

1 A bill to be entitled
2 An act relating to traffic infraction detectors;
3 repealing s. 316.003(35) and (87), F.S., relating to
4 the definitions of "local hearing officer" and
5 "traffic infraction detector"; repealing ss.
6 316.008(8), 316.0083, and 316.00831, F.S., relating to
7 the installation and use of traffic infraction
8 detectors to enforce specified provisions when a
9 driver fails to stop at a traffic signal, provisions
10 that authorize the Department of Highway Safety and
11 Motor Vehicles, a county, or a municipality to use
12 such detectors, and the distribution of penalties
13 collected for specified violations; repealing s.
14 316.07456, F.S., relating to transitional
15 implementation of such detectors; repealing s.
16 316.0776, F.S., relating to placement and installation
17 of traffic infraction detectors; repealing s.
18 318.15(3), F.S., relating to failure to comply with a
19 civil penalty; repealing s. 321.50, F.S., relating to
20 the authorization to use traffic infraction detectors;
21 amending ss. 28.37, 316.003, 316.545, 316.613,
22 316.640, 316.650, 318.121, 318.14, 318.18, 320.03,
23 322.27, and 655.960, F.S.; conforming cross-references
24 and provisions to changes made by the act; providing
25 an effective date.

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

Section 1. Subsections (35) and (87) of section 316.003, Florida Statutes, are repealed.

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 Subsection (8) of section 316.008, Florida Statutes, is repealed.

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 Section 316.0083, Florida Statutes, is repealed.

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 Section 316.00831, Florida Statutes, is repealed.

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 Section 316.07456, Florida Statutes, is repealed.

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 Section 316.0776, Florida Statutes, is repealed.

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 Subsection (3) of section 318.15, Florida Statutes, is repealed.

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 Section 321.50, Florida Statutes, is repealed.

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

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

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

51 ~~318.18(15)(a)~~, shall be deposited into the clerk's Public
52 Records Modernization Trust Fund to be used exclusively for
53 additional clerk court-related operational needs and program
54 enhancements.

55 Section 10. Subsection (55) of section 316.003, Florida
56 Statutes, is amended to read:

57 316.003 Definitions.—The following words and phrases, when
58 used in this chapter, shall have the meanings respectively
59 ascribed to them in this section, except where the context
60 otherwise requires:

61 (54)~~(55)~~ PRIVATE ROAD OR DRIVEWAY.—Except as otherwise
62 provided in paragraph (76)(b) ~~(77)(b)~~, any privately owned way
63 or place used for vehicular travel by the owner and those having
64 express or implied permission from the owner, but not by other
65 persons.

66 Section 11. Paragraph (b) of subsection (2) of section
67 316.545, Florida Statutes, is amended to read:

68 316.545 Weight and load unlawful; special fuel and motor
69 fuel tax enforcement; inspection; penalty; review.—

70 (2)

71 (b) The officer or inspector shall inspect the license
72 plate or registration certificate of the commercial vehicle to
73 determine whether its gross weight is in compliance with the
74 declared gross vehicle weight. If its gross weight exceeds the
75 declared weight, the penalty shall be 5 cents per pound on the

76 | difference between such weights. In those cases when the
77 | commercial vehicle is being operated over the highways of the
78 | state with an expired registration or with no registration from
79 | this or any other jurisdiction or is not registered under the
80 | applicable provisions of chapter 320, the penalty herein shall
81 | apply on the basis of 5 cents per pound on that scaled weight
82 | which exceeds 35,000 pounds on laden truck tractor-semitrailer
83 | combinations or tandem trailer truck combinations, 10,000 pounds
84 | on laden straight trucks or straight truck-trailer combinations,
85 | or 10,000 pounds on any unladen commercial motor vehicle. A
86 | driver of a commercial motor vehicle entering the state at a
87 | designated port-of-entry location, as defined in s. 316.003
88 | ~~316.003(54)~~, or operating on designated routes to a port-of-
89 | entry location, who obtains a temporary registration permit
90 | shall be assessed a penalty limited to the difference between
91 | its gross weight and the declared gross vehicle weight at 5
92 | cents per pound. If the license plate or registration has not
93 | been expired for more than 90 days, the penalty imposed under
94 | this paragraph may not exceed \$1,000. In the case of special
95 | mobile equipment, which qualifies for the license tax provided
96 | for in s. 320.08(5)(b), being operated on the highways of the
97 | state with an expired registration or otherwise not properly
98 | registered under the applicable provisions of chapter 320, a
99 | penalty of \$75 shall apply in addition to any other penalty
100 | which may apply in accordance with this chapter. A vehicle found

