

By Senator Campbell

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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, respectively;  
 14          repealing s. 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.; conforming provisions to  
 24          changes made by the act; conforming cross-references;  
 25          providing an effective date.

26  
 27 Be It Enacted by the Legislature of the State of Florida:

28  
 29           Section 1. Subsections (35) and (87) of section 316.003,  
 30 Florida Statutes, are repealed.

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 32 Statutes, is repealed.

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 Section 316.0083, Florida Statutes, is repealed.

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 35 repealed.

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 37 repealed.

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 Section 316.0776, Florida Statutes, is repealed.

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 40 Statutes, is repealed.

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 Section 321.50, Florida Statutes, is repealed.

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

44 28.37 Fines, fees, service charges, and costs remitted to  
 45 the state.—

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

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

54 316.003 Definitions.—The following words and phrases, when  
 55 used in this chapter, shall have the meanings respectively  
 56 ascribed to them in this section, except where the context  
 57 otherwise requires:

58 (54) ~~(55)~~ PRIVATE ROAD OR DRIVEWAY.—Except as otherwise  
 59 provided in paragraph (76)(b) ~~(77)(b)~~, any privately owned way  
 60 or place used for vehicular travel by the owner and those having  
 61 express or implied permission from the owner, but not by other

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62 persons.

63 Section 11. Paragraph (b) of subsection (2) of section  
64 316.545, Florida Statutes, is amended to read:

65 316.545 Weight and load unlawful; special fuel and motor  
66 fuel tax enforcement; inspection; penalty; review.—

67 (2)

68 (b) The officer or inspector shall inspect the license  
69 plate or registration certificate of the commercial vehicle to  
70 determine whether its gross weight is in compliance with the  
71 declared gross vehicle weight. If its gross weight exceeds the  
72 declared weight, the penalty shall be 5 cents per pound on the  
73 difference between such weights. In those cases when the  
74 commercial vehicle is being operated over the highways of the  
75 state with an expired registration or with no registration from  
76 this or any other jurisdiction or is not registered under the  
77 applicable provisions of chapter 320, the penalty herein shall  
78 apply on the basis of 5 cents per pound on that scaled weight  
79 which exceeds 35,000 pounds on laden truck tractor-semitrailer  
80 combinations or tandem trailer truck combinations, 10,000 pounds  
81 on laden straight trucks or straight truck-trailer combinations,  
82 or 10,000 pounds on any unladen commercial motor vehicle. A  
83 driver of a commercial motor vehicle entering the state at a  
84 designated port-of-entry location, as defined in s. 316.003~~(54)~~,  
85 or operating on designated routes to a port-of-entry location,  
86 who obtains a temporary registration permit shall be assessed a  
87 penalty limited to the difference between its gross weight and  
88 the declared gross vehicle weight at 5 cents per pound. If the  
89 license plate or registration has not been expired for more than  
90 90 days, the penalty imposed under this paragraph may not exceed

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91 \$1,000. In the case of special mobile equipment, which qualifies  
92 for the license tax provided for in s. 320.08(5)(b), being  
93 operated on the highways of the state with an expired  
94 registration or otherwise not properly registered under the  
95 applicable provisions of chapter 320, a penalty of \$75 shall  
96 apply in addition to any other penalty which may apply in  
97 accordance with this chapter. A vehicle found in violation of  
98 this section may be detained until the owner or operator  
99 produces evidence that the vehicle has been properly registered.  
100 Any costs incurred by the retention of the vehicle shall be the  
101 sole responsibility of the owner. A person who has been assessed  
102 a penalty pursuant to this paragraph for failure to have a valid  
103 vehicle registration certificate pursuant to the provisions of  
104 chapter 320 is not subject to the delinquent fee authorized in  
105 s. 320.07 if such person obtains a valid registration  
106 certificate within 10 working days after such penalty was  
107 assessed.

108 Section 12. Paragraph (a) of subsection (2) of section  
109 316.613, Florida Statutes, is amended to read:

110 316.613 Child restraint requirements.—

111 (2) As used in this section, the term "motor vehicle" means  
112 a motor vehicle as defined in s. 316.003 that is operated on the  
113 roadways, streets, and highways of the state. The term does not  
114 include:

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

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

119 316.640 Enforcement.—The enforcement of the traffic laws of

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120 this state is vested as follows:

