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# **Transportation & Infrastructure Subcommittee**

January 25, 2017  
1:00 PM - 3:00 PM  
Reed Hall

## Meeting Packet

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** HB 6007 Traffic Infraction Detectors  
**SPONSOR(S):** Avila, Ingoglia and others  
**TIED BILLS:** IDEN./SIM. **BILLS:** SB 178

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Infrastructure Subcommittee		Johnson <i>AS</i>	Vickers <i>RV</i>
2) Appropriations Committee			
3) Government Accountability Committee			

**SUMMARY ANALYSIS**

The regulation and use of red light cameras for the purpose of enforcing the Florida Uniform Traffic Control law, is preempted to the state. The Department of Highway Safety and Motor Vehicles (DHSMV), counties, and municipalities are authorized to employ red light camera programs.

Effective July 1, 2020, the bill removes the authorization for the DHSMV and local governments to install and maintain red light cameras. The bill maintains s. 316.0076, F.S., which expressly preempts to the state regulation of the use of cameras for enforcing the Florida Uniform Traffic Control law. This means local governments will no longer have the authority to implement red light camera programs by local ordinance.

The bill also makes conforming changes.

The bill has not been reviewed by the Revenue Estimating Conference; however, it is anticipated that the bill will have a negative recurring fiscal impact on state and local government revenues.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Current Situation

###### Red Light Cameras, Generally

Traffic infraction detectors,<sup>1</sup> more commonly known as “red light cameras,” are used to document traffic law violations by automatically photographing vehicles whose drivers have failed to yield at red lights. The cameras are connected to the traffic signal and to sensors that monitor traffic flow at the crosswalk or stop line. The system photographs vehicles that enter the intersection above a pre-set minimum speed after the signal has turned red; a second photograph typically shows the vehicle in the intersection. In some cases, video cameras are used. Red light cameras also record the license plate number, date and time of day, time elapsed since the beginning of the red signal, and the vehicle’s speed.

###### Red Light Cameras in Florida

The regulation and use of red light cameras for the purpose of enforcing Ch. 316, F.S., which is the Florida Uniform Traffic Control Law, is preempted to the state.<sup>2</sup> The Department of Highway Safety and Motor Vehicles (DHSMV), counties, and municipalities are authorized to employ red light camera programs.<sup>3</sup>

Red light cameras are allowed on state roads if permitted by the Department of Transportation (DOT), and are allowed on streets and highways under the jurisdiction of counties or municipalities. However, the placement and installation of red light cameras on state roads, streets, and highways must meet placement and installation specifications developed by DOT.<sup>4</sup>

If DHSMV, a county, or a municipality installs a red light camera at an intersection, the respective governmental entity must notify the public that a camera is in use at that intersection, including specific notification of enforcement of right-on-red violations.<sup>5</sup> The signage must meet specifications adopted by DOT pursuant to s. 316.0745, F.S.<sup>6</sup>

###### Notices and Citations

Current law allows DHSMV, a county, or a municipality to authorize a traffic infraction enforcement officer to issue a traffic citation for certain traffic infractions. If a red light camera captures an image of a vehicle running a red light, the visual information is reviewed by a traffic infraction enforcement officer. A notice of violation must be sent by first-class mail to the registered owner of the vehicle within 30 days of the alleged violation.<sup>7</sup> The notice must specify the remedies available and must include a statement informing the owner of his or her right to review the photographic or video evidence upon which the violation is based, as well as the time and place or Internet location where the evidence may be reviewed.<sup>8</sup>

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<sup>1</sup> Section 316.003(87), F.S., defines “traffic infraction detector” as “[a] vehicle sensor installed to work in conjunction with a traffic control signal and a camera or cameras synchronized to automatically record two or more sequenced photographic or electronic images or streaming video of only the rear of a motor vehicle at the time the vehicle fails to stop behind the stop bar or clearly marked stop line when facing a traffic control signal steady red light. Any notification under s. 316.0083(1)(b) or traffic citation issued by the use of a traffic infraction detector must include a photograph or other recorded image showing both the license tag of the offending vehicle and the traffic control device being violated.”