101 in violation of this section may be detained until the owner or
102 operator produces evidence that the vehicle has been properly
103 registered. Any costs incurred by the retention of the vehicle
104 shall be the sole responsibility of the owner. A person who has
105 been assessed a penalty pursuant to this paragraph for failure
106 to have a valid vehicle registration certificate pursuant to the
107 provisions of chapter 320 is not subject to the delinquent fee
108 authorized in s. 320.07 if such person obtains a valid
109 registration certificate within 10 working days after such
110 penalty was assessed.

111 Section 12. Paragraph (a) of subsection (2) of section
112 316.613, Florida Statutes, is amended to read:

113 316.613 Child restraint requirements.—

114 (2) As used in this section, the term "motor vehicle"
115 means a motor vehicle as defined in s. 316.003 that is operated
116 on the roadways, streets, and highways of the state. The term
117 does not include:

118 (a) A school bus as defined in s. 316.003 ~~316.003(68)~~.

119 Section 13. Paragraph (b) of subsection (1) and paragraph
120 (a) of subsection (5) of section 316.640, Florida Statutes, are
121 amended to read:

122 316.640 Enforcement.—The enforcement of the traffic laws
123 of this state is vested as follows:

124 (1) STATE.—

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

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

128 2.a. The Department of Transportation shall develop
129 training and qualifications standards for toll enforcement
130 officers whose sole authority is to enforce the payment of tolls
131 pursuant to s. 316.1001. Nothing in this subparagraph shall be
132 construed to permit the carrying of firearms or other weapons,
133 nor shall a toll enforcement officer have arrest authority.

134 b. For the purpose of enforcing s. 316.1001, governmental
135 entities, as defined in s. 334.03, which own or operate a toll
136 facility may employ independent contractors or designate
137 employees as toll enforcement officers; however, any such toll
138 enforcement officer must successfully meet the training and
139 qualifications standards for toll enforcement officers
140 established by the Department of Transportation.

141 ~~3. For the purpose of enforcing s. 316.0083, the~~
142 ~~department may designate employees as traffic infraction~~
143 ~~enforcement officers. A traffic infraction enforcement officer~~
144 ~~must successfully complete instruction in traffic enforcement~~
145 ~~procedures and court presentation through the Selective Traffic~~
146 ~~Enforcement Program as approved by the Division of Criminal~~
147 ~~Justice Standards and Training of the Department of Law~~
148 ~~Enforcement, or through a similar program, but may not~~
149 ~~necessarily otherwise meet the uniform minimum standards~~
150 ~~established by the Criminal Justice Standards and Training~~

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151 ~~Commission for law enforcement officers or auxiliary law~~
152 ~~enforcement officers under s. 943.13. This subparagraph does not~~
153 ~~authorize the carrying of firearms or other weapons by a traffic~~
154 ~~infraction enforcement officer and does not authorize a traffic~~
155 ~~infraction enforcement officer to make arrests. The department's~~
156 ~~traffic infraction enforcement officers must be physically~~
157 ~~located in the state.~~

