

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. 316.640, 316.650, 318.121,
 13 318.14, 318.15, 318.18, 320.03, 322.27, and 655.960,
 14 F.S.; conforming cross-references and provisions to
 15 changes made by the act; providing an effective date.

16
 17 Be It Enacted by the Legislature of the State of Florida:

18
 19 Section 1. Sections 316.0083 and 321.50, Florida Statutes,
 20 are repealed.

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

23 28.37 Fines, fees, service charges, and costs remitted to
 24 the state.—

25 (5) Ten percent of all court-related fines collected by

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

31 | Section 3. Subsections (37) through (90) and (92) through
 32 | (101) of section 316.003, Florida Statutes, are renumbered as
 33 | subsections (36) through (89) and (90) through (99),
 34 | respectively, and present subsections (36), (59), and (91) of
 35 | that section 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 | ~~(36) 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 | (58) ~~(59)~~ PRIVATE ROAD OR DRIVEWAY.—Except as otherwise

51 provided in paragraph (80) (b) ~~(81) (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 ~~(91) 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~~
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 4. Subsection (8) of section 316.008, Florida
68 Statutes, is amended to read:

69 316.008 Powers of local authorities.—

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

76 | ~~may install or authorize the installation of any such detectors~~
 77 | ~~within the unincorporated area of the county.~~

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

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

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

95 | Section 6. Paragraph (b) of subsection (1) and paragraph
 96 | (a) of subsection (5) of section 316.640, Florida Statutes, are
 97 | amended to read:

98 | 316.640 Enforcement.—The enforcement of the traffic laws
 99 | of this state is vested as follows:

100 | (1) STATE.—

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

104 2.a. The Department of Transportation shall develop
105 training and qualifications standards for toll enforcement
106 officers whose sole authority is to enforce the payment of tolls
107 pursuant to s. 316.1001. Nothing in this subparagraph shall be
108 construed to permit the carrying of firearms or other weapons,
109 nor shall a toll enforcement officer have arrest authority.

110 b. For the purpose of enforcing s. 316.1001, governmental
111 entities, as defined in s. 334.03, which own or operate a toll
112 facility may employ independent contractors or designate
113 employees as toll enforcement officers; however, any such toll
114 enforcement officer must successfully meet the training and
115 qualifications standards for toll enforcement officers
116 established by the Department of Transportation.

117 ~~3. For the purpose of enforcing s. 316.0083, the~~
118 ~~department may designate employees as traffic infraction~~
119 ~~enforcement officers. A traffic infraction enforcement officer~~
120 ~~must successfully complete instruction in traffic enforcement~~
121 ~~procedures and court presentation through the Selective Traffic~~
122 ~~Enforcement Program as approved by the Division of Criminal~~
123 ~~Justice Standards and Training of the Department of Law~~
124 ~~Enforcement, or through a similar program, but may not~~
125 ~~necessarily otherwise meet the uniform minimum standards~~

126 ~~established by the Criminal Justice Standards and Training~~
127 ~~Commission for law enforcement officers or auxiliary law~~
128 ~~enforcement officers under s. 943.13. This subparagraph does not~~
129 ~~authorize the carrying of firearms or other weapons by a traffic~~
130 ~~infraction enforcement officer and does not authorize a traffic~~
131 ~~infraction enforcement officer to make arrests. The department's~~
132 ~~traffic infraction enforcement officers must be physically~~
133 ~~located in the state.~~

134 (5) (a) Any sheriff's department or police department of a
135 municipality may employ, as a traffic infraction enforcement
136 officer, any individual who successfully completes instruction
137 in traffic enforcement procedures and court presentation through
138 the Selective Traffic Enforcement Program as approved by the
139 Division of Criminal Justice Standards and Training of the
140 Department of Law Enforcement, or through a similar program, but
141 who does not necessarily otherwise meet the uniform minimum
142 standards established by the Criminal Justice Standards and
143 Training Commission for law enforcement officers or auxiliary
144 law enforcement officers under s. 943.13. Any such traffic
145 infraction enforcement officer who observes the commission of a
146 traffic infraction or, in the case of a parking infraction, who
147 observes an illegally parked vehicle may issue a traffic
148 citation for the infraction when, based upon personal
149 investigation, he or she has reasonable and probable grounds to
150 believe that an offense has been committed which constitutes a

151 noncriminal traffic infraction as defined in s. 318.14. ~~In~~
 152 ~~addition, any such traffic infraction enforcement officer may~~
 153 ~~issue a traffic citation under s. 316.0083. For purposes of~~
 154 ~~enforcing s. 316.0083, any sheriff's department or police~~
 155 ~~department of a municipality may designate employees as traffic~~
 156 ~~infraction enforcement officers.~~ The traffic infraction
 157 enforcement officers must be physically located in the county of
 158 the respective sheriff's or police department.