<sup>2</sup> Section 316.0076, F.S.

<sup>3</sup> See s. 316.0083, F.S.

<sup>4</sup> Section 316.0776(1), F.S.

<sup>5</sup> Section 316.0776(2)(a), F.S.

<sup>6</sup> *Id.*

<sup>7</sup> Section 316.0083(1)(b)1.a., F.S.

<sup>8</sup> Section 316.0083(1)(b)1.b., F.S.

Violations may not be issued if the vehicle is making a right-hand turn in a "careful and prudent manner"<sup>9</sup> or if the vehicle comes to a complete stop<sup>10</sup> before making a permissible right turn.

A person who receives a red light camera notice of violation may request a hearing within 60 days following the date of the notice or pay the penalty. No payment or fee may be required in order to receive the hearing.<sup>11</sup> If a person elects to receive a hearing, the person waives his or her right to challenge delivery of the notice of violation.<sup>12</sup> If the notice of violation is upheld, the local hearing officer must require the petitioner to pay the \$158 penalty and may also require the petitioner to pay county or municipal costs, not to exceed \$250.<sup>13</sup>

If the registered owner of the vehicle does not pay the violation within 60 days following the date of notification, the traffic infraction enforcement officer must issue a uniform traffic citation (UTC) to the owner.<sup>14</sup> The UTC must be sent by certified mail and, like the notice of violation, it must include the same statements described above regarding review of the photographic or video evidence.<sup>15</sup> The images provided by a red light camera are admissible in court and provide a rebuttable presumption the vehicle was used to commit the violation.<sup>16</sup>

A traffic infraction enforcement officer must provide by electronic transmission a replica of the citation data to the court having jurisdiction over the alleged offense or its traffic violations bureau within five days after the issuance date of a UTC to the violator.<sup>17</sup>

### Defenses

The registered owner of the motor vehicle involved in a red light camera violation is responsible for paying the UTC unless the owner can establish that the:

- Motor vehicle passed through the intersection in order to yield right-of-way to an emergency vehicle or as part of a funeral procession;
- Motor vehicle passed through the intersection at the direction of a law enforcement officer;
- Motor vehicle was, at the time of the violation, in the care, custody, or control of another person;
- Driver received a UTC issued by a law enforcement officer for the alleged violation; or
- Motor vehicle's owner was deceased on or before the date that the UTC was issued.<sup>18</sup>

Current law provides certain requirements that must be met when establishing one of the defenses, including furnishing an affidavit to the appropriate governmental entity that provides detailed information supporting the defense.<sup>19</sup>

### Penalties

Red light camera citations carry a \$158 penalty. When the \$158 penalty is the result of local government enforcement, \$75 is retained by the local government and \$83 is deposited with the Department of Revenue (DOR).<sup>20</sup> DOR subsequently distributes the penalty by depositing \$70 in the

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<sup>9</sup> Section 316.0083(2), F.S.

<sup>10</sup> Section 316.0083(1)(a), F.S.

<sup>11</sup> Section 316.0083(1)(b)1.c., F.S.

<sup>12</sup> Section 316.0083(1)(b)1.d., F.S.

<sup>13</sup> Sections 316.0083(5)(e) and 318.18(22), F.S.

<sup>14</sup> Section 316.0083(1)(c), F.S.

<sup>15</sup> *Id.*

<sup>16</sup> Section 316.0083(1)(e), F.S.

<sup>17</sup> Section 316.650(3)(c), F.S.

<sup>18</sup> Section 316.0083(1)(d), F.S.

<sup>19</sup> *Id.*

<sup>20</sup> Sections 316.0083(1)(b)3. and 318.18(15), F.S.

