

By Senator Hutson

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1 A bill to be entitled  
2 An act relating to traffic infraction detectors;  
3 repealing s. 316.003(35) and (89), 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 a required notification;  
19 repealing s. 321.50, F.S., relating to the  
20 authorization to use traffic infraction detectors;  
21 amending ss. 28.37, 316.003, 316.640, 316.650,  
22 318.121, 318.14, 318.18, 320.03, 322.27, and 655.960,  
23 F.S.; conforming provisions to changes made by the  
24 act; providing an effective date.

25  
26 Be It Enacted by the Legislature of the State of Florida:

27  
28 Section 1. Subsections (35) and (89) of section 316.003,  
29 Florida Statutes, are repealed.

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 31 Statutes, is repealed.

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 Section 316.0083, Florida Statutes, is repealed.

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 34 repealed.

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 36 repealed.

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 Section 316.0776, Florida Statutes, is repealed.

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 39 Statutes, is repealed.

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 Section 321.50, Florida Statutes, is repealed.

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

43 28.37 Fines, fees, service charges, and costs remitted to  
 44 the state.—

45 (5) Ten percent of all court-related fines collected by the  
 46 clerk, except for penalties or fines distributed to counties or  
 47 municipalities under s. 318.18(15) ~~s. 316.0083(1)(b)3. or s.~~  
 48 ~~318.18(15)(a)~~, shall be deposited into the fine and forfeiture  
 49 fund to be used exclusively for clerk court-related functions,  
 50 as provided in s. 28.35(3)(a).

51 Section 10. Subsection (57) of section 316.003, Florida  
 52 Statutes, is amended to read:

53 316.003 Definitions.—The following words and phrases, when  
 54 used in this chapter, shall have the meanings respectively  
 55 ascribed to them in this section, except where the context  
 56 otherwise requires:

57 (56) ~~(57)~~ PRIVATE ROAD OR DRIVEWAY.—Except as otherwise  
 58 provided in paragraph (78)(b) ~~(79)(b)~~, any privately owned way

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59 or place used for vehicular travel by the owner and those having  
60 express or implied permission from the owner, but not by other  
61 persons.

62 Section 11. Paragraph (b) of subsection (1) and paragraph  
63 (a) of subsection (5) of section 316.640, Florida Statutes, are  
64 amended to read:

65 316.640 Enforcement.—The enforcement of the traffic laws of  
66 this state is vested as follows:

67 (1) STATE.—

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

71 2.a. The Department of Transportation shall develop  
72 training and qualifications standards for toll enforcement  
73 officers whose sole authority is to enforce the payment of tolls  
74 pursuant to s. 316.1001. Nothing in this subparagraph shall be  
75 construed to permit the carrying of firearms or other weapons,  
76 nor shall a toll enforcement officer have arrest authority.

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

84 ~~3. For the purpose of enforcing s. 316.0083, the department~~  
85 ~~may designate employees as traffic infraction enforcement~~  
86 ~~officers. A traffic infraction enforcement officer must~~  
87 ~~successfully complete instruction in traffic enforcement~~

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88 ~~procedures and court presentation through the Selective Traffic~~  
89 ~~Enforcement Program as approved by the Division of Criminal~~  
90 ~~Justice Standards and Training of the Department of Law~~  
91 ~~Enforcement, or through a similar program, but may not~~  
92 ~~necessarily otherwise meet the uniform minimum standards~~  
93 ~~established by the Criminal Justice Standards and Training~~  
94 ~~Commission for law enforcement officers or auxiliary law~~  
95 ~~enforcement officers under s. 943.13. This subparagraph does not~~  
96 ~~authorize the carrying of firearms or other weapons by a traffic~~  
97 ~~infraction enforcement officer and does not authorize a traffic~~  
98 ~~infraction enforcement officer to make arrests. The department's~~  
99 ~~traffic infraction enforcement officers must be physically~~  
100 ~~located in the state.~~

101 (5) (a) Any sheriff's department or police department of a  
102 municipality may employ, as a traffic infraction enforcement  
103 officer, any individual who successfully completes instruction  
104 in traffic enforcement procedures and court presentation through  
105 the Selective Traffic Enforcement Program as approved by the  
106 Division of Criminal Justice Standards and Training of the  
107 Department of Law Enforcement, or through a similar program, but  
108 who does not necessarily otherwise meet the uniform minimum  
109 standards established by the Criminal Justice Standards and  
110 Training Commission for law enforcement officers or auxiliary  
111 law enforcement officers under s. 943.13. Any such traffic  
112 infraction enforcement officer who observes the commission of a  
113 traffic infraction or, in the case of a parking infraction, who  
114 observes an illegally parked vehicle may issue a traffic  
115 citation for the infraction when, based upon personal  
116 investigation, he or she has reasonable and probable grounds to

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117 believe that an offense has been committed which constitutes a  
118 noncriminal traffic infraction as defined in s. 318.14. ~~In~~  
119 ~~addition, any such traffic infraction enforcement officer may~~  
120 ~~issue a traffic citation under s. 316.0083. For purposes of~~  
121 ~~enforcing s. 316.0083, any sheriff's department or police~~  
122 ~~department of a municipality may designate employees as traffic~~  
123 ~~infraction enforcement officers.~~ The traffic infraction  
124 enforcement officers must be physically located in the county of  
125 the respective sheriff's or police department.

