

By Senator Rodriguez

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1                                   A bill to be entitled  
2           An act relating to photographic enforcement of school  
3           zone speed limits; amending s. 316.003, F.S.; defining  
4           the term "speed detection system"; amending s.  
5           316.008, F.S.; authorizing counties and municipalities  
6           to enforce school speed zones through the use of speed  
7           detection systems; providing a rebuttable presumption;  
8           authorizing counties and municipalities to install, or  
9           contract with a vendor to install, speed detection  
10          systems; amending s. 316.0776, F.S.; authorizing speed  
11          detection systems to be installed on state roads when  
12          permitted by the Department of Transportation;  
13          authorizing speed detection systems to be installed on  
14          a street or highway under the jurisdiction of a county  
15          or municipality in accordance with specified  
16          requirements; requiring counties and municipalities  
17          that install speed detection systems to notify the  
18          public that such systems may be in use and of  
19          enforcement of violations; providing requirements for  
20          signage used to notify the public; requiring counties  
21          and municipalities that have never conducted a speed  
22          detection system program to make a public announcement  
23          and conduct a public awareness campaign before  
24          commencing enforcement using such system; providing  
25          penalties in effect during the public awareness  
26          campaign; creating s. 316.1896, F.S.; authorizing  
27          counties and municipalities to authorize traffic  
28          infraction enforcement officers to issue certain  
29          traffic citations; providing construction; providing

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30 notification requirements and procedures; authorizing  
31 persons who receive notices of violation to request a  
32 hearing within a specified timeframe; defining the  
33 term "person"; providing for waiver of challenge or  
34 dispute as to the delivery of the notice of violation;  
35 requiring counties and municipalities to pay certain  
36 funds to the Department of Revenue; providing for the  
37 distribution of funds; requiring that a traffic  
38 citation be issued under specified circumstances;  
39 providing for waiver of challenge or dispute as to the  
40 delivery of the traffic citation; providing  
41 notification requirements and procedures for the  
42 issuance of a traffic citation; specifying that the  
43 owner of a motor vehicle is responsible and liable for  
44 paying a traffic citation; providing exceptions;  
45 requiring an owner of a motor vehicle to furnish an  
46 affidavit under certain circumstances; specifying  
47 requirements for such affidavits; providing criminal  
48 penalties; providing that photographic or electronic  
49 images, streaming video, and measurement of the  
50 vehicle's speed measured by a speed detection system  
51 are evidence of a violation of a specified provision  
52 of law and are admissible in certain proceedings;  
53 providing a rebuttable presumption; providing  
54 requirements and procedures for hearings; amending s.  
55 316.1906, F.S.; revising the definition of the term  
56 "officer"; authorizing traffic infraction enforcement  
57 officers to satisfy a certain requirement by reviewing  
58 the video of an alleged infraction; providing

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59 construction; providing requirements for speed  
60 detection systems; requiring a law enforcement agency  
61 and its agents that operate a speed detection system  
62 to maintain a log of results of the system's self-  
63 tests; requiring a law enforcement agency and its  
64 agents to perform independent calibration tests of  
65 such systems; providing that self-test logs and  
66 calibration tests are admissible in court proceedings  
67 relating to certain violations; amending ss. 316.306,  
68 316.640, 316.650, 318.14, and 655.960, F.S.;  
69 conforming cross-references and provisions to changes  
70 made by the act; providing an effective date.

71

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

73

74 Section 1. Present subsections (79) through (105) of  
75 section 316.003, Florida Statutes, are redesignated as  
76 subsections (80) through (106), respectively, a new subsection  
77 (79) is added to that section, and subsection (62) of that  
78 section is amended, to read:

79 316.003 Definitions.—The following words and phrases, when  
80 used in this chapter, shall have the meanings respectively  
81 ascribed to them in this section, except where the context  
82 otherwise requires:

83 (62) PRIVATE ROAD OR DRIVEWAY.—Except as otherwise provided  
84 in paragraph (85) (b) ~~(84) (b)~~, any privately owned way or place  
85 used for vehicular travel by the owner and those having express  
86 or implied permission from the owner, but not by other persons.

