

HB 4027

2016

1 A bill to be entitled

2 An act relating to traffic infraction detectors;
3 repealing s. 316.003(87) and (91), F.S., relating to
4 the definitions of "traffic infraction detector" and
5 "local hearing officer"; repealing ss. 316.008(8),
6 316.0083, and 316.00831, F.S., relating to the
7 installation and use of traffic infraction detectors
8 to enforce specified provisions when a driver fails to
9 stop at a traffic signal, provisions that authorize
10 the Department of Highway Safety and Motor Vehicles, a
11 county, or a municipality to use such detectors, and
12 the distribution of penalties collected for specified
13 violations; repealing s. 316.07456, F.S., relating to
14 transitional implementation of such detectors;
15 repealing s. 316.0776, F.S., relating to placement and
16 installation of traffic infraction detectors;
17 repealing s. 318.15(3), F.S., relating to failure to
18 comply with a civil penalty; repealing s. 321.50,
19 F.S., relating to the authorization to use traffic
20 infraction detectors; amending ss. 28.37, 316.640,
21 316.650, 318.121, 318.14, 318.18, 320.03, and 322.27,
22 F.S., relating to distribution of proceeds,
23 enforcement by traffic infraction enforcement officers
24 using such detectors, procedures for disposition of
25 citations, preemption of additional fees or
26 surcharges, compliance, amount of penalties,

Page 1 of 13

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb4027-00

HB 4027

2016

27 registration and renewal of license plates, and points
 28 assessed for certain violations, to conform provisions
 29 to changes made by the act; providing an effective
 30 date.

31
 32 Be It Enacted by the Legislature of the State of Florida:

33
 34 Section 1. Subsections (87) and (91) of section 316.003,
 35 Florida Statutes, are repealed.

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 37 Statutes, is repealed.

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 39 repealed.

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 41 repealed.

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 43 repealed.

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 45 repealed.

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 47 Statutes, is repealed.

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 Section 321.50, Florida Statutes, is repealed.

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

51 28.37 Fines, fees, service charges, and costs remitted to
 52 the state.—

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

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

62 316.640 Enforcement.—The enforcement of the traffic laws
 63 of this state is vested as follows:

64 (1) STATE.—

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

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

74 b. For the purpose of enforcing s. 316.1001, governmental
 75 entities, as defined in s. 334.03, which own or operate a toll
 76 facility may employ independent contractors or designate
 77 employees as toll enforcement officers; however, any such toll
 78 enforcement officer must successfully meet the training and

HB 4027

2016

79 qualifications standards for toll enforcement officers
80 established by the Department of Transportation.

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

98 (5) (a) Any sheriff's department or police department of a
99 municipality may employ, as a traffic infraction enforcement
100 officer, any individual who successfully completes instruction
101 in traffic enforcement procedures and court presentation through
102 the Selective Traffic Enforcement Program as approved by the
103 Division of Criminal Justice Standards and Training of the
104 Department of Law Enforcement, or through a similar program, but

105 | who does not necessarily otherwise meet the uniform minimum
 106 | standards established by the Criminal Justice Standards and
 107 | Training Commission for law enforcement officers or auxiliary
 108 | law enforcement officers under s. 943.13. Any such traffic
 109 | infraction enforcement officer who observes the commission of a
 110 | traffic infraction or, in the case of a parking infraction, who
 111 | observes an illegally parked vehicle may issue a traffic
 112 | citation for the infraction when, based upon personal
 113 | investigation, he or she has reasonable and probable grounds to
 114 | believe that an offense has been committed which constitutes a
 115 | noncriminal traffic infraction as defined in s. 318.14. ~~In~~
 116 | ~~addition, any such traffic infraction enforcement officer may~~
 117 | ~~issue a traffic citation under s. 316.0083. For purposes of~~
 118 | ~~enforcing s. 316.0083, any sheriff's department or police~~
 119 | ~~department of a municipality may designate employees as traffic~~
 120 | ~~infraction enforcement officers.~~ The traffic infraction
 121 | enforcement officers must be physically located in the county of
 122 | the respective sheriff's or police department.

