

By Senator Garcia

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1                   A bill to be entitled  
2           An act relating to uniform traffic control; repealing  
3           s. 316.003(87), F.S., relating to the definition of  
4           the term "traffic infraction detector"; repealing s.  
5           316.0076, F.S., relating to the regulation of the use  
6           of cameras to enforce traffic laws being expressly  
7           preempted to the state; repealing s. 316.008(8), F.S.,  
8           relating to the authority of a county or municipality  
9           to use a traffic infraction detector to enforce  
10          certain designated traffic laws; repealing s.  
11          316.0083, F.S., relating to the Mark Wandall Traffic  
12          Safety Program, a program to install and operate a  
13          system of traffic infraction detectors at red light  
14          intersections; repealing s. 316.00831, F.S., relating  
15          to the distribution of penalties collected pursuant to  
16          the Mark Wandall Traffic Safety Program; repealing s.  
17          316.07456, F.S., relating to the transitional  
18          implementation of traffic infraction detectors on  
19          highways and roads of this state; repealing s.  
20          316.0776, F.S., relating to the placement and  
21          installation of a traffic infraction detector by the  
22          Department of Highway Safety and Motor Vehicles, a  
23          county, or a municipality; amending s. 316.640, F.S.;  
24          removing the provisions that authorize the department,  
25          sheriff's department, or police department to  
26          designate employees as traffic infraction enforcement  
27          officers; removing the provisions relating to the  
28          training and duties of traffic infraction enforcement  
29          officers; amending s. 316.650, F.S.; removing the

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30 provisions relating to the operation of the traffic  
31 infraction detection system; amending s. 318.14, F.S.;  
32 conforming provision to changes made by the act;  
33 amending s. 318.18, F.S.; removing the provisions for  
34 the distribution of penalties involving red light  
35 intersections; repealing s. 321.50, F.S., relating to  
36 the authorization of the Department of Highway Safety  
37 and Motor Vehicles to use traffic infraction detectors  
38 to enforce designated laws; amending s. 322.27, F.S.;  
39 revising the point system used by the department for  
40 traffic violations; repealing ss. 15 and 16 of chapter  
41 2010-80, Laws of Florida, relating to the collection  
42 and remittal of penalties and an appropriation;  
43 providing an effective date.  
44

45 Be It Enacted by the Legislature of the State of Florida:  
46

47 Section 1. Subsection (87) of section 316.003, Florida  
48 Statutes, is repealed.

49 Section 2. Section 316.0076, Florida Statutes, is repealed.

50 Section 3. Subsection (8) of section 316.008, Florida  
51 Statutes, is repealed.

52 Section 4. Section 316.0083, Florida Statutes, is repealed.

53 Section 5. Section 316.00831, Florida Statutes, is  
54 repealed.

55 Section 6. Section 316.07456, Florida Statutes, is  
56 repealed.

57 Section 7. Section 316.0776, Florida Statutes, is repealed.

58 Section 8. Paragraph (b) of subsection (1) and subsection

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59 (5) of section 316.640, Florida Statutes, are amended to read:

60 316.640 Enforcement.—The enforcement of the traffic laws of  
61 this state is vested as follows:

62 (1) STATE.—

63 (b)1. The Department of Transportation has authority to  
64 enforce on all the streets and highways of this state all laws  
65 applicable within its authority.

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

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

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

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88 ~~established by the Criminal Justice Standards and Training~~  
89 ~~Commission for law enforcement officers or auxiliary law~~  
90 ~~enforcement officers under s. 943.13. This subparagraph does not~~  
91 ~~authorize the carrying of firearms or other weapons by a traffic~~  
92 ~~infraction enforcement officer and does not authorize a traffic~~  
93 ~~infraction enforcement officer to make arrests. The department's~~  
94 ~~traffic infraction enforcement officers must be physically~~  
95 ~~located in the state.~~

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

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117 ~~department of a municipality may designate employees as traffic~~  
118 ~~infraction enforcement officers. The traffic infraction~~  
119 ~~enforcement officers must be physically located in the county of~~  
120 ~~the respective sheriff's or police department.~~

121 (b) The traffic infraction enforcement officer shall be  
122 employed in relationship to a selective traffic enforcement  
123 program at a fixed location or as part of a crash investigation  
124 team at the scene of a vehicle crash or in other types of  
125 traffic infraction enforcement under the direction of a fully  
126 qualified law enforcement officer; however, it is not necessary  
127 that the traffic infraction enforcement officer's duties be  
128 performed under the immediate supervision of a fully qualified  
129 law enforcement officer.

130 (c) This subsection does not permit the carrying of  
131 firearms or other weapons, nor do traffic infraction enforcement  
132 officers have arrest authority other than the authority to issue  
133 a traffic citation as provided in this subsection.

