

1 A bill to be entitled
2 An act relating to traffic infraction detectors;
3 repealing s. 316.003(35) and (89), 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 failure to comply with a
19 civil penalty; repealing s. 321.50, F.S., relating to
20 the authorization to use traffic infraction detectors;
21 amending ss. 28.37, 316.003, 316.640, 316.650,
22 318.121, 318.14, 318.18, 320.03, 322.27, and 655.960,
23 F.S.; conforming cross-references and provisions to
24 changes made by the act; providing an effective date.
25

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

27
 28 Section 1. Subsections (35) and (89) of section 316.003,
 29 Florida Statutes, are repealed.

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 31 Statutes, is repealed.

32 Section 3. Section 316.0083, Florida Statutes, is
 33 repealed.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 35 repealed.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 37 repealed.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
 39 repealed.

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 41 Statutes, is repealed.

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 Section 321.50, Florida Statutes, is repealed.

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

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

47 (5) Ten percent of all court-related fines collected by
 48 the clerk, except for penalties or fines distributed to counties
 49 or municipalities under s. 318.18(15) ~~316.0083(1)(b)3. or s.~~
 50 ~~318.18(15)(a)~~, shall be deposited into the fine and forfeiture

51 fund to be used exclusively for clerk court-related functions,
52 as provided in s. 28.35(3)(a).

53 Section 10. Subsection (57) of section 316.003, Florida
54 Statutes, is amended to read:

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

59 (56)~~(57)~~ PRIVATE ROAD OR DRIVEWAY.—Except as otherwise
60 provided in paragraph (78)(b) ~~(79)(b)~~, any privately owned way
61 or place used for vehicular travel by the owner and those having
62 express or implied permission from the owner, but not by other
63 persons.

64 Section 11. Paragraph (b) of subsection (1) and paragraph
65 (a) of subsection (5) of section 316.640, Florida Statutes, are
66 amended to read:

67 316.640 Enforcement.—The enforcement of the traffic laws
68 of this state is vested as follows:

69 (1) STATE.—

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

73 2.a. The Department of Transportation shall develop
74 training and qualifications standards for toll enforcement
75 officers whose sole authority is to enforce the payment of tolls

HB 6001

2018

76 pursuant to s. 316.1001. Nothing in this subparagraph shall be
77 construed to permit the carrying of firearms or other weapons,
78 nor shall a toll enforcement officer have arrest authority.

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

86 ~~3. For the purpose of enforcing s. 316.0083, the~~
87 ~~department may designate employees as traffic infraction~~
88 ~~enforcement officers. A traffic infraction enforcement officer~~
89 ~~must successfully complete instruction in traffic enforcement~~
90 ~~procedures and court presentation through the Selective Traffic~~
91 ~~Enforcement Program as approved by the Division of Criminal~~
92 ~~Justice Standards and Training of the Department of Law~~
93 ~~Enforcement, or through a similar program, but may not~~
94 ~~necessarily otherwise meet the uniform minimum standards~~
95 ~~established by the Criminal Justice Standards and Training~~
96 ~~Commission for law enforcement officers or auxiliary law~~
97 ~~enforcement officers under s. 943.13. This subparagraph does not~~
98 ~~authorize the carrying of firearms or other weapons by a traffic~~
99 ~~infraction enforcement officer and does not authorize a traffic~~
100 ~~infraction enforcement officer to make arrests. The department's~~

101 ~~traffic infraction enforcement officers must be physically~~
102 ~~located in the state.~~

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

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

128 Section 12. Paragraphs (a) and (c) of subsection (3) of
 129 section 316.650, Florida Statutes, are amended to read:

130 316.650 Traffic citations.—

131 (3) (a) Except for a traffic citation issued pursuant to s.
 132 316.1001 ~~or s. 316.0083~~, each traffic enforcement officer, upon
 133 issuing a traffic citation to an alleged violator of any
 134 provision of the motor vehicle laws of this state or of any
 135 traffic ordinance of any municipality or town, shall deposit the
 136 original traffic citation or, in the case of a traffic
 137 enforcement agency that has an automated citation issuance
 138 system, the chief administrative officer shall provide by an
 139 electronic transmission a replica of the citation data to a
 140 court having jurisdiction over the alleged offense or with its
 141 traffic violations bureau within 5 days after issuance to the
 142 violator.

