

1 A bill to be entitled
 2 An act relating to traffic infraction detectors;
 3 repealing ss. 316.0083 and 321.50, F.S., relating to
 4 the Mark Wandall Traffic Safety Program and
 5 authorization to use traffic infraction detectors,
 6 respectively; amending ss. 28.37, 316.003, and
 7 316.008, F.S.; conforming cross-references and
 8 provisions to changes made by the act; repealing ss.
 9 316.00831, 316.07456, and 316.0776, F.S., relating to
 10 distribution of penalties, transitional
 11 implementation, and placement and installation,
 12 respectively; amending ss. 316.306, 316.640, 316.650,
 13 318.121, 318.14, 318.15, 318.18, 320.03, 322.27, and
 14 655.960, F.S.; conforming cross-references and
 15 provisions to changes made by the act; providing an
 16 effective date.

17
 18 Be It Enacted by the Legislature of the State of Florida:

19
 20 Section 1. Sections 316.0083 and 321.50, Florida Statutes,
 21 are repealed.

22 Section 2. Subsection (5) of section 28.37, Florida
 23 Statutes, is amended to read:

24 28.37 Fines, fees, service charges, and costs remitted to
 25 the state.—

26 (5) Ten percent of all court-related fines collected by
 27 the clerk, except for penalties or fines distributed to counties
 28 or municipalities under s. 318.18(15) ~~s. 316.0083(1)(b)3. or s.~~
 29 ~~318.18(15)(a)~~, shall be deposited into the fine and forfeiture
 30 fund to be used exclusively for clerk court-related functions,
 31 as provided in s. 28.35(3)(a).

32 Section 3. Subsections (38) through (94) and (96) through
 33 (105) of section 316.003, Florida Statutes, are renumbered as
 34 subsections (37) through (93) and (94) through (103),
 35 respectively, and present subsections (37), (62), and (95) of
 36 that section are amended to read:

37 316.003 Definitions.—The following words and phrases, when
 38 used in this chapter, shall have the meanings respectively
 39 ascribed to them in this section, except where the context
 40 otherwise requires:

41 ~~(37) LOCAL HEARING OFFICER.—The person, designated by a~~
 42 ~~department, county, or municipality that elects to authorize~~
 43 ~~traffic infraction enforcement officers to issue traffic~~
 44 ~~Citations under s. 316.0083(1)(a), who is authorized to conduct~~
 45 ~~hearings related to a notice of violation issued pursuant to s.~~
 46 ~~316.0083. The charter county, noncharter county, or municipality~~
 47 ~~may use its currently appointed code enforcement board or~~
 48 ~~special magistrate to serve as the local hearing officer. The~~
 49 ~~department may enter into an interlocal agreement to use the~~
 50 ~~local hearing officer of a county or municipality.~~

HB 6009

2021

51 (61) ~~(62)~~ PRIVATE ROAD OR DRIVEWAY.—Except as otherwise
52 provided in paragraph (83)(b) ~~(84)(b)~~, any privately owned way
53 or place used for vehicular travel by the owner and those having
54 express or implied permission from the owner, but not by other
55 persons.

56 ~~(95) TRAFFIC INFRACTION DETECTOR.—A vehicle sensor~~
57 ~~installed to work in conjunction with a traffic control signal~~
58 ~~and a camera or cameras synchronized to automatically record two~~
59 ~~or more sequenced photographic or electronic images or streaming~~
60 ~~video of only the rear of a motor vehicle at the time the~~
61 ~~vehicle fails to stop behind the stop bar or clearly marked stop~~
62 ~~line when facing a traffic control signal steady red light. Any~~
63 ~~notification under s. 316.0083(1)(b) or traffic citation issued~~
64 ~~by the use of a traffic infraction detector must include a~~
65 ~~photograph or other recorded image showing both the license tag~~
66 ~~of the offending vehicle and the traffic control device being~~
67 ~~violated.~~

68 Section 4. Subsection (8) of section 316.008, Florida
69 Statutes, is amended to read:

70 316.008 Powers of local authorities.—

71 ~~(8)(a) A county or municipality may use traffic infraction~~
72 ~~detectors to enforce s. 316.074(1) or s. 316.075(1)(c)1. when a~~
73 ~~driver fails to stop at a traffic signal on streets and highways~~
74 ~~under its jurisdiction under s. 316.0083. Only a municipality~~
75 ~~may install or authorize the installation of any such detectors~~

76 ~~within the incorporated area of the municipality. Only a county~~
 77 ~~may install or authorize the installation of any such detectors~~
 78 ~~within the unincorporated area of the county.~~