158 (5) (a) Any sheriff's department or police department of a
159 municipality may employ, as a traffic infraction enforcement
160 officer, any individual who successfully completes instruction
161 in traffic enforcement procedures and court presentation through
162 the Selective Traffic Enforcement Program as approved by the
163 Division of Criminal Justice Standards and Training of the
164 Department of Law Enforcement, or through a similar program, but
165 who does not necessarily otherwise meet the uniform minimum
166 standards established by the Criminal Justice Standards and
167 Training Commission for law enforcement officers or auxiliary
168 law enforcement officers under s. 943.13. Any such traffic
169 infraction enforcement officer who observes the commission of a
170 traffic infraction or, in the case of a parking infraction, who
171 observes an illegally parked vehicle may issue a traffic
172 citation for the infraction when, based upon personal
173 investigation, he or she has reasonable and probable grounds to
174 believe that an offense has been committed which constitutes a
175 noncriminal traffic infraction as defined in s. 318.14. ~~It~~

176 ~~addition, any such traffic infraction enforcement officer may~~
 177 ~~issue a traffic citation under s. 316.0083. For purposes of~~
 178 ~~enforcing s. 316.0083, any sheriff's department or police~~
 179 ~~department of a municipality may designate employees as traffic~~
 180 ~~infraction enforcement officers.~~ The traffic infraction
 181 enforcement officers must be physically located in the county of
 182 the respective sheriff's or police department.

183 Section 14. Paragraphs (a) and (c) of subsection (3) of
 184 section 316.650, Florida Statutes, are amended to read:

185 316.650 Traffic citations.—

186 (3) (a) Except for a traffic citation issued pursuant to s.
 187 316.1001 ~~or s. 316.0083~~, each traffic enforcement officer, upon
 188 issuing a traffic citation to an alleged violator of any
 189 provision of the motor vehicle laws of this state or of any
 190 traffic ordinance of any municipality or town, shall deposit the
 191 original traffic citation or, in the case of a traffic
 192 enforcement agency that has an automated citation issuance
 193 system, the chief administrative officer shall provide by an
 194 electronic transmission a replica of the citation data to a
 195 court having jurisdiction over the alleged offense or with its
 196 traffic violations bureau within 5 days after issuance to the
 197 violator.

198 ~~(c) If a traffic citation is issued under s. 316.0083, the~~
 199 ~~traffic infraction enforcement officer shall provide by~~
 200 ~~electronic transmission a replica of the traffic citation data~~

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201 ~~to the court having jurisdiction over the alleged offense or its~~
202 ~~traffic violations bureau within 5 days after the date of~~
203 ~~issuance of the traffic citation to the violator. If a hearing~~
204 ~~is requested, the traffic infraction enforcement officer shall~~
205 ~~provide a replica of the traffic notice of violation data to the~~
206 ~~clerk for the local hearing officer having jurisdiction over the~~
207 ~~alleged offense within 14 days.~~

208 Section 15. Section 318.121, Florida Statutes, is amended
209 to read:

210 318.121 Preemption of additional fees, fines, surcharges,
211 and costs.—Notwithstanding any general or special law, or
212 municipal or county ordinance, additional fees, fines,
213 surcharges, or costs other than the court costs and surcharges
214 assessed under s. 318.18(11), (13), (18), and (19), ~~and (22)~~ may
215 not be added to the civil traffic penalties assessed under this
216 chapter.

217 Section 16. Subsection (2) of section 318.14, Florida
218 Statutes, is amended to read:

219 318.14 Noncriminal traffic infractions; exception;
220 procedures.—

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

226 citation the time and location of the scheduled hearing and must
227 indicate the applicable civil penalty established in s. 318.18.
228 For all other infractions under this section, except for
229 infractions under s. 316.1001, the officer must certify by
230 electronic, electronic facsimile, or written signature that the
231 citation was delivered to the person cited. This certification
232 is prima facie evidence that the person cited was served with
233 the citation.