134 Section 9. Subsection (3) of section 316.650, Florida  
135 Statutes, is amended to read:

136 316.650 Traffic citations.—

137 (3) (a) Except for a traffic citation issued pursuant to s.  
138 316.1001 ~~or s. 316.0083~~, each traffic enforcement officer, upon  
139 issuing a traffic citation to an alleged violator of any  
140 provision of the motor vehicle laws of this state or of any  
141 traffic ordinance of any municipality or town, shall deposit the  
142 original traffic citation or, in the case of a traffic  
143 enforcement agency that has an automated citation issuance  
144 system, the chief administrative officer shall provide by an  
145 electronic transmission a replica of the citation data to a

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146 court having jurisdiction over the alleged offense or with its  
147 traffic violations bureau within 5 days after issuance to the  
148 violator.

149 (b) If a traffic citation is issued pursuant to s.  
150 316.1001, a traffic enforcement officer may deposit the original  
151 traffic citation or, in the case of a traffic enforcement agency  
152 that has an automated citation system, may provide by an  
153 electronic transmission a replica of the citation data to a  
154 court having jurisdiction over the alleged offense or with its  
155 traffic violations bureau within 45 days after the date of  
156 issuance of the citation to the violator. If the person cited  
157 for the violation of s. 316.1001 elects to pay ~~makes the~~  
158 ~~election provided by s. 318.14(12) and pays~~ the \$25 fine, or  
159 such other amount as imposed by the governmental entity owning  
160 the applicable toll facility, plus the amount of the unpaid toll  
161 that is shown on the traffic citation directly to the  
162 governmental entity that issued the citation, or on whose behalf  
163 the citation was issued, in accordance with s. 318.14(12), the  
164 traffic citation will not be submitted to the court, the  
165 disposition will be reported to the department by the  
166 governmental entity that issued the citation, or on whose behalf  
167 the citation was issued, and no points will be assessed against  
168 the person's driver's license.

169 ~~(c) If a traffic citation is issued under s. 316.0083, the~~  
170 ~~traffic infraction enforcement officer shall provide by~~  
171 ~~electronic transmission a replica of the traffic citation data~~  
172 ~~to the court having jurisdiction over the alleged offense or its~~  
173 ~~traffic violations bureau within 5 days after the date of~~  
174 ~~issuance of the traffic citation to the violator.~~

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

177 318.14 Noncriminal traffic infractions; exception;  
178 procedures.—

179 (2) Except as provided in s. 316.1001(2) ~~ss. 316.1001(2)~~  
180 ~~and 316.0083~~, any person cited for a violation requiring a  
181 mandatory hearing listed in s. 318.19 or any other criminal  
182 traffic violation listed in chapter 316 must sign and accept a  
183 citation indicating a promise to appear. The officer may  
184 indicate on the traffic citation the time and location of the  
185 scheduled hearing and must indicate the applicable civil penalty  
186 established in s. 318.18. For all other infractions under this  
187 section, except for infractions under s. 316.1001, the officer  
188 must certify by electronic, electronic facsimile, or written  
189 signature that the citation was delivered to the person cited.  
190 This certification is prima facie evidence that the person cited  
191 was served with the citation.

192 Section 11. Subsection (15) of section 318.18, Florida  
193 Statutes, is amended to read:

194 318.18 Amount of penalties.—The penalties required for a  
195 noncriminal disposition pursuant to s. 318.14 or a criminal  
196 offense listed in s. 318.17 are as follows:

197 (15) ~~(a)1.~~ One hundred and fifty-eight dollars for a  
198 violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver  
199 has failed to stop at a traffic signal ~~and when enforced by a~~  
200 ~~law enforcement officer~~. Sixty dollars shall be distributed as  
201 provided in s. 318.21, \$30 shall be distributed to the General  
202 Revenue Fund, \$3 shall be remitted to the Department of Revenue  
203 for deposit into the Brain and Spinal Cord Injury Trust Fund,

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204 and the remaining \$65 shall be remitted to the Department of  
205 Revenue for deposit into the Administrative Trust Fund of the  
206 Department of Health.

207 ~~2. One hundred and fifty-eight dollars for a violation of~~  
208 ~~s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to~~  
209 ~~stop at a traffic signal and when enforced by the department's~~  
210 ~~traffic infraction enforcement officer. One hundred dollars~~  
211 ~~shall be remitted to the Department of Revenue for deposit into~~  
212 ~~the General Revenue Fund, \$45 shall be distributed to the county~~  
213 ~~for any violations occurring in any unincorporated areas of the~~  
214 ~~county or to the municipality for any violations occurring in~~  
215 ~~the incorporated boundaries of the municipality in which the~~  
216 ~~infraction occurred, \$10 shall be remitted to the Department of~~  
217 ~~Revenue for deposit into the Department of Health Administrative~~  
218 ~~Trust Fund for distribution as provided in s. 395.4036(1), and~~  
219 ~~\$3 shall be remitted to the Department of Revenue for deposit~~  
220 ~~into the Brain and Spinal Cord Injury Trust Fund.~~

