

Amendment No.1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Criminal Justice & Public
2 Safety Subcommittee

3 Representative Duran offered the following:

4
5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Present subsections (79) through (105) of
8 section 316.003, Florida Statutes, are redesignated as
9 subsections (80) through (106), respectively, a new subsection
10 (79) is added to that section, and subsection (62) of that
11 section is amended, to read:

12 316.003 Definitions.—The following words and phrases, when
13 used in this chapter, shall have the meanings respectively
14 ascribed to them in this section, except where the context
15 otherwise requires:

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

21 (79) SPEED DETECTION SYSTEM.—An automated system used to
22 record a vehicle's speed using radar and to capture a photograph
23 or video of a vehicle that exceeds the speed limit in force at
24 the time of violation.

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

27 316.008 Powers of local authorities.—

28 (9) (a) A county or municipality may enforce school speed
29 zones, as provided in s. 316.1895, through the use of a speed
30 detection system for the measurement of speed and recording of
31 photographs or videos for violations that are in excess of 10
32 miles per hour over the speed limit in force at the time of the
33 violation. A school zone that is in compliance with s. 316.1895
34 creates a rebuttable presumption that the school zone is being
35 properly maintained.

36 (b) A county or municipality may install, or contract with
37 a vendor to install, a speed detection system within 1,000 feet
38 of a school zone to enforce speed limits in school speed zones,
39 as provided by s. 316.1895. A county or municipality may use a
40 speed detection system to enforce the speed limit when pupils

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41 are arriving or leaving a regularly scheduled school session as
42 provided by s. 316.1895(5), and to enforce the speed limit
43 during the school day while pupils are present at the school.

44 Section 3. Section 316.0776, Florida Statutes, is amended
45 to read:

46 316.0776 Traffic infraction detectors; speed detection
47 systems; placement and installation.—

48 (1) Traffic infraction detectors are allowed on state
49 roads when permitted by the Department of Transportation and
50 under placement and installation specifications developed by the
51 Department of Transportation. Traffic infraction detectors are
52 allowed on streets and highways under the jurisdiction of
53 counties or municipalities in accordance with placement and
54 installation specifications developed by the Department of
55 Transportation.

56 (2) (a) If the department, county, or municipality installs
57 a traffic infraction detector at an intersection, the
58 department, county, or municipality shall notify the public that
59 a traffic infraction device may be in use at that intersection
60 and must specifically include notification of camera enforcement
61 of violations concerning right turns. Such signage used to
62 notify the public must meet the specifications for uniform
63 signals and devices adopted by the Department of Transportation
64 pursuant to s. 316.0745.

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65 (b) If the department, county, or municipality begins a
66 traffic infraction detector program in a county or municipality
67 that has never conducted such a program, the respective
68 department, county, or municipality shall also make a public
69 announcement and conduct a public awareness campaign of the
70 proposed use of traffic infraction detectors at least 30 days
71 before commencing the enforcement program.

72 (3) A speed detection system may be installed on a state
73 road when permitted by the Department of Transportation and in
74 accordance with placement and installation specifications
75 developed by the Department of Transportation. A speed detection
76 system may be installed on a street or highway under the
77 jurisdiction of a county or a municipality in accordance with
78 placement and installation specifications developed by the
79 Department of Transportation.

80 (a) If a county or municipality installs a speed detection
81 system, the county or municipality must notify the public that a
82 speed detection system may be in use and must specifically
83 include notification of camera or video enforcement of
84 violations. Such signage used to notify the public must meet the
85 specifications for uniform signals and devices adopted by the
86 Department of Transportation pursuant to s. 316.0745.

87 (b) If a county or municipality begins a speed detection
88 system program in a county or municipality that has never
89 conducted such a program, the respective county or municipality

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90 shall inform the public through a public announcement and
91 conduct a public awareness campaign on the proposed use of speed
92 detection systems at least 30 days before commencing enforcement
93 under the speed detection system program and notify the public
94 of the specific date on which the program will commence. During
95 the 30-day public awareness campaign about the speed detection
96 system program, a motor vehicle operator found to have violated
97 s. 316.183 by a speed detection system shall be issued a warning
98 for the violation and may not be liable for the civil penalty
99 imposed under s. 318.18.