79 ~~(b) Pursuant to paragraph (a), a municipality may install~~
 80 ~~or, by contract or interlocal agreement, authorize the~~
 81 ~~installation of any such detectors only within the incorporated~~
 82 ~~area of the municipality, and a county may install or, by~~
 83 ~~contract or interlocal agreement, authorize the installation of~~
 84 ~~any such detectors only within the unincorporated area of the~~
 85 ~~county. A county may authorize installation of any such~~
 86 ~~detectors by interlocal agreement on roads under its~~
 87 ~~jurisdiction.~~

88 ~~(c) Pursuant to s. 316.0083, a county or municipality may~~
 89 ~~use traffic infraction detectors to enforce s. 316.074(1) or s.~~
 90 ~~316.075(1)(c)1. when a driver fails to stop at a traffic signal~~
 91 ~~on state roads under the original jurisdiction of the Department~~
 92 ~~of Transportation when permitted by the Department of~~
 93 ~~Transportation.~~

94 Section 5. Sections 316.00831, 316.07456, and 316.0776,
 95 Florida Statutes, are repealed.

96 Section 6. Paragraph (a) of subsection (3) of section
 97 316.306, Florida Statutes, is amended to read:

98 316.306 School and work zones; prohibition on the use of a
 99 wireless communications device in a handheld manner.—

100 (3)(a)1. A person may not operate a motor vehicle while

HB 6009

2021

101 using a wireless communications device in a handheld manner in a
102 designated school crossing, school zone, or work zone area as
103 defined in s. 316.003(103) ~~s. 316.003(105)~~. This subparagraph
104 shall only be applicable to work zone areas if construction
105 personnel are present or are operating equipment on the road or
106 immediately adjacent to the work zone area. For the purposes of
107 this paragraph, a motor vehicle that is stationary is not being
108 operated and is not subject to the prohibition in this
109 paragraph.

110 2.a. During the period from October 1, 2019, through
111 December 31, 2019, a law enforcement officer may stop motor
112 vehicles to issue verbal or written warnings to persons who are
113 in violation of subparagraph 1. for the purposes of informing
114 and educating such persons of this section. This sub-
115 subparagraph shall stand repealed on October 1, 2020.

116 b. Effective January 1, 2020, a law enforcement officer
117 may stop motor vehicles and issue citations to persons who are
118 driving while using a wireless communications device in a
119 handheld manner in violation of subparagraph 1.

120 Section 7. Paragraph (b) of subsection (1) and paragraph
121 (a) of subsection (5) of section 316.640, Florida Statutes, are
122 amended to read:

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

125 (1) STATE.—

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

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

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

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

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

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

176 noncriminal traffic infraction as defined in s. 318.14. ~~In~~
177 ~~addition, any such traffic infraction enforcement officer may~~
178 ~~issue a traffic citation under s. 316.0083. For purposes of~~
179 ~~enforcing s. 316.0083, any sheriff's department or police~~
180 ~~department of a municipality may designate employees as traffic~~
181 ~~infraction enforcement officers.~~ The traffic infraction
182 enforcement officers must be physically located in the county of
183 the respective sheriff's or police department.

184 Section 8. Paragraphs (a) and (c) of subsection (3) of
185 section 316.650, Florida Statutes, are amended to read:

186 316.650 Traffic citations.—

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

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

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

209 Section 9. Section 318.121, Florida Statutes, is amended
 210 to read:

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

218 Section 10. Subsection (2) of section 318.14, Florida
 219 Statutes, is amended to read:

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

222 (2) Except as provided in s. 316.1001(2) ~~ss. 316.1001(2)~~
 223 ~~and 316.0083~~, any person cited for a violation requiring a
 224 mandatory hearing listed in s. 318.19 or any other criminal
 225 traffic violation listed in chapter 316 must sign and accept a

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

235 Section 11. Subsection (3) of section 318.15, Florida
236 Statutes, is amended to read:

237 318.15 Failure to comply with civil penalty or to appear;
238 penalty.-

239 ~~(3) The clerk shall notify the department of persons who~~
240 ~~were mailed a notice of violation of s. 316.074(1) or s.~~
241 ~~316.075(1)(c)1. pursuant to s. 316.0083 and who failed to enter~~
242 ~~into, or comply with the terms of, a penalty payment plan, or~~
243 ~~order with the clerk to the local hearing officer or failed to~~
244 ~~appear at a scheduled hearing within 10 days after such failure,~~
245 ~~and shall reference the person's driver license number, or in~~
246 ~~the case of a business entity, vehicle registration number.~~

247 ~~(a) Upon receipt of such notice, the department, or~~
248 ~~authorized agent thereof, may not issue a license plate or~~
249 ~~revalidation sticker for any motor vehicle owned or co-owned by~~
250 ~~that person pursuant to s. 320.03(8) until the amounts assessed~~