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

HB 6001

2018

151 ~~clerk for the local hearing officer having jurisdiction over the~~
152 ~~alleged offense within 14 days.~~

153 Section 13. Section 318.121, Florida Statutes, is amended
154 to read:

155 318.121 Preemption of additional fees, fines, surcharges,
156 and costs.—Notwithstanding any general or special law, or
157 municipal or county ordinance, additional fees, fines,
158 surcharges, or costs other than the court costs and surcharges
159 assessed under s. 318.18(11), (13), (18), and (19), ~~and (22)~~ may
160 not be added to the civil traffic penalties assessed under this
161 chapter.

162 Section 14. Subsection (2) of section 318.14, Florida
163 Statutes, is amended to read:

164 318.14 Noncriminal traffic infractions; exception;
165 procedures.—

166 (2) Except as provided in s. ss. 316.1001(2) ~~and 316.0083~~,
167 any person cited for a violation requiring a mandatory hearing
168 listed in s. 318.19 or any other criminal traffic violation
169 listed in chapter 316 must sign and accept a citation indicating
170 a promise to appear. The officer may indicate on the traffic
171 citation the time and location of the scheduled hearing and must
172 indicate the applicable civil penalty established in s. 318.18.
173 For all other infractions under this section, except for
174 infractions under s. 316.1001, the officer must certify by
175 electronic, electronic facsimile, or written signature that the

176 citation was delivered to the person cited. This certification
177 is prima facie evidence that the person cited was served with
178 the citation.

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

181 318.18 Amount of penalties.—The penalties required for a
182 noncriminal disposition pursuant to s. 318.14 or a criminal
183 offense listed in s. 318.17 are as follows:

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

194 ~~2. One hundred and fifty-eight dollars for a violation of~~
195 ~~s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to~~
196 ~~stop at a traffic signal and when enforced by the department's~~
197 ~~traffic infraction enforcement officer. One hundred dollars~~
198 ~~shall be remitted to the Department of Revenue for deposit into~~
199 ~~the General Revenue Fund, \$45 shall be distributed to the county~~
200 ~~for any violations occurring in any unincorporated areas of the~~

HB 6001

2018

201 ~~county or to the municipality for any violations occurring in~~
202 ~~the incorporated boundaries of the municipality in which the~~
203 ~~infraction occurred, \$10 shall be remitted to the Department of~~
204 ~~Revenue for deposit into the Department of Health Emergency~~
205 ~~Medical Services Trust Fund for distribution as provided in s.~~
206 ~~395.4036(1), and \$3 shall be remitted to the Department of~~
207 ~~Revenue for deposit into the Brain and Spinal Cord Injury Trust~~
208 ~~Fund.~~

209 ~~3. One hundred and fifty-eight dollars for a violation of~~
210 ~~s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to~~
211 ~~stop at a traffic signal and when enforced by a county's or~~
212 ~~municipality's traffic infraction enforcement officer. Seventy-~~
213 ~~five dollars shall be distributed to the county or municipality~~
214 ~~issuing the traffic citation, \$70 shall be remitted to the~~
215 ~~Department of Revenue for deposit into the General Revenue Fund,~~
216 ~~\$10 shall be remitted to the Department of Revenue for deposit~~
217 ~~into the Department of Health Emergency Medical Services Trust~~
218 ~~Fund for distribution as provided in s. 395.4036(1), and \$3~~
219 ~~shall be remitted to the Department of Revenue for deposit into~~
220 ~~the Brain and Spinal Cord Injury Trust Fund.~~

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

225 ~~(c)~~ If a person who is mailed a notice of violation or

226 ~~eited for a violation of s. 316.074(1) or s. 316.075(1)(c)1., as~~
227 ~~enforced by a traffic infraction enforcement officer under s.~~
228 ~~316.0083, presents documentation from the appropriate~~
229 ~~governmental entity that the notice of violation or traffic~~
230 ~~citation was in error, the clerk of court or clerk to the local~~
231 ~~hearing officer may dismiss the case. The clerk of court or~~
232 ~~clerk to the local hearing officer may not charge for this~~
233 ~~service.~~

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

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

243 ~~(22) In addition to the penalty prescribed under s.~~
244 ~~316.0083 for violations enforced under s. 316.0083 which are~~
245 ~~upheld, the local hearing officer may also order the payment of~~
246 ~~county or municipal costs, not to exceed \$250.~~