General Revenue Fund, \$10 in the Department of Health (DOH) Administrative Trust Fund, and \$3 in the Brain and Spinal Cord Injury Trust Fund.<sup>21</sup>

When the \$158 penalty is the result of enforcement by DHSMV, \$45 is retained by the local government and \$113 is deposited with DOR.<sup>22</sup> DOR subsequently distributes the penalty by depositing \$100 in the General Revenue Fund, \$10 in the DOH Administrative Trust Fund, and \$3 in the Brain and Spinal Cord Injury Trust Fund.<sup>23</sup> DHSMV does not currently operate any red light cameras.

If a law enforcement officer cites a motorist for the same offense, the penalty is still \$158, but the revenue is distributed from the clerk of court to DOR, where \$30 is distributed to the General Revenue Fund, \$65 is distributed to the DOH Administrative Trust Fund, and \$3 is distributed to the Brain and Spinal Cord Injury Trust Fund. The remaining \$60 is distributed in small percentages to a number of funds pursuant to s. 318.21, F.S.<sup>24</sup>

Red light camera citations may not result in points assessed against the driver's driver license and may not be used for the purpose of setting motor vehicle insurance rates.<sup>25</sup>

#### Proceeds Retained by Local Government

Local governments must procure for the services of a red light camera vendor. The contract term generally ranges from three to five years.<sup>26</sup> Local governments typically pay between \$4,250 and \$4,750 per camera, per month.<sup>27</sup>

In a survey of local governments that operate a red light camera program, the Office of Program Policy Analysis & Governmental Accountability (OPPAGA) reported that, over a three-year period: 49 percent of the total money collected was used to pay red light camera vendors; 78 percent reported excess revenue after payments to vendors and other program expenses; and 16 percent reported difficulty generating sufficient revenue to make vendor payments and as such had accrued outstanding balances. Of those respondents reporting excess revenue, 76 percent was allocated to general fund, 14 percent to public safety/police, and 5 percent to road repair/maintenance.<sup>28</sup>

#### 2016 Red Light Camera Program Analysis

Current law requires each county or municipality operating a red light camera program to annually self-report data to DHSMV, which includes red light camera program results over the preceding fiscal year, the procedures for enforcement, and other statistical data and information required by DHSMV.<sup>29</sup> DHSMV must compile the information and submit a summary report to the Governor, the President of the Senate, and the Speaker of the House of Representatives.<sup>30</sup>

In December 2016, DHSMV issued its report for the period between July 1, 2015, and June 30, 2016. According to the 2016 report, 59 jurisdictions responded that they had red light cameras in operation; 688 red light cameras were active, which was a reduction of 108 cameras from the previous year; and 430 intersections were equipped with red light cameras, which was a reduction of 48 from the previous year. Agencies issued 1,227,927 notices of violation and of the notices issued, 62 percent paid the fine and approximately 3.5 percent were contested and dismissed. Of those responding, 71 percent indicated they issue notices of violation for a right-on-red violation and 32 percent indicated they do not

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<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

<sup>24</sup> Section 318.18(15), F.S.

<sup>25</sup> Section 322.27(3)(d)6., F.S.

<sup>26</sup> "Florida Red Light Camera Programs," *OPPAGA Research Memorandum* (January 31, 2014) Copy on file with the Transportation & Infrastructure Subcommittee.

<sup>27</sup> *Id.*

<sup>28</sup> *Id.*

<sup>29</sup> Section 316.0083(4), F.S. DHSMV uses an on-line questionnaire to facilitate data collection.

