

By Senator Rodriguez

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1 A bill to be entitled
2 An act relating to traffic infraction detectors;
3 amending s. 316.0083, F.S.; decreasing the penalty to
4 be assessed and collected by the department, county,
5 or municipality if a traffic infraction detector is
6 used to enforce specified violations when a driver
7 failed to stop at a traffic signal; allowing a person
8 to elect to attend a certain course instead of paying
9 the penalty for a first violation; providing for
10 distribution of the penalty under certain
11 circumstances; conforming provisions to changes made
12 by the act; amending s. 318.15, F.S.; prohibiting the
13 suspension of a person's driver license and privilege
14 to drive or the withholding of the license plate or
15 revalidation sticker for failure to pay certain
16 penalties under certain circumstances; amending s.
17 318.18, F.S.; decreasing a penalty if a traffic
18 infraction detector is used to enforce specified
19 violations when a driver failed to stop at a traffic
20 signal; allowing a person to elect to attend a certain
21 course instead of paying the penalty for a first
22 violation; providing for distribution of the penalty
23 under certain circumstances; amending s. 318.21, F.S.;
24 providing for distribution of a specified fine imposed
25 using a traffic infraction detector; amending s.
26 322.27, F.S.; prohibiting points from being imposed
27 for the first occurrence of specified violations when
28 a driver failed to stop at a traffic signal if a
29 traffic infraction detector is used to enforce such
30 violations; providing an effective date.

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

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Section 1. Paragraph (b) of subsection (1) of section 316.0083, Florida Statutes, is amended to read:

316.0083 Mark Wandall Traffic Safety Program; administration; report.—

(1)

(b)1.a. Within 30 days after a violation, notification must be sent to the registered owner of the motor vehicle involved in the violation specifying the remedies available under s. 318.14 and that the violator must pay a the penalty pursuant to subparagraph 3. ~~of \$158~~ to the department, county, or municipality, or furnish an affidavit in accordance with paragraph (d), or request a hearing within 60 days following the date of the notification in order to avoid the issuance of a traffic citation. The notification must be sent by first-class mail. The mailing of the notice of violation constitutes notification.

b. Included with the notification to the registered owner of the motor vehicle involved in the infraction must be a notice that the owner has the right to review the photographic or electronic images or the streaming video evidence that constitutes a rebuttable presumption against the owner of the vehicle. The notice must state the time and place or Internet location where the evidence may be examined and observed.

c. Notwithstanding any other provision of law, a person who receives a notice of violation under this section may request a hearing within 60 days following the notification of violation or pay the penalty pursuant to the notice of violation, but a payment or fee may not be required before the hearing requested

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62 by the person. The notice of violation must be accompanied by,
63 or direct the person to a website that provides, information on
64 the person's right to request a hearing and on all court costs
65 related thereto and a form to request a hearing. As used in this
66 sub-subparagraph, the term "person" includes a natural person,
67 registered owner or coowner of a motor vehicle, or person
68 identified on an affidavit as having care, custody, or control
69 of the motor vehicle at the time of the violation.

70 d. If the registered owner or coowner of the motor vehicle,
71 or the person designated as having care, custody, or control of
72 the motor vehicle at the time of the violation, or an authorized
73 representative of the owner, coowner, or designated person,
74 initiates a proceeding to challenge the violation pursuant to
75 this paragraph, such person waives any challenge or dispute as
76 to the delivery of the notice of violation.

77 2. Penalties assessed and collected by the department,
78 county, or municipality authorized to collect the funds provided
79 for in this paragraph, less the amount retained by the county or
80 municipality pursuant to subparagraph 3., shall be paid to the
81 Department of Revenue weekly. Payment by the department, county,
82 or municipality to the state shall be made by means of
83 electronic funds transfers. In addition to the payment, summary
84 detail of the penalties remitted shall be reported to the
85 Department of Revenue.

