

By Senator Grall

29-00904-23

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1 A bill to be entitled
2 An act relating to motor vehicle license tags;
3 amending s. 316.003, F.S.; deleting the definitions of
4 the terms "local hearing officer" and "traffic
5 infraction detector"; repealing ss. 316.008(8),
6 316.0083, and 316.00831, F.S., relating to the
7 installation and use of traffic infraction detectors
8 to enforce specified provisions, the authorization for
9 the Department of Highway Safety and Motor Vehicles, a
10 county, or a municipality to use a traffic enforcement
11 officer for a specified purpose, and the distribution
12 of penalties collected for specified violations,
13 respectively; repealing ss. 316.07456, 316.0776,
14 318.15(3), and 321.50, F.S., relating to transitional
15 implementation of traffic infraction detectors,
16 placement and installation of traffic infraction
17 detectors, and failure to comply with civil penalty or
18 to appear, and authorization to use traffic infraction
19 detectors, respectively; amending s. 718.114, F.S.;
20 prohibiting a condominium association from using
21 certain devices; providing an exception; amending s.
22 720.303, F.S.; prohibiting a homeowners' association
23 from using certain devices; providing an exception;
24 amending s. 723.023, F.S.; prohibiting a mobile home
25 owner from using certain devices; providing an
26 exception; amending ss. 28.37, 316.306, 316.640,
27 316.650, 318.121, 318.14, 318.18, 320.03, 322.27, and
28 655.960, F.S.; conforming cross-references and
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 (38), (64), and (98) of section
35 316.003, Florida Statutes, are amended to read:

36 316.003 Definitions.—The following words and phrases, when
37 used in this chapter, shall have the meanings respectively
38 ascribed to them in this section, except where the context
39 otherwise requires:

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

50 (63) ~~(64)~~ PRIVATE ROAD OR DRIVEWAY.—Except as otherwise
51 provided in paragraph (86) (b) ~~(87) (b)~~, any privately owned way
52 or place used for vehicular travel by the owner and those having
53 express or implied permission from the owner, but not by other
54 persons.

55 ~~(98) TRAFFIC INFRACTION DETECTOR. A vehicle sensor~~
56 ~~installed to work in conjunction with a traffic control signal~~
57 ~~and a camera or cameras synchronized to automatically record two~~
58 ~~or more sequenced photographic or electronic images or streaming~~

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59 ~~video of only the rear of a motor vehicle at the time the~~
60 ~~vehicle fails to stop behind the stop bar or clearly marked stop~~
61 ~~line when facing a traffic control signal steady red light. Any~~
62 ~~notification under s. 316.0083(1)(b) or traffic citation issued~~
63 ~~by the use of a traffic infraction detector must include a~~
64 ~~photograph or other recorded image showing both the license tag~~
65 ~~of the offending vehicle and the traffic control device being~~
66 ~~violated.~~

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

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

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

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

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

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

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

78 Section 9. Section 718.114, Florida Statutes, is amended to
79 read:

80 718.114 Association powers.—

81 (1) An association may enter into agreements to acquire
82 leaseholds, memberships, and other possessory or use interests
83 in lands or facilities such as country clubs, golf courses,
84 marinas, and other recreational facilities, regardless of
85 whether the lands or facilities are contiguous to the lands of
86 the condominium, if such lands and facilities are intended to
87 provide enjoyment, recreation, or other use or benefit to the

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88 unit owners. All of these leaseholds, memberships, and other
89 possessory or use interests existing or created at the time of
90 recording the declaration must be stated and fully described in
91 the declaration. Subsequent to the recording of the declaration,
92 agreements acquiring these leaseholds, memberships, or other
93 possessory or use interests which are not entered into within 12
94 months of the date of the recording of the certificate of a
95 surveyor and mapper pursuant to s. 718.104(4)(e) or the
96 recording of an instrument that transfers title to a unit in the
97 condominium which is not accompanied by a recorded assignment of
98 developer rights in favor of the grantee of such unit, whichever
99 occurs first, are a material alteration or substantial addition
100 to the real property that is association property, and the
101 association may not acquire or enter into such agreements except
102 upon a vote of, or written consent by, a majority of the total
103 voting interests or as authorized by the declaration as provided
104 in s. 718.113. The declaration may provide that the rental,
105 membership fees, operations, replacements, and other expenses
106 are common expenses and may impose covenants and restrictions
107 concerning their use and may contain other provisions not
108 inconsistent with this chapter. A condominium association may
109 conduct bingo games as provided in s. 849.0931.