<sup>30</sup> *Id.*

issue such notices. Six jurisdictions indicated they do not track the number of violations issued for right turns on red.<sup>31</sup>

### Crash Statistics

In its 2016 report, DHSMV provided the following breakdown of the number of crashes at red light camera (RLC) intersections before and after the cameras were installed:<sup>32</sup>

	Before RLC Installed	After RLC Installed	Percentage Change
Total Crashes	5,107	5,625	10.14%
Angle Crashes	1,383	1,476	6.72%
Rear-End Crashes	3,724	4,149	11.41%
Non-Incapacitating Injuries	399	392	-1.75%
Incapacitating Injuries	153	194	26.80%
Fatal Crashes	5	10	
Crashes Involving Non-Motorists	56	45	-19.64%
Crashes Involving Running a Red Light	191	185	-3.14%
Possible Injury Crashes	964	1,054	9.34%

### Litigation

In October 2014, the Fourth District Court of Appeal dismissed a red light camera citation after finding that the local government had delegated an impermissible measure of discretion and control over its red light camera program to a private third-party vendor.<sup>33</sup> Under the terms of the contract, the vendor decided which infractions would be reviewed by the city, obtained the information needed to fill out a citation, completed the citation, issued the citation, and transmitted the citation information to the court.<sup>34</sup> In Florida, only traffic infraction enforcement officers and sworn law enforcement officers are authorized to issue a traffic citation.<sup>35</sup> The case was appealed; however, the Florida Supreme Court declined to accept jurisdiction on the case.<sup>36</sup>

In July 2016, the Third District Court of Appeal determined that Florida law allows a municipality's vendor as its agent to review and sort red light camera images to forward to a law enforcement officer when:

- The vendor's decisions are strictly circumstanced by contract language, municipal guidelines, and actual practice;
- Ministerial decisions are further limited by automatically passing close calls to the police for review;
- The law enforcement officer makes the actual decision as to whether probable cause exists and whether a notice and citation should be issued; and
- The officer's decision that probable cause exists and the citation issued consists of a full, professional review by an identified officer who is responsible for that decision and does not merely acquiesce to any decision by the vendor.<sup>37</sup>

<sup>31</sup> DHSMV Red Light Camera Report, December 31, 2016. Copy on file with the Transportation & Infrastructure Subcommittee.

<sup>32</sup> It should be noted that other factors may have contributed to the number of crashes.

<sup>33</sup> *City of Hollywood v. Arem*, 39 Fla. L. Weekly D2175 (Fla. 4th DCA October 15, 2014)

<sup>34</sup> *Id.*

<sup>35</sup> Sections 316.0083(1)(b)3., and 316.650(3)(c), F.S.

<sup>36</sup> Supreme Court of Florida, *City of Hollywood vs. Arem*, Case No. SC15-236. Order Issued April 13, 2015.

<sup>37</sup> *State of Florida, by and through the City of Aventura, et. al. vs. Jimenez*. Case Nos. 3D15-2303 & 3D15-2271. Opinion filed July 27, 2016.

In its decision, the Third District Court of Appeal distinguished its decision from that of the Fourth District Court of Appeal and certified the following three questions to the Florida Supreme Court regarding the legality of red light camera programs in Florida:

1. Does the review of red light camera images authorized by s. 316.0083(1)(a), F.S. (2014), allow a municipality's vendor, as its agent, to sort images to forward to the law enforcement officer, where the controlling contract and city guidelines limit the vendor to deciding whether the images contain certain easy-to-identify characteristics and where only the law enforcement officer makes the determination whether probable cause exists and whether to issue a Notice of Violation and citation?
2. Is it an illegal delegation of police power for the vendor to print and mail the notices and citations, through a totally automated process without human involvement, after the law enforcement officer makes the determination that probable cause exists and to issue a Notice of Violation and citation?
3. Does the fact that citation data is electronically transmitted to the Clerk of the Court from the vendor's server via a totally automated process without human involvement violate s. 316.650(3)(c), F.S., (2014), when it is the law enforcement officer who affirmatively authorizes the transmission process?

The Florida Supreme Court has not issued an opinion regarding the above questions.

In October 2016, the Second District Court of Appeal issued a decision that generally agreed with that of the Third District Court of Appeal.<sup>38</sup>

### **Proposed Changes**

Effective July 1, 2020, the bill removes DHSMV and local government authorization to install and maintain red light cameras. The bill maintains s. 316.0076, F.S., which expressly preempts to the state regulation of the use of cameras for enforcing Ch. 316, F.S. This means local governments will not have the authority to implement red light camera programs by local ordinance.