87 (79) SPEED DETECTION SYSTEM.—An automated system used to

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88 record a vehicle's speed using radar and to capture a photograph  
89 or video of a vehicle that exceeds the speed limit in force at  
90 the time of violation.

91 Section 2. Subsection (9) is added to section 316.008,  
92 Florida Statutes, to read:

93 316.008 Powers of local authorities.—

94 (9) (a) A county or municipality may enforce school speed  
95 zones, as provided in s. 316.1895, through the use of a speed  
96 detection system for the measurement of speed and recording of  
97 photographs or videos for violations that are in excess of 10  
98 miles per hour over the speed limit in force at the time of the  
99 violation. A school zone that is in compliance with s. 316.1895  
100 creates a rebuttable presumption that the school zone is being  
101 properly maintained.

102 (b) A county or municipality may install, or contract with  
103 a vendor to install, a speed detection system within 1,000 feet  
104 of a school zone to enforce speed limits in school speed zones,  
105 as provided by s. 316.1895.

106 Section 3. Section 316.0776, Florida Statutes, is amended  
107 to read:

108 316.0776 Traffic infraction detectors; speed detection  
109 systems; placement and installation.—

110 (1) Traffic infraction detectors are allowed on state roads  
111 when permitted by the Department of Transportation and under  
112 placement and installation specifications developed by the  
113 Department of Transportation. Traffic infraction detectors are  
114 allowed on streets and highways under the jurisdiction of  
115 counties or municipalities in accordance with placement and  
116 installation specifications developed by the Department of

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117 Transportation.

118 (2) (a) If the department, county, or municipality installs  
119 a traffic infraction detector at an intersection, the  
120 department, county, or municipality shall notify the public that  
121 a traffic infraction device may be in use at that intersection  
122 and must specifically include notification of camera enforcement  
123 of violations concerning right turns. Such signage used to  
124 notify the public must meet the specifications for uniform  
125 signals and devices adopted by the Department of Transportation  
126 pursuant to s. 316.0745.

127 (b) If the department, county, or municipality begins a  
128 traffic infraction detector program in a county or municipality  
129 that has never conducted such a program, the respective  
130 department, county, or municipality shall also make a public  
131 announcement and conduct a public awareness campaign of the  
132 proposed use of traffic infraction detectors at least 30 days  
133 before commencing the enforcement program.

134 (3) A speed detection system may be installed on a state  
135 road when permitted by the Department of Transportation and in  
136 accordance with placement and installation specifications  
137 developed by the Department of Transportation. A speed detection  
138 system may be installed on a street or highway under the  
139 jurisdiction of a county or a municipality in accordance with  
140 placement and installation specifications developed by the  
141 Department of Transportation.

142 (a) If a county or municipality installs a speed detection  
143 system, the county or municipality must notify the public that a  
144 speed detection system may be in use and must specifically  
145 include notification of camera or video enforcement of

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146 violations. Such signage used to notify the public must meet the  
147 specifications for uniform signals and devices adopted by the  
148 Department of Transportation pursuant to s. 316.0745.

149 (b) If a county or municipality begins a speed detection  
150 system program in a county or municipality that has never  
151 conducted such a program, the respective county or municipality  
152 shall make a public announcement and conduct a public awareness  
153 campaign on the proposed use of speed detection systems at least  
154 30 days before commencing enforcement under the speed detection  
155 system program and notify the public of the specific date on  
156 which the program will commence. During the 30-day public  
157 awareness campaign about the speed detection system program, a  
158 motor vehicle operator found to have violated s. 316.183 by a  
159 speed detection system shall be issued a warning for the  
160 violation and may not be liable for the civil penalty imposed  
161 under s. 318.18.

162 Section 4. Section 316.1896, Florida Statutes, is created  
163 to read:

164 316.1896 School speed zones; speed detection system  
165 enforcement; penalties; appeal procedure.-

166 (1) For purposes of administering this section, a county or  
167 municipality may authorize a traffic infraction enforcement  
168 officer under s. 316.640 to issue a traffic citation for a  
169 violation of s. 316.183, as evidenced by a speed detection  
170 system, which is in excess of 10 miles per hour over the speed  
171 limit in force at the time of the violation. This subsection  
172 does not prohibit a review of information from a speed detection  
173 system by an authorized employee or agent of a county or  
174 municipality before issuance of the traffic citation by the

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175 traffic infraction enforcement officer. This subsection does not  
176 prohibit a county or municipality from issuing notifications as  
177 provided in subsection (2) to the registered owner of the motor  
178 vehicle in violation of s. 316.183.