110 (2) An association may not use any device that
111 automatically photographs or records the license tag of a
112 vehicle unless a supermajority of the members approve such
113 device.

114 Section 10. Subsection (13) is added to section 720.303,
115 Florida Statutes, to read:

116 720.303 Association powers and duties; meetings of board;

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117 official records; budgets; financial reporting; association
118 funds; recalls.—

119 (13) DEVICES PROHIBITED.—An association may not use any
120 device that automatically photographs or records the license tag
121 of a vehicle unless a supermajority of the members approve such
122 device.

123 Section 11. Subsection (6) is added to section 723.023,
124 Florida Statutes, to read:

125 723.023 Mobile home owner's general obligations.—A mobile
126 home owner shall:

127 (6) Be prohibited from using any device that automatically
128 photographs or records the license tag of a vehicle unless a
129 supermajority of the mobile home owners approve such device.

130 Section 12. Subsection (6) of section 28.37, Florida
131 Statutes, is amended to read:

132 28.37 Fines, fees, service charges, and costs remitted to
133 the state.—

134 (6) Ten percent of all court-related fines collected by the
135 clerk, except for penalties or fines distributed to counties or
136 municipalities under s. 318.18(15) ~~s. 316.0083(1)(b)3. or s.~~
137 ~~318.18(15)(a)~~, must be deposited into the fine and forfeiture
138 fund to be used exclusively for clerk court-related functions,
139 as provided in s. 28.35(3)(a).

140 Section 13. Paragraph (a) of subsection (3) of section
141 316.306, Florida Statutes, is amended to read:

142 316.306 School and work zones; prohibition on the use of a
143 wireless communications device in a handheld manner.—

144 (3)(a)1. A person may not operate a motor vehicle while
145 using a wireless communications device in a handheld manner in a

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146 designated school crossing, school zone, or work zone area as
147 defined in s. 316.003 ~~s. 316.003(109)~~. This subparagraph is
148 ~~shall~~ only be applicable to work zone areas if construction
149 personnel are present or are operating equipment on the road or
150 immediately adjacent to the work zone area. For the purposes of
151 this paragraph, a motor vehicle that is stationary is not being
152 operated and is not subject to the prohibition in this
153 paragraph.

154 2. Effective January 1, 2020, a law enforcement officer may
155 stop motor vehicles and issue citations to persons who are
156 driving while using a wireless communications device in a
157 handheld manner in violation of subparagraph 1.

158 Section 14. Paragraph (b) of subsection (1) and paragraph
159 (a) of subsection (5) of section 316.640, Florida Statutes, are
160 amended to read:

161 316.640 Enforcement.—The enforcement of the traffic laws of
162 this state is vested as follows:

163 (1) STATE.—

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

167 2.a. The Department of Transportation shall develop
168 training and qualifications standards for toll enforcement
169 officers whose sole authority is to enforce the payment of tolls
170 pursuant to s. 316.1001. Nothing in this subparagraph shall be
171 construed to permit the carrying of firearms or other weapons,
172 nor shall a toll enforcement officer have arrest authority.

173 b. For the purpose of enforcing s. 316.1001, governmental
174 entities, as defined in s. 334.03, which own or operate a toll

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175 facility may employ independent contractors or designate
176 employees as toll enforcement officers; however, any such toll
177 enforcement officer must successfully meet the training and
178 qualifications standards for toll enforcement officers
179 established by the Department of Transportation.

180 ~~3. For the purpose of enforcing s. 316.0083, the department~~
181 ~~may designate employees as traffic infraction enforcement~~
182 ~~officers. A traffic infraction enforcement officer must~~
183 ~~successfully complete instruction in traffic enforcement~~
184 ~~procedures and court presentation through the Selective Traffic~~
185 ~~Enforcement Program as approved by the Division of Criminal~~
186 ~~Justice Standards and Training of the Department of Law~~
187 ~~Enforcement, or through a similar program, but may not~~
188 ~~necessarily otherwise meet the uniform minimum standards~~
189 ~~established by the Criminal Justice Standards and Training~~
190 ~~Commission for law enforcement officers or auxiliary law~~
191 ~~enforcement officers under s. 943.13. This subparagraph does not~~
192 ~~authorize the carrying of firearms or other weapons by a traffic~~
193 ~~infraction enforcement officer and does not authorize a traffic~~
194 ~~infraction enforcement officer to make arrests. The department's~~
195 ~~traffic infraction enforcement officers must be physically~~
196 ~~located in the state.~~

