

By Senator Artiles

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1 A bill to be entitled
2 An act relating to traffic infraction detectors;
3 repealing s. 316.003(35) and (87), F.S., relating to
4 the definitions of "local hearing officer" and
5 "traffic infraction detector"; repealing ss.
6 316.008(8), 316.0083, and 316.00831, F.S., relating to
7 the installation and use of traffic infraction
8 detectors to enforce specified provisions when a
9 driver fails to stop at a traffic signal, provisions
10 that authorize the Department of Highway Safety and
11 Motor Vehicles, a county, or a municipality to use
12 such detectors, and the distribution of penalties
13 collected for specified violations; repealing s.
14 316.07456, F.S., relating to transitional
15 implementation of such detectors; repealing s.
16 316.0776, F.S., relating to placement and installation
17 of traffic infraction detectors; repealing s.
18 318.15(3), F.S., relating to a required notification;
19 repealing s. 321.50, F.S., relating to the
20 authorization to use traffic infraction detectors;
21 amending ss. 28.37, 316.003, 316.545, 316.613,
22 316.640, 316.650, 318.121, 318.14, 318.18, 320.03,
23 322.27, and 655.960, F.S., relating to distribution of
24 proceeds, definitions, unlawful weight and loads,
25 child restraint requirements, enforcement by traffic
26 infraction enforcement officers using such detectors,
27 procedures for disposition of citations, preemption of
28 additional fees or surcharges, a procedural exception
29 for certain traffic infractions, amount of penalties,
30 registration and renewal of license plates, points
31 assessed for certain violations, and the definition of
32 the term "access area," to conform provisions to

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33 changes made by the act; providing an effective date.

34

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

36

37 Section 1. Subsections (35) and (87) of section 316.003,
 38 Florida Statutes, are repealed.

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 40 Statutes, is repealed.

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 Section 316.0083, Florida Statutes, is repealed.

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 43 repealed.

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 45 repealed.

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 Section 316.0776, Florida Statutes, is repealed.

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 48 Statutes, is repealed.

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

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

52 28.37 Fines, fees, service charges, and costs remitted to
 53 the state.—

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

60 Section 10. Subsection (55) of section 316.003, Florida
 61 Statutes, is amended to read:

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62 316.003 Definitions.—The following words and phrases, when
63 used in this chapter, shall have the meanings respectively
64 ascribed to them in this section, except where the context
65 otherwise requires:

66 (54) ~~(55)~~ PRIVATE ROAD OR DRIVEWAY.—Except as otherwise
67 provided in paragraph (76) (b) ~~(77) (b)~~, any privately owned way
68 or place used for vehicular travel by the owner and those having
69 express or implied permission from the owner, but not by other
70 persons.

71 Section 11. Paragraph (b) of subsection (2) of section
72 316.545, Florida Statutes, is amended to read:

73 316.545 Weight and load unlawful; special fuel and motor
74 fuel tax enforcement; inspection; penalty; review.—

75 (2)

76 (b) The officer or inspector shall inspect the license
77 plate or registration certificate of the commercial vehicle to
78 determine whether its gross weight is in compliance with the
79 declared gross vehicle weight. If its gross weight exceeds the
80 declared weight, the penalty shall be 5 cents per pound on the
81 difference between such weights. In those cases when the
82 commercial vehicle is being operated over the highways of the
83 state with an expired registration or with no registration from
84 this or any other jurisdiction or is not registered under the
85 applicable provisions of chapter 320, the penalty herein shall
86 apply on the basis of 5 cents per pound on that scaled weight
87 which exceeds 35,000 pounds on laden truck tractor-semitrailer
88 combinations or tandem trailer truck combinations, 10,000 pounds
89 on laden straight trucks or straight truck-trailer combinations,
90 or 10,000 pounds on any unladen commercial motor vehicle. A