234 Section 17. Subsections (15) and (22) of section 318.18,
235 Florida Statutes, are amended to read:

236 318.18 Amount of penalties.—The penalties required for a
237 noncriminal disposition pursuant to s. 318.14 or a criminal
238 offense listed in s. 318.17 are as follows:

239 (15) ~~(a)~~ 1. One hundred and fifty-eight dollars for a
240 violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver
241 has failed to stop at a traffic signal ~~and when enforced by a~~
242 ~~law enforcement officer.~~ Sixty dollars shall be distributed as
243 provided in s. 318.21, \$30 shall be distributed to the General
244 Revenue Fund, \$3 shall be remitted to the Department of Revenue
245 for deposit into the Brain and Spinal Cord Injury Trust Fund,
246 and the remaining \$65 shall be remitted to the Department of
247 Revenue for deposit into the Emergency Medical Services Trust
248 Fund of the Department of Health.

249 ~~2. One hundred and fifty-eight dollars for a violation of~~
250 ~~s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to~~

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251 ~~stop at a traffic signal and when enforced by the department's~~
252 ~~traffic infraction enforcement officer. One hundred dollars~~
253 ~~shall be remitted to the Department of Revenue for deposit into~~
254 ~~the General Revenue Fund, \$45 shall be distributed to the county~~
255 ~~for any violations occurring in any unincorporated areas of the~~
256 ~~county or to the municipality for any violations occurring in~~
257 ~~the incorporated boundaries of the municipality in which the~~
258 ~~infraction occurred, \$10 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 \$3 shall be remitted to the Department of~~
262 ~~Revenue for deposit into the Brain and Spinal Cord Injury Trust~~
263 ~~Fund.~~

264 ~~3. One hundred and fifty-eight dollars for a violation of~~
265 ~~s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to~~
266 ~~stop at a traffic signal and when enforced by a county's or~~
267 ~~municipality's traffic infraction enforcement officer. Seventy-~~
268 ~~five dollars shall be distributed to the county or municipality~~
269 ~~issuing the traffic citation, \$70 shall be remitted to the~~
270 ~~Department of Revenue for deposit into the General Revenue Fund,~~
271 ~~\$10 shall be remitted to the Department of Revenue for deposit~~
272 ~~into the Department of Health Emergency Medical Services Trust~~
273 ~~Fund for distribution as provided in s. 395.4036(1), and \$3~~
274 ~~shall be remitted to the Department of Revenue for deposit into~~
275 ~~the Brain and Spinal Cord Injury Trust Fund.~~

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

280 ~~(c)~~ If a person who is mailed a notice of violation or
281 cited for a violation of s. 316.074(1) or s. 316.075(1)(c)1., as
282 enforced by a traffic infraction enforcement officer under s.
283 316.0083, presents documentation from the appropriate
284 governmental entity that the notice of violation or traffic
285 citation was in error, the clerk of court or clerk to the local
286 hearing officer may dismiss the case. The clerk of court or
287 clerk to the local hearing officer may not charge for this
288 service.

289 ~~(d)~~ An individual may not receive a commission or per-
290 ticket fee from any revenue collected from violations detected
291 through the use of a traffic infraction detector. A manufacturer
292 or vendor may not receive a fee or remuneration based upon the
293 number of violations detected through the use of a traffic
294 infraction detector.

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

298 ~~(22)~~ In addition to the penalty prescribed under s.
299 316.0083 for violations enforced under s. 316.0083 which are
300 upheld, the local hearing officer may also order the payment of

301 ~~county or municipal costs, not to exceed \$250.~~

302 Section 18. Subsection (8) of section 320.03, Florida
303 Statutes, is amended to read:

304 320.03 Registration; duties of tax collectors;
305 International Registration Plan.—