179 (2) Within 30 days after a violation, notification must be  
180 sent to the registered owner of the motor vehicle involved in  
181 the violation specifying the remedies available under s. 318.14  
182 and that the violator must pay the penalty under s. 318.18 to  
183 the county or municipality, or furnish an affidavit in  
184 accordance with subsection (8), within 30 days following the  
185 date of the notification of violation in order to avoid court  
186 fees, costs, and the issuance of a traffic citation. The  
187 notification of violation must:

188 (a) Be sent by first-class mail;

189 (b) Include a notice that the owner has the right to review  
190 the photographic or electronic images, the streaming video  
191 evidence, or evidence of the speed of the vehicle measured by a  
192 radar speed-measuring device which constitutes a rebuttable  
193 presumption against the owner of the vehicle; and

194 (c) State the time and place or website where the evidence  
195 may be examined and observed.

196 (3) Notwithstanding any other law, a person who receives a  
197 notice of violation under this section may request a hearing  
198 within 30 days following the notification of violation or pay  
199 the penalty pursuant to the notice of violation, but a payment  
200 or fee may not be required before the hearing requested by the  
201 person. The notice of violation must be accompanied by, or  
202 direct the person to a website that provides, information on the  
203 person's right to request a hearing and on all court costs

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204 related thereto and a form used for requesting a hearing. As  
205 used in this subsection, the term "person" includes a natural  
206 person, the registered owner or co-owner of a motor vehicle, or  
207 the person identified on an affidavit as having care, custody,  
208 or control of the motor vehicle at the time of the violation.

209 (4) If the registered owner or co-owner of the motor  
210 vehicle; the person designated as having care, custody, or  
211 control of the motor vehicle at the time of the violation; or an  
212 authorized representative of the owner, co-owner, or designated  
213 person initiates a proceeding to challenge the violation, such  
214 person waives any challenge or dispute as to the delivery of the  
215 notice of violation.

216 (5) Penalties assessed and collected by the county or  
217 municipality authorized to collect the funds provided for in  
218 this section, less the amount retained by the county,  
219 municipality, or other local government entity pursuant to  
220 paragraph (b), shall be paid to the Department of Revenue  
221 weekly. Payment by the county or municipality to the state must  
222 be made by means of electronic funds transfer. In addition to  
223 the payment, a detailed summary of the penalties remitted shall  
224 be reported to the Department of Revenue. Penalties to be  
225 assessed and collected by the county or municipality as  
226 established in s. 318.18(3)(b) and (c) shall be remitted as  
227 follows:

228 (a) Forty-five percent of the fine shall be remitted to the  
229 Department of Revenue for deposit into the General Revenue Fund.

230 (b) Forty-five percent shall be retained by the county or  
231 municipality and shall be used to administer speed detection  
232 systems in school zones or other public safety initiatives.



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233 (c) Three percent shall be remitted to the Department of  
234 Revenue for deposit into the Department of Law Enforcement  
235 Criminal Justice Standards and Training Fund.

236 (d) Four percent shall be remitted to the public school  
237 district in which the violation occurred, to be used for school  
238 security initiatives or teacher salaries. Funds remitted under  
239 this paragraph shall be shared with charter schools in the  
240 district, based on each charter school's proportionate share of  
241 the district's total unweighted full-time equivalent student  
242 enrollment, and used for school security initiatives or teacher  
243 salaries.

244 (e) Three percent shall be remitted to the Department of  
245 Revenue for deposit into the General Revenue Fund for the  
246 benefit of the Coach Aaron Feis Guardian Program.

247 (6) A traffic citation shall be issued by mailing the  
248 traffic citation by certified mail to the address of the  
249 registered owner of the motor vehicle involved in the violation  
250 if payment has not been made within 30 days after notification  
251 under subsection (2), if the registered owner has not requested  
252 a hearing as authorized under subsection (3), or if the  
253 registered owner has not submitted an affidavit under subsection  
254 (8).

