

By Senator Brandes

24-01478-19

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1 A bill to be entitled
2 An act relating to traffic infraction detectors;
3 repealing s. 316.003(36) and (91), F.S., relating to
4 the definitions of "local hearing officer" and
5 "traffic infraction detector," respectively; repealing
6 ss. 316.008(8), 316.0083, and 316.00831, F.S.,
7 relating to the installation and use of traffic
8 infraction detectors to enforce specified provisions
9 when a driver fails to stop at a traffic signal,
10 provisions that authorize the Department of Highway
11 Safety and Motor Vehicles, a county, or a municipality
12 to use such detectors, and the distribution of
13 penalties collected for specified violations;
14 repealing s. 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, 316.640, 316.650, 318.121, 318.14,
22 318.18, 320.03, and 322.27, F.S., relating to
23 distribution of proceeds, enforcement by traffic
24 infraction enforcement officers using such detectors,
25 procedures for disposition of citations, preemption of
26 additional fees or surcharges, compliance, amount of
27 penalties, registration and renewal of license plates,
28 and points assessed for certain violations, to conform
29 provisions to changes made by the act; providing an

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30 effective date.

31

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

33

34 Section 1. Subsections (36) and (91) of section 316.003,
 35 Florida Statutes, are repealed.

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 37 Statutes, is repealed.

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 Section 316.0083, Florida Statutes, is repealed.

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 40 repealed.

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 42 repealed.

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 Section 316.0776, Florida Statutes, is repealed.

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 45 Statutes, is repealed.

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 Section 321.50, Florida Statutes, is repealed.

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

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

51 (5) Ten percent of all court-related fines collected by the
 52 clerk, except for penalties or fines distributed to counties or
 53 municipalities under s. 318.18(15) ~~s. 316.0083(1)(b)3. or s.~~
 54 ~~318.18(15)(a)~~, shall be deposited into the fine and forfeiture
 55 fund to be used exclusively for clerk court-related functions,
 56 as provided in s. 28.35(3)(a).

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

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59 amended to read:

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

62 (1) STATE.—

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

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

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

79 ~~3. For the purpose of enforcing s. 316.0083, the department~~
80 ~~may designate employees as traffic infraction enforcement~~
81 ~~officers. A traffic infraction enforcement officer must~~
82 ~~successfully complete instruction in traffic enforcement~~
83 ~~procedures and court presentation through the Selective Traffic~~
84 ~~Enforcement Program as approved by the Division of Criminal~~
85 ~~Justice Standards and Training of the Department of Law~~
86 ~~Enforcement, or through a similar program, but may not~~
87 ~~necessarily otherwise meet the uniform minimum standards~~

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88 ~~established by the Criminal Justice Standards and Training~~
89 ~~Commission for law enforcement officers or auxiliary law~~
90 ~~enforcement officers under s. 943.13. This subparagraph does not~~
91 ~~authorize the carrying of firearms or other weapons by a traffic~~
92 ~~infraction enforcement officer and does not authorize a traffic~~
93 ~~infraction enforcement officer to make arrests. The department's~~
94 ~~traffic infraction enforcement officers must be physically~~
95 ~~located in the state.~~

96 (5) (a) Any sheriff's department or police department of a
97 municipality may employ, as a traffic infraction enforcement
98 officer, any individual who successfully completes instruction
99 in traffic enforcement procedures and court presentation through
100 the Selective Traffic Enforcement Program as approved by the
101 Division of Criminal Justice Standards and Training of the
102 Department of Law Enforcement, or through a similar program, but
103 who does not necessarily otherwise meet the uniform minimum
104 standards established by the Criminal Justice Standards and
105 Training Commission for law enforcement officers or auxiliary
106 law enforcement officers under s. 943.13. Any such traffic
107 infraction enforcement officer who observes the commission of a
108 traffic infraction or, in the case of a parking infraction, who
109 observes an illegally parked vehicle may issue a traffic
110 citation for the infraction when, based upon personal
111 investigation, he or she has reasonable and probable grounds to
112 believe that an offense has been committed which constitutes a
113 noncriminal traffic infraction as defined in s. 318.14. ~~In~~
114 ~~addition, any such traffic infraction enforcement officer may~~
115 ~~issue a traffic citation under s. 316.0083. For purposes of~~
116 ~~enforcing s. 316.0083, any sheriff's department or police~~

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117 ~~department of a municipality may designate employees as traffic~~
118 ~~infraction enforcement officers.~~ The traffic infraction
119 enforcement officers must be physically located in the county of
120 the respective sheriff's or police department.

