

1 A bill to be entitled

2 An act relating to traffic infraction detectors;
3 repealing s. 316.003(87) and (91), F.S., relating to
4 the definitions of "traffic infraction detector" and
5 "local hearing officer"; repealing ss. 316.008(8),
6 316.0083, and 316.00831, F.S., relating to the
7 installation and use of traffic infraction detectors
8 to enforce specified provisions when a driver fails to
9 stop at a traffic signal; removing provisions that
10 authorize the Department of Highway Safety and Motor
11 Vehicles, a county, or a municipality to use such
12 detectors; repealing s. 316.07456, F.S., relating to
13 transitional implementation of such detectors;
14 repealing s. 316.0776, F.S., relating to placement and
15 installation of traffic infraction detectors;
16 repealing s. 318.15(3), F.S., relating to failure to
17 comply with a civil penalty; repealing s. 321.50,
18 F.S., relating to the authorization to use traffic
19 infraction detectors; amending ss. 28.37, 316.640,
20 316.650, 318.121, 318.14, 318.18, 320.03, and 322.27,
21 F.S., relating to distribution of proceeds,
22 enforcement by traffic infraction enforcement officers
23 using such detectors, procedures for disposition of
24 citations, preemption of additional charges,
25 compliance, registration and renewal of license
26 plates, and penalties, to conform provisions to

27 changes made by the act; providing an effective date.

28

29 Be It Enacted by the Legislature of the State of Florida:

30

31 Section 1. Subsections (87) and (91) of section 316.003,
 32 Florida Statutes, are repealed.

33 Section 2. Subsection (8) of section 316.008, Florida
 34 Statutes, is repealed.

35 Section 3. Section 316.0083, Florida Statutes, is
 36 repealed.

37 Section 4. Section 316.00831, Florida Statutes, is
 38 repealed.

39 Section 5. Section 316.07456, Florida Statutes, is
 40 repealed.

41 Section 6. Section 316.0776, Florida Statutes, is
 42 repealed.

43 Section 7. Subsection (3) of section 318.15, Florida
 44 Statutes, is repealed.

45 Section 8. Section 321.50, Florida Statutes, is repealed.

46 Section 9. Subsection (5) of section 28.37, Florida
 47 Statutes, is amended to read:

48 28.37 Fines, fees, service charges, and costs remitted to
 49 the state.—

50 (5) Ten percent of all court-related fines collected by
 51 the clerk, except for penalties or fines distributed to counties
 52 or municipalities under ~~s. 316.0083(1)(b)3.~~ or s. 318.18(15)(a),

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53 shall be deposited into the clerk's Public Records Modernization
54 Trust Fund to be used exclusively for additional clerk court-
55 related operational needs and program enhancements.

56 Section 10. Paragraph (b) of subsection (1) and paragraph
57 (a) of subsection (5) of section 316.640, Florida Statutes, are
58 amended to read:

59 316.640 Enforcement.—The enforcement of the traffic laws
60 of this state is vested as follows:

61 (1) STATE.—

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

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

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

78 ~~3. For the purpose of enforcing s. 316.0083, the~~

79 ~~department may designate employees as traffic infraction~~
80 ~~enforcement officers. A traffic infraction enforcement officer~~
81 ~~must successfully complete instruction in traffic enforcement~~
82 ~~procedures and court presentation through the Selective Traffic~~
83 ~~Enforcement Program as approved by the Division of Criminal~~
84 ~~Justice Standards and Training of the Department of Law~~
85 ~~Enforcement, or through a similar program, but may not~~
86 ~~necessarily otherwise meet the uniform minimum standards~~
87 ~~established by the Criminal Justice Standards and Training~~
88 ~~Commission for law enforcement officers or auxiliary law~~
89 ~~enforcement officers under s. 943.13. This subparagraph does not~~
90 ~~authorize the carrying of firearms or other weapons by a traffic~~
91 ~~infraction enforcement officer and does not authorize a traffic~~
92 ~~infraction enforcement officer to make arrests. The department's~~
93 ~~traffic infraction enforcement officers must be physically~~
94 ~~located in the state.~~

