

1                                   A bill to be entitled  
2           An act relating to photographic enforcement of school  
3           zone speed limits; creating s. 316.1896, F.S.;  
4           authorizing a county or municipality to contract with  
5           a vendor to install cameras in school speed zones to  
6           enforce school zone speed limits; providing a civil  
7           penalty for certain violations of a school zone speed  
8           limit found through recording of photographic images;  
9           providing for disposition and use of funds; requiring  
10          issuance of a warning for a specified period;  
11          providing requirements for notice of a violation;  
12          requiring payment of a penalty within a certain  
13          period; providing construction; providing for  
14          determination of liability; providing for rebuttal;  
15          providing nonapplication of a violation to driver  
16          license points assessment, conviction, driving record,  
17          or provision of motor vehicle insurance coverage;  
18          providing for court jurisdiction and enforcement;  
19          providing final notice requirements if a violation has  
20          not been contested or a penalty has not been paid;  
21          requiring a referral to the Department of Highway  
22          Safety and Motor Vehicles resulting in prohibition of  
23          motor vehicle registration renewal and transfer of  
24          title; providing referral requirements; requiring the  
25          department to send notice of the referral to the

26 registered owner of the motor vehicle; providing for  
 27 removal of penalties under certain circumstances;  
 28 prohibiting imposition of a warning or civil penalty  
 29 on a motor vehicle operator arrested or cited for the  
 30 same violation by a peace officer; providing an  
 31 effective date.

32

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

34

35 Section 1. Section 316.1896, Florida Statutes, is created  
 36 to read:

37 316.1896 School speed zones; photographic enforcement;  
 38 penalties.-

39 (1) The governing body of a county or municipality may  
 40 enter into a contract with a vendor to install one or more  
 41 cameras in each school speed zone located within the county or  
 42 municipality for the purpose of enforcing school zone speed  
 43 limits, as provided in s. 316.1895(5), through the recording of  
 44 photographic images.

45 (2) The registered owner of a motor vehicle that is found  
 46 through the recording of photographic images to have been  
 47 involved in a violation of s. 316.1895(10) by exceeding the  
 48 posted speed limit by 10 mph or more in a manner not otherwise  
 49 authorized by law is subject to a civil penalty of \$132. Of this  
 50 amount:

51 (a) Sixty-five dollars shall be deposited in the General  
52 Revenue Fund.

53 (b) Fifty-nine dollars shall be remitted to the governing  
54 body of the county or municipality in which the violation  
55 occurred to fund local law enforcement or public safety  
56 initiatives.

57 (c) Four dollars shall be deposited in the Department of  
58 Law Enforcement Criminal Justice Standards and Training Fund.

59 (d) Two dollars shall be remitted to the school district  
60 in which the violation occurred to be used for school security  
61 initiatives or teacher salaries.

62 (e) Two dollars shall be remitted to specialty-licensed  
63 children's hospitals that are certified as Level II pediatric  
64 trauma centers but not certified as Level II adult trauma  
65 centers.

66 (3) Within the first 30 days after such a camera or  
67 cameras are installed in a school speed zone, a motor vehicle  
68 operator found to have violated s. 316.1895(10) as described in  
69 subsection (2) shall be issued a warning for the violation and  
70 shall not be liable for the civil penalty imposed under  
71 subsection (2).

72 (4) Except as provided in subsection (3), within 60 days  
73 after a violation of s. 316.1895(10) as described in subsection  
74 (2), a law enforcement agency authorized to enforce the school  
75 zone speed limit, or an agent authorized by such law enforcement

76 agency, shall send by first-class mail to the registered owner  
77 of the motor vehicle involved in the violation a notice that  
78 includes:

79 (a) A photographic image recorded by a camera installed  
80 pursuant to subsection (1) which shows the motor vehicle  
81 involved in the violation.

82 (b) A citation for the violation, which shall include:

83 1. The date, time, and location of the violation.

84 2. The maximum speed at which such motor vehicle was  
85 traveling at the time the photographic image was recorded.

86 3. The maximum speed authorized in the school speed zone  
87 as provided in s. 316.1895(5).

88 4. The amount of the civil penalty imposed under  
89 subsection (2) and the date by which such penalty must be paid,  
90 which must be no later than 30 days after the notice is mailed.

91 (c) A copy of a certificate sworn to or affirmed by a  
92 peace officer employed by a law enforcement agency authorized to  
93 enforce the school zone speed limit and stating that, based upon  
94 inspection of recorded photographic images, the owner's motor  
95 vehicle was operated in violation of the school zone speed limit  
96 in a manner not otherwise authorized by law.

97 (d) A statement of the inference provided by subsection  
98 (6) and the means by which such inference may be rebutted.

99 (e) Information advising the owner of the manner in which  
100 liability may be contested through an administrative hearing.

101 (f) A warning that failure to pay the civil penalty or  
102 contest liability no later than 30 days after the notice is  
103 mailed shall waive the right to contest liability.

