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1                   A bill to be entitled  
2           An act relating to traffic infraction detectors;  
3           amending s. 316.003, F.S.; revising the definition of  
4           "traffic infraction detector" to remove requirements  
5           for issuance of notifications and citations; repealing  
6           ss. 316.008(8), 316.0083, 316.00831, and 321.50, 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          removing provisions that authorize the Department of  
11          Highway Safety and Motor Vehicles, a county, or a  
12          municipality to use such detectors; repealing s.  
13          316.07456, F.S., relating to transitional  
14          implementation of such detectors; repealing s.  
15          316.0776, F.S., relating to placement and installation  
16          of traffic infraction detectors; amending ss. 316.640,  
17          316.650, 318.14, 318.18, and 322.27, F.S., relating to  
18          enforcement by such detectors, procedures for  
19          disposition of citations, penalties, and distribution  
20          of proceeds; conforming provisions to changes made by  
21          the act; providing an effective date.

22  
23   Be It Enacted by the Legislature of the State of Florida:

24  
25           Section 1. Subsection (87) of section 316.003, Florida  
26   Statutes, is amended to read:

27           316.003 Definitions.—The following words and phrases, when  
28   used in this chapter, shall have the meanings respectively

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29 ascribed to them in this section, except where the context  
30 otherwise requires:

31 (87) TRAFFIC INFRACTION DETECTOR.—A vehicle sensor  
32 installed to work in conjunction with a traffic control signal  
33 and a camera or cameras synchronized to automatically record two  
34 or more sequenced photographic or electronic images or streaming  
35 video of only the rear of a motor vehicle at the time the  
36 vehicle fails to stop behind the stop bar or clearly marked stop  
37 line when facing a traffic control signal steady red light. ~~Any~~  
38 ~~notification under s. 316.0083(1)(b) or traffic citation issued~~  
39 ~~by the use of a traffic infraction detector must include a~~  
40 ~~photograph or other recorded image showing both the license tag~~  
41 ~~of the offending vehicle and the traffic control device being~~  
42 ~~violated.~~

43 Section 2. Subsection (8) of section 316.008, Florida  
44 Statutes, is repealed.

45 Section 3. Section 316.0083, Florida Statutes, is  
46 repealed.

47 Section 4. Section 316.00831, Florida Statutes, is  
48 repealed.

49 Section 5. Section 316.07456, Florida Statutes, is  
50 repealed.

51 Section 6. Section 316.0776, Florida Statutes, is  
52 repealed.

53 Section 7. Section 321.50, Florida Statutes, is repealed.

54 Section 8. Paragraph (b) of subsection (1) and paragraph  
55 (a) of subsection (5) of section 316.640, Florida Statutes, are  
56 amended to read:

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57 | 316.640 Enforcement.—The enforcement of the traffic laws  
 58 | of this state is vested as follows:

59 | (1) STATE.—

60 | (b)1. The Department of Transportation has authority to  
 61 | enforce on all the streets and highways of this state all laws  
 62 | applicable within its authority.

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

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

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

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

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

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113 ~~enforcing s. 316.0083, any sheriff's department or police~~  
114 ~~department of a municipality may designate employees as traffic~~  
115 ~~infraction enforcement officers.~~ The traffic infraction  
116 enforcement officers must be physically located in the county of  
117 the respective sheriff's or police department.

118 Section 9. Paragraphs (a) and (c) of subsection (3) of  
119 section 316.650, Florida Statutes, are amended to read:

120 316.650 Traffic citations.—

121 (3) (a) Except for a traffic citation issued pursuant to s.  
122 316.1001 ~~or s. 316.0083~~, each traffic enforcement officer, upon  
123 issuing a traffic citation to an alleged violator of any  
124 provision of the motor vehicle laws of this state or of any  
125 traffic ordinance of any municipality or town, shall deposit the  
126 original traffic citation or, in the case of a traffic  
127 enforcement agency that has an automated citation issuance  
128 system, the chief administrative officer shall provide by an  
129 electronic transmission a replica of the citation data to a  
130 court having jurisdiction over the alleged offense or with its  
131 traffic violations bureau within 5 days after issuance to the  
132 violator.

