

By Senator Brandes

22-00193-14

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A bill to be entitled

An act relating to traffic infraction detectors; repealing s. 316.003(87) and (91), F.S., relating to the definitions of "traffic infraction detector" and "local hearing officer"; repealing ss. 316.008(8), 316.0083, and 316.00831, F.S., relating to the installation and use of traffic infraction detectors to enforce specified provisions when a driver fails to stop at a traffic signal; removing provisions that authorize the Department of Highway Safety and Motor Vehicles, a county, or a municipality to use such detectors; repealing s. 316.07456, F.S., relating to transitional implementation of such detectors; repealing s. 316.0776, F.S., relating to placement and installation of traffic infraction detectors; repealing s. 318.15(3), F.S., relating to failure to comply with a civil penalty; repealing s. 321.50, F.S., relating to the authorization to use traffic infraction detectors; amending ss. 28.37, 316.640, 316.650, 318.14, 318.18, 320.03, and 322.27, F.S., relating to distribution of proceeds, enforcement by traffic infraction enforcement officers using such detectors, procedures for disposition of citations, compliance, registration and renewal of license plates, and penalties, to conform provisions to changes made by the act; providing an effective date.

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

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Section 1. Subsections (87) and (91) of section 316.003,
Florida Statutes, are repealed.

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Statutes, is repealed.

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 Section 316.0083, Florida Statutes, is repealed.

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repealed.

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repealed.

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 Section 316.0776, Florida Statutes, is repealed.

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Statutes, is repealed.

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 Section 321.50, Florida Statutes, is repealed.

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

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

(5) Ten percent of all court-related fines collected by the
clerk, except for penalties or fines distributed to counties or
municipalities under ~~s. 316.0083(1)(b)3. or s. 318.18(15)(a),~~
shall be deposited into the clerk's Public Records Modernization
Trust Fund to be used exclusively for additional clerk court-
related operational needs and program enhancements.

Section 10. Paragraph (b) of subsection (1) and paragraph
(a) of subsection (5) of section 316.640, Florida Statutes, are
amended to read:

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

(1) STATE.—

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

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

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

~~3. For the purpose of enforcing s. 316.0083, the department may designate employees as traffic infraction enforcement officers. A traffic infraction enforcement officer must successfully complete instruction in traffic enforcement procedures and court presentation through the Selective Traffic Enforcement Program as approved by the Division of Criminal Justice Standards and Training of the Department of Law Enforcement, or through a similar program, but may not necessarily otherwise meet the uniform minimum standards established by the Criminal Justice Standards and Training Commission for law enforcement officers or auxiliary law enforcement officers under s. 943.13. This subparagraph does not authorize the carrying of firearms or other weapons by a traffic~~

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~~infraction enforcement officer and does not authorize a traffic
infraction enforcement officer to make arrests. The department's
traffic infraction enforcement officers must be physically
located in the state.~~

(5) (a) Any sheriff's department or police department of a municipality may employ, as a traffic infraction enforcement officer, any individual who successfully completes instruction in traffic enforcement procedures and court presentation through the Selective Traffic Enforcement Program as approved by the Division of Criminal Justice Standards and Training of the Department of Law Enforcement, or through a similar program, but who does not necessarily otherwise meet the uniform minimum standards established by the Criminal Justice Standards and Training Commission for law enforcement officers or auxiliary law enforcement officers under s. 943.13. Any such traffic infraction enforcement officer who observes the commission of a traffic infraction or, in the case of a parking infraction, who observes an illegally parked vehicle may issue a traffic citation for the infraction when, based upon personal investigation, he or she has reasonable and probable grounds to believe that an offense has been committed which constitutes a noncriminal traffic infraction as defined in s. 318.14. ~~In addition, any such traffic infraction enforcement officer may issue a traffic citation under s. 316.0083. For purposes of enforcing s. 316.0083, any sheriff's department or police department of a municipality may designate employees as traffic infraction enforcement officers.~~ The traffic infraction enforcement officers must be physically located in the county of the respective sheriff's or police department.