104 (g) A website address where recorded photographic images  
105 showing the motor vehicle involved in the violation and a  
106 duplicate of the information provided pursuant to this  
107 subsection may be viewed.

108  
109 A notice sent by first-class mail pursuant to this subsection is  
110 considered adequate notification of the penalties imposed by  
111 this section. No other notice is required for the purposes of  
112 this section.

113 (5) Proof that a motor vehicle was operated in violation  
114 of the school zone speed limit shall be evidenced by recorded  
115 photographic images. A copy of a certificate as provided in  
116 paragraph (4) (c) shall be prima facie evidence of the facts  
117 contained therein.

118 (6) Liability under this section shall be determined based  
119 upon a preponderance of the evidence. Prima facie evidence that  
120 the motor vehicle described in the citation issued pursuant to  
121 this section was operated in violation of the school zone speed  
122 limit, together with proof that the defendant was, at the time  
123 of such violation, the registered owner of the motor vehicle,  
124 shall permit the trier of fact, in its discretion, to infer that  
125 such owner was operating the motor vehicle at the time of the

126 violation. Such inference may be rebutted if the owner presents  
127 to the court a certified copy of a police report showing that  
128 the motor vehicle had been reported to the police as stolen  
129 before the time of the violation.

130 (7) A violation for which a warning or civil penalty is  
131 imposed pursuant to this section is not considered a moving  
132 violation for the purpose of assessing points under s.  
133 322.27(3)(d). Such violation is deemed noncriminal, and  
134 imposition of a warning or civil penalty pursuant to this  
135 section is not a conviction, shall not be made a part of the  
136 driving record of the person upon whom such liability is  
137 imposed, and shall not be used for any purposes in the provision  
138 of motor vehicle insurance coverage.

139 (8) A court that has jurisdiction over violations of s.  
140 316.1895(10) has jurisdiction over cases arising under this  
141 section and may impose the civil penalty provided in subsection  
142 (2). Except as otherwise provided in this section, the  
143 provisions of law governing jurisdiction, procedure, defenses,  
144 adjudication, appeal, and payment and distribution of penalties  
145 otherwise applicable to violations of s. 316.1895(10) apply to  
146 enforcement under this section. However, an appeal to a circuit  
147 court shall be made in the manner provided by law.

148 (9)(a) If a violation has not been contested and the civil  
149 penalty has not been paid within 30 days after the notice  
150 required under subsection (4) is mailed, the law enforcement

151 agency or an agent authorized by the law enforcement agency  
152 shall send by first-class mail to the registered owner of the  
153 motor vehicle involved in the violation a final notice of the  
154 unpaid civil penalty, except in cases in which there is an  
155 adjudication that a violation did not occur or there is  
156 otherwise a lawful determination that a civil penalty may not be  
157 imposed. The final notice shall inform the owner that the law  
158 enforcement agency or an agent authorized by the law enforcement  
159 agency shall send a referral to the department if the civil  
160 penalty is not paid within 30 days after the final notice was  
161 mailed and that such referral shall result in the nonrenewal of  
162 the registration of such motor vehicle and prohibit the title  
163 transfer of such motor vehicle within this state.

164 (b) A referral sent to the department under paragraph (a)  
165 shall include:

166 1. Any information known or available to the law  
167 enforcement agency or an officer employed by the law enforcement  
168 agency concerning the motor vehicle's license plate number and  
169 year of registration and the name of the registered owner of the  
170 motor vehicle.

171 2. The date on which the violation occurred.

172 3. The date on which the final notice required under  
173 paragraph (a) was mailed.

174 4. The seal, logo, emblem, or electronic seal of the law  
175 enforcement agency.

176 (c) Within 5 days after receipt of a referral under  
177 paragraph (a), the department shall enter the referral into the  
178 department's motor vehicle database and shall refuse to renew  
179 the registration of the motor vehicle and prohibit the title  
180 transfer of the motor vehicle within this state until the civil  
181 penalty is paid. The department shall send by first-class mail  
182 to the registered owner of the motor vehicle a notice stating:

183 1. That the registration of the motor vehicle involved in  
184 the violation may not be renewed.

185 2. That the title of the motor vehicle involved in the  
186 violation may not be transferred within this state.

187 3. That the penalties provided in this paragraph are being  
188 imposed due to failure to pay the civil penalty for a violation  
189 of s. 316.1895(10) as provided in this section.

190 4. The procedure provided in paragraph (d) for removing  
191 the penalties provided in this paragraph.

192 (d) The department shall remove the penalties imposed on a  
193 motor vehicle under paragraph (c) when the registered owner of  
194 the motor vehicle or any other person presents the department  
195 with adequate proof that the civil penalty has been paid.

196 (10) A warning or civil penalty under this section may not  
197 be imposed on a motor vehicle operator who was arrested or  
198 issued a citation and notice to appear by a peace officer for  
199 the same violation.

200 Section 2. This act shall take effect July 1, 2021.