100 Section 4. Section 316.1896, Florida Statutes, is created
101 to read:

102 316.1896 School speed zones; speed detection system
103 enforcement; penalties; appeal procedure.-

104 (1) For purposes of administering this section, a county
105 or municipality may authorize a traffic infraction enforcement
106 officer under s. 316.640 to issue a traffic citation for a
107 violation of s. 316.183, as evidenced by a speed detection
108 system, which is in excess of 10 miles per hour over the speed
109 limit in force at the time of the violation. This subsection
110 does not prohibit a review of information from a speed detection
111 system by an authorized employee or agent of a county or
112 municipality before issuance of the traffic citation by the
113 traffic infraction enforcement officer. This subsection does not
114 prohibit a county or municipality from issuing notifications as

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115 provided in subsection (2) to the registered owner of the motor
116 vehicle in violation of s. 316.183.

117 (2) Within 30 days after a violation, notification must be
118 sent to the registered owner of the motor vehicle involved in
119 the violation specifying the remedies available under s. 318.14
120 and that the violator must pay the penalty under s. 318.18 to
121 the county or municipality, or furnish an affidavit in
122 accordance with subsection (8), within 30 days following the
123 date of the notification of violation in order to avoid court
124 fees, costs, and the issuance of a traffic citation. The
125 notification of violation must:

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

127 (b) Include a notice that the owner has the right to
128 review the photographic or electronic images, the streaming
129 video evidence, or evidence of the speed of the vehicle measured
130 by a radar speed-measuring device which constitutes a rebuttable
131 presumption against the owner of the vehicle; and

132 (c) Provide instruction on how to view the evidence or
133 include the website where the evidence may be examined and
134 observed.

135 (3) Notwithstanding any other law, a person who receives a
136 notice of violation under this section may request a hearing
137 within 30 days following the notification of violation or pay
138 the penalty pursuant to the notice of violation, but a payment
139 or fee may not be required before the scheduled hearing if such

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140 hearing is requested. The notice of violation must be
141 accompanied by, or direct the person to a website that provides,
142 information on the person's right to request a hearing and any
143 court costs related thereto and a form used for requesting a
144 hearing. As used in this subsection, the term "person" includes
145 a natural person, the registered owner or co-owner of a motor
146 vehicle, or the person identified on an affidavit as having
147 care, custody, or control of the motor vehicle at the time of
148 the violation.

149 (4) If the registered owner or co-owner of the motor
150 vehicle; the person designated as having care, custody, or
151 control of the motor vehicle at the time of the violation; or an
152 authorized representative of the owner, co-owner, or designated
153 person initiates a hearing to challenge the violation, such
154 person waives any challenge or dispute as to the delivery of the
155 notice of violation.

156 (5) Penalties assessed and collected by the county or
157 municipality authorized to collect the funds provided for in
158 this section, less the amount retained by the county,
159 municipality, or other local government entity pursuant to
160 paragraph (b), shall be paid to the Department of Revenue
161 weekly. Payment by the county or municipality to the state must
162 be made by means of electronic funds transfer. In addition to
163 the payment, a detailed summary of the penalties remitted shall
164 be reported to the Department of Revenue. Penalties to be

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165 assessed and collected by the county or municipality as
166 established in s. 318.18(3)(b) and (c) shall be remitted as
167 follows:

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

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

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

177 (d) Four percent shall be remitted to the public school
178 district in which the violation occurred, to be used for school
179 security initiatives or teacher salaries. Funds remitted under
180 this paragraph shall be shared with charter schools in the
181 district, based on each charter school's proportionate share of
182 the district's total unweighted full-time equivalent student
183 enrollment, and used for school security initiatives or teacher
184 salaries.

