

By the Committee on Fiscal Policy; and Senators Bradley and Brandes

594-01954-15

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1 A bill to be entitled
2 An act relating to traffic enforcement agencies and
3 traffic citations; amending s. 316.640, F.S.;
4 designating counties and municipalities as traffic
5 enforcement agencies for purposes of the section and
6 prohibiting them from establishing traffic citation
7 quotas; amending s. 316.660, F.S.; requiring a county
8 or municipality to submit a report of its traffic
9 citation revenue and its expenses for operating a law
10 enforcement agency during a fiscal year to the
11 Legislative Auditing Committee under certain
12 circumstances; providing an effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

15
16 Section 1. Paragraph (a) of subsection (1) and subsection
17 (8) of section 316.640, Florida Statutes, are amended to read:
18 316.640 Enforcement.—The enforcement of the traffic laws of
19 this state is vested as follows:

20 (1) STATE.—

21 (a)1.a. The Division of Florida Highway Patrol of the
22 Department of Highway Safety and Motor Vehicles; the Division of
23 Law Enforcement of the Fish and Wildlife Conservation
24 Commission; and the agents, inspectors, and officers of the
25 Department of Law Enforcement each have authority to enforce all
26 of the traffic laws of this state on all the streets and
27 highways thereof and elsewhere throughout the state wherever the
28 public has a right to travel by motor vehicle.

29 b. University police officers may enforce all of the

594-01954-15

2015264c1

30 traffic laws of this state when violations occur on or within
31 1,000 feet of any property or facilities that are under the
32 guidance, supervision, regulation, or control of a state
33 university, a direct-support organization of such state
34 university, or any other organization controlled by the state
35 university or a direct-support organization of the state
36 university, or when such violations occur within a specified
37 jurisdictional area as agreed upon in a mutual aid agreement
38 entered into with a law enforcement agency pursuant to s.
39 23.1225(1). Traffic laws may also be enforced off-campus when
40 hot pursuit originates on or within 1,000 feet of any such
41 property or facilities, or as agreed upon in accordance with the
42 mutual aid agreement.

43 c. Florida College System institution police officers may
44 enforce all the traffic laws of this state only when such
45 violations occur on or within 1,000 feet of any property or
46 facilities that are under the guidance, supervision, regulation,
47 or control of the Florida College System institution, or when
48 such violations occur within a specified jurisdictional area as
49 agreed upon in a mutual aid agreement entered into with a law
50 enforcement agency pursuant to s. 23.1225. Traffic laws may also
51 be enforced off-campus when hot pursuit originates on or within
52 1,000 feet of any such property or facilities, or as agreed upon
53 in accordance with the mutual aid agreement.

54 d. Police officers employed by an airport authority may
55 enforce all of the traffic laws of this state only when such
56 violations occur on any property or facilities that are owned or
57 operated by an airport authority.

58 (I) An airport authority may employ as a parking

594-01954-15

2015264c1

59 enforcement specialist any individual who successfully completes
60 a training program established and approved by the Criminal
61 Justice Standards and Training Commission for parking
62 enforcement specialists but who does not otherwise meet the
63 uniform minimum standards established by the commission for law
64 enforcement officers or auxiliary or part-time officers under s.
65 943.12. This sub-sub-subparagraph may not be construed to permit
66 the carrying of firearms or other weapons, nor shall such
67 parking enforcement specialist have arrest authority.

68 (II) A parking enforcement specialist employed by an
69 airport authority may enforce all state, county, and municipal
70 laws and ordinances governing parking only when such violations
71 are on property or facilities owned or operated by the airport
72 authority employing the specialist, by appropriate state,
73 county, or municipal traffic citation.

74 e. The Office of Agricultural Law Enforcement of the
75 Department of Agriculture and Consumer Services may enforce
76 traffic laws of this state.

77 f. School safety officers may enforce all of the traffic
78 laws of this state when such violations occur on or about any
79 property or facilities that are under the guidance, supervision,
80 regulation, or control of the district school board.

81 ~~2. An agency of the state as described in subparagraph 1.~~
82 ~~is prohibited from establishing a traffic citation quota. A~~
83 ~~violation of this subparagraph is not subject to the penalties~~
84 ~~provided in chapter 318.~~

85 2.3. Any disciplinary action taken or performance
86 evaluation conducted by an agency of the state as described in
87 subparagraph 1. of a law enforcement officer's traffic

594-01954-15

2015264c1

88 enforcement activity must be in accordance with written work-
89 performance standards. Such standards must be approved by the
90 agency and any collective bargaining unit representing such law
91 enforcement officer. A violation of this subparagraph is not
92 subject to the penalties provided in chapter 318.

93 ~~3.4.~~ The Division of the Florida Highway Patrol may employ
94 as a traffic accident investigation officer any individual who
95 successfully completes instruction in traffic accident
96 investigation and court presentation through the Selective
97 Traffic Enforcement Program as approved by the Criminal Justice
98 Standards and Training Commission and funded through the
99 National Highway Traffic Safety Administration or a similar
100 program approved by the commission, but who does not necessarily
101 meet the uniform minimum standards established by the commission
102 for law enforcement officers or auxiliary law enforcement
103 officers under chapter 943. Any such traffic accident
104 investigation officer who makes an investigation at the scene of
105 a traffic accident may issue traffic citations, based upon
106 personal investigation, when he or she has reasonable and
107 probable grounds to believe that a person who was involved in
108 the accident committed an offense under this chapter, chapter
109 319, chapter 320, or chapter 322 in connection with the
110 accident. This subparagraph does not permit the officer to carry
111 firearms or other weapons, and such an officer does not have
112 authority to make arrests.

113 (8) TRAFFIC ENFORCEMENT AGENCY.—

114 (a) Any agency or governmental entity designated in
115 subsection (1), subsection (2), or subsection (3), including a
116 university, a Florida College System institution, a school

594-01954-15

2015264c1

117 board, or an airport authority, is a traffic enforcement agency
118 for purposes of this section and s. 316.650.

119 (b) A traffic enforcement agency may not establish a
120 traffic citation quota.

121 Section 2. Section 316.660, Florida Statutes, is amended to
122 read:

123 316.660 Disposition of fines and forfeitures collected for
124 violations; reporting requirement.—

125 (1) Except as otherwise provided by law, all fines and
126 forfeitures received by any county court from violations of any
127 of the provisions of this chapter, or from violations of any
128 ordinances adopting matter covered by this chapter, must be paid
129 and distributed as provided in s. 318.21.

130 (2) If the total revenue from traffic citations that a
131 county or municipality receives in a fiscal year exceeds 33
132 percent of the total expenses that the county or municipality
133 incurs to operate a law enforcement agency in the same fiscal
134 year, the county or municipality shall submit a report to the
135 Legislative Auditing Committee detailing its total revenue from
136 traffic citations and its total expenses for law enforcement
137 within 6 months after the end of the fiscal year.

138 Section 3. This act shall take effect July 1, 2015.