

By Senator Evers

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

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

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

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

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30 otherwise requires:

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

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

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

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

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

55 316.640 Enforcement.—The enforcement of the traffic laws of  
56 this state is vested as follows:

57 (1) STATE.—

58 (b)1. The Department of Transportation has authority to

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59 enforce on all the streets and highways of this state all laws  
60 applicable within its authority.

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

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

74 ~~3. For the purpose of enforcing s. 316.0083, the department~~  
75 ~~may designate employees as traffic infraction enforcement~~  
76 ~~officers. A traffic infraction enforcement officer must~~  
77 ~~successfully complete instruction in traffic enforcement~~  
78 ~~procedures and court presentation through the Selective Traffic~~  
79 ~~Enforcement Program as approved by the Division of Criminal~~  
80 ~~Justice Standards and Training of the Department of Law~~  
81 ~~Enforcement, or through a similar program, but may not~~  
82 ~~necessarily otherwise meet the uniform minimum standards~~  
83 ~~established by the Criminal Justice Standards and Training~~  
84 ~~Commission for law enforcement officers or auxiliary law~~  
85 ~~enforcement officers under s. 943.13. This subparagraph does not~~  
86 ~~authorize the carrying of firearms or other weapons by a traffic~~  
87 ~~infraction enforcement officer and does not authorize a traffic~~

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88 ~~infraction enforcement officer to make arrests. The department's~~  
89 ~~traffic infraction enforcement officers must be physically~~  
90 ~~located in the state.~~

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

116 Section 9. Paragraphs (a) and (c) of subsection (3) of

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117 section 316.650, Florida Statutes, are amended to read:

118 316.650 Traffic citations.—

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

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

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

139 318.14 Noncriminal traffic infractions; exception;  
140 procedures.—

141 (2) Except as provided in s. ss. 316.1001(2) and ~~316.0083~~,  
142 any person cited for a violation requiring a mandatory hearing  
143 listed in s. 318.19 or any other criminal traffic violation  
144 listed in chapter 316 must sign and accept a citation indicating  
145 a promise to appear. The officer may indicate on the traffic

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146 citation the time and location of the scheduled hearing and must  
147 indicate the applicable civil penalty established in s. 318.18.  
148 For all other infractions under this section, except for  
149 infractions under s. 316.1001, the officer must certify by  
150 electronic, electronic facsimile, or written signature that the  
151 citation was delivered to the person cited. This certification  
152 is prima facie evidence that the person cited was served with  
153 the citation.

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

156 318.18 Amount of penalties.—The penalties required for a  
157 noncriminal disposition pursuant to s. 318.14 or a criminal  
158 offense listed in s. 318.17 are as follows:

159 (15) ~~(a)1.~~ One hundred and fifty-eight dollars for a  
160 violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver  
161 has failed to stop at a traffic signal ~~and when enforced by a~~  
162 ~~law enforcement officer.~~ Sixty dollars shall be distributed as  
163 provided in s. 318.21, \$30 shall be distributed to the General  
164 Revenue Fund, \$3 shall be remitted to the Department of Revenue  
165 for deposit into the Brain and Spinal Cord Injury Trust Fund,  
166 and the remaining \$65 shall be remitted to the Department of  
167 Revenue for deposit into the Administrative Trust Fund of the  
168 Department of Health.

169 ~~2. One hundred and fifty-eight dollars for a violation of~~  
170 ~~s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to~~  
171 ~~stop at a traffic signal and when enforced by the department's~~  
172 ~~traffic infraction enforcement officer. One hundred dollars~~  
173 ~~shall be remitted to the Department of Revenue for deposit into~~  
174 ~~the General Revenue Fund, \$45 shall be distributed to the county~~

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175 ~~for any violations occurring in any unincorporated areas of the~~  
176 ~~county or to the municipality for any violations occurring in~~  
177 ~~the incorporated boundaries of the municipality in which the~~  
178 ~~infraction occurred, \$10 shall be remitted to the Department of~~  
179 ~~Revenue for deposit into the Department of Health Administrative~~  
180 ~~Trust Fund for distribution as provided in s. 395.4036(1), and~~  
181 ~~\$3 shall be remitted to the Department of Revenue for deposit~~  
182 ~~into the Brain and Spinal Cord Injury Trust Fund.~~

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

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

199 ~~(c) If a person who is cited for a violation of s.~~  
200 ~~316.074(1) or s. 316.075(1)(c)1., as enforced by a traffic~~  
201 ~~infraction enforcement officer under s. 316.0083, presents~~  
202 ~~documentation from the appropriate governmental entity that the~~  
203 ~~traffic citation was in error, the clerk of court may dismiss~~

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204 ~~the case. The clerk of court shall not charge for this service.~~

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

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

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

216 322.27 Authority of department to suspend or revoke  
217 license.-

218 (3) There is established a point system for evaluation of  
219 convictions of violations of motor vehicle laws or ordinances,  
220 and violations of applicable provisions of s. 403.413(6) (b) when  
221 such violations involve the use of motor vehicles, for the  
222 determination of the continuing qualification of any person to  
223 operate a motor vehicle. The department is authorized to suspend  
224 the license of any person upon showing of its records or other  
225 good and sufficient evidence that the licensee has been  
226 convicted of violation of motor vehicle laws or ordinances, or  
227 applicable provisions of s. 403.413(6) (b), amounting to 12 or  
228 more points as determined by the point system. The suspension  
229 shall be for a period of not more than 1 year.

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



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- 233 1. Reckless driving, willful and wanton-4 points.
- 234 2. Leaving the scene of a crash resulting in property  
235 damage of more than \$50-6 points.
- 236 3. Unlawful speed resulting in a crash-6 points.
- 237 4. Passing a stopped school bus-4 points.
- 238 5. Unlawful speed:
- 239 a. Not in excess of 15 miles per hour of lawful or posted  
240 speed-3 points.
- 241 b. In excess of 15 miles per hour of lawful or posted  
242 speed-4 points.
- 243 6. A violation of a traffic control signal device as  
244 provided in s. 316.074(1) or s. 316.075(1)(c)1.-4 points.  
245 ~~However, no points shall be imposed for a violation of s.~~  
246 ~~316.074(1) or s. 316.075(1)(c)1. when a driver has failed to~~  
247 ~~stop at a traffic signal and when enforced by a traffic~~  
248 ~~infraction enforcement officer. In addition, a violation of s.~~  
249 ~~316.074(1) or s. 316.075(1)(c)1. when a driver has failed to~~  
250 ~~stop at a traffic signal and when enforced by a traffic~~  
251 ~~infraction enforcement officer may not be used for purposes of~~  
252 ~~setting motor vehicle insurance rates.~~
- 253 7. All other moving violations (including parking on a  
254 highway outside the limits of a municipality)-3 points. However,  
255 no points shall be imposed for a violation of s. 316.0741 or s.  
256 316.2065(12); and points shall be imposed for a violation of s.  
257 316.1001 only when imposed by the court after a hearing pursuant  
258 to s. 318.14(5).
- 259 8. Any moving violation covered above, excluding unlawful  
260 speed, resulting in a crash-4 points.
- 261 9. Any conviction under s. 403.413(6)(b)-3 points.

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262 10. Any conviction under s. 316.0775(2)-4 points.

263 Section 13. This act shall take effect upon becoming a law.