159 Section 7. Paragraphs (a) and (c) of subsection (3) of
 160 section 316.650, Florida Statutes, are amended to read:

161 316.650 Traffic citations.—

162 (3) (a) Except for a traffic citation issued pursuant to s.
 163 316.1001 ~~or s. 316.0083~~, each traffic enforcement officer, upon
 164 issuing a traffic citation to an alleged violator of any
 165 provision of the motor vehicle laws of this state or of any
 166 traffic ordinance of any municipality or town, shall deposit the
 167 original traffic citation or, in the case of a traffic
 168 enforcement agency that has an automated citation issuance
 169 system, the chief administrative officer shall provide by an
 170 electronic transmission a replica of the citation data to a
 171 court having jurisdiction over the alleged offense or with its
 172 traffic violations bureau within 5 days after issuance to the
 173 violator.

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

176 | ~~electronic transmission a replica of the traffic citation data~~
 177 | ~~to the court having jurisdiction over the alleged offense or its~~
 178 | ~~traffic violations bureau within 5 days after the date of~~
 179 | ~~issuance of the traffic citation to the violator. If a hearing~~
 180 | ~~is requested, the traffic infraction enforcement officer shall~~
 181 | ~~provide a replica of the traffic notice of violation data to the~~
 182 | ~~clerk for the local hearing officer having jurisdiction over the~~
 183 | ~~alleged offense within 14 days.~~

184 | Section 8. Section 318.121, Florida Statutes, is amended
 185 | to read:

186 | 318.121 Preemption of additional fees, fines, surcharges,
 187 | and costs.—Notwithstanding any general or special law, or
 188 | municipal or county ordinance, additional fees, fines,
 189 | surcharges, or costs other than the court costs and surcharges
 190 | assessed under s. 318.18(11), (13), (18), and (19), ~~and (22)~~ may
 191 | not be added to the civil traffic penalties assessed under this
 192 | chapter.

193 | Section 9. Subsection (2) of section 318.14, Florida
 194 | Statutes, is amended to read:

195 | 318.14 Noncriminal traffic infractions; exception;
 196 | procedures.—

197 | (2) Except as provided in s. 316.1001(2) ~~ss. 316.1001(2)~~
 198 | ~~and 316.0083~~, any person cited for a violation requiring a
 199 | mandatory hearing listed in s. 318.19 or any other criminal
 200 | traffic violation listed in chapter 316 must sign and accept a

201 citation indicating a promise to appear. The officer may
202 indicate on the traffic citation the time and location of the
203 scheduled hearing and must indicate the applicable civil penalty
204 established in s. 318.18. For all other infractions under this
205 section, except for infractions under s. 316.1001, the officer
206 must certify by electronic, electronic facsimile, or written
207 signature that the citation was delivered to the person cited.
208 This certification is prima facie evidence that the person cited
209 was served with the citation.

210 Section 10. Subsection (3) of section 318.15, Florida
211 Statutes, is amended to read:

212 318.15 Failure to comply with civil penalty or to appear;
213 penalty.-

214 ~~(3) The clerk shall notify the department of persons who~~
215 ~~were mailed a notice of violation of s. 316.074(1) or s.~~
216 ~~316.075(1)(c)1. pursuant to s. 316.0083 and who failed to enter~~
217 ~~into, or comply with the terms of, a penalty payment plan, or~~
218 ~~order with the clerk to the local hearing officer or failed to~~
219 ~~appear at a scheduled hearing within 10 days after such failure,~~
220 ~~and shall reference the person's driver license number, or in~~
221 ~~the case of a business entity, vehicle registration number.~~

222 ~~(a) Upon receipt of such notice, the department, or~~
223 ~~authorized agent thereof, may not issue a license plate or~~
224 ~~revalidation sticker for any motor vehicle owned or coowned by~~
225 ~~that person pursuant to s. 320.03(8) until the amounts assessed~~

226 ~~have been fully paid.~~

227 ~~(b) After the issuance of the person's license plate or~~
228 ~~revalidation sticker is withheld pursuant to paragraph (a), the~~
229 ~~person may challenge the withholding of the license plate or~~
230 ~~revalidation sticker only on the basis that the outstanding~~
231 ~~finances and civil penalties have been paid pursuant to s.~~
232 ~~320.03(8).~~