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

188 (6) A traffic citation shall be issued by mailing the
189 traffic citation by certified mail to the address of the

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190 registered owner of the motor vehicle involved in the violation
191 if payment has not been made within 30 days after notification
192 under subsection (2), if the registered owner has not requested
193 a hearing as authorized under subsection (3), or if the
194 registered owner has not submitted an affidavit under subsection
195 (8).

196 (a) Delivery of the traffic citation constitutes
197 notification under this subsection. If the registered owner or
198 co-owner of the motor vehicle; the person designated as having
199 care, custody, or control of the motor vehicle at the time of
200 the violation; or a duly authorized representative of the owner,
201 co-owner, or designated person initiates a proceeding to
202 challenge the citation pursuant to this section, such person
203 waives any challenge or dispute as to the delivery of the
204 traffic citation.

205 (b) In the case of joint ownership of a motor vehicle, the
206 traffic citation shall be mailed to the first name appearing on
207 the registration, unless the first name appearing on the
208 registration is a business organization, in which case the
209 second name appearing on the registration may be used.

210 (c) Included with the notification to the registered owner
211 of the motor vehicle involved in the violation shall be a notice
212 that the owner has a right to review, in person or remotely, the
213 photographic or electronic images, the streaming video evidence,
214 or evidence of the speed of the vehicle as measured by a radar

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215 speed-measuring device which constitutes a rebuttable
216 presumption against the owner of the vehicle. The notice must
217 state the time and place or website where the evidence may be
218 examined and observed.

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

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

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

228 (c) The motor vehicle's owner was deceased on or before
229 the date that the uniform traffic citation was issued, as
230 established by an affidavit submitted by the representative of
231 the motor vehicle owner's estate or other designated person or
232 family member.

233 (8) To establish such facts under subsection (7), the
234 owner of the motor vehicle shall, within 30 days after the date
235 of issuance of the traffic citation, furnish to the appropriate
236 governmental entity an affidavit setting forth detailed
237 information supporting an exception as provided in subsection

238 (7).

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239 (a) An affidavit supporting an exemption under paragraph
240 (7) (a) must include the name, address, date of birth, and, if
241 known, the driver license number of the person who leased,
242 rented, or otherwise had care, custody, or control of the motor
243 vehicle at the time of the alleged violation. If the motor
244 vehicle was stolen at the time of the alleged violation, the
245 affidavit must include the relevant police report.

246 (b) If a traffic citation for a violation of s. 316.183
247 was issued at the time of the violation by a law enforcement
248 officer, the affidavit must include the serial number of the
249 uniform traffic citation.

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

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

259 2. Documented proof that the registered license plate
260 belonging to the deceased owner's vehicle was returned to the
261 department or any branch office or authorized agent of the
262 department after his or her death, but on or before the date of
263 the alleged violation.

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264 3. A copy of the police report showing that the deceased
265 owner's registered license plate or motor vehicle was stolen
266 after the owner's death, but on or before the date of the
267 alleged violation.

268
269 Upon receipt of the affidavit and documentation required under
270 this paragraph, the governmental entity must dismiss the
271 citation and provide proof of such dismissal to the person who
272 submitted the affidavit.

273 (9) Upon receipt of an affidavit, the person designated as
274 having care, custody, or control of the motor vehicle at the
275 time of the violation may be issued a notice of violation under
276 paragraph (2) for a violation of s. 316.183. The affidavit is
277 admissible in a proceeding under this section for the purpose of
278 providing proof that the person identified in the affidavit was
279 in actual care, custody, or control of the motor vehicle. The
280 owner of a leased vehicle for which a traffic citation is issued
281 for a violation of s. 316.183 is not responsible for paying the
282 traffic citation and is not required to submit an affidavit as
283 specified in this subsection if the motor vehicle involved in
284 the violation is registered in the name of the lessee of such
285 motor vehicle.

286 (10) If a county or municipality receives an affidavit
287 under subsection (8), the notification required under subsection

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288 (2) must be sent to the person identified in the affidavit
289 within 30 days after receipt of an affidavit.