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

123 316.650 Traffic citations.—

124 (3) (a) Except for a traffic citation issued pursuant to s.
125 316.1001 ~~or s. 316.0083~~, each traffic enforcement officer, upon
126 issuing a traffic citation to an alleged violator of any
127 provision of the motor vehicle laws of this state or of any
128 traffic ordinance of any municipality or town, shall deposit the
129 original traffic citation or, in the case of a traffic
130 enforcement agency that has an automated citation issuance
131 system, the chief administrative officer shall provide by an
132 electronic transmission a replica of the citation data to a
133 court having jurisdiction over the alleged offense or with its
134 traffic violations bureau within 5 days after issuance to the
135 violator.

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

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

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

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

157 318.14 Noncriminal traffic infractions; exception;
158 procedures.—

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

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

174 318.18 Amount of penalties.—The penalties required for a

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175 noncriminal disposition pursuant to s. 318.14 or a criminal
176 offense listed in s. 318.17 are as follows:

177 (15)~~(a)1.~~ One hundred and fifty-eight dollars for a
178 violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver
179 has failed to stop at a traffic signal ~~and when enforced by a~~
180 ~~law enforcement officer.~~ Sixty dollars shall be distributed as
181 provided in s. 318.21, \$30 shall be distributed to the General
182 Revenue Fund, \$3 shall be remitted to the Department of Revenue
183 for deposit into the Brain and Spinal Cord Injury Trust Fund,
184 and the remaining \$65 shall be remitted to the Department of
185 Revenue for deposit into the Emergency Medical Services Trust
186 Fund of the Department of Health.

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

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

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204 ~~stop at a traffic signal and when enforced by a county's or~~
205 ~~municipality's traffic infraction enforcement officer. Seventy-~~
206 ~~five dollars shall be distributed to the county or municipality~~
207 ~~issuing the traffic citation, \$70 shall be remitted to the~~
208 ~~Department of Revenue for deposit into the General Revenue Fund,~~
209 ~~\$10 shall be remitted to the Department of Revenue for deposit~~
210 ~~into the Department of Health Emergency Medical Services Trust~~
211 ~~Fund for distribution as provided in s. 395.4036(1), and \$3~~
212 ~~shall be remitted to the Department of Revenue for deposit into~~
213 ~~the Brain and Spinal Cord Injury Trust Fund.~~

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

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

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

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

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

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

242 320.03 Registration; duties of tax collectors;
243 International Registration Plan.-

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

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

274 Section 16. Paragraph (d) of subsection (3) of section
275 322.27, Florida Statutes, is amended to read:

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

278 (3) There is established a point system for evaluation of
279 convictions of violations of motor vehicle laws or ordinances,
280 and violations of applicable provisions of s. 403.413(6)(b) when
281 such violations involve the use of motor vehicles, for the
282 determination of the continuing qualification of any person to
283 operate a motor vehicle. The department is authorized to suspend
284 the license of any person upon showing of its records or other
285 good and sufficient evidence that the licensee has been
286 convicted of violation of motor vehicle laws or ordinances, or
287 applicable provisions of s. 403.413(6)(b), amounting to 12 or
288 more points as determined by the point system. The suspension
289 shall be for a period of not more than 1 year.

290 (d) The point system shall have as its basic element a

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291 graduated scale of points assigning relative values to
292 convictions of the following violations:

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

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320 no points shall be imposed for a violation of s. 316.0741 or s.
321 316.2065(11); and points shall be imposed for a violation of s.
322 316.1001 only when imposed by the court after a hearing pursuant
323 to s. 318.14(5).

324 8. Any moving violation covered in this paragraph,
325 excluding unlawful speed and unlawful use of a wireless
326 communications device, resulting in a crash-4 points.

327 9. Any conviction under s. 403.413(6)(b)-3 points.

328 10. Any conviction under s. 316.0775(2)-4 points.

329 11. A moving violation covered in this paragraph which is
330 committed in conjunction with the unlawful use of a wireless
331 communications device within a school safety zone-2 points, in
332 addition to the points assigned for the moving violation.

333 Section 17. This act shall take effect July 1, 2022.