Because the bill removes the authority of DHSMV and local governments to install and maintain red light cameras, it makes the following changes:

- Repeals the statutory definitions of "traffic infraction detector" and "local hearing officer."
- Repeals s. 316.0083, F.S., which is the Mark Wandall Traffic Safety Program.
- Repeals s. 316.00831, F.S., which provides for the distribution of penalties collected under s. 316.0083(1)(b), F.S.
- Repeals s. 316.07456, F.S., which provides the transitional implementation for red light cameras.
- Repeals s. 316.0776, F.S., which relates to the placement and installation of red light cameras.
- Repeals s. 318.15(3), F.S., which establishes penalties associated with the failure to pay red light camera fines.
- Removes DHSMV's authority to designate employees as traffic infraction enforcement officers for purposes of enforcing red light camera violations.
- Removes provisions regarding traffic citations issued pursuant to a red light camera violation.
- Removes provisions related to penalties associated with red light camera violations.
- Repeals s. 318.18(22), F.S., relating to the payment of county and municipal costs.
- Removes provisions regarding points and insurance rates related to red light camera violations.
- Conforms cross-references.

### **B. SECTION DIRECTORY:**

Section 1 repeals ss. 316.0083(35) and (87), F.S., defining "local hearing officer" and "traffic infraction detector."

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<sup>38</sup> *City of Oldsmar and Pamela Jo Bondi, Attorney General vs. Trinh*. Case No. 2D15-4898. Opinion filed October 28, 2016.

Section 2 repeals s. 316.008(8), F.S., authorizing municipalities and counties to use traffic infraction detectors.

Section 3 repeals s. 316.0083, F.S., relating to the Mark Wandall Traffic Safety Program.

Section 4 repeals s. 316.00831, F.S., relating to the distribution of penalties collected under the Mark Wandall Traffic Safety Program.

Section 5 repeals s. 316.07456, F.S., relating to transitional implementation.

Section 6 repeals s. 316.0776, F.S., relating to the placement and installation of traffic infraction detectors.

Section 7 repeals s. 318.15(3), F.S., relating to failure to comply with a civil penalty or to appear.

Section 8 repeals s. 321.50, F.S., relating to the authorization for DHSMV to use traffic infraction detectors.

Sections 9 through 12 amend ss. 28.37, 316.003, 316.545 and 316.613, F.S., to conform cross-references.

Section 13 amends s. 316.640, F.S., relating to the enforcement of traffic laws.

Section 14 amends s. 316.640, F.S., relating to traffic citations.

Sections 15 and 16 amend ss. 318.121 and 318.14, F.S., to conform cross-references.

Section 17 amends s. 318.18, F.S., relating to the amount of penalties for traffic infractions.

Section 18 amends s. 320.03, F.S., to conform a cross-reference.

Section 19 amends s. 322.27, F.S., relating to DHSMV's authority to suspend or revoke a driver license or identification card.

Section 20 amends s. 655.960, F.S., to conform a cross-reference.

Section 21 provides an effective date of July 1, 2020.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

This bill has not been reviewed by the Revenue Estimating Conference (REC); however, the REC reviewed a similar bill on October 16, 2015. The consensus estimate for that bill was that it would result in the following **negative** recurring fiscal impact to state government revenues:

Fiscal Year	General Revenue	Trust Funds	Total
2017-2018	\$55.5 million	\$10.6 million	\$66.1 million
2018-2019	\$56.1 million	\$10.7 million	\$66.8 million
2019-2020	\$56.8 million	\$10.8 million	\$67.6 million
2020-2021	\$57.5 million	\$11.0 million	\$68.5 million



2. Expenditures:

DOR will no longer incur expenses associated with processing the payments from municipalities and counties and distributing the monies to the appropriate funds.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

According to REC's review of the 2015 legislation, the consensus estimate was that the bill would result in the following **negative** recurring fiscal impact to local government revenues:

Fiscal Year	Revenue
2017-2018	\$64.1 million
2018-2019	\$64.9 million
2019-2020	\$65.7 million
2020-2021	\$66.5 million

2. Expenditures:

Municipalities and counties will no longer incur expenses associated with red light cameras; however, they may incur some expenses associated with removing existing cameras.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill removes the possibility of motor vehicle operators being issued a \$158 fine for a red light camera violation.