290 (11) A person who knowingly and willfully makes a false
291 statement or misrepresentation in an affidavit commits a second
292 degree misdemeanor, punishable as provided in s. 775.082 or s.
293 775.083.

294 (12) The photographic or electronic images, streaming
295 video, and measurement of the vehicle's speed measured by a
296 speed detection system attached to or referenced in the traffic
297 citation are evidence of a violation of s. 316.183 and are
298 admissible in any proceeding to enforce this section. The
299 images, video, and evidence raise a rebuttable presumption that
300 the motor vehicle named in the report or shown in the
301 photographic or electronic images or streaming video evidence
302 was operated in violation of s. 316.183.

303 (13) This section supplements the enforcement of s.
304 316.183 by law enforcement officers and does not prohibit a law
305 enforcement officer from issuing a traffic citation for a
306 violation of s. 316.183.

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

309 (a) The department shall publish and make available
310 electronically to each county and municipality a model request
311 for hearing form to assist each local government in
312 administering this section.

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313 (b) The county or municipality that elects to authorize
314 traffic infraction enforcement officers to issue traffic
315 citations under subsection (6) shall, by resolution, designate
316 existing staff to serve as the clerk to the local hearing
317 officer.

318 (c) Any person, herein referred to as the "petitioner,"
319 who elects to request a hearing under subsection (3) shall be
320 scheduled for a hearing by the local hearing officer's clerk.
321 The clerk must furnish the petitioner with notice to be sent by
322 first-class mail. Upon receipt of the notice, the petitioner may
323 reschedule the hearing once by submitting a written request to
324 reschedule to the clerk at least 5 calendar days before the day
325 of the originally scheduled hearing. The petitioner may cancel
326 his or her appearance before the local hearing officer by paying
327 the penalty assessed under subsection (2), plus the
328 administrative costs established in s. 316.0083(5)(c), before
329 the start of the hearing.

330 (d) All testimony at the hearing shall be under oath and
331 shall be recorded. The local hearing officer shall take
332 testimony from a traffic infraction enforcement officer and the
333 petitioner and may take testimony from other persons. The local
334 hearing officer shall review the photographic or electronic
335 images, the streaming video, and evidence of the speed of the
336 vehicle measured by a speed detection system made available

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337 under paragraph (2) (b). Formal rules of evidence do not apply,
338 but due process shall be observed and govern the proceedings.

339 (e) At the conclusion of the hearing, the local hearing
340 officer shall determine based on a preponderance of the evidence
341 whether a violation under this section occurred, in which case
342 the hearing officer shall uphold or dismiss the violation. The
343 local hearing officer shall issue a final administrative order
344 including the determination and, if the notice of violation is
345 upheld, require the petitioner to pay the penalty previously
346 assessed under subsection (2), and may also require the
347 petitioner to pay county or municipal costs not to exceed the
348 amount established in s. 316.0083(5) (e). The final
349 administrative order shall be mailed to the petitioner by first-
350 class mail.

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

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

356 316.1906 Radar speed-measuring devices; evidence,
357 admissibility.—

358 (1) DEFINITIONS.—

359 (d) "Officer" means any:

360 1. "Law enforcement officer" who is elected, appointed, or
361 employed full time by any municipality or the state or any

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362 political subdivision thereof; who is vested with the authority
363 to bear arms and make arrests; and whose primary responsibility
364 is the prevention and detection of crime or the enforcement of
365 the penal, criminal, traffic, or highway laws of the state;

366 2. "Part-time law enforcement officer" who is employed or
367 appointed less than full time, as defined by an employing
368 agency, with or without compensation; who is vested with
369 authority to bear arms and make arrests; and whose primary
370 responsibility is the prevention and detection of crime or the
371 enforcement of the penal, criminal, traffic, or highway laws of
372 the state; or

373 3. "Auxiliary law enforcement officer" who is employed or
374 appointed, with or without compensation; who aids or assists a
375 full-time or part-time law enforcement officer; and who, while
376 under the direct supervision of a full-time or part-time law
377 enforcement officer, has the authority to arrest and perform law
378 enforcement functions.