95 (5) (a) Any sheriff's department or police department of a
96 municipality may employ, as a traffic infraction enforcement
97 officer, any individual who successfully completes instruction
98 in traffic enforcement procedures and court presentation through
99 the Selective Traffic Enforcement Program as approved by the
100 Division of Criminal Justice Standards and Training of the
101 Department of Law Enforcement, or through a similar program, but
102 who does not necessarily otherwise meet the uniform minimum
103 standards established by the Criminal Justice Standards and
104 Training Commission for law enforcement officers or auxiliary

105 law enforcement officers under s. 943.13. Any such traffic
106 infraction enforcement officer who observes the commission of a
107 traffic infraction or, in the case of a parking infraction, who
108 observes an illegally parked vehicle may issue a traffic
109 citation for the infraction when, based upon personal
110 investigation, he or she has reasonable and probable grounds to
111 believe that an offense has been committed which constitutes a
112 noncriminal traffic infraction as defined in s. 318.14. ~~In~~
113 ~~addition, any such traffic infraction enforcement officer may~~
114 ~~issue a traffic citation under s. 316.0083. For purposes of~~
115 ~~enforcing s. 316.0083, any sheriff's department or police~~
116 ~~department of a municipality may designate employees as traffic~~
117 ~~infraction enforcement officers.~~ The traffic infraction
118 enforcement officers must be physically located in the county of
119 the respective sheriff's or police department.

120 Section 11. Paragraphs (a) and (c) of subsection (3) of
121 section 316.650, Florida Statutes, are amended to read:

122 316.650 Traffic citations.—

123 (3) (a) Except for a traffic citation issued pursuant to s.
124 316.1001 ~~or s. 316.0083~~, each traffic enforcement officer, upon
125 issuing a traffic citation to an alleged violator of any
126 provision of the motor vehicle laws of this state or of any
127 traffic ordinance of any municipality or town, shall deposit the
128 original traffic citation or, in the case of a traffic
129 enforcement agency that has an automated citation issuance
130 system, the chief administrative officer shall provide by an

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131 electronic transmission a replica of the citation data to a
132 court having jurisdiction over the alleged offense or with its
133 traffic violations bureau within 5 days after issuance to the
134 violator.

135 ~~(c) If a traffic citation is issued under s. 316.0083, the~~
136 ~~traffic infraction enforcement officer shall provide by~~
137 ~~electronic transmission a replica of the traffic citation data~~
138 ~~to the court having jurisdiction over the alleged offense or its~~
139 ~~traffic violations bureau within 5 days after the date of~~
140 ~~issuance of the traffic citation to the violator. If a hearing~~
141 ~~is requested, the traffic infraction enforcement officer shall~~
142 ~~provide a replica of the traffic notice of violation data to the~~
143 ~~clerk for the local hearing officer having jurisdiction over the~~
144 ~~alleged offense within 14 days.~~

145 Section 12. Section 318.121, Florida Statutes, is amended
146 to read:

147 318.121 Preemption of additional fees, fines, surcharges,
148 and costs.—Notwithstanding any general or special law, or
149 municipal or county ordinance, additional fees, fines,
150 surcharges, or costs other than the court costs and surcharges
151 assessed under s. 318.18(11), (13), (18), and (19), ~~and (22)~~ may
152 not be added to the civil traffic penalties assessed under this
153 chapter.

154 Section 13. Subsection (2) of section 318.14, Florida
155 Statutes, is amended to read:

156 318.14 Noncriminal traffic infractions; exception;

157 procedures.—

158 (2) Except as provided in s. 316.1001(2) ~~ss. 316.1001(2)~~
 159 ~~and 316.0083~~, any person cited for a violation requiring a
 160 mandatory hearing listed in s. 318.19 or any other criminal
 161 traffic violation listed in chapter 316 must sign and accept a
 162 citation indicating a promise to appear. The officer may
 163 indicate on the traffic citation the time and location of the
 164 scheduled hearing and must indicate the applicable civil penalty
 165 established in s. 318.18. For all other infractions under this
 166 section, except for infractions under s. 316.1001, the officer
 167 must certify by electronic, electronic facsimile, or written
 168 signature that the citation was delivered to the person cited.
 169 This certification is prima facie evidence that the person cited
 170 was served with the citation.