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91 driver of a commercial motor vehicle entering the state at a
92 designated port-of-entry location, as defined in s. 316.003~~(54)~~,
93 or operating on designated routes to a port-of-entry location,
94 who obtains a temporary registration permit shall be assessed a
95 penalty limited to the difference between its gross weight and
96 the declared gross vehicle weight at 5 cents per pound. If the
97 license plate or registration has not been expired for more than
98 90 days, the penalty imposed under this paragraph may not exceed
99 \$1,000. In the case of special mobile equipment, which qualifies
100 for the license tax provided for in s. 320.08(5)(b), being
101 operated on the highways of the state with an expired
102 registration or otherwise not properly registered under the
103 applicable provisions of chapter 320, a penalty of \$75 shall
104 apply in addition to any other penalty which may apply in
105 accordance with this chapter. A vehicle found in violation of
106 this section may be detained until the owner or operator
107 produces evidence that the vehicle has been properly registered.
108 Any costs incurred by the retention of the vehicle shall be the
109 sole responsibility of the owner. A person who has been assessed
110 a penalty pursuant to this paragraph for failure to have a valid
111 vehicle registration certificate pursuant to the provisions of
112 chapter 320 is not subject to the delinquent fee authorized in
113 s. 320.07 if such person obtains a valid registration
114 certificate within 10 working days after such penalty was
115 assessed.

116 Section 12. Paragraph (a) of subsection (2) of section
117 316.613, Florida Statutes, is amended to read:

118 316.613 Child restraint requirements.—

119 (2) As used in this section, the term "motor vehicle" means

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120 a motor vehicle as defined in s. 316.003 that is operated on the
121 roadways, streets, and highways of the state. The term does not
122 include:

123 (a) A school bus as defined in s. 316.003~~(68)~~.

124 Section 13. Paragraph (b) of subsection (1) and paragraph
125 (a) of subsection (5) of section 316.640, Florida Statutes, are
126 amended to read:

127 316.640 Enforcement.—The enforcement of the traffic laws of
128 this state is vested as follows:

129 (1) STATE.—

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

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

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

146 ~~3. For the purpose of enforcing s. 316.0083, the department~~
147 ~~may designate employees as traffic infraction enforcement~~
148 ~~officers. A traffic infraction enforcement officer must~~

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149 ~~successfully complete instruction in traffic enforcement~~
150 ~~procedures and court presentation through the Selective Traffic~~
151 ~~Enforcement Program as approved by the Division of Criminal~~
152 ~~Justice Standards and Training of the Department of Law~~
153 ~~Enforcement, or through a similar program, but may not~~
154 ~~necessarily otherwise meet the uniform minimum standards~~
155 ~~established by the Criminal Justice Standards and Training~~
156 ~~Commission for law enforcement officers or auxiliary law~~
157 ~~enforcement officers under s. 943.13. This subparagraph does not~~
158 ~~authorize the carrying of firearms or other weapons by a traffic~~
159 ~~infraction enforcement officer and does not authorize a traffic~~
160 ~~infraction enforcement officer to make arrests. The department's~~
161 ~~traffic infraction enforcement officers must be physically~~
162 ~~located in the state.~~

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

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178 investigation, he or she has reasonable and probable grounds to
179 believe that an offense has been committed which constitutes a
180 noncriminal traffic infraction as defined in s. 318.14. ~~In~~
181 ~~addition, any such traffic infraction enforcement officer may~~
182 ~~issue a traffic citation under s. 316.0083. For purposes of~~
183 ~~enforcing s. 316.0083, any sheriff's department or police~~
184 ~~department of a municipality may designate employees as traffic~~
185 ~~infraction enforcement officers.~~ The traffic infraction
186 enforcement officers must be physically located in the county of
187 the respective sheriff's or police department.

188 Section 14. Paragraphs (a) and (c) of subsection (3) of
189 section 316.650, Florida Statutes, are amended to read:

190 316.650 Traffic citations.—

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

203 ~~(c) If a traffic citation is issued under s. 316.0083, the~~
204 ~~traffic infraction enforcement officer shall provide by~~
205 ~~electronic transmission a replica of the traffic citation data~~
206 ~~to the court having jurisdiction over the alleged offense or its~~

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207 ~~traffic violations bureau within 5 days after the date of~~
208 ~~issuance of the traffic citation to the violator. If a hearing~~
209 ~~is requested, the traffic infraction enforcement officer shall~~
210 ~~provide a replica of the traffic notice of violation data to the~~
211 ~~clerk for the local hearing officer having jurisdiction over the~~
212 ~~alleged offense within 14 days.~~