379 4. "Traffic infraction enforcement officer" who is
380 employed or appointed, and satisfies the requirements of s.
381 316.640(1)(b)3., with or without compensation; and who is vested
382 with authority to enforce s. 316.1896.

383 (2) Evidence of the speed of a vehicle measured by any
384 radar speed-measuring device shall be inadmissible in any
385 proceeding with respect to an alleged violation of provisions of

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386 law regulating the lawful speed of vehicles, unless such
387 evidence of speed is obtained by an officer who:

388 (b) Has made an independent visual determination that the
389 vehicle is operating in excess of the applicable speed limit. A
390 traffic infraction enforcement officer may make such a
391 determination by reviewing the video of the alleged infraction.

392 (3) A speed detection system is exempt from the design
393 requirements for radar units established by the Department of
394 Highway Safety and Motor Vehicles. A speed detection system must
395 have the ability to perform self-tests as to its detection
396 accuracy. The system must perform a self-test at least once
397 every 30 days. The law enforcement agency, or an agent acting on
398 behalf of the law enforcement agency, operating a speed
399 detection system shall maintain a log of the results of the
400 system's self-tests. The law enforcement agency, or agent on
401 behalf of the law enforcement agency, operating a speed
402 detection system shall also perform an independent calibration
403 test on the speed detection system at least once every 12
404 months. The self-test logs, as well as the results of the annual
405 calibration test, are admissible in any court proceeding for a
406 violation issued under s. 316.1896.

407 Section 6. Paragraph (a) of subsection (3) of section
408 316.306, Florida Statutes, is amended to read:

409 316.306 School and work zones; prohibition on the use of a
410 wireless communications device in a handheld manner.-

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411 (3) (a) 1. A person may not operate a motor vehicle while
412 using a wireless communications device in a handheld manner in a
413 designated school crossing, school zone, or work zone area as
414 defined in s. 316.003(106) ~~s. 316.003(105)~~. This subparagraph
415 shall only be applicable to work zone areas if construction
416 personnel are present or are operating equipment on the road or
417 immediately adjacent to the work zone area. For the purposes of
418 this paragraph, a motor vehicle that is stationary is not being
419 operated and is not subject to the prohibition in this
420 paragraph.

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

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

431 Section 7. Paragraph (a) of subsection (5) of section
432 316.640, Florida Statutes, is amended to read:

433 316.640 Enforcement.—The enforcement of the traffic laws
434 of this state is vested as follows:

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435 (5) (a) Any sheriff's department or police department of a
436 municipality may employ, as a traffic infraction enforcement
437 officer, any individual who successfully completes instruction
438 in traffic enforcement procedures and court presentation through
439 the Selective Traffic Enforcement Program as approved by the
440 Division of Criminal Justice Standards and Training of the
441 Department of Law Enforcement, or through a similar program, but
442 who does not necessarily otherwise meet the uniform minimum
443 standards established by the Criminal Justice Standards and
444 Training Commission for law enforcement officers or auxiliary
445 law enforcement officers under s. 943.13. Any such traffic
446 infraction enforcement officer who observes the commission of a
447 traffic infraction or, in the case of a parking infraction, who
448 observes an illegally parked vehicle may issue a traffic
449 citation for the infraction when, based upon personal
450 investigation, he or she has reasonable and probable grounds to
451 believe that an offense has been committed which constitutes a
452 noncriminal traffic infraction as defined in s. 318.14. In
453 addition, any such traffic infraction enforcement officer may
454 issue a traffic citation under ss. 316.0083 and 316.1896 ~~ss.~~
455 ~~316.0083~~. For purposes of enforcing ss. 316.0083 and 316.1896 ~~ss.~~
456 ~~316.0083~~, any sheriff's department or police department of a
457 municipality may designate employees as traffic infraction
458 enforcement officers. The traffic infraction enforcement

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459 officers must be physically located in the county of the
460 respective sheriff's or police department.