121 (1) STATE.—

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

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

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

138 ~~3. For the purpose of enforcing s. 316.0083, the department~~  
139 ~~may designate employees as traffic infraction enforcement~~  
140 ~~officers. A traffic infraction enforcement officer must~~  
141 ~~successfully complete instruction in traffic enforcement~~  
142 ~~procedures and court presentation through the Selective Traffic~~  
143 ~~Enforcement Program as approved by the Division of Criminal~~  
144 ~~Justice Standards and Training of the Department of Law~~  
145 ~~Enforcement, or through a similar program, but may not~~  
146 ~~necessarily otherwise meet the uniform minimum standards~~  
147 ~~established by the Criminal Justice Standards and Training~~  
148 ~~Commission for law enforcement officers or auxiliary law~~

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149 ~~enforcement officers under s. 943.13. This subparagraph does not~~  
150 ~~authorize the carrying of firearms or other weapons by a traffic~~  
151 ~~infraction enforcement officer and does not authorize a traffic~~  
152 ~~infraction enforcement officer to make arrests. The department's~~  
153 ~~traffic infraction enforcement officers must be physically~~  
154 ~~located in the state.~~

155 (5) (a) Any sheriff's department or police department of a  
156 municipality may employ, as a traffic infraction enforcement  
157 officer, any individual who successfully completes instruction  
158 in traffic enforcement procedures and court presentation through  
159 the Selective Traffic Enforcement Program as approved by the  
160 Division of Criminal Justice Standards and Training of the  
161 Department of Law Enforcement, or through a similar program, but  
162 who does not necessarily otherwise meet the uniform minimum  
163 standards established by the Criminal Justice Standards and  
164 Training Commission for law enforcement officers or auxiliary  
165 law enforcement officers under s. 943.13. Any such traffic  
166 infraction enforcement officer who observes the commission of a  
167 traffic infraction or, in the case of a parking infraction, who  
168 observes an illegally parked vehicle may issue a traffic  
169 citation for the infraction when, based upon personal  
170 investigation, he or she has reasonable and probable grounds to  
171 believe that an offense has been committed which constitutes a  
172 noncriminal traffic infraction as defined in s. 318.14. ~~In~~  
173 ~~addition, any such traffic infraction enforcement officer may~~  
174 ~~issue a traffic citation under s. 316.0083. For purposes of~~  
175 ~~enforcing s. 316.0083, any sheriff's department or police~~  
176 ~~department of a municipality may designate employees as traffic~~  
177 ~~infraction enforcement officers. The traffic infraction~~

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178 enforcement officers must be physically located in the county of  
179 the respective sheriff's or police department.

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

182 316.650 Traffic citations.—

183 (3) (a) Except for a traffic citation issued pursuant to s.  
184 316.1001 ~~or s. 316.0083~~, each traffic enforcement officer, upon  
185 issuing a traffic citation to an alleged violator of any  
186 provision of the motor vehicle laws of this state or of any  
187 traffic ordinance of any municipality or town, shall deposit the  
188 original traffic citation or, in the case of a traffic  
189 enforcement agency that has an automated citation issuance  
190 system, the chief administrative officer shall provide by an  
191 electronic transmission a replica of the citation data to a  
192 court having jurisdiction over the alleged offense or with its  
193 traffic violations bureau within 5 days after issuance to the  
194 violator.

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

205 Section 15. Section 318.121, Florida Statutes, is amended  
206 to read:

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207           318.121 Preemption of additional fees, fines, surcharges,  
208 and costs.—Notwithstanding any general or special law, or  
209 municipal or county ordinance, additional fees, fines,  
210 surcharges, or costs other than the court costs and surcharges  
211 assessed under s. 318.18(11), (13), (18), and (19), ~~and (22)~~ may  
212 not be added to the civil traffic penalties assessed under this  
213 chapter.

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

216           318.14 Noncriminal traffic infractions; exception;  
217 procedures.—

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

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

233           318.18 Amount of penalties.—The penalties required for a  
234 noncriminal disposition pursuant to s. 318.14 or a criminal  
235 offense listed in s. 318.17 are as follows:



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

246 ~~2. One hundred and fifty-eight dollars for a violation of~~  
247 ~~s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to~~  
248 ~~stop at a traffic signal and when enforced by the department's~~  
249 ~~traffic infraction enforcement officer. One hundred dollars~~  
250 ~~shall be remitted to the Department of Revenue for deposit into~~  
251 ~~the General Revenue Fund, \$45 shall be distributed to the county~~  
252 ~~for any violations occurring in any unincorporated areas of the~~  
253 ~~county or to the municipality for any violations occurring in~~  
254 ~~the incorporated boundaries of the municipality in which the~~  
255 ~~infraction occurred, \$10 shall be remitted to the Department of~~  
256 ~~Revenue for deposit into the Department of Health Emergency~~  
257 ~~Medical Services Trust Fund for distribution as provided in s.~~  
258 ~~395.4036(1), and \$3 shall be remitted to the Department of~~  
259 ~~Revenue for deposit into the Brain and Spinal Cord Injury Trust~~  
260 ~~Fund.~~