Each jurisdiction operating red light cameras has a unique contract with a vendor to provide some, if not all, of the following services: installation, maintenance, monitoring, and citation issuance. The value of these contracts and the specific stakeholders are not clear at this time.<sup>39</sup>

D. FISCAL COMMENTS:

The bill has not been referred to the Revenue Estimating Conference; however, there is expected to be a negative recurring fiscal impact even though the bill does not take effect until 2020. This is because revenues are considered nonrecurring until the effective date, given the prospective repeal of the law. Therefore, although there is no immediate loss of revenue, the accounting of those revenues as being temporary or time limited occurs immediately. The Revenue Estimating Conference met on October 16, 2015, and estimated that a substantially similar bill filed during the 2016 Session had a recurring annual impact of \$55.5 million to general revenue, \$10.6 million to state trust funds, and \$64.1 million to local government revenues.

According to DHSMV, the bill would eliminate the annual survey, annual red light camera report, and vendor approval process for the issuance of red light camera notices of violation. Also, it would alleviate the workload related to handling red light camera disputes and for granting access and registration stops.<sup>40</sup>

DOT may see a reduction in costs associated with issuing permits for red light cameras on state roads.

<sup>39</sup> DHSMV bill analysis of HB 4027 (2016), which removed the authorization for DHSMV and local governments to install red light cameras.

<sup>40</sup> *Id.*

The bill eliminates the need for hearings to dispute the issuance of red light camera notices of violation, which should result in a reduction in court costs.<sup>41</sup>

### III. COMMENTS

#### A. CONSTITUTIONAL ISSUES:

##### 1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

##### 2. Other:

Municipalities or counties may have contracts that provide for the use of red light cameras beyond July 1, 2020. To the extent that these contracts do not contain provisions regarding the termination of the contract if authorization for such cameras is repealed, the bill could raise concerns regarding impairment of contracts. According to a 2014 research memorandum by OPPAGA, the duration of red light camera contracts is typically three to five years with the option to extend for an additional term. Often a provision in the contract authorizes termination in the event the law regarding red light cameras changes.<sup>42</sup>

#### B. RULE-MAKING AUTHORITY:

DHSMV indicates that the bill will require it to change some of its procedures.<sup>43</sup>

#### C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

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<sup>41</sup> *Id.*

<sup>42</sup> OPPAGA Research Memorandum, *Florida Red Light Camera Program*, February 7, 2014. Copy on File with Transportation & Infrastructure Subcommittee.

<sup>43</sup> DHSMV Bill Analysis HB 4027(2016).

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 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, 316.545, 316.613,  
 22          316.640, 316.650, 318.121, 318.14, 318.18, 320.03,  
 23          322.27, and 655.960, F.S.; conforming cross-references  
 24          and provisions to changes made by the act; providing  
 25          an effective date.

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

Section 1. Subsections (35) and (87) 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. 318.18(15) ~~316.0083(1)(b)3.~~ or s.

51 ~~318.18(15)(a)~~, shall be deposited into the clerk's Public  
 52 Records Modernization Trust Fund to be used exclusively for  
 53 additional clerk court-related operational needs and program  
 54 enhancements.