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

463 316.650 Traffic citations.—

464 (3) (a) Except for a traffic citation issued pursuant to s.
465 316.1001, ~~or~~ s. 316.0083, or s. 316.1896, each traffic
466 enforcement officer, upon issuing a traffic citation to an
467 alleged violator of any provision of the motor vehicle laws of
468 this state or of any traffic ordinance of any municipality or
469 town, shall deposit the original traffic citation or, in the
470 case of a traffic enforcement agency that has an automated
471 citation issuance system, the chief administrative officer shall
472 provide by an electronic transmission a replica of the citation
473 data to a court having jurisdiction over the alleged offense or
474 with its traffic violations bureau within 5 days after issuance
475 to the violator.

476 (c) If a traffic citation is issued under s. 316.0083 or
477 s. 316.1896, the traffic infraction enforcement officer shall
478 provide by electronic transmission a replica of the traffic
479 citation data to the court having jurisdiction over the alleged
480 offense or its traffic violations bureau within 5 days after the
481 date of issuance of the traffic citation to the violator. If a
482 hearing is requested, the traffic infraction enforcement officer
483 shall provide a replica of the traffic notice of violation data

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484 to the clerk for the local hearing officer having jurisdiction
485 over the alleged offense within 14 days.

486 Section 9. Paragraph (d) of subsection (3) of section
487 322.27, Florida Statutes, is amended to read:

488 322.27 Authority of department to suspend or revoke driver
489 license or identification card.—

490 (3) There is established a point system for evaluation of
491 convictions of violations of motor vehicle laws or ordinances,
492 and violations of applicable provisions of s. 403.413(6) (b) when
493 such violations involve the use of motor vehicles, for the
494 determination of the continuing qualification of any person to
495 operate a motor vehicle. The department is authorized to suspend
496 the license of any person upon showing of its records or other
497 good and sufficient evidence that the licensee has been
498 convicted of violation of motor vehicle laws or ordinances, or
499 applicable provisions of s. 403.413(6) (b), amounting to 12 or
500 more points as determined by the point system. The suspension
501 shall be for a period of not more than 1 year.

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

- 505 1. Reckless driving, willful and wanton—4 points.
506 2. Leaving the scene of a crash resulting in property
507 damage of more than \$50—6 points.

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- 508 3. Unlawful speed, or unlawful use of a wireless
509 communications device, resulting in a crash—6 points.
- 510 4. Passing a stopped school bus:
- 511 a. Not causing or resulting in serious bodily injury to or
512 death of another—4 points.
- 513 b. Causing or resulting in serious bodily injury to or
514 death of another—6 points.
- 515 5. Unlawful speed:
- 516 a. Not in excess of 15 miles per hour of lawful or posted
517 speed—3 points.
- 518 b. In excess of 15 miles per hour of lawful or posted
519 speed—4 points.
- 520 c. No points under this subsection shall be imposed for a
521 violation of unlawful speed when enforced under s. 316.1896 by a
522 traffic infraction enforcement officer. In addition, a violation
523 of unlawful speed when enforced under s. 316.1896 by a traffic
524 infraction enforcement officer may not be used for purposes of
525 setting motor vehicle insurance rates.
- 526 6. A violation of a traffic control signal device as
527 provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points.
528 However, no points shall be imposed for a violation of s.
529 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
530 stop at a traffic signal and when enforced by a traffic
531 infraction enforcement officer. In addition, a violation of s.
532 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to

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533 stop at a traffic signal and when enforced by a traffic
534 infraction enforcement officer may not be used for purposes of
535 setting motor vehicle insurance rates.

536 7. All other moving violations (including parking on a
537 highway outside the limits of a municipality)—3 points. However,
538 no points shall be imposed for a violation of s. 316.0741 or s.
539 316.2065(11); and points shall be imposed for a violation of s.
540 316.1001 only when imposed by the court after a hearing pursuant
541 to s. 318.14(5).