255 (a) Delivery of the traffic citation constitutes  
256 notification under this subsection. If the registered owner or  
257 co-owner of the motor vehicle; the person designated as having  
258 care, custody, or control of the motor vehicle at the time of  
259 the violation; or a duly authorized representative of the owner,  
260 co-owner, or designated person initiates a proceeding to  
261 challenge the citation pursuant to this section, such person

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262 waives any challenge or dispute as to the delivery of the  
263 traffic citation.

264 (b) In the case of joint ownership of a motor vehicle, the  
265 traffic citation shall be mailed to the first name appearing on  
266 the registration, unless the first name appearing on the  
267 registration is a business organization, in which case the  
268 second name appearing on the registration may be used.

269 (c) Included with the notification to the registered owner  
270 of the motor vehicle involved in the infraction shall be a  
271 notice that the owner has a right to review, in person or  
272 remotely, the photographic or electronic images, the streaming  
273 video evidence, or evidence of the speed of the vehicle as  
274 measured by a radar speed-measuring device which constitutes a  
275 rebuttable presumption against the owner of the vehicle. The  
276 notice must state the time and place or website where the  
277 evidence may be examined and observed.

278 (7) The owner of the motor vehicle involved in the  
279 violation is responsible and liable for paying the uniform  
280 traffic citation issued for a violation of s. 316.183, unless  
281 the owner can establish that:

282 (a) The motor vehicle was, at the time of the violation, in  
283 the care, custody, or control of another person;

284 (b) A uniform traffic citation was issued by law  
285 enforcement to the driver of the motor vehicle for the alleged  
286 violation of s. 316.183; or

287 (c) The motor vehicle's owner was deceased on or before the  
288 date that the uniform traffic citation was issued, as  
289 established by an affidavit submitted by the representative of  
290 the motor vehicle owner's estate or other designated person or

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291 family member.

292 (8) To establish such facts under subsection (7), the owner  
293 of the motor vehicle shall, within 30 days after the date of  
294 issuance of the traffic citation, furnish to the appropriate  
295 governmental entity an affidavit setting forth detailed  
296 information supporting an exception as provided in subsection  
297 (7).

298 (a) An affidavit supporting an exemption under paragraph  
299 (7) (a) must include the name, address, date of birth, and, if  
300 known, the driver license number of the person who leased,  
301 rented, or otherwise had care, custody, or control of the motor  
302 vehicle at the time of the alleged violation. If the motor  
303 vehicle was stolen at the time of the alleged violation, the  
304 affidavit must include the police report indicating that the  
305 motor vehicle was stolen.

306 (b) If a traffic citation for a violation of s. 316.183 was  
307 issued at the location of the violation by a law enforcement  
308 officer, the affidavit must include the serial number of the  
309 uniform traffic citation.

310 (c) If the motor vehicle's owner to whom a traffic citation  
311 has been issued is deceased, the affidavit must include a  
312 certified copy of the owner's death certificate showing that the  
313 date of death occurred on or before the issuance of the uniform  
314 traffic citation and one of the following:

315 1. A bill of sale or other document showing that the  
316 deceased owner's motor vehicle was sold or transferred after his  
317 or her death, but on or before the date of the alleged  
318 violation.

319 2. Documented proof that the registered license plate

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320 belonging to the deceased owner's vehicle was returned to the  
321 department or any branch office or authorized agent of the  
322 department, but on or before the date of the alleged violation.

323 3. A copy of the police report showing that the deceased  
324 owner's registered license plate or motor vehicle was stolen  
325 after the owner's death, but on or before the date of the  
326 alleged violation.

327

328 Upon receipt of the affidavit and documentation required under  
329 this paragraph, the governmental entity must dismiss the  
330 citation and provide proof of such dismissal to the person who  
331 submitted the affidavit.

332 (9) Upon receipt of an affidavit, the person designated as  
333 having care, custody, or control of the motor vehicle at the  
334 time of the violation may be issued a notice of violation  
335 pursuant to paragraph (2) for a violation of s. 316.183. The  
336 affidavit is admissible in a proceeding pursuant to this section  
337 for the purpose of providing proof that the person identified in  
338 the affidavit was in actual care, custody, or control of the  
339 motor vehicle. The owner of a leased vehicle for which a traffic  
340 citation is issued for a violation of s. 316.183 is not  
341 responsible for paying the traffic citation and is not required  
342 to submit an affidavit as specified in this subsection if the  
343 motor vehicle involved in the violation is registered in the  
344 name of the lessee of such motor vehicle.