213 Section 15. Section 318.121, Florida Statutes, is amended
214 to read:

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

222 Section 16. Subsection (2) of section 318.14, Florida
223 Statutes, is amended to read:

224 318.14 Noncriminal traffic infractions; exception;
225 procedures.—

226 (2) Except as provided in s. 316.1001(2) ~~ss. 316.1001(2)~~
227 ~~and 316.0083~~, any person cited for a violation requiring a
228 mandatory hearing listed in s. 318.19 or any other criminal
229 traffic violation listed in chapter 316 must sign and accept a
230 citation indicating a promise to appear. The officer may
231 indicate on the traffic citation the time and location of the
232 scheduled hearing and must indicate the applicable civil penalty
233 established in s. 318.18. For all other infractions under this
234 section, except for infractions under s. 316.1001, the officer
235 must certify by electronic, electronic facsimile, or written

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236 signature that the citation was delivered to the person cited.
237 This certification is prima facie evidence that the person cited
238 was served with the citation.

239 Section 17. Subsections (15) and (22) of section 318.18,
240 Florida Statutes, are amended to read:

241 318.18 Amount of penalties.—The penalties required for a
242 noncriminal disposition pursuant to s. 318.14 or a criminal
243 offense listed in s. 318.17 are as follows:

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

254 ~~2. One hundred and fifty-eight dollars for a violation of~~
255 ~~s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to~~
256 ~~stop at a traffic signal and when enforced by the department's~~
257 ~~traffic infraction enforcement officer. One hundred dollars~~
258 ~~shall be remitted to the Department of Revenue for deposit into~~
259 ~~the General Revenue Fund, \$45 shall be distributed to the county~~
260 ~~for any violations occurring in any unincorporated areas of the~~
261 ~~county or to the municipality for any violations occurring in~~
262 ~~the incorporated boundaries of the municipality in which the~~
263 ~~infraction occurred, \$10 shall be remitted to the Department of~~
264 ~~Revenue for deposit into the Department of Health Emergency~~

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265 ~~Medical Services Trust Fund for distribution as provided in s.~~
266 ~~395.4036(1), and \$3 shall be remitted to the Department of~~
267 ~~Revenue for deposit into the Brain and Spinal Cord Injury Trust~~
268 ~~Fund.~~

269 ~~3. One hundred and fifty eight dollars for a violation of~~
270 ~~s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to~~
271 ~~stop at a traffic signal and when enforced by a county's or~~
272 ~~municipality's traffic infraction enforcement officer. Seventy-~~
273 ~~five dollars shall be distributed to the county or municipality~~
274 ~~issuing the traffic citation, \$70 shall be remitted to the~~
275 ~~Department of Revenue for deposit into the General Revenue Fund,~~
276 ~~\$10 shall be remitted to the Department of Revenue for deposit~~
277 ~~into the Department of Health Emergency Medical Services Trust~~
278 ~~Fund for distribution as provided in s. 395.4036(1), and \$3~~
279 ~~shall be remitted to the Department of Revenue for deposit into~~
280 ~~the Brain and Spinal Cord Injury Trust Fund.~~

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

285 ~~(c)~~ If a person who is mailed a notice of violation or
286 cited for a violation of s. 316.074(1) or s. 316.075(1)(c)1., as
287 enforced by a traffic infraction enforcement officer under s.
288 316.0083, presents documentation from the appropriate
289 governmental entity that the notice of violation or traffic
290 citation was in error, the clerk of court or clerk to the local
291 hearing officer may dismiss the case. The clerk of court or
292 clerk to the local hearing officer may not charge for this
293 service.

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

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

303 ~~(22) In addition to the penalty prescribed under s.~~
304 ~~316.0083 for violations enforced under s. 316.0083 which are~~
305 ~~upheld, the local hearing officer may also order the payment of~~
306 ~~county or municipal costs, not to exceed \$250.~~

307 Section 18. Subsection (8) of section 320.03, Florida
308 Statutes, is amended to read:

309 320.03 Registration; duties of tax collectors;
310 International Registration Plan.-

