

HB 4011

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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 definition of the
4 term "traffic infraction detector" to remove
5 requirements for issuance of notifications and
6 citations; amending s. 316.008, F.S.; removing the
7 authority of counties and municipalities to install
8 and use traffic infraction detectors to enforce
9 specified provisions when a driver fails to stop at a
10 traffic signal; amending ss. 28.37, 316.640, 316.650,
11 318.14, 318.18, and 322.27, F.S., relating to the
12 distribution of fines, enforcement by such detectors,
13 procedures for disposition of citations, penalties,
14 and distribution of proceeds, to conform provisions to
15 changes made by the act; repealing ss. 316.0083,
16 316.00831, and 321.50, F.S., relating to the
17 installation and use of traffic infraction detectors
18 to enforce specified provisions when a driver fails to
19 stop at a traffic signal; removing provisions that
20 authorize the Department of Highway Safety and Motor
21 Vehicles, a county, or a municipality to use such
22 detectors; repealing s. 316.07456, F.S., relating to
23 transitional implementation of such detectors;
24 repealing s. 316.0776, F.S., relating to placement and
25 installation of traffic infraction detectors;
26 providing an effective date.

27
28 Be It Enacted by the Legislature of the State of Florida:

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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

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

(87) 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 2. Subsection (8) of section 316.008, Florida Statutes, is amended to read:

316.008 Powers of local authorities.—

~~(8)(a) A county or municipality may use traffic infraction detectors to enforce s. 316.074(1) or s. 316.075(1)(c)1. when a driver fails to stop at a traffic signal on streets and highways under its jurisdiction under s. 316.0083. Only a municipality may install or authorize the installation of any such detectors within the incorporated area of the municipality. Only a county~~

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57 | ~~may install or authorize the installation of any such detectors~~
58 | ~~within the unincorporated area of the county.~~

59 | ~~(b) Pursuant to paragraph (a), a municipality may install~~
60 | ~~or, by contract or interlocal agreement, authorize the~~
61 | ~~installation of any such detectors only within the incorporated~~
62 | ~~area of the municipality, and a county may install or, by~~
63 | ~~contract or interlocal agreement, authorize the installation of~~
64 | ~~any such detectors only within the unincorporated area of the~~
65 | ~~county. A county may authorize installation of any such~~
66 | ~~detectors by interlocal agreement on roads under its~~
67 | ~~jurisdiction.~~

68 | ~~(c) Pursuant to s. 316.0083, a county or municipality may~~
69 | ~~use traffic infraction detectors to enforce s. 316.074(1) or s.~~
70 | ~~316.075(1)(c)1. when a driver fails to stop at a traffic signal~~
71 | ~~on state roads under the original jurisdiction of the Department~~
72 | ~~of Transportation when permitted by the Department of~~
73 | ~~Transportation.~~

74 | Section 3. Subsection (2) of section 28.37, Florida
75 | Statutes, is amended to read:

76 | 28.37 Fines, fees, service charges, and costs remitted to
77 | the state.—

78 | (2) Except as otherwise provided in ss. 28.241 and 34.041,
79 | all court-related fines, fees, service charges, and costs are
80 | considered state funds and shall be remitted by the clerk to the
81 | Department of Revenue for deposit into the Clerks of the Court
82 | Trust Fund within the Justice Administrative Commission.
83 | However, 10 percent of all court-related fines collected by the
84 | clerk, ~~except for penalties or fines distributed to counties or~~

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85 ~~municipalities under s. 316.0083(1)(b)3. or s. 318.18(15)(a),~~
 86 shall be deposited into the clerk's Public Records Modernization
 87 Trust Fund to be used exclusively for additional clerk court-
 88 related operational needs and program enhancements.

89 Section 4. Paragraph (b) of subsection (1) and paragraph
 90 (a) of subsection (5) of section 316.640, Florida Statutes, are
 91 amended to read:

92 316.640 Enforcement.—The enforcement of the traffic laws
 93 of this state is vested as follows:

94 (1) STATE.—

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

98 2.a. The Department of Transportation shall develop
 99 training and qualifications standards for toll enforcement
 100 officers whose sole authority is to enforce the payment of tolls
 101 pursuant to s. 316.1001. Nothing in this subparagraph shall be
 102 construed to permit the carrying of firearms or other weapons,
 103 nor shall a toll enforcement officer have arrest authority.