86 3. Penalties to be assessed and collected by the
87 department, county, or municipality are as follows:

88 a. One hundred fifty-eight dollars for a violation of s.
89 316.074(1) or s. 316.075(1)(c)1. when a driver failed to stop at
90 a traffic signal if enforcement is by the department's traffic

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91 infraction enforcement officer. One hundred dollars shall be
92 remitted to the Department of Revenue for deposit into the
93 General Revenue Fund, \$10 shall be remitted to the Department of
94 Revenue for deposit into the Department of Health Emergency
95 Medical Services Trust Fund, \$3 shall be remitted to the
96 Department of Revenue for deposit into the Brain and Spinal Cord
97 Injury Trust Fund, and \$45 shall be distributed to the
98 municipality in which the violation occurred, or, if the
99 violation occurred in an unincorporated area, to the county in
100 which the violation occurred. Funds deposited into the
101 Department of Health Emergency Medical Services Trust Fund under
102 this sub-subparagraph shall be distributed as provided in s.
103 395.4036(1). Proceeds of the infractions in the Brain and Spinal
104 Cord Injury Trust Fund shall be distributed quarterly to the
105 Miami Project to Cure Paralysis and used for brain and spinal
106 cord research.

107 b. One hundred fifty-eight dollars for a violation of s.
108 316.074(1) or s. 316.075(1)(c)1. when a driver failed to stop at
109 a traffic signal if enforcement is by a county or municipal
110 traffic infraction enforcement officer. Seventy dollars shall be
111 remitted by the county or municipality to the Department of
112 Revenue for deposit into the General Revenue Fund, \$10 shall be
113 remitted to the Department of Revenue for deposit into the
114 Department of Health Emergency Medical Services Trust Fund, \$3
115 shall be remitted to the Department of Revenue for deposit into
116 the Brain and Spinal Cord Injury Trust Fund, and \$75 shall be
117 retained by the county or municipality enforcing the ordinance
118 enacted pursuant to this section. Funds deposited into the
119 Department of Health Emergency Medical Services Trust Fund under

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120 this sub-subparagraph shall be distributed as provided in s.
121 395.4036(1). Proceeds of the infractions in the Brain and Spinal
122 Cord Injury Trust Fund shall be distributed quarterly to the
123 Miami Project to Cure Paralysis and used for brain and spinal
124 cord research.

125 c. Notwithstanding sub-subparagraphs a. and b., if a
126 traffic infraction detector is used to enforce s. 316.074(1) or
127 s. 316.075(1)(c)1., \$50 for a violation of s. 316.074(1) or s.
128 316.075(1)(c)1. when a driver failed to stop at a traffic
129 signal. A person may elect to attend a department-approved
130 driver improvement course instead of paying the \$50 penalty for
131 a first violation.

132 (I) If the department's traffic infraction enforcement
133 officer issues a traffic citation for a violation under this
134 sub-subparagraph, \$32 shall be remitted to the Department of
135 Revenue for deposit into the General Revenue Fund, \$3 shall be
136 remitted to the Department of Revenue for deposit into the
137 Department of Health Emergency Medical Services Trust Fund, \$1
138 shall be remitted to the Department of Revenue for deposit into
139 the Brain and Spinal Cord Injury Trust Fund, and \$14 shall be
140 distributed to the municipality in which the violation occurred
141 or, if the violation occurred in an unincorporated area, to the
142 county in which the violation occurred. Funds deposited into the
143 Department of Health Emergency Medical Services Trust Fund under
144 this sub-sub-subparagraph shall be distributed as provided in s.
145 395.4036(1). Citation proceeds in the Brain and Spinal Cord
146 Injury Trust Fund shall be distributed quarterly to the Miami
147 Project to Cure Paralysis and used for brain and spinal cord
148 research.

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149 (II) If a county or municipal traffic infraction
150 enforcement officer issues a traffic citation for a violation
151 under this sub-subparagraph, \$22 shall be remitted by the county
152 or municipality to the Department of Revenue for deposit into
153 the General Revenue Fund, \$3 shall be remitted to the Department
154 of Revenue for deposit into the Department of Health Emergency
155 Medical Services Trust Fund, \$1 shall be remitted to the
156 Department of Revenue for deposit into the Brain and Spinal Cord
157 Injury Trust Fund, and \$24 shall be retained by the county or
158 municipality enforcing the ordinance enacted pursuant to this
159 section. Funds deposited into the Department of Health Emergency
160 Medical Services Trust Fund under this sub-sub-subparagraph
161 shall be distributed as provided in s. 395.4036(1). Citation
162 proceeds in the Brain and Spinal Cord Injury Trust Fund shall be
163 distributed quarterly to the Miami Project to Cure Paralysis and
164 used for brain and spinal cord research.

165 4. An individual may not receive a commission from any
166 revenue collected from violations detected through the use of a
167 traffic infraction detector. A manufacturer or vendor may not
168 receive a fee or remuneration based upon the number of
169 violations detected through the use of a traffic infraction
170 detector.