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

125 | 316.650 Traffic citations.—

126 | (3)(a) Except for a traffic citation issued pursuant to s.
 127 | 316.1001 ~~or s. 316.0083~~, each traffic enforcement officer, upon
 128 | issuing a traffic citation to an alleged violator of any
 129 | provision of the motor vehicle laws of this state or of any
 130 | traffic ordinance of any municipality or town, shall deposit the

131 original traffic citation or, in the case of a traffic
 132 enforcement agency that has an automated citation issuance
 133 system, the chief administrative officer shall provide by an
 134 electronic transmission a replica of the citation data to a
 135 court having jurisdiction over the alleged offense or with its
 136 traffic violations bureau within 5 days after issuance to the
 137 violator.

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

148 Section 12. Section 318.121, Florida Statutes, is amended
 149 to read:

150 318.121 Preemption of additional fees, fines, surcharges,
 151 and costs.—Notwithstanding any general or special law, or
 152 municipal or county ordinance, additional fees, fines,
 153 surcharges, or costs other than the court costs and surcharges
 154 assessed under s. 318.18(11), (13), (18), and (19), ~~and (22)~~ may
 155 not be added to the civil traffic penalties assessed under this
 156 chapter.

HB 4027

2016

157 Section 13. Subsection (2) of section 318.14, Florida
 158 Statutes, is amended to read:

159 318.14 Noncriminal traffic infractions; exception;
 160 procedures.—

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

174 Section 14. Subsections (15) and (22) of section 318.18,
 175 Florida Statutes, are amended to read:

176 318.18 Amount of penalties.—The penalties required for a
 177 noncriminal disposition pursuant to s. 318.14 or a criminal
 178 offense listed in s. 318.17 are as follows:

179 (15) ~~(a)1.~~ One hundred and fifty-eight dollars for a
 180 violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver
 181 has failed to stop at a traffic signal ~~and when enforced by a~~
 182 ~~law enforcement officer.~~ Sixty dollars shall be distributed as

HB 4027

2016

183 provided in s. 318.21, \$30 shall be distributed to the General
184 Revenue Fund, \$3 shall be remitted to the Department of Revenue
185 for deposit into the Brain and Spinal Cord Injury Trust Fund,
186 and the remaining \$65 shall be remitted to the Department of
187 Revenue for deposit into the Emergency Medical Services Trust
188 Fund of the Department of Health.

189 ~~2. One hundred and fifty-eight dollars for a violation of~~
190 ~~s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to~~
191 ~~stop at a traffic signal and when enforced by the department's~~
192 ~~traffic infraction enforcement officer. One hundred dollars~~
193 ~~shall be remitted to the Department of Revenue for deposit into~~
194 ~~the General Revenue Fund, \$45 shall be distributed to the county~~
195 ~~for any violations occurring in any unincorporated areas of the~~
196 ~~county or to the municipality for any violations occurring in~~
197 ~~the incorporated boundaries of the municipality in which the~~
198 ~~infraction occurred, \$10 shall be remitted to the Department of~~
199 ~~Revenue for deposit into the Department of Health Emergency~~
200 ~~Medical Services Trust Fund for distribution as provided in s.~~
201 ~~395.4036(1), and \$3 shall be remitted to the Department of~~
202 ~~Revenue for deposit into the Brain and Spinal Cord Injury Trust~~
203 ~~Fund.~~

204 ~~3. One hundred and fifty-eight dollars for a violation of~~
205 ~~s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to~~
206 ~~stop at a traffic signal and when enforced by a county's or~~
207 ~~municipality's traffic infraction enforcement officer. Seventy-~~
208 ~~five dollars shall be distributed to the county or municipality~~

HB 4027

2016

209 ~~issuing the traffic citation, \$70 shall be remitted to the~~
210 ~~Department of Revenue for deposit into the General Revenue Fund,~~
211 ~~\$10 shall be remitted to the Department of Revenue for deposit~~
212 ~~into the Department of Health Emergency Medical Services Trust~~
213 ~~Fund for distribution as provided in s. 395.4036(1), and \$3~~
214 ~~shall be remitted to the Department of Revenue for deposit into~~
215 ~~the Brain and Spinal Cord Injury Trust Fund.~~

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

220 ~~(c)~~ If a person who is mailed a notice of violation or
221 cited for a violation of s. 316.074(1) or s. 316.075(1)(c)1., as
222 enforced by a traffic infraction enforcement officer under s.
223 316.0083, presents documentation from the appropriate
224 governmental entity that the notice of violation or traffic
225 citation was in error, the clerk of court or clerk to the local
226 hearing officer may dismiss the case. The clerk of court or
227 clerk to the local hearing officer may not charge for this
228 service.