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

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

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

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

551 Section 10. Subsection (2) of section 318.14, Florida
552 Statutes, is amended to read:

553 318.14 Noncriminal traffic infractions; exception;
554 procedures.—

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

Amendment No.1

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

568 Section 11. Subsection (1) of section 655.960, Florida
569 Statutes, is amended to read:

570 655.960 Definitions; ss. 655.960-655.965.—As used in this
571 section and ss. 655.961-655.965, unless the context otherwise
572 requires:

573 (1) "Access area" means any paved walkway or sidewalk
574 which is within 50 feet of any automated teller machine. The
575 term does not include any street or highway open to the use of
576 the public, as defined in s. 316.003(85) (a) or (b) ~~s.~~
577 ~~316.003(84) (a) or (b)~~, including any adjacent sidewalk, as
578 defined in s. 316.003.

579 Section 12. This act shall take effect July 1, 2021.

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T I T L E A M E N D M E N T

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583 Remove everything before the enacting clause and insert:
584 An act relating to photographic enforcement of school zone
585 speed limits; amending s. 316.003, F.S.; defining the term
586 "speed detection system"; amending s. 316.008, F.S.; authorizing
587 counties and municipalities to enforce school speed zones
588 through the use of speed detection systems; providing a
589 rebuttable presumption; authorizing counties and municipalities
590 to install, or contract with a vendor to install, speed
591 detection systems; amending s. 316.0776, F.S.; authorizing speed
592 detection systems to be installed on state roads when permitted
593 by the Department of Transportation; authorizing speed detection
594 systems to be installed on a street or highway under the
595 jurisdiction of a county or municipality in accordance with
596 specified requirements; requiring counties and municipalities
597 that install speed detection systems to notify the public that
598 such systems may be in use and of enforcement of violations;
599 providing requirements for signage used to notify the public;
600 requiring counties and municipalities that have never conducted
601 a speed detection system program to make a public announcement
602 and conduct a public awareness campaign before commencing
603 enforcement using such system; providing penalties in effect
604 during the public awareness campaign; creating s. 316.1896,
605 F.S.; authorizing counties and municipalities to authorize
606 traffic infraction enforcement officers to issue certain traffic
607 citations; providing construction; providing notification

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608 requirements and procedures; authorizing persons who receive
609 notices of violation to request a hearing within a specified
610 timeframe; defining the term "person"; providing for waiver of
611 challenge or dispute as to the delivery of the notice of
612 violation; requiring counties and municipalities to pay certain
613 funds to the Department of Revenue; providing for the
614 distribution of funds; requiring that a traffic citation be
615 issued under specified circumstances; providing for waiver of
616 challenge or dispute as to the delivery of the traffic citation;
617 providing notification requirements and procedures for the
618 issuance of a traffic citation; specifying that the owner of a
619 motor vehicle is responsible and liable for paying a traffic
620 citation; providing exceptions; requiring an owner of a motor
621 vehicle to furnish an affidavit under certain circumstances;
622 specifying requirements for such affidavits; providing criminal
623 penalties; providing that photographic or electronic images,
624 streaming video, and measurement of the vehicle's speed measured
625 by a speed detection system are evidence of a violation of a
626 specified provision of law and are admissible in certain
627 proceedings; providing a rebuttable presumption; providing
628 requirements and procedures for hearings; amending s. 316.1906,
629 F.S.; revising the definition of the term "officer"; authorizing
630 traffic infraction enforcement officers to satisfy a certain
631 requirement by reviewing the video of an alleged infraction;
632 providing construction; providing requirements for speed

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633 detection systems; requiring a law enforcement agency and its
634 agents that operate a speed detection system to maintain a log
635 of results of the system's self-tests; requiring a law
636 enforcement agency and its agents to perform independent
637 calibration tests of such systems; providing that self-test logs
638 and calibration tests are admissible in court proceedings
639 relating to certain violations; amending s. 322.27, F.S.;
640 prohibiting a violation under s. 316.1896 from resulting in
641 points to a driver's license; providing that a violation under
642 s. 316.1896 may not be used in setting motor vehicle insurance
643 rates; amending ss. 316.306, 316.640, 316.650, 318.14, and
644 655.960, F.S.; conforming cross-references and provisions to
645 changes made by the act; providing an effective date.