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

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

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

66 Section 11. Paragraph (b) of subsection (2) of section  
 67 316.545, Florida Statutes, is amended to read:

68 316.545 Weight and load unlawful; special fuel and motor  
 69 fuel tax enforcement; inspection; penalty; review.—

70 (2)

71 (b) The officer or inspector shall inspect the license  
 72 plate or registration certificate of the commercial vehicle to  
 73 determine whether its gross weight is in compliance with the  
 74 declared gross vehicle weight. If its gross weight exceeds the  
 75 declared weight, the penalty shall be 5 cents per pound on the

76 difference between such weights. In those cases when the  
77 commercial vehicle is being operated over the highways of the  
78 state with an expired registration or with no registration from  
79 this or any other jurisdiction or is not registered under the  
80 applicable provisions of chapter 320, the penalty herein shall  
81 apply on the basis of 5 cents per pound on that scaled weight  
82 which exceeds 35,000 pounds on laden truck tractor-semitrailer  
83 combinations or tandem trailer truck combinations, 10,000 pounds  
84 on laden straight trucks or straight truck-trailer combinations,  
85 or 10,000 pounds on any unladen commercial motor vehicle. A  
86 driver of a commercial motor vehicle entering the state at a  
87 designated port-of-entry location, as defined in s. 316.003  
88 ~~316.003(54)~~, or operating on designated routes to a port-of-  
89 entry location, who obtains a temporary registration permit  
90 shall be assessed a penalty limited to the difference between  
91 its gross weight and the declared gross vehicle weight at 5  
92 cents per pound. If the license plate or registration has not  
93 been expired for more than 90 days, the penalty imposed under  
94 this paragraph may not exceed \$1,000. In the case of special  
95 mobile equipment, which qualifies for the license tax provided  
96 for in s. 320.08(5)(b), being operated on the highways of the  
97 state with an expired registration or otherwise not properly  
98 registered under the applicable provisions of chapter 320, a  
99 penalty of \$75 shall apply in addition to any other penalty  
100 which may apply in accordance with this chapter. A vehicle found

101 in violation of this section may be detained until the owner or  
 102 operator produces evidence that the vehicle has been properly  
 103 registered. Any costs incurred by the retention of the vehicle  
 104 shall be the sole responsibility of the owner. A person who has  
 105 been assessed a penalty pursuant to this paragraph for failure  
 106 to have a valid vehicle registration certificate pursuant to the  
 107 provisions of chapter 320 is not subject to the delinquent fee  
 108 authorized in s. 320.07 if such person obtains a valid  
 109 registration certificate within 10 working days after such  
 110 penalty was assessed.

111 Section 12. Paragraph (a) of subsection (2) of section  
 112 316.613, Florida Statutes, is amended to read:

113 316.613 Child restraint requirements.—

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

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

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

122 316.640 Enforcement.—The enforcement of the traffic laws  
 123 of this state is vested as follows:

124 (1) STATE.—

125 (b)1. The Department of Transportation has authority to

126 enforce on all the streets and highways of this state all laws  
 127 applicable within its authority.

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

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

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



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

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

176 ~~addition, any such traffic infraction enforcement officer may~~  
 177 ~~issue a traffic citation under s. 316.0083. For purposes of~~  
 178 ~~enforcing s. 316.0083, any sheriff's department or police~~  
 179 ~~department of a municipality may designate employees as traffic~~  
 180 ~~infraction enforcement officers.~~ The traffic infraction  
 181 enforcement officers must be physically located in the county of  
 182 the respective sheriff's or police department.

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

185 316.650 Traffic citations.—

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

198 ~~(c) If a traffic citation is issued under s. 316.0083, the~~  
 199 ~~traffic infraction enforcement officer shall provide by~~  
 200 ~~electronic transmission a replica of the traffic citation data~~

201 ~~to the court having jurisdiction over the alleged offense or its~~  
 202 ~~traffic violations bureau within 5 days after the date of~~  
 203 ~~issuance of the traffic citation to the violator. If a hearing~~  
 204 ~~is requested, the traffic infraction enforcement officer shall~~  
 205 ~~provide a replica of the traffic notice of violation data to the~~  
 206 ~~clerk for the local hearing officer having jurisdiction over the~~  
 207 ~~alleged offense within 14 days.~~