311 (8) If the applicant's name appears on the list referred to
312 in s. 316.1001(4), s. 316.1967(6), ~~s. 318.15(3)~~, or s.
313 713.78(13), a license plate or revalidation sticker may not be
314 issued until that person's name no longer appears on the list or
315 until the person presents a receipt from the governmental entity
316 or the clerk of court that provided the data showing that the
317 fines outstanding have been paid. This subsection does not apply
318 to the owner of a leased vehicle if the vehicle is registered in
319 the name of the lessee of the vehicle. The tax collector and the
320 clerk of the court are each entitled to receive monthly, as
321 costs for implementing and administering this subsection, 10
322 percent of the civil penalties and fines recovered from such

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323 persons. As used in this subsection, the term "civil penalties
324 and fines" does not include a wrecker operator's lien as
325 described in s. 713.78(13). If the tax collector has private tag
326 agents, such tag agents are entitled to receive a pro rata share
327 of the amount paid to the tax collector, based upon the
328 percentage of license plates and revalidation stickers issued by
329 the tag agent compared to the total issued within the county.
330 The authority of any private agent to issue license plates shall
331 be revoked, after notice and a hearing as provided in chapter
332 120, if he or she issues any license plate or revalidation
333 sticker contrary to the provisions of this subsection. This
334 section applies only to the annual renewal in the owner's birth
335 month of a motor vehicle registration and does not apply to the
336 transfer of a registration of a motor vehicle sold by a motor
337 vehicle dealer licensed under this chapter, except for the
338 transfer of registrations which includes the annual renewals.
339 This section does not affect the issuance of the title to a
340 motor vehicle, notwithstanding s. 319.23(8)(b).

341 Section 19. Paragraph (d) of subsection (3) of section
342 322.27, Florida Statutes, is amended to read:

343 322.27 Authority of department to suspend or revoke driver
344 license or identification card.—

345 (3) There is established a point system for evaluation of
346 convictions of violations of motor vehicle laws or ordinances,
347 and violations of applicable provisions of s. 403.413(6)(b) when
348 such violations involve the use of motor vehicles, for the
349 determination of the continuing qualification of any person to
350 operate a motor vehicle. The department is authorized to suspend
351 the license of any person upon showing of its records or other

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352 good and sufficient evidence that the licensee has been
353 convicted of violation of motor vehicle laws or ordinances, or
354 applicable provisions of s. 403.413(6)(b), amounting to 12 or
355 more points as determined by the point system. The suspension
356 shall be for a period of not more than 1 year.

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

- 360 1. Reckless driving, willful and wanton—4 points.
- 361 2. Leaving the scene of a crash resulting in property
362 damage of more than \$50—6 points.
- 363 3. Unlawful speed, or unlawful use of a wireless
364 communications device, resulting in a crash—6 points.
- 365 4. Passing a stopped school bus—4 points.
- 366 5. Unlawful speed:
 - 367 a. Not in excess of 15 miles per hour of lawful or posted
368 speed—3 points.
 - 369 b. In excess of 15 miles per hour of lawful or posted
370 speed—4 points.
- 371 6. A violation of a traffic control signal device as
372 provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points.
373 ~~However, no points shall be imposed for a violation of s.~~
374 ~~316.074(1) or s. 316.075(1)(c)1. when a driver has failed to~~
375 ~~stop at a traffic signal and when enforced by a traffic~~
376 ~~infraction enforcement officer. In addition, a violation of s.~~
377 ~~316.074(1) or s. 316.075(1)(c)1. when a driver has failed to~~
378 ~~stop at a traffic signal and when enforced by a traffic~~
379 ~~infraction enforcement officer may not be used for purposes of~~
380 ~~setting motor vehicle insurance rates.~~

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381 7. All other moving violations (including parking on a
382 highway outside the limits of a municipality)—3 points. However,
383 no points shall be imposed for a violation of s. 316.0741 or s.
384 316.2065(11); and points shall be imposed for a violation of s.
385 316.1001 only when imposed by the court after a hearing pursuant
386 to s. 318.14(5).

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

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

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

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

396 Section 20. Subsection (1) of section 655.960, Florida
397 Statutes, is amended to read:

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

401 (1) "Access area" means any paved walkway or sidewalk which
402 is within 50 feet of any automated teller machine. The term does
403 not include any street or highway open to the use of the public,
404 as defined in s. 316.003~~(76)~~(77)(a) or (b), including any
405 adjacent sidewalk, as defined in s. 316.003.

406 Section 21. This act shall take effect July 1, 2020.