233 Section 11. Subsections (15) and (22) of section 318.18,
234 Florida Statutes, are amended to read:

235 318.18 Amount of penalties.—The penalties required for a
236 noncriminal disposition pursuant to s. 318.14 or a criminal
237 offense listed in s. 318.17 are as follows:

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

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

251 ~~traffic infraction enforcement officer. One hundred dollars~~
252 ~~shall be remitted to the Department of Revenue for deposit into~~
253 ~~the General Revenue Fund, \$45 shall be distributed to the county~~
254 ~~for any violations occurring in any unincorporated areas of the~~
255 ~~county or to the municipality for any violations occurring in~~
256 ~~the incorporated boundaries of the municipality in which the~~
257 ~~infraction occurred, \$10 shall be remitted to the Department of~~
258 ~~Revenue for deposit into the Department of Health Emergency~~
259 ~~Medical Services Trust Fund for distribution as provided in s.~~
260 ~~395.4036(1), and \$3 shall be remitted to the Department of~~
261 ~~Revenue for deposit into the Brain and Spinal Cord Injury Trust~~
262 ~~Fund.~~

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

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

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

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

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

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

297 ~~(22) In addition to the penalty prescribed under s.~~
298 ~~316.0083 for violations enforced under s. 316.0083 which are~~
299 ~~upheld, the local hearing officer may also order the payment of~~
300 ~~county or municipal costs, not to exceed \$250.~~

301 Section 12. Subsection (8) of section 320.03, Florida
302 Statutes, is amended to read:

303 320.03 Registration; duties of tax collectors;
304 International Registration Plan.—

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

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

335 Section 13. Paragraph (d) of subsection (3) of section
336 322.27, Florida Statutes, is amended to read:

337 322.27 Authority of department to suspend or revoke driver
338 license or identification card.—

339 (3) There is established a point system for evaluation of
340 convictions of violations of motor vehicle laws or ordinances,
341 and violations of applicable provisions of s. 403.413(6)(b) when
342 such violations involve the use of motor vehicles, for the
343 determination of the continuing qualification of any person to
344 operate a motor vehicle. The department is authorized to suspend
345 the license of any person upon showing of its records or other
346 good and sufficient evidence that the licensee has been
347 convicted of violation of motor vehicle laws or ordinances, or
348 applicable provisions of s. 403.413(6)(b), amounting to 12 or
349 more points as determined by the point system. The suspension
350 shall be for a period of not more than 1 year.

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

- 354 1. Reckless driving, willful and wanton—4 points.
- 355 2. Leaving the scene of a crash resulting in property
 356 damage of more than \$50—6 points.
- 357 3. Unlawful speed, or unlawful use of a wireless
 358 communications device, resulting in a crash—6 points.
- 359 4. Passing a stopped school bus:
 - 360 a. Not causing or resulting in serious bodily injury to or
 361 death of another—4 points.
 - 362 b. Causing or resulting in serious bodily injury to or
 363 death of another—6 points.
- 364 5. Unlawful speed:
 - 365 a. Not in excess of 15 miles per hour of lawful or posted
 366 speed—3 points.
 - 367 b. In excess of 15 miles per hour of lawful or posted
 368 speed—4 points.
- 369 6. A violation of a traffic control signal device as
 370 provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points.
 371 ~~However, no points shall be imposed for a violation of s.~~
 372 ~~316.074(1) or s. 316.075(1)(c)1. when a driver has failed to~~
 373 ~~stop at a traffic signal and when enforced by a traffic~~
 374 ~~infraction enforcement officer. In addition, a violation of s.~~
 375 ~~316.074(1) or s. 316.075(1)(c)1. when a driver has failed to~~

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

379 7. All other moving violations (including parking on a
380 highway outside the limits of a municipality)—3 points. However,
381 no points shall be imposed for a violation of s. 316.0741 or s.
382 316.2065(11); and points shall be imposed for a violation of s.
383 316.1001 only when imposed by the court after a hearing pursuant
384 to s. 318.14(5).

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

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

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

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

394 Section 14. Subsection (1) of section 655.960, Florida
395 Statutes, is amended to read:

396 655.960 Definitions; ss. 655.960-655.965.—As used in this
397 section and ss. 655.961-655.965, unless the context otherwise
398 requires:

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

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401 term does not include any street or highway open to the use of
402 the public, as defined in s. 316.003(80)(a) ~~s. 316.003(81)(a)~~ or
403 (b), including any adjacent sidewalk, as defined in s. 316.003.
404 Section 15. This act shall take effect July 1, 2022.