345 (10) If a county or municipality receives an affidavit  
346 under subsection (8), the notification required under subsection  
347 (2) must be sent to the person identified in the affidavit  
348 within 30 days after receipt of an affidavit.

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349       (11) The submission of a false affidavit is a misdemeanor  
350 of the second degree, punishable as provided in s. 775.082 or s.  
351 775.083.

352       (12) The photographic or electronic images, streaming  
353 video, and measurement of the vehicle's speed measured by a  
354 speed detection system attached to or referenced in the traffic  
355 citation are evidence of a violation of s. 316.183 and are  
356 admissible in any proceeding to enforce this section. The  
357 images, video, and evidence raise a rebuttable presumption that  
358 the motor vehicle named in the report or shown in the  
359 photographic or electronic images or streaming video evidence  
360 was used in violation of s. 316.183.

361       (13) This section supplements the enforcement of s. 316.183  
362 by law enforcement officers and does not prohibit a law  
363 enforcement officer from issuing a traffic citation for a  
364 violation of s. 316.183.

365       (14) A hearing under this section shall be conducted under  
366 the procedures established by s. 316.0083(5) and as follows:

367       (a) The department shall publish and make available  
368 electronically to each county and municipality a model request  
369 for hearing form to assist each local government administering  
370 this section.

371       (b) The county or municipality electing to authorize  
372 traffic infraction enforcement officers to issue traffic  
373 citations under subsection (6) shall designate by resolution  
374 existing staff to serve as the clerk to the local hearing  
375 officer.

376       (c) Any person, herein referred to as the "petitioner," who  
377 elects to request a hearing under subsection (3) shall be

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378 scheduled for a hearing by the clerk to the local hearing  
379 officer. The clerk must furnish the petitioner with notice to be  
380 sent by first-class mail. Upon receipt of the notice, the  
381 petitioner may reschedule the hearing once by submitting a  
382 written request to reschedule to the clerk to the local hearing  
383 officer at least 5 calendar days before the day of the  
384 originally scheduled hearing. The petitioner may cancel his or  
385 her appearance before the local hearing officer by paying the  
386 penalty assessed under subsection (2), plus the administrative  
387 costs established in s. 316.0083(5)(c), before the start of the  
388 hearing.

389 (d) All testimony at the hearing shall be under oath and  
390 shall be recorded. The local hearing officer shall take  
391 testimony from a traffic infraction enforcement officer and the  
392 petitioner and may take testimony from others. The local hearing  
393 officer shall review the photographic or electronic images, the  
394 streaming video, and evidence of the speed of the vehicle  
395 measured by a speed detection system made available under  
396 paragraph (2)(b). Formal rules of evidence do not apply, but due  
397 process shall be observed and govern the proceedings.

398 (e) At the conclusion of the hearing, the local hearing  
399 officer shall determine whether a violation under this section  
400 occurred, in which case the hearing officer shall uphold or  
401 dismiss the violation. The local hearing officer shall issue a  
402 final administrative order including the determination and, if  
403 the notice of violation is upheld, require the petitioner to pay  
404 the penalty previously assessed under subsection (2), and may  
405 also require the petitioner to pay county or municipal costs not  
406 to exceed the amount established in s. 316.0083(5)(e). The final

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407 administrative order shall be mailed to the petitioner by first-  
408 class mail.

409 (f) An aggrieved party may appeal a final administrative  
410 order consistent with the process provided under s. 162.11.