261 ~~3. One hundred and fifty-eight dollars for a violation of~~  
262 ~~s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to~~  
263 ~~stop at a traffic signal and when enforced by a county's or~~  
264 ~~municipality's traffic infraction enforcement officer. Seventy-~~

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265 ~~five dollars shall be distributed to the county or municipality~~  
266 ~~issuing the traffic citation, \$70 shall be remitted to the~~  
267 ~~Department of Revenue for deposit into the General Revenue Fund,~~  
268 ~~\$10 shall be remitted to the Department of Revenue for deposit~~  
269 ~~into the Department of Health Emergency Medical Services Trust~~  
270 ~~Fund for distribution as provided in s. 395.4036(1), and \$3~~  
271 ~~shall be remitted to the Department of Revenue for deposit into~~  
272 ~~the Brain and Spinal Cord Injury Trust Fund.~~

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

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

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

292 ~~(e)~~ Funds deposited into the Department of Health Emergency  
293 Medical Services Trust Fund under this subsection shall be

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294 distributed as provided in s. 395.4036(1).

295 ~~(22) In addition to the penalty prescribed under s.~~  
296 ~~316.0083 for violations enforced under s. 316.0083 which are~~  
297 ~~upheld, the local hearing officer may also order the payment of~~  
298 ~~county or municipal costs, not to exceed \$250.~~

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

301 320.03 Registration; duties of tax collectors;  
302 International Registration Plan.—

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

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323 be revoked, after notice and a hearing as provided in chapter  
324 120, if he or she issues any license plate or revalidation  
325 sticker contrary to the provisions of this subsection. This  
326 section applies only to the annual renewal in the owner's birth  
327 month of a motor vehicle registration and does not apply to the  
328 transfer of a registration of a motor vehicle sold by a motor  
329 vehicle dealer licensed under this chapter, except for the  
330 transfer of registrations which includes the annual renewals.  
331 This section does not affect the issuance of the title to a  
332 motor vehicle, notwithstanding s. 319.23(8)(b).

333 Section 19. Paragraph (d) of subsection (3) of section  
334 322.27, Florida Statutes, is amended to read:

335 322.27 Authority of department to suspend or revoke driver  
336 license or identification card.—

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

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

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- 352 1. Reckless driving, willful and wanton—4 points.
- 353 2. Leaving the scene of a crash resulting in property  
354 damage of more than \$50—6 points.
- 355 3. Unlawful speed, or unlawful use of a wireless  
356 communications device, resulting in a crash—6 points.
- 357 4. Passing a stopped school bus—4 points.
- 358 5. Unlawful speed:
- 359 a. Not in excess of 15 miles per hour of lawful or posted  
360 speed—3 points.
- 361 b. In excess of 15 miles per hour of lawful or posted  
362 speed—4 points.
- 363 6. A violation of a traffic control signal device as  
364 provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points.  
365 ~~However, no points shall be imposed for a violation of s.~~  
366 ~~316.074(1) or s. 316.075(1)(c)1. when a driver has failed to~~  
367 ~~stop at a traffic signal and when enforced by a traffic~~  
368 ~~infraction enforcement officer. In addition, a violation of s.~~  
369 ~~316.074(1) or s. 316.075(1)(c)1. when a driver has failed to~~  
370 ~~stop at a traffic signal and when enforced by a traffic~~  
371 ~~infraction enforcement officer may not be used for purposes of~~  
372 ~~setting motor vehicle insurance rates.~~
- 373 7. All other moving violations (including parking on a  
374 highway outside the limits of a municipality)—3 points. However,  
375 no points shall be imposed for a violation of s. 316.0741 or s.  
376 316.2065(11); and points shall be imposed for a violation of s.  
377 316.1001 only when imposed by the court after a hearing pursuant  
378 to s. 318.14(5).
- 379 8. Any moving violation covered in this paragraph,  
380 excluding unlawful speed and unlawful use of a wireless

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381 communications device, resulting in a crash-4 points.

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

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

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

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

390 655.960 Definitions; ss. 655.960-655.965.-As used in this  
391 section and ss. 655.961-655.965, unless the context otherwise  
392 requires:

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

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