126 Section 12. Paragraphs (a) and (c) of subsection (3) of  
127 section 316.650, Florida Statutes, are amended to read:

128 316.650 Traffic citations.—

129 (3) (a) Except for a traffic citation issued pursuant to s.  
130 316.1001 ~~or s. 316.0083~~, each traffic enforcement officer, upon  
131 issuing a traffic citation to an alleged violator of any  
132 provision of the motor vehicle laws of this state or of any  
133 traffic ordinance of any municipality or town, shall deposit the  
134 original traffic citation or, in the case of a traffic  
135 enforcement agency that has an automated citation issuance  
136 system, the chief administrative officer shall provide by an  
137 electronic transmission a replica of the citation data to a  
138 court having jurisdiction over the alleged offense or with its  
139 traffic violations bureau within 5 days after issuance to the  
140 violator.

141 ~~(c) If a traffic citation is issued under s. 316.0083, the~~  
142 ~~traffic infraction enforcement officer shall provide by~~  
143 ~~electronic transmission a replica of the traffic citation data~~  
144 ~~to the court having jurisdiction over the alleged offense or its~~  
145 ~~traffic violations bureau within 5 days after the date of~~

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146 ~~issuance of the traffic citation to the violator. If a hearing~~  
147 ~~is requested, the traffic infraction enforcement officer shall~~  
148 ~~provide a replica of the traffic notice of violation data to the~~  
149 ~~clerk for the local hearing officer having jurisdiction over the~~  
150 ~~alleged offense within 14 days.~~

151 Section 13. Section 318.121, Florida Statutes, is amended  
152 to read:

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

160 Section 14. Subsection (2) of section 318.14, Florida  
161 Statutes, is amended to read:

162 318.14 Noncriminal traffic infractions; exception;  
163 procedures.—

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

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175 This certification is prima facie evidence that the person cited  
176 was served with the citation.

177 Section 15. Subsections (15) and (22) of section 318.18,  
178 Florida Statutes, are amended to read:

179 318.18 Amount of penalties.—The penalties required for a  
180 noncriminal disposition pursuant to s. 318.14 or a criminal  
181 offense listed in s. 318.17 are as follows:

182 (15) ~~(a)1.~~ One hundred and fifty-eight dollars for a  
183 violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver  
184 has failed to stop at a traffic signal ~~and when enforced by a~~  
185 ~~law enforcement officer.~~ Sixty dollars shall be distributed as  
186 provided in s. 318.21, \$30 shall be distributed to the General  
187 Revenue Fund, \$3 shall be remitted to the Department of Revenue  
188 for deposit into the Brain and Spinal Cord Injury Trust Fund for  
189 quarterly distribution to the Miami Project to Cure Paralysis  
190 for brain and spinal cord research, and the remaining \$65 shall  
191 be remitted to the Department of Revenue for deposit into the  
192 Emergency Medical Services Trust Fund of the Department of  
193 Health for distribution as provided in s. 395.4036(1).

194 ~~2. One hundred and fifty-eight dollars for a violation of~~  
195 ~~s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to~~  
196 ~~stop at a traffic signal and when enforced by the department's~~  
197 ~~traffic infraction enforcement officer. One hundred dollars~~  
198 ~~shall be remitted to the Department of Revenue for deposit into~~  
199 ~~the General Revenue Fund, \$45 shall be distributed to the county~~  
200 ~~for any violations occurring in any unincorporated areas of the~~  
201 ~~county or to the municipality for any violations occurring in~~  
202 ~~the incorporated boundaries of the municipality in which the~~  
203 ~~infraction occurred, \$10 shall be remitted to the Department of~~

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204 ~~Revenue for deposit into the Department of Health Emergency~~  
205 ~~Medical Services Trust Fund for distribution as provided in s.~~  
206 ~~395.4036(1), and \$3 shall be remitted to the Department of~~  
207 ~~Revenue for deposit into the Brain and Spinal Cord Injury Trust~~  
208 ~~Fund.~~

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

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

225 ~~(c) If a person who is mailed a notice of violation or~~  
226 ~~cited for a violation of s. 316.074(1) or s. 316.075(1)(c)1., as~~  
227 ~~enforced by a traffic infraction enforcement officer under s.~~  
228 ~~316.0083, presents documentation from the appropriate~~  
229 ~~governmental entity that the notice of violation or traffic~~  
230 ~~citation was in error, the clerk of court or clerk to the local~~  
231 ~~hearing officer may dismiss the case. The clerk of court or~~  
232 ~~clerk to the local hearing officer may not charge for this~~



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233 service.