171 Section 14. Subsections (15) and (22) of section 318.18,
 172 Florida Statutes, are amended to read:

173 318.18 Amount of penalties.—The penalties required for a
 174 noncriminal disposition pursuant to s. 318.14 or a criminal
 175 offense listed in s. 318.17 are as follows:

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

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183 and the remaining \$65 shall be remitted to the Department of
184 Revenue for deposit into the Emergency Medical Services Trust
185 Fund of the Department of Health.

186 ~~2. One hundred and fifty-eight dollars for a violation of~~
187 ~~s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to~~
188 ~~stop at a traffic signal and when enforced by the department's~~
189 ~~traffic infraction enforcement officer. One hundred dollars~~
190 ~~shall be remitted to the Department of Revenue for deposit into~~
191 ~~the General Revenue Fund, \$45 shall be distributed to the county~~
192 ~~for any violations occurring in any unincorporated areas of the~~
193 ~~county or to the municipality for any violations occurring in~~
194 ~~the incorporated boundaries of the municipality in which the~~
195 ~~infraction occurred, \$10 shall be remitted to the Department of~~
196 ~~Revenue for deposit into the Department of Health Emergency~~
197 ~~Medical Services Trust Fund for distribution as provided in s.~~
198 ~~395.4036(1), and \$3 shall be remitted to the Department of~~
199 ~~Revenue for deposit into the Brain and Spinal Cord Injury Trust~~
200 ~~Fund.~~

201 ~~3. One hundred and fifty-eight dollars for a violation of~~
202 ~~s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to~~
203 ~~stop at a traffic signal and when enforced by a county's or~~
204 ~~municipality's traffic infraction enforcement officer. Seventy-~~
205 ~~five dollars shall be distributed to the county or municipality~~
206 ~~issuing the traffic citation, \$70 shall be remitted to the~~
207 ~~Department of Revenue for deposit into the General Revenue Fund,~~
208 ~~\$10 shall be remitted to the Department of Revenue for deposit~~

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

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

217 ~~(c)~~ ~~If a person who is mailed a notice of violation or~~
 218 ~~eited for a violation of s. 316.074(1) or s. 316.075(1)(c)1., as~~
 219 ~~enforced by a traffic infraction enforcement officer under s.~~
 220 ~~316.0083, presents documentation from the appropriate~~
 221 ~~governmental entity that the notice of violation or traffic~~
 222 ~~citation was in error, the clerk of court or clerk to the local~~
 223 ~~hearing officer may dismiss the case. The clerk of court or~~
 224 ~~clerk to the local hearing officer may not charge for this~~
 225 ~~service.~~

226 ~~(d)~~ ~~An individual may not receive a commission or per-~~
 227 ~~ticket fee from any revenue collected from violations detected~~
 228 ~~through the use of a traffic infraction detector. A manufacturer~~
 229 ~~or vendor may not receive a fee or remuneration based upon the~~
 230 ~~number of violations detected through the use of a traffic~~
 231 ~~infraction detector.~~

232 ~~(e)~~ Funds deposited into the Department of Health
 233 Emergency Medical Services Trust Fund under this subsection
 234 shall be distributed as provided in s. 395.4036(1).

235 ~~(22) In addition to the penalty prescribed under s.~~
236 ~~316.0083 for violations enforced under s. 316.0083 which are~~
237 ~~upheld, the local hearing officer may also order the payment of~~
238 ~~county or municipal costs, not to exceed \$250.~~

239 Section 15. Subsection (8) of section 320.03, Florida
240 Statutes, is amended to read:

241 320.03 Registration; duties of tax collectors;
242 International Registration Plan.—

243 (8) If the applicant's name appears on the list referred
244 to in s. 316.1001(4), s. 316.1967(6), ~~s. 318.15(3)~~, or s.
245 713.78(13), a license plate or revalidation sticker may not be
246 issued until that person's name no longer appears on the list or
247 until the person presents a receipt from the governmental entity
248 or the clerk of court that provided the data showing that the
249 fines outstanding have been paid. This subsection does not apply
250 to the owner of a leased vehicle if the vehicle is registered in
251 the name of the lessee of the vehicle. The tax collector and the
252 clerk of the court are each entitled to receive monthly, as
253 costs for implementing and administering this subsection, 10
254 percent of the civil penalties and fines recovered from such
255 persons. As used in this subsection, the term "civil penalties
256 and fines" does not include a wrecker operator's lien as
257 described in s. 713.78(13). If the tax collector has private tag
258 agents, such tag agents are entitled to receive a pro rata share
259 of the amount paid to the tax collector, based upon the
260 percentage of license plates and revalidation stickers issued by