197 (5) (a) Any sheriff's department or police department of a
198 municipality may employ, as a traffic infraction enforcement
199 officer, any individual who successfully completes instruction
200 in traffic enforcement procedures and court presentation through
201 the Selective Traffic Enforcement Program as approved by the
202 Division of Criminal Justice Standards and Training of the
203 Department of Law Enforcement, or through a similar program, but

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204 who does not necessarily otherwise meet the uniform minimum
205 standards established by the Criminal Justice Standards and
206 Training Commission for law enforcement officers or auxiliary
207 law enforcement officers under s. 943.13. Any such traffic
208 infraction enforcement officer who observes the commission of a
209 traffic infraction or, in the case of a parking infraction, who
210 observes an illegally parked vehicle may issue a traffic
211 citation for the infraction when, based upon personal
212 investigation, he or she has reasonable and probable grounds to
213 believe that an offense has been committed which constitutes a
214 noncriminal traffic infraction as defined in s. 318.14. ~~In~~
215 ~~addition, any such traffic infraction enforcement officer may~~
216 ~~issue a traffic citation under s. 316.0083. For purposes of~~
217 ~~enforcing s. 316.0083, any sheriff's department or police~~
218 ~~department of a municipality may designate employees as traffic~~
219 ~~infraction enforcement officers. The traffic infraction~~
220 ~~enforcement officers must be physically located in the county of~~
221 ~~the respective sheriff's or police department.~~

222 Section 15. Paragraphs (a) and (c) of subsection (3) of
223 section 316.650, Florida Statutes, are amended to read:

224 316.650 Traffic citations.—

225 (3) (a) Except for a traffic citation issued pursuant to s.
226 316.1001 ~~or s. 316.0083~~, each traffic enforcement officer, upon
227 issuing a traffic citation to an alleged violator of any
228 provision of the motor vehicle laws of this state or of any
229 traffic ordinance of any municipality or town, shall deposit the
230 original traffic citation or, in the case of a traffic
231 enforcement agency that has an automated citation issuance
232 system, the chief administrative officer shall provide by an

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233 electronic transmission a replica of the citation data to a
234 court having jurisdiction over the alleged offense or with its
235 traffic violations bureau within 5 days after issuance to the
236 violator.

237 ~~(c) If a traffic citation is issued under s. 316.0083, the~~
238 ~~traffic infraction enforcement officer shall provide by~~
239 ~~electronic transmission a replica of the traffic citation data~~
240 ~~to the court having jurisdiction over the alleged offense or its~~
241 ~~traffic violations bureau within 5 days after the date of~~
242 ~~issuance of the traffic citation to the violator. If a hearing~~
243 ~~is requested, the traffic infraction enforcement officer shall~~
244 ~~provide a replica of the traffic notice of violation data to the~~
245 ~~clerk for the local hearing officer having jurisdiction over the~~
246 ~~alleged offense within 14 days.~~

247 Section 16. Section 318.121, Florida Statutes, is amended
248 to read:

249 318.121 Preemption of additional fees, fines, surcharges,
250 and costs.—Notwithstanding any general or special law, or
251 municipal or county ordinance, additional fees, fines,
252 surcharges, or costs other than the court costs and surcharges
253 assessed under s. 318.18(11), (13), (18), and (19), ~~and (22)~~ may
254 not be added to the civil traffic penalties assessed under this
255 chapter.

256 Section 17. Subsection (2) of section 318.14, Florida
257 Statutes, is amended to read:

258 318.14 Noncriminal traffic infractions; exception;
259 procedures.—

260 (2) Except as provided in s. 316.1001(2) ~~ss. 316.1001(2)~~
261 ~~and 316.0083~~, any person cited for a violation requiring a

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262 mandatory hearing listed in s. 318.19 or any other criminal
263 traffic violation listed in chapter 316 must sign and accept a
264 citation indicating a promise to appear. The officer may
265 indicate on the traffic citation the time and location of the
266 scheduled hearing and must indicate the applicable civil penalty
267 established in s. 318.18. For all other infractions under this
268 section, except for infractions under s. 316.1001, the officer
269 must certify by electronic, electronic facsimile, or written
270 signature that the citation was delivered to the person cited.
271 This certification is prima facie evidence that the person cited
272 was served with the citation.