306 (8) If the applicant's name appears on the list referred
307 to in s. 316.1001(4), s. 316.1967(6), ~~s. 318.15(3)~~, or s.
308 713.78(13), a license plate or revalidation sticker may not be
309 issued until that person's name no longer appears on the list or
310 until the person presents a receipt from the governmental entity
311 or the clerk of court that provided the data showing that the
312 fines outstanding have been paid. This subsection does not apply
313 to the owner of a leased vehicle if the vehicle is registered in
314 the name of the lessee of the vehicle. The tax collector and the
315 clerk of the court are each entitled to receive monthly, as
316 costs for implementing and administering this subsection, 10
317 percent of the civil penalties and fines recovered from such
318 persons. As used in this subsection, the term "civil penalties
319 and fines" does not include a wrecker operator's lien as
320 described in s. 713.78(13). If the tax collector has private tag
321 agents, such tag agents are entitled to receive a pro rata share
322 of the amount paid to the tax collector, based upon the
323 percentage of license plates and revalidation stickers issued by
324 the tag agent compared to the total issued within the county.
325 The authority of any private agent to issue license plates shall

326 be revoked, after notice and a hearing as provided in chapter
327 120, if he or she issues any license plate or revalidation
328 sticker contrary to the provisions of this subsection. This
329 section applies only to the annual renewal in the owner's birth
330 month of a motor vehicle registration and does not apply to the
331 transfer of a registration of a motor vehicle sold by a motor
332 vehicle dealer licensed under this chapter, except for the
333 transfer of registrations which includes the annual renewals.
334 This section does not affect the issuance of the title to a
335 motor vehicle, notwithstanding s. 319.23(8)(b).

336 Section 19. Paragraph (d) of subsection (3) of section
337 322.27, Florida Statutes, is amended to read:

338 322.27 Authority of department to suspend or revoke driver
339 license or identification card.—

340 (3) There is established a point system for evaluation of
341 convictions of violations of motor vehicle laws or ordinances,
342 and violations of applicable provisions of s. 403.413(6)(b) when
343 such violations involve the use of motor vehicles, for the
344 determination of the continuing qualification of any person to
345 operate a motor vehicle. The department is authorized to suspend
346 the license of any person upon showing of its records or other
347 good and sufficient evidence that the licensee has been
348 convicted of violation of motor vehicle laws or ordinances, or
349 applicable provisions of s. 403.413(6)(b), amounting to 12 or
350 more points as determined by the point system. The suspension

351 shall be for a period of not more than 1 year.

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

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

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

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

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

361 5. Unlawful speed:

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

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

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

368 ~~However, no points shall be imposed for a violation of s.~~
369 ~~316.074(1) or s. 316.075(1)(c)1. when a driver has failed to~~
370 ~~stop at a traffic signal and when enforced by a traffic~~
371 ~~infraction enforcement officer. In addition, a violation of s.~~
372 ~~316.074(1) or s. 316.075(1)(c)1. when a driver has failed to~~
373 ~~stop at a traffic signal and when enforced by a traffic~~
374 ~~infraction enforcement officer may not be used for purposes of~~
375 ~~setting motor vehicle insurance rates.~~

376 7. All other moving violations (including parking on a
 377 highway outside the limits of a municipality)—3 points. However,
 378 no points shall be imposed for a violation of s. 316.0741 or s.
 379 316.2065(11); and points shall be imposed for a violation of s.
 380 316.1001 only when imposed by the court after a hearing pursuant
 381 to s. 318.14(5).

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

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

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

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

391 Section 20. Subsection (1) of section 655.960, Florida
 392 Statutes, is amended to read:

393 655.960 Definitions; ss. 655.960-655.965.—As used in this
 394 section and ss. 655.961-655.965, unless the context otherwise
 395 requires:

396 (1) "Access area" means any paved walkway or sidewalk
 397 which is within 50 feet of any automated teller machine. The
 398 term does not include any street or highway open to the use of
 399 the public, as defined in s. 316.003(76)(a) ~~316.003(77)(a)~~ or
 400 (b), including any adjacent sidewalk, as defined in s. 316.003.

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401 | Section 21. This act shall take effect July 1, 2020. |