104 b. For the purpose of enforcing s. 316.1001, governmental
 105 entities, as defined in s. 334.03, which own or operate a toll
 106 facility may employ independent contractors or designate
 107 employees as toll enforcement officers; however, any such toll
 108 enforcement officer must successfully meet the training and
 109 qualifications standards for toll enforcement officers
 110 established by the Department of Transportation.

111 ~~3. For the purpose of enforcing s. 316.0083, the~~
 112 ~~department may designate employees as traffic infraction~~

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113 ~~enforcement officers. A traffic infraction enforcement officer~~
114 ~~must successfully complete instruction in traffic enforcement~~
115 ~~procedures and court presentation through the Selective Traffic~~
116 ~~Enforcement Program as approved by the Division of Criminal~~
117 ~~Justice Standards and Training of the Department of Law~~
118 ~~Enforcement, or through a similar program, but may not~~
119 ~~necessarily otherwise meet the uniform minimum standards~~
120 ~~established by the Criminal Justice Standards and Training~~
121 ~~Commission for law enforcement officers or auxiliary law~~
122 ~~enforcement officers under s. 943.13. This subparagraph does not~~
123 ~~authorize the carrying of firearms or other weapons by a traffic~~
124 ~~infraction enforcement officer and does not authorize a traffic~~
125 ~~infraction enforcement officer to make arrests. The department's~~
126 ~~traffic infraction enforcement officers must be physically~~
127 ~~located in the state.~~

128 (5) (a) Any sheriff's department or police department of a
129 municipality may employ, as a traffic infraction enforcement
130 officer, any individual who successfully completes instruction
131 in traffic enforcement procedures and court presentation through
132 the Selective Traffic Enforcement Program as approved by the
133 Division of Criminal Justice Standards and Training of the
134 Department of Law Enforcement, or through a similar program, but
135 who does not necessarily otherwise meet the uniform minimum
136 standards established by the Criminal Justice Standards and
137 Training Commission for law enforcement officers or auxiliary
138 law enforcement officers under s. 943.13. Any such traffic
139 infraction enforcement officer who observes the commission of a
140 traffic infraction or, in the case of a parking infraction, who

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141 | observes an illegally parked vehicle may issue a traffic
 142 | citation for the infraction when, based upon personal
 143 | investigation, he or she has reasonable and probable grounds to
 144 | believe that an offense has been committed which constitutes a
 145 | noncriminal traffic infraction as defined in s. 318.14. ~~In~~
 146 | ~~addition, any such traffic infraction enforcement officer may~~
 147 | ~~issue a traffic citation under s. 316.0083. For purposes of~~
 148 | ~~enforcing s. 316.0083, any sheriff's department or police~~
 149 | ~~department of a municipality may designate employees as traffic~~
 150 | ~~infraction enforcement officers.~~ The traffic infraction
 151 | enforcement officers must be physically located in the county of
 152 | the respective sheriff's or police department.

153 | Section 5. Paragraphs (a) and (c) of subsection (3) of
 154 | section 316.650, Florida Statutes, are amended to read:

155 | 316.650 Traffic citations.—

156 | (3) (a) Except for a traffic citation issued pursuant to s.
 157 | 316.1001 ~~or s. 316.0083~~, each traffic enforcement officer, upon
 158 | issuing a traffic citation to an alleged violator of any
 159 | provision of the motor vehicle laws of this state or of any
 160 | traffic ordinance of any municipality or town, shall deposit the
 161 | original traffic citation or, in the case of a traffic
 162 | enforcement agency that has an automated citation issuance
 163 | system, the chief administrative officer shall provide by an
 164 | electronic transmission a replica of the citation data to a
 165 | court having jurisdiction over the alleged offense or with its
 166 | traffic violations bureau within 5 days after issuance to the
 167 | violator.