411 Section 5. Paragraph (d) of subsection (1) and paragraph  
412 (b) of subsection (2) of section 316.1906, Florida Statutes, are  
413 amended, and subsection (3) is added to that section, to read:

414 316.1906 Radar speed-measuring devices; evidence,  
415 admissibility.—

416 (1) DEFINITIONS.—

417 (d) "Officer" means any:

418 1. "Law enforcement officer" who is elected, appointed, or  
419 employed full time by any municipality or the state or any  
420 political subdivision thereof; who is vested with the authority  
421 to bear arms and make arrests; and whose primary responsibility  
422 is the prevention and detection of crime or the enforcement of  
423 the penal, criminal, traffic, or highway laws of the state;

424 2. "Part-time law enforcement officer" who is employed or  
425 appointed less than full time, as defined by an employing  
426 agency, with or without compensation; who is vested with  
427 authority to bear arms and make arrests; and whose primary  
428 responsibility is the prevention and detection of crime or the  
429 enforcement of the penal, criminal, traffic, or highway laws of  
430 the state; or

431 3. "Auxiliary law enforcement officer" who is employed or  
432 appointed, with or without compensation; who aids or assists a  
433 full-time or part-time law enforcement officer; and who, while  
434 under the direct supervision of a full-time or part-time law  
435 enforcement officer, has the authority to arrest and perform law

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436 enforcement functions.

437 4. "Traffic infraction enforcement officer" who is employed  
438 or appointed, and satisfies the requirements of s.  
439 316.640(1)(b)3., with or without compensation; and who is vested  
440 with authority to enforce s. 316.1896.

441 (2) Evidence of the speed of a vehicle measured by any  
442 radar speed-measuring device shall be inadmissible in any  
443 proceeding with respect to an alleged violation of provisions of  
444 law regulating the lawful speed of vehicles, unless such  
445 evidence of speed is obtained by an officer who:

446 (b) Has made an independent visual determination that the  
447 vehicle is operating in excess of the applicable speed limit. A  
448 traffic infraction enforcement officer may satisfy this  
449 subsection through a review of the video of the alleged  
450 infraction.

451 (3) A speed detection system is exempt from the design  
452 requirements for radar units established by the Department of  
453 Highway Safety and Motor Vehicles. A speed detection system must  
454 have the ability to perform self-tests as to its detection  
455 accuracy. The system must perform a self-test at least once  
456 every 30 days. The law enforcement agency, or an agent acting on  
457 behalf of the law enforcement agency, operating a speed  
458 detection system shall maintain a log of the results of the  
459 system's self-tests. The law enforcement agency, or agent on  
460 behalf of the law enforcement agency, operating a speed  
461 detection system shall also perform an independent calibration  
462 test on the speed detection system at least once every 12  
463 months. The self-test logs, as well as the results of the annual  
464 calibration test, are admissible in any court proceeding for a



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465 violation issued pursuant to s. 316.1896.

466 Section 6. Paragraph (a) of subsection (3) of section  
467 316.306, Florida Statutes, is amended to read:

468 316.306 School and work zones; prohibition on the use of a  
469 wireless communications device in a handheld manner.—

470 (3)(a)1. A person may not operate a motor vehicle while  
471 using a wireless communications device in a handheld manner in a  
472 designated school crossing, school zone, or work zone area as  
473 defined in s. 316.003(106) ~~s. 316.003(105)~~. This subparagraph  
474 shall only be applicable to work zone areas if construction  
475 personnel are present or are operating equipment on the road or  
476 immediately adjacent to the work zone area. For the purposes of  
477 this paragraph, a motor vehicle that is stationary is not being  
478 operated and is not subject to the prohibition in this  
479 paragraph.

480 2.a. During the period from October 1, 2019, through  
481 December 31, 2019, a law enforcement officer may stop motor  
482 vehicles to issue verbal or written warnings to persons who are  
483 in violation of subparagraph 1. for the purposes of informing  
484 and educating such persons of this section. This sub-  
485 subparagraph shall stand repealed on October 1, 2020.

486 b. Effective January 1, 2020, a law enforcement officer may  
487 stop motor vehicles and issue citations to persons who are  
488 driving while using a wireless communications device in a  
489 handheld manner in violation of subparagraph 1.