221 ~~3. One hundred and fifty-eight dollars for a violation of~~  
222 ~~s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to~~  
223 ~~stop at a traffic signal and when enforced by a county's or~~  
224 ~~municipality's traffic infraction enforcement officer. Seventy-~~  
225 ~~five dollars shall be distributed to the county or municipality~~  
226 ~~issuing the traffic citation, \$70 shall be remitted to the~~  
227 ~~Department of Revenue for deposit into the General Revenue Fund,~~  
228 ~~\$10 shall be remitted to the Department of Revenue for deposit~~  
229 ~~into the Department of Health Administrative Trust Fund for~~  
230 ~~distribution as provided in s. 395.4036(1), and \$3 shall be~~  
231 ~~remitted to the Department of Revenue for deposit into the Brain~~  
232 ~~and Spinal Cord Injury Trust Fund.~~

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233 ~~(b) Amounts deposited into the Brain and Spinal Cord Injury~~  
234 ~~Trust Fund pursuant to this subsection shall be distributed~~  
235 ~~quarterly to the Miami Project to Cure Paralysis and shall be~~  
236 ~~used for brain and spinal cord research.~~

237 ~~(c) If a person who is cited for a violation of s.~~  
238 ~~316.074(1) or s. 316.075(1)(c)1., as enforced by a traffic~~  
239 ~~infraction enforcement officer under s. 316.0083, presents~~  
240 ~~documentation from the appropriate governmental entity that the~~  
241 ~~traffic citation was in error, the clerk of court may dismiss~~  
242 ~~the case. The clerk of court shall not charge for this service.~~

243 ~~(d) An individual may not receive a commission or per-~~  
244 ~~ticket fee from any revenue collected from violations detected~~  
245 ~~through the use of a traffic infraction detector. A manufacturer~~  
246 ~~or vendor may not receive a fee or remuneration based upon the~~  
247 ~~number of violations detected through the use of a traffic~~  
248 ~~infraction detector.~~

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

252 Section 12. Section 321.50, Florida Statutes, is repealed.

253 Section 13. Paragraph (d) of subsection (3) of section  
254 322.27, Florida Statutes, is amended to read:

255 322.27 Authority of department to suspend or revoke  
256 license.—

257 (3) There is established a point system for evaluation of  
258 convictions of violations of motor vehicle laws or ordinances,  
259 and violations of applicable provisions of s. 403.413(6) (b) when  
260 such violations involve the use of motor vehicles, for the  
261 determination of the continuing qualification of any person to

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262 operate a motor vehicle. The department is authorized to suspend  
 263 the license of any person upon showing of its records or other  
 264 good and sufficient evidence that the licensee has been  
 265 convicted of violation of motor vehicle laws or ordinances, or  
 266 applicable provisions of s. 403.413(6)(b), amounting to 12 or  
 267 more points as determined by the point system. The suspension  
 268 shall be for a period of not more than 1 year.

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

- 272 1. Reckless driving, willful and wanton—4 points.
- 273 2. Leaving the scene of a crash resulting in property  
 274 damage of more than \$50—6 points.
- 275 3. Unlawful speed resulting in a crash—6 points.
- 276 4. Passing a stopped school bus—4 points.
- 277 5. Unlawful speed:
  - 278 a. Not in excess of 15 miles per hour of lawful or posted  
 279 speed—3 points.
  - 280 b. In excess of 15 miles per hour of lawful or posted  
 281 speed—4 points.
- 282 6. A violation of a traffic control signal device as  
 283 provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points.  
 284 ~~However, no points shall be imposed for a violation of s.~~  
 285 ~~316.074(1) or s. 316.075(1)(c)1. when a driver has failed to~~  
 286 ~~stop at a traffic signal and when enforced by a traffic~~  
 287 ~~infraction enforcement officer. In addition, a violation of s.~~  
 288 ~~316.074(1) or s. 316.075(1)(c)1. when a driver has failed to~~  
 289 ~~stop at a traffic signal and when enforced by a traffic~~  
 290 ~~infraction enforcement officer may not be used for purposes of~~

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291 ~~setting motor vehicle insurance rates.~~

292       7. All other moving violations (including parking on a  
293 highway outside the limits of a municipality)—3 points. However,  
294 no points shall be imposed for a violation of s. 316.0741 or s.  
295 316.2065(12); and points shall be imposed for a violation of s.  
296 316.1001 only when imposed by the court after a hearing pursuant  
297 to s. 318.14(5).

298       8. Any moving violation covered above, excluding unlawful  
299 speed, resulting in a crash—4 points.

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

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

302       Section 14. Sections 15 and 16 of chapter 2010-80, Laws of  
303 Florida, are repealed.

304       Section 15. This act shall take effect July 1, 2011.