171 Section 2. Subsection (4) is added to section 318.15,
172 Florida Statutes, to read:

173 318.15 Failure to comply with civil penalty or to appear;
174 penalty.-

175 (4) Notwithstanding this section, if a traffic infraction
176 detector is used to enforce s. 316.074(1) or s. 316.075(1)(c)1.
177 and a driver failed to stop at a traffic signal, and if there

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178 are no additional violations that occurred during the same
179 incident, failure to pay the penalty pursuant to s.
180 316.0083(1)(b)3.c. or s. 318.18(15)(a)4. may not lead to the
181 suspension of the person's driver license and privilege to drive
182 or to the withholding of the license plate or revalidation
183 sticker.

184 Section 3. Paragraph (a) of subsection (15) of section
185 318.18, Florida Statutes, is amended to read:

186 318.18 Amount of penalties.—The penalties required for a
187 noncriminal disposition pursuant to s. 318.14 or a criminal
188 offense listed in s. 318.17 are as follows:

189 (15)(a)1. One hundred and fifty-eight dollars for a
190 violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver
191 has failed to stop at a traffic signal and when enforced by a
192 law enforcement officer. Sixty dollars shall be distributed as
193 provided in s. 318.21, \$30 shall be distributed to the General
194 Revenue Fund, \$3 shall be remitted to the Department of Revenue
195 for deposit into the Brain and Spinal Cord Injury Trust Fund,
196 and the remaining \$65 shall be remitted to the Department of
197 Revenue for deposit into the Emergency Medical Services Trust
198 Fund of the Department of Health.

199 2. One hundred and fifty-eight dollars for a violation of
200 s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
201 stop at a traffic signal and when enforced by the department's
202 traffic infraction enforcement officer. One hundred dollars
203 shall be remitted to the Department of Revenue for deposit into
204 the General Revenue Fund, \$45 shall be distributed to the county
205 for any violations occurring in any unincorporated areas of the
206 county or to the municipality for any violations occurring in

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207 the incorporated boundaries of the municipality in which the
208 infraction occurred, \$10 shall be remitted to the Department of
209 Revenue for deposit into the Department of Health Emergency
210 Medical Services Trust Fund for distribution as provided in s.
211 395.4036(1), and \$3 shall be remitted to the Department of
212 Revenue for deposit into the Brain and Spinal Cord Injury Trust
213 Fund.

214 3. One hundred and fifty-eight dollars for a violation of
215 s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
216 stop at a traffic signal and when enforced by a county's or
217 municipality's traffic infraction enforcement officer. Seventy-
218 five dollars shall be distributed to the county or municipality
219 issuing the traffic citation, \$70 shall be remitted to the
220 Department of Revenue for deposit into the General Revenue Fund,
221 \$10 shall be remitted to the Department of Revenue for deposit
222 into the Department of Health Emergency Medical Services Trust
223 Fund for distribution as provided in s. 395.4036(1), and \$3
224 shall be remitted to the Department of Revenue for deposit into
225 the Brain and Spinal Cord Injury Trust Fund.

226 4. Notwithstanding subparagraphs 1.-3., if a traffic
227 infraction detector is used to enforce s. 316.074(1) or s.
228 316.075(1)(c)1., \$50 for a violation of s. 316.074(1) or s.
229 316.075(1)(c)1. when a driver failed to stop at a traffic
230 signal. A person may elect to attend a department-approved
231 driver improvement course instead of paying the \$50 penalty for
232 a first violation.

233 a. If a law enforcement officer issues a traffic citation
234 for a violation under this subparagraph, \$19 shall be
235 distributed as provided in s. 318.21, \$9 shall be distributed to

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236 the General Revenue Fund, \$1 shall be remitted to the Department
237 of Revenue for deposit into the Brain and Spinal Cord Injury
238 Trust Fund, and the remaining \$21 shall be remitted to the
239 Department of Revenue for deposit into the Emergency Medical
240 Services Trust Fund of the Department of Health.

241 b. If the department's traffic infraction enforcement
242 officer issues a traffic citation for a violation under this
243 subparagraph, \$32 shall be remitted to the Department of Revenue
244 for deposit into the General Revenue Fund, \$14 shall be
245 distributed to the municipality in which the violation occurred
246 or, if the violation occurred in an unincorporated area, to the
247 county in which the violation occurred, \$3 shall be remitted to
248 the Department of Revenue for deposit into the Department of
249 Health Emergency Medical Services Trust Fund for distribution as
250 provided in s. 395.4036(1), and \$1 shall be remitted to the
251 Department of Revenue for deposit into the Brain and Spinal Cord
252 Injury Trust Fund.