490 Section 7. Paragraph (a) of subsection (5) of section  
491 316.640, Florida Statutes, is amended to read:

492 316.640 Enforcement.—The enforcement of the traffic laws of  
493 this state is vested as follows:

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494 (5) (a) Any sheriff's department or police department of a  
495 municipality may employ, as a traffic infraction enforcement  
496 officer, any individual who successfully completes instruction  
497 in traffic enforcement procedures and court presentation through  
498 the Selective Traffic Enforcement Program as approved by the  
499 Division of Criminal Justice Standards and Training of the  
500 Department of Law Enforcement, or through a similar program, but  
501 who does not necessarily otherwise meet the uniform minimum  
502 standards established by the Criminal Justice Standards and  
503 Training Commission for law enforcement officers or auxiliary  
504 law enforcement officers under s. 943.13. Any such traffic  
505 infraction enforcement officer who observes the commission of a  
506 traffic infraction or, in the case of a parking infraction, who  
507 observes an illegally parked vehicle may issue a traffic  
508 citation for the infraction when, based upon personal  
509 investigation, he or she has reasonable and probable grounds to  
510 believe that an offense has been committed which constitutes a  
511 noncriminal traffic infraction as defined in s. 318.14. In  
512 addition, any such traffic infraction enforcement officer may  
513 issue a traffic citation under ss. 316.0083 and 316.1896 ~~ss.~~  
514 ~~316.0083~~. For purposes of enforcing ss. 316.0083 and 316.1896 ~~ss.~~  
515 ~~316.0083~~, any sheriff's department or police department of a  
516 municipality may designate employees as traffic infraction  
517 enforcement officers. The traffic infraction enforcement  
518 officers must be physically located in the county of the  
519 respective sheriff's or police department.

520 Section 8. Paragraphs (a) and (c) of subsection (3) of  
521 section 316.650, Florida Statutes, are amended to read:

522 316.650 Traffic citations.-

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523 (3) (a) Except for a traffic citation issued pursuant to s.  
524 316.1001, ~~or~~ s. 316.0083, or s. 316.1896, each traffic  
525 enforcement officer, upon issuing a traffic citation to an  
526 alleged violator of any provision of the motor vehicle laws of  
527 this state or of any traffic ordinance of any municipality or  
528 town, shall deposit the original traffic citation or, in the  
529 case of a traffic enforcement agency that has an automated  
530 citation issuance system, the chief administrative officer shall  
531 provide by an electronic transmission a replica of the citation  
532 data to a court having jurisdiction over the alleged offense or  
533 with its traffic violations bureau within 5 days after issuance  
534 to the violator.

535 (c) If a traffic citation is issued under s. 316.0083 or s.  
536 316.1896, the traffic infraction enforcement officer shall  
537 provide by electronic transmission a replica of the traffic  
538 citation data to the court having jurisdiction over the alleged  
539 offense or its traffic violations bureau within 5 days after the  
540 date of issuance of the traffic citation to the violator. If a  
541 hearing is requested, the traffic infraction enforcement officer  
542 shall provide a replica of the traffic notice of violation data  
543 to the clerk for the local hearing officer having jurisdiction  
544 over the alleged offense within 14 days.

545 Section 9. Subsection (2) of section 318.14, Florida  
546 Statutes, is amended to read:

547 318.14 Noncriminal traffic infractions; exception;  
548 procedures.—

549 (2) Except as provided in ss. 316.1001(2), ~~and~~ 316.0083,  
550 and 316.1896, any person cited for a violation requiring a  
551 mandatory hearing listed in s. 318.19 or any other criminal

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552 traffic violation listed in chapter 316 must sign and accept a  
553 citation indicating a promise to appear. The officer may  
554 indicate on the traffic citation the time and location of the  
555 scheduled hearing and must indicate the applicable civil penalty  
556 established in s. 318.18. For all other infractions under this  
557 section, except for infractions under s. 316.1001, the officer  
558 must certify by electronic, electronic facsimile, or written  
559 signature that the citation was delivered to the person cited.  
560 This certification is prima facie evidence that the person cited  
561 was served with the citation.

562 Section 10. Subsection (1) of section 655.960, Florida  
563 Statutes, is amended to read:

564 655.960 Definitions; ss. 655.960-655.965.—As used in this  
565 section and ss. 655.961-655.965, unless the context otherwise  
566 requires:

567 (1) "Access area" means any paved walkway or sidewalk which  
568 is within 50 feet of any automated teller machine. The term does  
569 not include any street or highway open to the use of the public,  
570 as defined in s. 316.003(85) (a) or (b) ~~s. 316.003(84) (a) or (b)~~,  
571 including any adjacent sidewalk, as defined in s. 316.003.

572 Section 11. This act shall take effect July 1, 2021.