261 the tag agent compared to the total issued within the county.
262 The authority of any private agent to issue license plates shall
263 be revoked, after notice and a hearing as provided in chapter
264 120, if he or she issues any license plate or revalidation
265 sticker contrary to the provisions of this subsection. This
266 section applies only to the annual renewal in the owner's birth
267 month of a motor vehicle registration and does not apply to the
268 transfer of a registration of a motor vehicle sold by a motor
269 vehicle dealer licensed under this chapter, except for the
270 transfer of registrations which includes the annual renewals.
271 This section does not affect the issuance of the title to a
272 motor vehicle, notwithstanding s. 319.23(8)(b).

273 Section 16. Paragraph (d) of subsection (3) of section
274 322.27, Florida Statutes, is amended to read:

275 322.27 Authority of department to suspend or revoke driver
276 license or identification card.—

277 (3) There is established a point system for evaluation of
278 convictions of violations of motor vehicle laws or ordinances,
279 and violations of applicable provisions of s. 403.413(6)(b) when
280 such violations involve the use of motor vehicles, for the
281 determination of the continuing qualification of any person to
282 operate a motor vehicle. The department is authorized to suspend
283 the license of any person upon showing of its records or other
284 good and sufficient evidence that the licensee has been
285 convicted of violation of motor vehicle laws or ordinances, or
286 applicable provisions of s. 403.413(6)(b), amounting to 12 or

287 | more points as determined by the point system. The suspension
 288 | shall be for a period of not more than 1 year.

289 | (d) The point system shall have as its basic element a
 290 | graduated scale of points assigning relative values to
 291 | convictions of the following violations:

- 292 | 1. Reckless driving, willful and wanton—4 points.
- 293 | 2. Leaving the scene of a crash resulting in property
 294 | damage of more than \$50—6 points.
- 295 | 3. Unlawful speed, or unlawful use of a wireless
 296 | communications device, resulting in a crash—6 points.
- 297 | 4. Passing a stopped school bus—4 points.
- 298 | 5. Unlawful speed:
 - 299 | a. Not in excess of 15 miles per hour of lawful or posted
 300 | speed—3 points.
 - 301 | b. In excess of 15 miles per hour of lawful or posted
 302 | speed—4 points.
- 303 | 6. A violation of a traffic control signal device as
 304 | provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points.
 305 | ~~However, no points shall be imposed for a violation of s.~~
 306 | ~~316.074(1) or s. 316.075(1)(c)1. when a driver has failed to~~
 307 | ~~stop at a traffic signal and when enforced by a traffic~~
 308 | ~~infraction enforcement officer. In addition, a violation of s.~~
 309 | ~~316.074(1) or s. 316.075(1)(c)1. when a driver has failed to~~
 310 | ~~stop at a traffic signal and when enforced by a traffic~~
 311 | ~~infraction enforcement officer may not be used for purposes of~~
 312 | ~~setting motor vehicle insurance rates.~~

313 7. All other moving violations (including parking on a
314 highway outside the limits of a municipality)—3 points. However,
315 no points shall be imposed for a violation of s. 316.0741 or s.
316 316.2065(11); and points shall be imposed for a violation of s.
317 316.1001 only when imposed by the court after a hearing pursuant
318 to s. 318.14(5).

319 8. Any moving violation covered in this paragraph,
320 excluding unlawful speed and unlawful use of a wireless
321 communications device, resulting in a crash—4 points.

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

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

324 11. A moving violation covered in this paragraph which is
325 committed in conjunction with the unlawful use of a wireless
326 communications device within a school safety zone—2 points, in
327 addition to the points assigned for the moving violation.

328 Section 17. This act shall take effect upon becoming a
329 law.