208 Section 15. Section 318.121, Florida Statutes, is amended  
 209 to read:

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

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

219 318.14 Noncriminal traffic infractions; exception;  
 220 procedures.—

221 (2) Except as provided in s. ss. 316.1001(2) ~~and 316.0083~~,  
 222 any person cited for a violation requiring a mandatory hearing  
 223 listed in s. 318.19 or any other criminal traffic violation  
 224 listed in chapter 316 must sign and accept a citation indicating  
 225 a promise to appear. The officer may indicate on the traffic

226 citation the time and location of the scheduled hearing and must  
 227 indicate the applicable civil penalty established in s. 318.18.  
 228 For all other infractions under this section, except for  
 229 infractions under s. 316.1001, the officer must certify by  
 230 electronic, electronic facsimile, or written signature that the  
 231 citation was delivered to the person cited. This certification  
 232 is prima facie evidence that the person cited was served with  
 233 the citation.

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

236 318.18 Amount of penalties.—The penalties required for a  
 237 noncriminal disposition pursuant to s. 318.14 or a criminal  
 238 offense listed in s. 318.17 are as follows:

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

249 ~~2. One hundred and fifty-eight dollars for a violation of~~  
 250 ~~s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to~~

251 ~~stop at a traffic signal and when enforced by the department's~~  
 252 ~~traffic infraction enforcement officer. One hundred dollars~~  
 253 ~~shall be remitted to the Department of Revenue for deposit into~~  
 254 ~~the General Revenue Fund, \$45 shall be distributed to the county~~  
 255 ~~for any violations occurring in any unincorporated areas of the~~  
 256 ~~county or to the municipality for any violations occurring in~~  
 257 ~~the incorporated boundaries of the municipality in which the~~  
 258 ~~infraction occurred, \$10 shall be remitted to the Department of~~  
 259 ~~Revenue for deposit into the Department of Health Emergency~~  
 260 ~~Medical Services Trust Fund for distribution as provided in s.~~  
 261 ~~395.4036(1), and \$3 shall be remitted to the Department of~~  
 262 ~~Revenue for deposit into the Brain and Spinal Cord Injury Trust~~  
 263 ~~Fund.~~

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

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

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

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

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

298           ~~(22)~~ In addition to the penalty prescribed under s.  
 299 316.0083 for violations enforced under s. 316.0083 which are  
 300 upheld, the local hearing officer may also order the payment of

301 ~~county or municipal costs, not to exceed \$250.~~

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

304 320.03 Registration; duties of tax collectors;  
 305 International Registration Plan.—

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

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

336 Section 19. Paragraph (d) of subsection (3) of section  
 337 322.27, Florida Statutes, is amended to read:

338 322.27 Authority of department to suspend or revoke driver  
 339 license or identification card.-

340 (3) There is established a point system for evaluation of  
 341 convictions of violations of motor vehicle laws or ordinances,  
 342 and violations of applicable provisions of s. 403.413(6)(b) when  
 343 such violations involve the use of motor vehicles, for the  
 344 determination of the continuing qualification of any person to  
 345 operate a motor vehicle. The department is authorized to suspend  
 346 the license of any person upon showing of its records or other  
 347 good and sufficient evidence that the licensee has been  
 348 convicted of violation of motor vehicle laws or ordinances, or  
 349 applicable provisions of s. 403.413(6)(b), amounting to 12 or  
 350 more points as determined by the point system. The suspension



351 shall be for a period of not more than 1 year.

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

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

376 7. All other moving violations (including parking on a  
 377 highway outside the limits of a municipality)—3 points. However,  
 378 no points shall be imposed for a violation of s. 316.0741 or s.  
 379 316.2065(11); and points shall be imposed for a violation of s.  
 380 316.1001 only when imposed by the court after a hearing pursuant  
 381 to s. 318.14(5).

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

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

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

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

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

393 655.960 Definitions; ss. 655.960-655.965.—As used in this  
 394 section and ss. 655.961-655.965, unless the context otherwise  
 395 requires:

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

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