133 ~~(c) If a traffic citation is issued under s. 316.0083, the~~  
134 ~~traffic infraction enforcement officer shall provide by~~  
135 ~~electronic transmission a replica of the traffic citation data~~  
136 ~~to the court having jurisdiction over the alleged offense or its~~  
137 ~~traffic violations bureau within 5 days after the date of~~  
138 ~~issuance of the traffic citation to the violator.~~

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

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141 318.14 Noncriminal traffic infractions; exception;  
 142 procedures.—

143 (2) Except as provided in s. ss. 316.1001(2) ~~and 316.0083~~,  
 144 any person cited for a violation requiring a mandatory hearing  
 145 listed in s. 318.19 or any other criminal traffic violation  
 146 listed in chapter 316 must sign and accept a citation indicating  
 147 a promise to appear. The officer may indicate on the traffic  
 148 citation the time and location of the scheduled hearing and must  
 149 indicate the applicable civil penalty established in s. 318.18.  
 150 For all other infractions under this section, except for  
 151 infractions under s. 316.1001, the officer must certify by  
 152 electronic, electronic facsimile, or written signature that the  
 153 citation was delivered to the person cited. This certification  
 154 is prima facie evidence that the person cited was served with  
 155 the citation.

156 Section 11. Subsection (15) of section 318.18, Florida  
 157 Statutes, is amended to read:

158 318.18 Amount of penalties.—The penalties required for a  
 159 noncriminal disposition pursuant to s. 318.14 or a criminal  
 160 offense listed in s. 318.17 are as follows:

161 (15) ~~(a)1.~~ One hundred and fifty-eight dollars for a  
 162 violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver  
 163 has failed to stop at a traffic signal ~~and when enforced by a~~  
 164 ~~law enforcement officer.~~ Sixty dollars shall be distributed as  
 165 provided in s. 318.21, \$30 shall be distributed to the General  
 166 Revenue Fund, \$3 shall be remitted to the Department of Revenue  
 167 for deposit into the Brain and Spinal Cord Injury Trust Fund,  
 168 and the remaining \$65 shall be remitted to the Department of

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169 Revenue for deposit into the Administrative Trust Fund of the  
170 Department of Health.

171 ~~2. One hundred and fifty-eight dollars for a violation of~~  
172 ~~s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to~~  
173 ~~stop at a traffic signal and when enforced by the department's~~  
174 ~~traffic infraction enforcement officer. One hundred dollars~~  
175 ~~shall be remitted to the Department of Revenue for deposit into~~  
176 ~~the General Revenue Fund, \$45 shall be distributed to the county~~  
177 ~~for any violations occurring in any unincorporated areas of the~~  
178 ~~county or to the municipality for any violations occurring in~~  
179 ~~the incorporated boundaries of the municipality in which the~~  
180 ~~infraction occurred, \$10 shall be remitted to the Department of~~  
181 ~~Revenue for deposit into the Department of Health Administrative~~  
182 ~~Trust Fund for distribution as provided in s. 395.4036(1), and~~  
183 ~~\$3 shall be remitted to the Department of Revenue for deposit~~  
184 ~~into the Brain and Spinal Cord Injury Trust Fund.~~

185 ~~3. One hundred and fifty-eight dollars for a violation of~~  
186 ~~s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to~~  
187 ~~stop at a traffic signal and when enforced by a county's or~~  
188 ~~municipality's traffic infraction enforcement officer. Seventy-~~  
189 ~~five dollars shall be distributed to the county or municipality~~  
190 ~~issuing the traffic citation, \$70 shall be remitted to the~~  
191 ~~Department of Revenue for deposit into the General Revenue Fund,~~  
192 ~~\$10 shall be remitted to the Department of Revenue for deposit~~  
193 ~~into the Department of Health Administrative Trust Fund for~~  
194 ~~distribution as provided in s. 395.4036(1), and \$3 shall be~~  
195 ~~remitted to the Department of Revenue for deposit into the Brain~~  
196 ~~and Spinal Cord Injury Trust Fund.~~