273 Section 18. Subsections (15) and (22) of section 318.18,
274 Florida Statutes, are amended to read:

275 318.18 Amount of penalties.—The penalties required for a
276 noncriminal disposition pursuant to s. 318.14 or a criminal
277 offense listed in s. 318.17 are as follows:

278 (15) ~~(a)1.~~ One hundred and fifty-eight dollars for a
279 violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver
280 has failed to stop at a traffic signal ~~and when enforced by a~~
281 ~~law enforcement officer.~~ Sixty dollars shall be distributed as
282 provided in s. 318.21, \$30 shall be distributed to the General
283 Revenue Fund, \$3 shall be remitted to the Department of Revenue
284 for deposit into the Brain and Spinal Cord Injury Trust Fund,
285 and the remaining \$65 shall be remitted to the Department of
286 Revenue for deposit into the Emergency Medical Services Trust
287 Fund of the Department of Health.

288 ~~2. 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 the department's~~

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291 ~~traffic infraction enforcement officer. One hundred dollars~~
292 ~~shall be remitted to the Department of Revenue for deposit into~~
293 ~~the General Revenue Fund, \$45 shall be distributed to the county~~
294 ~~for any violations occurring in any unincorporated areas of the~~
295 ~~county or to the municipality for any violations occurring in~~
296 ~~the incorporated boundaries of the municipality in which the~~
297 ~~infraction occurred, \$10 shall be remitted to the Department of~~
298 ~~Revenue for deposit into the Department of Health Emergency~~
299 ~~Medical Services Trust Fund for distribution as provided in s.~~
300 ~~395.4036(1), and \$3 shall be remitted to the Department of~~
301 ~~Revenue for deposit into the Brain and Spinal Cord Injury Trust~~
302 ~~Fund.~~

303 ~~3. One hundred and fifty-eight dollars for a violation of~~
304 ~~s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to~~
305 ~~stop at a traffic signal and when enforced by a county's or~~
306 ~~municipality's traffic infraction enforcement officer. Seventy-~~
307 ~~five dollars shall be distributed to the county or municipality~~
308 ~~issuing the traffic citation, \$70 shall be remitted to the~~
309 ~~Department of Revenue for deposit into the General Revenue Fund,~~
310 ~~\$10 shall be remitted to the Department of Revenue for deposit~~
311 ~~into the Department of Health Emergency Medical Services Trust~~
312 ~~Fund for distribution as provided in s. 395.4036(1), and \$3~~
313 ~~shall be remitted to the Department of Revenue for deposit into~~
314 ~~the Brain and Spinal Cord Injury Trust Fund.~~

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

319 ~~(c) If a person who is mailed a notice of violation or~~

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320 ~~eated for a violation of s. 316.074(1) or s. 316.075(1)(c)1., as~~
321 ~~enforced by a traffic infraction enforcement officer under s.~~
322 ~~316.0083, presents documentation from the appropriate~~
323 ~~governmental entity that the notice of violation or traffic~~
324 ~~citation was in error, the clerk of court or clerk to the local~~
325 ~~hearing officer may dismiss the case. The clerk of court or~~
326 ~~clerk to the local hearing officer may not charge for this~~
327 ~~service.~~

328 ~~(d) An individual may not receive a commission or per-~~
329 ~~ticket fee from any revenue collected from violations detected~~
330 ~~through the use of a traffic infraction detector. A manufacturer~~
331 ~~or vendor may not receive a fee or remuneration based upon the~~
332 ~~number of violations detected through the use of a traffic~~
333 ~~infraction detector.~~

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

337 ~~(22) In addition to the penalty prescribed under s.~~
338 ~~316.0083 for violations enforced under s. 316.0083 which are~~
339 ~~upheld, the local hearing officer may also order the payment of~~
340 ~~county or municipal costs, not to exceed \$250.~~

341 Section 19. Subsection (8) of section 320.03, Florida
342 Statutes, is amended to read:

343 320.03 Registration; duties of tax collectors;
344 International Registration Plan.—

345 (8) If the applicant's name appears on the list referred to
346 in s. 316.1001(4), s. 316.1967(6), ~~s. 318.15(3)~~, or s.
347 713.78(13), a license plate or revalidation sticker may not be
348 issued until that person's name no longer appears on the list or