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

316.650 Traffic citations.—

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

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

Section 12. Subsection (2) of section 318.14, Florida Statutes, is amended to read:

318.14 Noncriminal traffic infractions; exception; procedures.—

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

Section 13. Subsections (15) and (22) of section 318.18,
Florida Statutes, are amended to read:

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

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

~~2. One hundred and fifty-eight dollars for a violation of~~

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~~s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to stop at a traffic signal and when enforced by the department's traffic infraction enforcement officer. One hundred dollars shall be remitted to the Department of Revenue for deposit into the General Revenue Fund, \$45 shall be distributed to the county for any violations occurring in any unincorporated areas of the county or to the municipality for any violations occurring in the incorporated boundaries of the municipality in which the infraction occurred, \$10 shall be remitted to the Department of Revenue for deposit into the Department of Health Emergency Medical Services Trust Fund for distribution as provided in s. 395.4036(1), and \$3 shall be remitted to the Department of Revenue for deposit into the Brain and Spinal Cord Injury Trust Fund.~~

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

~~(b)~~ Amounts deposited into the Brain and Spinal Cord Injury Trust Fund pursuant to this subsection shall be distributed quarterly to the Miami Project to Cure Paralysis and shall be

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used for brain and spinal cord research.

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

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

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

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

Section 14. Subsection (8) of section 320.03, Florida Statutes, is amended to read:

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

(8) If the applicant's name appears on the list referred to in s. 316.1001(4), s. 316.1967(6), ~~s. 318.15(3)~~, or s.

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713.78(13), a license plate or revalidation sticker may not be issued until that person's name no longer appears on the list or until the person presents a receipt from the governmental entity or the clerk of court that provided the data showing that the fines outstanding have been paid. This subsection does not apply to the owner of a leased vehicle if the vehicle is registered in the name of the lessee of the vehicle. The tax collector and the clerk of the court are each entitled to receive monthly, as costs for implementing and administering this subsection, 10 percent of the civil penalties and fines recovered from such persons. As used in this subsection, the term "civil penalties and fines" does not include a wrecker operator's lien as described in s. 713.78(13). If the tax collector has private tag agents, such tag agents are entitled to receive a pro rata share of the amount paid to the tax collector, based upon the percentage of license plates and revalidation stickers issued by the tag agent compared to the total issued within the county. The authority of any private agent to issue license plates shall be revoked, after notice and a hearing as provided in chapter 120, if he or she issues any license plate or revalidation sticker contrary to the provisions of this subsection. This section applies only to the annual renewal in the owner's birth month of a motor vehicle registration and does not apply to the transfer of a registration of a motor vehicle sold by a motor vehicle dealer licensed under this chapter, except for the transfer of registrations which includes the annual renewals. This section does not affect the issuance of the title to a motor vehicle, notwithstanding s. 319.23(8)(b).

Section 15. Paragraph (d) of subsection (3) of section

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322.27, Florida Statutes, is amended to read:

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

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

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

1. Reckless driving, willful and wanton—4 points.
2. Leaving the scene of a crash resulting in property damage of more than \$50—6 points.
3. Unlawful speed, or unlawful use of a wireless communications device, resulting in a crash—6 points.
4. Passing a stopped school bus—4 points.
5. Unlawful speed:
 - a. Not in excess of 15 miles per hour of lawful or posted speed—3 points.
 - b. In excess of 15 miles per hour of lawful or posted speed—4 points.

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291 6. A violation of a traffic control signal device as
292 provided in s. 316.074(1) or s. 316.075(1)(c)1.-4 points.
293 ~~However, no points shall be imposed for a violation of s.~~
294 ~~316.074(1) or s. 316.075(1)(c)1. when a driver has failed to~~
295 ~~stop at a traffic signal and when enforced by a traffic~~
296 ~~infraction enforcement officer. In addition, a violation of s.~~
297 ~~316.074(1) or s. 316.075(1)(c)1. when a driver has failed to~~
298 ~~stop at a traffic signal and when enforced by a traffic~~
299 ~~infraction enforcement officer may not be used for purposes of~~
300 ~~setting motor vehicle insurance rates.~~

301 7. All other moving violations (including parking on a
302 highway outside the limits of a municipality)-3 points. However,
303 no points shall be imposed for a violation of s. 316.0741 or s.
304 316.2065(11); and points shall be imposed for a violation of s.
305 316.1001 only when imposed by the court after a hearing pursuant
306 to s. 318.14(5).

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

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

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

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

316 Section 16. This act shall take effect upon becoming a law.