HB 6009

2021

251 ~~have been fully paid.~~

252 ~~(b) After the issuance of the person's license plate or~~
253 ~~revalidation sticker is withheld pursuant to paragraph (a), the~~
254 ~~person may challenge the withholding of the license plate or~~
255 ~~revalidation sticker only on the basis that the outstanding~~
256 ~~finances and civil penalties have been paid pursuant to s.~~
257 ~~320.03(8).~~

258 Section 12. Subsections (15) and (22) of section 318.18,
259 Florida Statutes, are amended to read:

260 318.18 Amount of penalties.—The penalties required for a
261 noncriminal disposition pursuant to s. 318.14 or a criminal
262 offense listed in s. 318.17 are as follows:

263 (15) ~~(a)1.~~ One hundred and fifty-eight dollars for a
264 violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver
265 has failed to stop at a traffic signal ~~and when enforced by a~~
266 ~~law enforcement officer.~~ Sixty dollars shall be distributed as
267 provided in s. 318.21, \$30 shall be distributed to the General
268 Revenue Fund, \$3 shall be remitted to the Department of Revenue
269 for deposit into the Brain and Spinal Cord Injury Trust Fund,
270 and the remaining \$65 shall be remitted to the Department of
271 Revenue for deposit into the Emergency Medical Services Trust
272 Fund of the Department of Health.

273 ~~2. One hundred and fifty-eight dollars for a violation of~~
274 ~~s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to~~
275 ~~stop at a traffic signal and when enforced by the department's~~

276 ~~traffic infraction enforcement officer. One hundred dollars~~
277 ~~shall be remitted to the Department of Revenue for deposit into~~
278 ~~the General Revenue Fund, \$45 shall be distributed to the county~~
279 ~~for any violations occurring in any unincorporated areas of the~~
280 ~~county or to the municipality for any violations occurring in~~
281 ~~the incorporated boundaries of the municipality in which the~~
282 ~~infraction occurred, \$10 shall be remitted to the Department of~~
283 ~~Revenue for deposit into the Department of Health Emergency~~
284 ~~Medical Services Trust Fund for distribution as provided in s.~~
285 ~~395.4036(1), and \$3 shall be remitted to the Department of~~
286 ~~Revenue for deposit into the Brain and Spinal Cord Injury Trust~~
287 ~~Fund.~~

288 ~~3. One hundred and fifty eight dollars for a violation of~~
289 ~~s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to~~
290 ~~stop at a traffic signal and when enforced by a county's or~~
291 ~~municipality's traffic infraction enforcement officer. Seventy-~~
292 ~~five dollars shall be distributed to the county or municipality~~
293 ~~issuing the traffic citation, \$70 shall be remitted to the~~
294 ~~Department of Revenue for deposit into the General Revenue Fund,~~
295 ~~\$10 shall be remitted to the Department of Revenue for deposit~~
296 ~~into the Department of Health Emergency Medical Services Trust~~
297 ~~Fund for distribution as provided in s. 395.4036(1), and \$3~~
298 ~~shall be remitted to the Department of Revenue for deposit into~~
299 ~~the Brain and Spinal Cord Injury Trust Fund.~~

300 ~~(b)~~ Amounts deposited into the Brain and Spinal Cord

301 Injury Trust Fund pursuant to this subsection shall be
302 distributed quarterly to the Miami Project to Cure Paralysis and
303 shall be used for brain and spinal cord research.

304 ~~(c) If a person who is mailed a notice of violation or~~
305 ~~cited for a violation of s. 316.074(1) or s. 316.075(1)(c)1., as~~
306 ~~enforced by a traffic infraction enforcement officer under s.~~
307 ~~316.0083, presents documentation from the appropriate~~
308 ~~governmental entity that the notice of violation or traffic~~
309 ~~citation was in error, the clerk of court or clerk to the local~~
310 ~~hearing officer may dismiss the case. The clerk of court or~~
311 ~~clerk to the local hearing officer may not charge for this~~
312 ~~service.~~

313 ~~(d) An individual may not receive a commission or per-~~
314 ~~ticket fee from any revenue collected from violations detected~~
315 ~~through the use of a traffic infraction detector. A manufacturer~~
316 ~~or vendor may not receive a fee or remuneration based upon the~~
317 ~~number of violations detected through the use of a traffic~~
318 ~~infraction detector.~~

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

322 ~~(22) In addition to the penalty prescribed under s.~~
323 ~~316.0083 for violations enforced under s. 316.0083 which are~~
324 ~~upheld, the local hearing officer may also order the payment of~~
325 ~~county or municipal costs, not to exceed \$250.~~

326 Section 13. Subsection (8) of section 320.03, Florida
 327 Statutes, is amended to read:

328 320.03 Registration; duties of tax collectors;
 329 International Registration Plan.—