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

201 ~~(c)~~ If a person who is cited for a violation of s.  
 202 316.074(1) or s. 316.075(1)(c)1., as enforced by a traffic  
 203 infraction enforcement officer under s. 316.0083, presents  
 204 documentation from the appropriate governmental entity that the  
 205 traffic citation was in error, the clerk of court may dismiss  
 206 the case. The clerk of court shall not charge for this service.

207 ~~(d)~~ An individual may not receive a commission or per-  
 208 ticket fee from any revenue collected from violations detected  
 209 through the use of a traffic infraction detector. A manufacturer  
 210 or vendor may not receive a fee or remuneration based upon the  
 211 number of violations detected through the use of a traffic  
 212 infraction detector.

213 ~~(e)~~ Funds deposited into the Department of Health  
 214 Administrative Trust Fund under this subsection shall be  
 215 distributed as provided in s. 395.4036(1).

216 Section 12. Paragraph (d) of subsection (3) of section  
 217 322.27, Florida Statutes, is amended to read:

218 322.27 Authority of department to suspend or revoke  
 219 license.—

220 (3) There is established a point system for evaluation of  
 221 convictions of violations of motor vehicle laws or ordinances,  
 222 and violations of applicable provisions of s. 403.413(6) (b) when  
 223 such violations involve the use of motor vehicles, for the  
 224 determination of the continuing qualification of any person to



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225 operate a motor vehicle. The department is authorized to suspend  
226 the license of any person upon showing of its records or other  
227 good and sufficient evidence that the licensee has been  
228 convicted of violation of motor vehicle laws or ordinances, or  
229 applicable provisions of s. 403.413(6)(b), amounting to 12 or  
230 more points as determined by the point system. The suspension  
231 shall be for a period of not more than 1 year.

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

- 235 1. Reckless driving, willful and wanton—4 points.
- 236 2. Leaving the scene of a crash resulting in property  
237 damage of more than \$50—6 points.
- 238 3. Unlawful speed resulting in a crash—6 points.
- 239 4. Passing a stopped school bus—4 points.
- 240 5. Unlawful speed:
  - 241 a. Not in excess of 15 miles per hour of lawful or posted  
242 speed—3 points.
  - 243 b. In excess of 15 miles per hour of lawful or posted  
244 speed—4 points.
- 245 6. A violation of a traffic control signal device as  
246 provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points.  
247 ~~However, no points shall be imposed for a violation of s.~~  
248 ~~316.074(1) or s. 316.075(1)(c)1. when a driver has failed to~~  
249 ~~stop at a traffic signal and when enforced by a traffic~~  
250 ~~infraction enforcement officer. In addition, a violation of s.~~  
251 ~~316.074(1) or s. 316.075(1)(c)1. when a driver has failed to~~  
252 ~~stop at a traffic signal and when enforced by a traffic~~

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253 ~~infraction enforcement officer may not be used for purposes of~~  
254 ~~setting motor vehicle insurance rates.~~

255         7. All other moving violations (including parking on a  
256 highway outside the limits of a municipality)—3 points. However,  
257 no points shall be imposed for a violation of s. 316.0741 or s.  
258 316.2065(12); and points shall be imposed for a violation of s.  
259 316.1001 only when imposed by the court after a hearing pursuant  
260 to s. 318.14(5).

261         8. Any moving violation covered above, excluding unlawful  
262 speed, resulting in a crash—4 points.

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

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

265         Section 13. This act shall take effect upon becoming a  
266 law.