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349 until the person presents a receipt from the governmental entity
350 or the clerk of court that provided the data showing that the
351 fines outstanding have been paid. This subsection does not apply
352 to the owner of a leased vehicle if the vehicle is registered in
353 the name of the lessee of the vehicle. The tax collector and the
354 clerk of the court are each entitled to receive monthly, as
355 costs for implementing and administering this subsection, 10
356 percent of the civil penalties and fines recovered from such
357 persons. As used in this subsection, the term "civil penalties
358 and fines" does not include a wrecker operator's lien as
359 described in s. 713.78(13). If the tax collector has private tag
360 agents, such tag agents are entitled to receive a pro rata share
361 of the amount paid to the tax collector, based upon the
362 percentage of license plates and revalidation stickers issued by
363 the tag agent compared to the total issued within the county.
364 The authority of any private agent to issue license plates shall
365 be revoked, after notice and a hearing as provided in chapter
366 120, if he or she issues any license plate or revalidation
367 sticker contrary to the provisions of this subsection. This
368 section applies both to the annual renewal of a motor vehicle
369 registration and the replacement of the motor vehicle
370 registration or license plate, but does not apply to the
371 transfer of a registration of a motor vehicle sold by a motor
372 vehicle dealer licensed under this chapter, except for the
373 transfer of registrations which includes the annual renewals.
374 This section does not affect the issuance of the title to a
375 motor vehicle, notwithstanding s. 319.23(8)(b).

376 Section 20. Paragraph (d) of subsection (3) of section
377 322.27, Florida Statutes, is amended to read:

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378 322.27 Authority of department to suspend or revoke driver
379 license or identification card.—

380 (3) There is established a point system for evaluation of
381 convictions of violations of motor vehicle laws or ordinances,
382 and violations of applicable provisions of s. 403.413(6) (b) when
383 such violations involve the use of motor vehicles, for the
384 determination of the continuing qualification of any person to
385 operate a motor vehicle. The department is authorized to suspend
386 the license of any person upon showing of its records or other
387 good and sufficient evidence that the licensee has been
388 convicted of violation of motor vehicle laws or ordinances, or
389 applicable provisions of s. 403.413(6) (b), amounting to 12 or
390 more points as determined by the point system. The suspension
391 shall be for a period of not more than 1 year.

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

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

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

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

400 4. Passing a stopped school bus:

401 a. Not causing or resulting in serious bodily injury to or
402 death of another—4 points.

403 b. Causing or resulting in serious bodily injury to or
404 death of another—6 points.

405 5. Unlawful speed:

406 a. Not in excess of 15 miles per hour of lawful or posted

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407 speed-3 points.

408 b. In excess of 15 miles per hour of lawful or posted
409 speed-4 points.

410 6. A violation of a traffic control signal device as
411 provided in s. 316.074(1) or s. 316.075(1)(c)1.-4 points.
412 ~~However, no points shall be imposed for a violation of s.~~
413 ~~316.074(1) or s. 316.075(1)(c)1. when a driver has failed to~~
414 ~~stop at a traffic signal and when enforced by a traffic~~
415 ~~infraction enforcement officer. In addition, a violation of s.~~
416 ~~316.074(1) or s. 316.075(1)(c)1. when a driver has failed to~~
417 ~~stop at a traffic signal and when enforced by a traffic~~
418 ~~infraction enforcement officer may not be used for purposes of~~
419 ~~setting motor vehicle insurance rates.~~

420 7. All other moving violations, ~~(including parking on a~~
421 ~~highway outside the limits of a municipality)~~-3 points. However,
422 ~~no points may not shall~~ be imposed for a violation of s.
423 316.0741 or s. 316.2065(11); and points may shall be imposed for
424 a violation of s. 316.1001 only when imposed by the court after
425 a hearing pursuant to s. 318.14(5).

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

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

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

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

435 Section 21. Subsection (1) of section 655.960, Florida

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436 Statutes, is amended to read:

437 655.960 Definitions; ss. 655.960-655.965.—As used in this
438 section and ss. 655.961-655.965, unless the context otherwise
439 requires:

440 (1) "Access area" means any paved walkway or sidewalk which
441 is within 50 feet of any automated teller machine. The term does
442 not include any street or highway open to the use of the public,
443 as defined in s. 316.003(86)(a) or (b) ~~s. 316.003(87)(a) or (b)~~,
444 including any adjacent sidewalk, as defined in s. 316.003.

445 Section 22. This act shall take effect July 1, 2023.