234 ~~(d) An individual may not receive a commission or per-~~  
235 ~~ticket fee from any revenue collected from violations detected~~  
236 ~~through the use of a traffic infraction detector. A manufacturer~~  
237 ~~or vendor may not receive a fee or remuneration based upon the~~  
238 ~~number of violations detected through the use of a traffic~~  
239 ~~infraction detector.~~

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

243 ~~(22) In addition to the penalty prescribed under s.~~  
244 ~~316.0083 for violations enforced under s. 316.0083 which are~~  
245 ~~upheld, the local hearing officer may also order the payment of~~  
246 ~~county or municipal costs, not to exceed \$250.~~

247 Section 16. Subsection (8) of section 320.03, Florida  
248 Statutes, is amended to read:

249 320.03 Registration; duties of tax collectors;  
250 International Registration Plan.—

251 (8) If the applicant's name appears on the list referred to  
252 in s. 316.1001(4), s. 316.1967(6), ~~s. 318.15(3)~~, or s.  
253 713.78(13), a license plate or revalidation sticker may not be  
254 issued until that person's name no longer appears on the list or  
255 until the person presents a receipt from the governmental entity  
256 or the clerk of court that provided the data showing that the  
257 fines outstanding have been paid. This subsection does not apply  
258 to the owner of a leased vehicle if the vehicle is registered in  
259 the name of the lessee of the vehicle. The tax collector and the  
260 clerk of the court are each entitled to receive monthly, as  
261 costs for implementing and administering this subsection, 10

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262 percent of the civil penalties and fines recovered from such  
263 persons. As used in this subsection, the term "civil penalties  
264 and fines" does not include a wrecker operator's lien as  
265 described in s. 713.78(13). If the tax collector has private tag  
266 agents, such tag agents are entitled to receive a pro rata share  
267 of the amount paid to the tax collector, based upon the  
268 percentage of license plates and revalidation stickers issued by  
269 the tag agent compared to the total issued within the county.  
270 The authority of any private agent to issue license plates shall  
271 be revoked, after notice and a hearing as provided in chapter  
272 120, if he or she issues any license plate or revalidation  
273 sticker contrary to the provisions of this subsection. This  
274 section applies only to the annual renewal in the owner's birth  
275 month of a motor vehicle registration and does not apply to the  
276 transfer of a registration of a motor vehicle sold by a motor  
277 vehicle dealer licensed under this chapter, except for the  
278 transfer of registrations which includes the annual renewals.  
279 This section does not affect the issuance of the title to a  
280 motor vehicle, notwithstanding s. 319.23(8)(b).

281 Section 17. 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

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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  
 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:
  - 306 a. Not causing or resulting in serious bodily injury to or  
 307 death of another—4 points.
  - 308 b. Causing or resulting in serious bodily injury to or  
 309 death of another—6 points.
- 310 5. Unlawful speed:
  - 311 a. Not in excess of 15 miles per hour of lawful or posted  
 312 speed—3 points.
  - 313 b. In excess of 15 miles per hour of lawful or posted  
 314 speed—4 points.
- 315 6. A violation of a traffic control signal device as  
 316 provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points.  
 317 ~~However, no points shall be imposed for a violation of s.~~  
 318 ~~316.074(1) or s. 316.075(1)(c)1. when a driver has failed to~~  
 319 ~~stop at a traffic signal and when enforced by a traffic~~

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320 ~~infraction enforcement officer. In addition, a violation of s.~~  
 321 ~~316.074(1) or s. 316.075(1)(c)1. when a driver has failed to~~  
 322 ~~stop at a traffic signal and when enforced by a traffic~~  
 323 ~~infraction enforcement officer may not be used for purposes of~~  
 324 ~~setting motor vehicle 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 18. Subsection (1) of section 655.960, Florida  
 341 Statutes, is amended to read:

342 655.960 Definitions; ss. 655.960-655.965.—As used in this  
 343 section and ss. 655.961-655.965, unless the context otherwise  
 344 requires:

345 (1) "Access area" means any paved walkway or sidewalk which  
 346 is within 50 feet of any automated teller machine. The term does  
 347 not include any street or highway open to the use of the public,  
 348 as defined in s. 316.003(78)(a) ~~s. 316.003(79)(a)~~ or (b),

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349 including any adjacent sidewalk, as defined in s. 316.003.

350 Section 19. This act shall take effect July 1, 2020.