253 c. If a county's or municipality's traffic infraction
254 enforcement officer issues a traffic citation for a violation
255 under this subparagraph, \$24 dollars shall be distributed to the
256 county or municipality issuing the traffic citation, \$22 shall
257 be remitted to the Department of Revenue for deposit into the
258 General Revenue Fund, \$3 shall be remitted to the Department of
259 Revenue for deposit into the Department of Health Emergency
260 Medical Services Trust Fund for distribution as provided in s.
261 395.4036(1), and \$1 shall be remitted to the Department of
262 Revenue for deposit into the Brain and Spinal Cord Injury Trust
263 Fund.

264 Section 4. Subsection (13) of section 318.21, Florida

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265 Statutes, is amended to read:

266 318.21 Disposition of civil penalties by county courts.—All
267 civil penalties received by a county court pursuant to the
268 provisions of this chapter shall be distributed and paid monthly
269 as follows:

270 (13) (a) Of the proceeds from the fine under s. 318.18(15),
271 \$65 shall be remitted to the Department of Revenue for deposit
272 into the Administrative Trust Fund of the Department of Health
273 and the remaining \$60 shall be distributed pursuant to
274 subsections (1) and (2).

275 (b) Notwithstanding paragraph (a), if a traffic infraction
276 detector is used to impose the fine under s. 318.18(15)(a)4.,
277 \$21 of the proceeds from the fine shall be remitted to the
278 Department of Revenue for deposit into the Administrative Trust
279 Fund of the Department of Health and the remaining \$19 shall be
280 distributed pursuant to subsections (1) and (2).

281 Section 5. Paragraph (d) of subsection (3) of section
282 322.27, Florida Statutes, is amended to read:

283 322.27 Authority of department to suspend or revoke driver
284 license or identification card.—

285 (3) There is established a point system for evaluation of
286 convictions of violations of motor vehicle laws or ordinances,
287 and violations of applicable provisions of s. 403.413(6)(b) when
288 such violations involve the use of motor vehicles, for the
289 determination of the continuing qualification of any person to
290 operate a motor vehicle. The department is authorized to suspend
291 the license of any person upon showing of its records or other
292 good and sufficient evidence that the licensee has been
293 convicted of violation of motor vehicle laws or ordinances, or

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294 applicable provisions of s. 403.413(6)(b), amounting to 12 or
 295 more points as determined by the point system. The suspension
 296 shall be for a period of not more than 1 year.

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

300 1. Reckless driving, willful and wanton—4 points.

301 2. Leaving the scene of a crash resulting in property
 302 damage of more than \$50—6 points.

303 3. Unlawful speed, or unlawful use of a wireless
 304 communications device, resulting in a crash—6 points.

305 4. Passing a stopped school bus—4 points.

306 5. Unlawful speed:

307 a. Not in excess of 15 miles per hour of lawful or posted
 308 speed—3 points.

309 b. In excess of 15 miles per hour of lawful or posted
 310 speed—4 points.

311 6. A violation of a traffic control signal device as
 312 provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points.

313 However, no points shall be imposed for a violation of s.

314 316.074(1) or s. 316.075(1)(c)1. when a driver ~~has~~ failed to
 315 stop at a traffic signal and when enforced by a traffic

316 infraction enforcement officer; and if a traffic infraction

317 detector is used to enforce s. 316.074(1) or s. 316.075(1)(c)1.,

318 no points shall be imposed for a first violation of s.

319 316.074(1) or s. 316.075(1)(c)1. when a driver failed to stop at

320 a traffic signal. In addition, a violation of s. 316.074(1) or

321 s. 316.075(1)(c)1. when a driver has failed to stop at a traffic

322 signal and when enforced by a traffic infraction enforcement

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323 officer may not be used for purposes of setting motor vehicle
324 insurance rates.

325 7. All other moving violations (including parking on a
326 highway outside the limits of a municipality)—3 points. However,
327 no points shall be imposed for a violation of s. 316.0741 or s.
328 316.2065(11); and points shall be imposed for a violation of s.
329 316.1001 only when imposed by the court after a hearing pursuant
330 to s. 318.14(5).

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

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

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

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

340 Section 6. This act shall take effect October 1, 2017.