330 (8) If the applicant's name appears on the list referred
 331 to in s. 316.1001(4), s. 316.1967(6), ~~s. 318.15(3)~~, or s.
 332 713.78(13), a license plate or revalidation sticker may not be
 333 issued until that person's name no longer appears on the list or
 334 until the person presents a receipt from the governmental entity
 335 or the clerk of court that provided the data showing that the
 336 fines outstanding have been paid. This subsection does not apply
 337 to the owner of a leased vehicle if the vehicle is registered in
 338 the name of the lessee of the vehicle. The tax collector and the
 339 clerk of the court are each entitled to receive monthly, as
 340 costs for implementing and administering this subsection, 10
 341 percent of the civil penalties and fines recovered from such
 342 persons. As used in this subsection, the term "civil penalties
 343 and fines" does not include a wrecker operator's lien as
 344 described in s. 713.78(13). If the tax collector has private tag
 345 agents, such tag agents are entitled to receive a pro rata share
 346 of the amount paid to the tax collector, based upon the
 347 percentage of license plates and revalidation stickers issued by
 348 the tag agent compared to the total issued within the county.
 349 The authority of any private agent to issue license plates shall
 350 be revoked, after notice and a hearing as provided in chapter

351 120, if he or she issues any license plate or revalidation
352 sticker contrary to the provisions of this subsection. This
353 section applies only to the annual renewal in the owner's birth
354 month of a motor vehicle registration and does not apply to the
355 transfer of a registration of a motor vehicle sold by a motor
356 vehicle dealer licensed under this chapter, except for the
357 transfer of registrations which includes the annual renewals.
358 This section does not affect the issuance of the title to a
359 motor vehicle, notwithstanding s. 319.23(8)(b).

360 Section 14. Paragraph (d) of subsection (3) of section
361 322.27, Florida Statutes, is amended to read:

362 322.27 Authority of department to suspend or revoke driver
363 license or identification card.—

364 (3) There is established a point system for evaluation of
365 convictions of violations of motor vehicle laws or ordinances,
366 and violations of applicable provisions of s. 403.413(6)(b) when
367 such violations involve the use of motor vehicles, for the
368 determination of the continuing qualification of any person to
369 operate a motor vehicle. The department is authorized to suspend
370 the license of any person upon showing of its records or other
371 good and sufficient evidence that the licensee has been
372 convicted of violation of motor vehicle laws or ordinances, or
373 applicable provisions of s. 403.413(6)(b), amounting to 12 or
374 more points as determined by the point system. The suspension
375 shall be for a period of not more than 1 year.

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

- 379 1. Reckless driving, willful and wanton—4 points.
- 380 2. Leaving the scene of a crash resulting in property
 381 damage of more than \$50—6 points.
- 382 3. Unlawful speed, or unlawful use of a wireless
 383 communications device, resulting in a crash—6 points.
- 384 4. Passing a stopped school bus:
 - 385 a. Not causing or resulting in serious bodily injury to or
 386 death of another—4 points.
 - 387 b. Causing or resulting in serious bodily injury to or
 388 death of another—6 points.
- 389 5. Unlawful speed:
 - 390 a. Not in excess of 15 miles per hour of lawful or posted
 391 speed—3 points.
 - 392 b. In excess of 15 miles per hour of lawful or posted
 393 speed—4 points.
- 394 6. A violation of a traffic control signal device as
 395 provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points.
 396 ~~However, no points shall be imposed for a violation of s.~~
 397 ~~316.074(1) or s. 316.075(1)(c)1. when a driver has failed to~~
 398 ~~stop at a traffic signal and when enforced by a traffic~~
 399 ~~infraction enforcement officer. In addition, a violation of s.~~
 400 ~~316.074(1) or s. 316.075(1)(c)1. when a driver has failed to~~

401 ~~stop at a traffic signal and when enforced by a traffic~~
402 ~~infraction enforcement officer may not be used for purposes of~~
403 ~~setting motor vehicle insurance rates.~~

404 7. All other moving violations (including parking on a
405 highway outside the limits of a municipality)—3 points. However,
406 no points shall be imposed for a violation of s. 316.0741 or s.
407 316.2065(11); and points shall be imposed for a violation of s.
408 316.1001 only when imposed by the court after a hearing pursuant
409 to s. 318.14(5).

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

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

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

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

419 Section 15. Subsection (1) of section 655.960, Florida
420 Statutes, is amended to read:

421 655.960 Definitions; ss. 655.960–655.965.—As used in this
422 section and ss. 655.961–655.965, unless the context otherwise
423 requires:

424 (1) "Access area" means any paved walkway or sidewalk
425 which is within 50 feet of any automated teller machine. The

HB 6009

2021

426 | term does not include any street or highway open to the use of
427 | the public, as defined in s. 316.003(83)(a) ~~s. 316.003(84)(a)~~ or
428 | (b), including any adjacent sidewalk, as defined in s. 316.003.
429 | Section 16. This act shall take effect July 1, 2024.