168 | ~~(c) If a traffic citation is issued under s. 316.0083, the~~

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169 ~~traffic infraction enforcement officer shall provide by~~
 170 ~~electronic transmission a replica of the traffic citation data~~
 171 ~~to the court having jurisdiction over the alleged offense or its~~
 172 ~~traffic violations bureau within 5 days after the date of~~
 173 ~~issuance of the traffic citation to the violator.~~

174 Section 6. Subsection (2) of section 318.14, Florida
 175 Statutes, is amended to read:

176 318.14 Noncriminal traffic infractions; exception;
 177 procedures.—

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

191 Section 7. Subsection (15) of section 318.18, Florida
 192 Statutes, is amended to read:

193 318.18 Amount of penalties.—The penalties required for a
 194 noncriminal disposition pursuant to s. 318.14 or a criminal
 195 offense listed in s. 318.17 are as follows:

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

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197 violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver
198 has failed to stop at a traffic signal and when enforced by a
199 law enforcement officer. Sixty dollars shall be distributed as
200 provided in s. 318.21, \$30 shall be distributed to the General
201 Revenue Fund, \$3 shall be remitted to the Department of Revenue
202 for deposit into the Brain and Spinal Cord Injury Trust Fund,
203 and the remaining \$65 shall be remitted to the Department of
204 Revenue for deposit into the Emergency Medical Services Trust
205 Fund of the Department of Health.

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

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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 Emergency Medical Services Trust~~
 230 ~~Fund for distribution as provided in s. 395.4036(1), and \$3~~
 231 ~~shall be remitted to the Department of Revenue for deposit into~~
 232 ~~the Brain and Spinal Cord Injury Trust Fund.~~

233 ~~(b)~~ Amounts deposited into the Brain and Spinal Cord
 234 Injury Trust Fund pursuant to this subsection shall be
 235 distributed quarterly to the Miami Project to Cure Paralysis and
 236 shall be 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 Emergency Medical Services Trust Fund under this subsection
 251 shall be distributed as provided in s. 395.4036(1).

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252 Section 8. Paragraph (d) of subsection (3) of section
 253 322.27, Florida Statutes, is amended to read:

254 322.27 Authority of department to suspend or revoke driver
 255 license or identification card.—

256 (3) There is established a point system for evaluation of
 257 convictions of violations of motor vehicle laws or ordinances,
 258 and violations of applicable provisions of s. 403.413(6) (b) when
 259 such violations involve the use of motor vehicles, for the
 260 determination of the continuing qualification of any person to
 261 operate a motor vehicle. The department is authorized to suspend
 262 the license of any person upon showing of its records or other
 263 good and sufficient evidence that the licensee has been
 264 convicted of violation of motor vehicle laws or ordinances, or
 265 applicable provisions of s. 403.413(6) (b), amounting to 12 or
 266 more points as determined by the point system. The suspension
 267 shall be for a period of not more than 1 year.

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

- 271 1. Reckless driving, willful and wanton—4 points.
- 272 2. Leaving the scene of a crash resulting in property
 273 damage of more than \$50—6 points.
- 274 3. Unlawful speed resulting in a crash—6 points.
- 275 4. Passing a stopped school bus—4 points.
- 276 5. Unlawful speed:
 - 277 a. Not in excess of 15 miles per hour of lawful or posted
 278 speed—3 points.
 - 279 b. In excess of 15 miles per hour of lawful or posted

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280 speed—4 points.

281 6. A violation of a traffic control signal device as
282 provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points.
283 ~~However, no points shall be imposed for a violation of s.~~
284 ~~316.074(1) or s. 316.075(1)(c)1. when a driver has failed to~~
285 ~~stop at a traffic signal and when enforced by a traffic~~
286 ~~infraction enforcement officer. In addition, a violation of s.~~
287 ~~316.074(1) or s. 316.075(1)(c)1. when a driver has failed to~~
288 ~~stop at a traffic signal and when enforced by a traffic~~
289 ~~infraction enforcement officer may not be used for purposes of~~
290 ~~setting motor vehicle insurance rates.~~

291 7. All other moving violations (including parking on a
292 highway outside the limits of a municipality)—3 points. However,
293 no points shall be imposed for a violation of s. 316.0741 or s.
294 316.2065(11); and points shall be imposed for a violation of s.
295 316.1001 only when imposed by the court after a hearing pursuant
296 to s. 318.14(5).

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

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

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

301 Section 9. Sections 316.0083, 316.00831, and 321.50,
302 Florida Statutes, are repealed.

303 Section 10. Section 316.07456, Florida Statutes, is
304 repealed.

305 Section 11. Section 316.0776, Florida Statutes, is
306 repealed.

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307 | Section 12. This act shall take effect upon becoming a
308 | law.