shall be distributed to the county~~
 176 ~~for any violations occurring in any unincorporated areas of the~~
 177 ~~county or to the municipality for any violations occurring in~~
 178 ~~the incorporated boundaries of the municipality in which the~~
 179 ~~infraction occurred, \$10 shall be remitted to the Department of~~
 180 ~~Revenue for deposit into the Department of Health Administrative~~
 181 ~~Trust Fund for distribution as provided in s. 395.4036(1), and~~
 182 ~~\$3 shall be remitted to the Department of Revenue for deposit~~
 183 ~~into the Brain and Spinal Cord Injury Trust Fund.~~

184 ~~3. One hundred and fifty-eight dollars for a violation of~~
 185 ~~s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to~~
 186 ~~stop at a traffic signal and when enforced by a county's or~~
 187 ~~municipality's traffic infraction enforcement officer. Seventy-~~
 188 ~~five dollars shall be distributed to the county or municipality~~
 189 ~~issuing the traffic citation, \$70 shall be remitted to the~~
 190 ~~Department of Revenue for deposit into the General Revenue Fund,~~
 191 ~~\$10 shall be remitted to the Department of Revenue for deposit~~
 192 ~~into the Department of Health Administrative Trust Fund for~~
 193 ~~distribution as provided in s. 395.4036(1), and \$3 shall be~~
 194 ~~remitted to the Department of Revenue for deposit into the Brain~~
 195 ~~and Spinal Cord Injury Trust Fund.~~

196 ~~(b)~~ Amounts deposited into the Brain and Spinal Cord

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197 Injury Trust Fund pursuant to this subsection shall be
 198 distributed quarterly to the Miami Project to Cure Paralysis and
 199 shall be used for brain and spinal cord research.

200 ~~(c) If a person who is cited for a violation of s.~~
 201 ~~316.074(1) or s. 316.075(1)(c)1., as enforced by a traffic~~
 202 ~~infraction enforcement officer under s. 316.0083, presents~~
 203 ~~documentation from the appropriate governmental entity that the~~
 204 ~~traffic citation was in error, the clerk of court may dismiss~~
 205 ~~the case. The clerk of court shall not charge for this service.~~

206 ~~(d) An individual may not receive a commission or per-~~
 207 ~~ticket fee from any revenue collected from violations detected~~
 208 ~~through the use of a traffic infraction detector. A manufacturer~~
 209 ~~or vendor may not receive a fee or remuneration based upon the~~
 210 ~~number of violations detected through the use of a traffic~~
 211 ~~infraction detector.~~

212 ~~(e)~~ Funds deposited into the Department of Health
 213 Administrative Trust Fund under this subsection shall be
 214 distributed as provided in s. 395.4036(1).

215 Section 12. Paragraph (d) of subsection (3) of section
 216 322.27, Florida Statutes, is amended to read:

217 322.27 Authority of department to suspend or revoke
 218 license.—

219 (3) There is established a point system for evaluation of
 220 convictions of violations of motor vehicle laws or ordinances,
 221 and violations of applicable provisions of s. 403.413(6)(b) when
 222 such violations involve the use of motor vehicles, for the
 223 determination of the continuing qualification of any person to
 224 operate a motor vehicle. The department is authorized to suspend

225 the license of any person upon showing of its records or other
 226 good and sufficient evidence that the licensee has been
 227 convicted of violation of motor vehicle laws or ordinances, or
 228 applicable provisions of s. 403.413(6)(b), amounting to 12 or
 229 more points as determined by the point system. The suspension
 230 shall be for a period of not more than 1 year.

231 (d) The point system shall have as its basic element a
 232 graduated scale of points assigning relative values to
 233 convictions of the following violations:

- 234 1. Reckless driving, willful and wanton—4 points.
- 235 2. Leaving the scene of a crash resulting in property
 236 damage of more than \$50—6 points.
- 237 3. Unlawful speed resulting in a crash—6 points.
- 238 4. Passing a stopped school bus—4 points.
- 239 5. Unlawful speed:
 - 240 a. Not in excess of 15 miles per hour of lawful or posted
 241 speed—3 points.
 - 242 b. In excess of 15 miles per hour of lawful or posted
 243 speed—4 points.
- 244 6. A violation of a traffic control signal device as
 245 provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points.
 246 ~~However, no points shall be imposed for a violation of s.~~
 247 ~~316.074(1) or s. 316.075(1)(c)1. when a driver has failed to~~
 248 ~~stop at a traffic signal and when enforced by a traffic~~
 249 ~~infraction enforcement officer. In addition, a violation of s.~~
 250 ~~316.074(1) or s. 316.075(1)(c)1. when a driver has failed to~~
 251 ~~stop at a traffic signal and when enforced by a traffic~~
 252 ~~infraction enforcement officer may not be used for purposes of~~

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253 | ~~setting motor vehicle insurance rates.~~

254 | 7. All other moving violations (including parking on a
 255 | highway outside the limits of a municipality)—3 points. However,
 256 | no points shall be imposed for a violation of s. 316.0741 or s.
 257 | 316.2065(12); and points shall be imposed for a violation of s.
 258 | 316.1001 only when imposed by the court after a hearing pursuant
 259 | to s. 318.14(5).

260 | 8. Any moving violation covered above, excluding unlawful
 261 | speed, resulting in a crash—4 points.

262 | 9. Any conviction under s. 403.413(6)(b)—3 points.

263 | 10. Any conviction under s. 316.0775(2)—4 points.

264 | Section 13. This act shall take effect July 1, 2011.