247 Section 16. Subsection (8) of section 320.03, Florida
248 Statutes, is amended to read:

249 320.03 Registration; duties of tax collectors;
250 International Registration Plan.-

251 (8) If the applicant's name appears on the list referred
252 to in s. 316.1001(4), s. 316.1967(6), ~~s. 318.15(3)~~, or s.
253 713.78(13), a license plate or revalidation sticker may not be
254 issued until that person's name no longer appears on the list or
255 until the person presents a receipt from the governmental entity
256 or the clerk of court that provided the data showing that the
257 fines outstanding have been paid. This subsection does not apply
258 to the owner of a leased vehicle if the vehicle is registered in
259 the name of the lessee of the vehicle. The tax collector and the
260 clerk of the court are each entitled to receive monthly, as
261 costs for implementing and administering this subsection, 10
262 percent of the civil penalties and fines recovered from such
263 persons. As used in this subsection, the term "civil penalties
264 and fines" does not include a wrecker operator's lien as
265 described in s. 713.78(13). If the tax collector has private tag
266 agents, such tag agents are entitled to receive a pro rata share
267 of the amount paid to the tax collector, based upon the
268 percentage of license plates and revalidation stickers issued by
269 the tag agent compared to the total issued within the county.
270 The authority of any private agent to issue license plates shall
271 be revoked, after notice and a hearing as provided in chapter
272 120, if he or she issues any license plate or revalidation
273 sticker contrary to the provisions of this subsection. This
274 section applies only to the annual renewal in the owner's birth
275 month of a motor vehicle registration and does not apply to the

276 transfer of a registration of a motor vehicle sold by a motor
277 vehicle dealer licensed under this chapter, except for the
278 transfer of registrations which includes the annual renewals.
279 This section does not affect the issuance of the title to a
280 motor vehicle, notwithstanding s. 319.23(8)(b).

281 Section 17. Paragraph (d) of subsection (3) of section
282 322.27, Florida Statutes, is amended to read:

283 322.27 Authority of department to suspend or revoke driver
284 license or identification card.—

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

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

300 1. Reckless driving, willful and wanton—4 points.

- 301 2. Leaving the scene of a crash resulting in property
 302 damage of more than \$50—6 points.
- 303 3. Unlawful speed, or unlawful use of a wireless
 304 communications device, resulting in a crash—6 points.
- 305 4. Passing a stopped school bus:
- 306 a. Not causing or resulting in serious bodily injury to or
 307 death of another—4 points.
- 308 b. Causing or resulting in serious bodily injury to or
 309 death of another—6 points.
- 310 5. Unlawful speed:
- 311 a. Not in excess of 15 miles per hour of lawful or posted
 312 speed—3 points.
- 313 b. In excess of 15 miles per hour of lawful or posted
 314 speed—4 points.
- 315 6. A violation of a traffic control signal device as
 316 provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points.
 317 ~~However, no points shall be imposed for a violation of s.~~
 318 ~~316.074(1) or s. 316.075(1)(c)1. when a driver has failed to~~
 319 ~~stop at a traffic signal and when enforced by a traffic~~
 320 ~~infraction enforcement officer. In addition, a violation of s.~~
 321 ~~316.074(1) or s. 316.075(1)(c)1. when a driver has failed to~~
 322 ~~stop at a traffic signal and when enforced by a traffic~~
 323 ~~infraction enforcement officer may not be used for purposes of~~
 324 ~~setting motor vehicle insurance rates.~~
- 325 7. All other moving violations (including parking on a

326 highway outside the limits of a municipality)—3 points. However,
 327 no points shall be imposed for a violation of s. 316.0741 or s.
 328 316.2065(11); and points shall be imposed for a violation of s.
 329 316.1001 only when imposed by the court after a hearing pursuant
 330 to s. 318.14(5).

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

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

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

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

340 Section 18. Subsection (1) of section 655.960, Florida
 341 Statutes, is amended to read:

342 655.960 Definitions; ss. 655.960–655.965.—As used in this
 343 section and ss. 655.961–655.965, unless the context otherwise
 344 requires:

345 (1) "Access area" means any paved walkway or sidewalk
 346 which is within 50 feet of any automated teller machine. The
 347 term does not include any street or highway open to the use of
 348 the public, as defined in s. 316.003(78)(a) ~~316.003(79)(a)~~ or
 349 (b), including any adjacent sidewalk, as defined in s. 316.003.

350 Section 19. This act shall take effect July 1, 2021.