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

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

238 ~~(22) In addition to the penalty prescribed under s.~~
 239 ~~316.0083 for violations enforced under s. 316.0083 which are~~
 240 ~~upheld, the local hearing officer may also order the payment of~~
 241 ~~county or municipal costs, not to exceed \$250.~~

242 Section 15. Subsection (8) of section 320.03, Florida
 243 Statutes, is amended to read:

244 320.03 Registration; duties of tax collectors;
 245 International Registration Plan.—

246 (8) If the applicant's name appears on the list referred
 247 to in s. 316.1001(4), s. 316.1967(6), ~~s. 318.15(3)~~, or s.
 248 713.78(13), a license plate or revalidation sticker may not be
 249 issued until that person's name no longer appears on the list or
 250 until the person presents a receipt from the governmental entity
 251 or the clerk of court that provided the data showing that the
 252 fines outstanding have been paid. This subsection does not apply
 253 to the owner of a leased vehicle if the vehicle is registered in
 254 the name of the lessee of the vehicle. The tax collector and the
 255 clerk of the court are each entitled to receive monthly, as
 256 costs for implementing and administering this subsection, 10
 257 percent of the civil penalties and fines recovered from such
 258 persons. As used in this subsection, the term "civil penalties
 259 and fines" does not include a wrecker operator's lien as
 260 described in s. 713.78(13). If the tax collector has private tag

261 agents, such tag agents are entitled to receive a pro rata share
 262 of the amount paid to the tax collector, based upon the
 263 percentage of license plates and revalidation stickers issued by
 264 the tag agent compared to the total issued within the county.
 265 The authority of any private agent to issue license plates shall
 266 be revoked, after notice and a hearing as provided in chapter
 267 120, if he or she issues any license plate or revalidation
 268 sticker contrary to the provisions of this subsection. This
 269 section applies only to the annual renewal in the owner's birth
 270 month of a motor vehicle registration and does not apply to the
 271 transfer of a registration of a motor vehicle sold by a motor
 272 vehicle dealer licensed under this chapter, except for the
 273 transfer of registrations which includes the annual renewals.
 274 This section does not affect the issuance of the title to a
 275 motor vehicle, notwithstanding s. 319.23(8)(b).

276 Section 16. Paragraph (d) of subsection (3) of section
 277 322.27, Florida Statutes, is amended to read:

278 322.27 Authority of department to suspend or revoke driver
 279 license or identification card.—

280 (3) There is established a point system for evaluation of
 281 convictions of violations of motor vehicle laws or ordinances,
 282 and violations of applicable provisions of s. 403.413(6)(b) when
 283 such violations involve the use of motor vehicles, for the
 284 determination of the continuing qualification of any person to
 285 operate a motor vehicle. The department is authorized to suspend
 286 the license of any person upon showing of its records or other

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

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

- 295 1. Reckless driving, willful and wanton—4 points.
- 296 2. Leaving the scene of a crash resulting in property
 297 damage of more than \$50—6 points.
- 298 3. Unlawful speed, or unlawful use of a wireless
 299 communications device, resulting in a crash—6 points.
- 300 4. Passing a stopped school bus—4 points.
- 301 5. Unlawful speed:
 - 302 a. Not in excess of 15 miles per hour of lawful or posted
 303 speed—3 points.
 - 304 b. In excess of 15 miles per hour of lawful or posted
 305 speed—4 points.
- 306 6. A violation of a traffic control signal device as
 307 provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points.
 308 ~~However, no points shall be imposed for a violation of s.~~
 309 ~~316.074(1) or s. 316.075(1)(c)1. when a driver has failed to~~
 310 ~~stop at a traffic signal and when enforced by a traffic~~
 311 ~~infraction enforcement officer. In addition, a violation of s.~~
 312 ~~316.074(1) or s. 316.075(1)(c)1. when a driver has failed to~~

HB 4027

2016

313 ~~stop at a traffic signal and when enforced by a traffic~~
314 ~~infraction enforcement officer may not be used for purposes of~~
315 ~~setting motor vehicle insurance rates.~~

316 7. All other moving violations (including parking on a
317 highway outside the limits of a municipality)—3 points. However,
318 no points shall be imposed for a violation of s. 316.0741 or s.
319 316.2065(11); and points shall be imposed for a violation of s.
320 316.1001 only when imposed by the court after a hearing pursuant
321 to s. 318.14(5).

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

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

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

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

331 Section 17. This act shall take effect July 1, 2019.