



277064

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/09/2022	.	
	.	
	.	
	.	

The Committee on Appropriations (Rodriguez) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Present subsections (82) through (109) of
section 316.003, Florida Statutes, are redesignated as
subsections (83) through (110), respectively, a new subsection
(82) is added to that section, and subsection (64) of that
section is amended, to read:

316.003 Definitions.—The following words and phrases, when



277064

11 used in this chapter, shall have the meanings respectively
12 ascribed to them in this section, except where the context
13 otherwise requires:

14 (64) PRIVATE ROAD OR DRIVEWAY.—Except as otherwise provided
15 in paragraph (88) (b) ~~(87) (b)~~, any privately owned way or place
16 used for vehicular travel by the owner and those having express
17 or implied permission from the owner, but not by other persons.

18 (82) SPEED DETECTION SYSTEM.—A portable or fixed automated
19 system used to record a vehicle's speed using radar and to
20 capture a photograph or video of the rear of a vehicle in a
21 school zone which exceeds the speed limit in force at the time
22 of the violation. Any notification under s. 316.1896 or traffic
23 citation issued through the use of a speed detection system must
24 include a photograph or other recorded image showing the license
25 tag of the vehicle; the date, time, and location of the vehicle;
26 the maximum speed at which the vehicle was traveling in the
27 school zone; and the posted speed in the school zone at the time
28 of the violation.

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

31 316.008 Powers of local authorities.—

32 (9) (a) A county or municipality may enforce speed limits on
33 areas of roads maintained as school zones pursuant to s.
34 316.1895 within 30 minutes before and after a regularly
35 scheduled breakfast program or a regularly scheduled school
36 session at the restrictive speed limit; during the entirety of a
37 regularly scheduled school session at the nonrestrictive speed
38 limit; and 30 minutes before and after the end of a regularly
39 scheduled school session at the restrictive speed limit, through



277064

40 the use of a speed detection system for the measurement of speed
41 and recording of photographs or videos for violations in excess
42 of 10 miles per hour over the posted speed limit in force at the
43 time of the violation. A school zone's compliance with s.
44 316.1895, except for s. 316.1895(6) relating to a sign stating
45 "Speeding Fines Doubled" as otherwise specified in s. 316.0776,
46 creates a rebuttable presumption that the school zone is being
47 properly maintained.

48 (b) A county or municipality may place or install, or
49 contract with a vendor to place or install, a speed detection
50 system within a road area maintained as a school zone as
51 provided in s. 316.1895 to enforce unlawful speed violations of
52 s. 316.1895 or s. 316.183 on that road area.

53 Section 3. Subsection (3) is added to section 316.0776,
54 Florida Statutes, to read:

55 316.0776 Traffic infraction detectors; speed detection
56 systems; placement and installation.-

57 (3) A speed detection system may be placed or installed on
58 a state road, once permitted by the Department of Transportation
59 and in accordance with placement and installation specifications
60 developed by the Department of Transportation. A speed detection
61 system may be placed or installed on a street or highway under
62 the jurisdiction of a county or a municipality in accordance
63 with placement and installation specifications established by
64 the Department of Transportation. The Department of
65 Transportation shall establish such placement and installation
66 specifications by August 1, 2022.

67 (a) If a county or municipality places or installs a speed
68 detection system within a road area maintained as a school zone



277064

69 as provided in s. 316.1895, the county or municipality must
70 notify the public that a speed detection system may be in use,
71 by posting signage of camera or video enforcement of violations.
72 Such signage used to notify the public must meet the
73 specifications for uniform signals and devices adopted by the
74 Department of Transportation pursuant to s. 316.0745. For speed
75 detection systems enforcing violations of ss. 316.1895 and
76 316.183 on road areas maintained as school zones, this paragraph
77 shall govern the signage notifying the public of the use of a
78 speed detection system, and a sign stating "Speeding Fines
79 Doubled," as provided in s. 316.1895(6), is not required when a
80 violation of s. 316.1895 is enforced by a speed detection system
81 in a designated school zone.

82 (b) If a county or municipality begins a speed detection
83 system program in a county or municipality that has never
84 conducted such a program, the respective county or municipality
85 shall make a public announcement and conduct a public awareness
86 campaign on the proposed use of speed detection systems at least
87 30 days before commencing enforcement under the speed detection
88 system program and notify the public of the specific date on
89 which the program will commence. During the 30-day public
90 awareness campaign about the speed detection system program,
91 only a warning may be issued to the registered owner for a
92 violation of s. 316.1895 or s. 316.183, and liability may not be
93 imposed for the civil penalty under s. 318.18(3)(d).

94 Section 4. Section 316.1896, Florida Statutes, is created
95 to read:

96 316.1896 Areas maintained as school zones; speed detection
97 system enforcement; penalties; appeal procedure.-



277064

98 (1) For purposes of administering this section, a county or
99 municipality may authorize a traffic infraction enforcement
100 officer under s. 316.640 to issue a traffic citation for a
101 violation of the speed limit in an area maintained as a school
102 zone pursuant to s. 316.1895, as follows:

103 (a) For a violation of s. 316.1895 in excess of 10 miles
104 per hour over the restrictive speed limit which occurs within 30
105 minutes before or after a regularly scheduled breakfast program
106 or a regularly scheduled school session.

107 (b) For a violation of s. 316.183 in excess of 10 miles per
108 hour over the posted speed limit during the entirety of a
109 regularly scheduled school session.

110 (c) For a violation of s. 316.1895 in excess of 10 miles
111 per hour over the restrictive speed limit 30 minutes before or
112 after the end of a regularly scheduled school session.

113
114 Such violation must be evidenced by a speed detection system.
115 This subsection does not prohibit a review of information from a
116 speed detection system by an authorized employee or agent of a
117 county or municipality before issuance of the traffic citation
118 by the traffic infraction enforcement officer. This subsection
119 does not prohibit a county or municipality from issuing
120 notifications as provided in subsection (2) to the registered
121 owner of the motor vehicle in violation of s. 316.1895 or s.
122 316.183.

123 (2) Within 30 days after a violation, notification must be
124 sent to the registered owner of the motor vehicle involved in
125 the violation specifying the remedies available under s. 318.14
126 and that the violator must pay the penalty under s. 318.18(3)(d)



277064

127 to the county or municipality, or furnish an affidavit in
128 accordance with subsection (8), within 30 days after the date of
129 the notification of violation in order to avoid court fees,
130 costs, and the issuance of a traffic citation. The notification
131 of violation must:

132 (a) Be sent by first-class mail.

133 (b) Include a notice that the owner has the right to
134 review, in person or remotely, the photographic or electronic
135 images or streaming video and the evidence of the speed of the
136 vehicle as measured by a speed detection system which constitute
137 a rebuttable presumption against the owner of the vehicle.

138 (c) State the time when, and place or website where, the
139 images or video and evidence of speed may be examined and
140 observed.

141 (3) Notwithstanding any other law, a person who receives a
142 notification of violation under this section may request a
143 hearing within 30 days after the notification of violation or
144 pay the penalty pursuant to the notification of violation, but a
145 payment or fee may not be required before the hearing requested
146 by the person. The notification of violation must be accompanied
147 by, or direct the person to a website that provides, information
148 on the person's right to request a hearing and on all court
149 costs related thereto and a form used for requesting a hearing.
150 As used in this subsection, the term "person" includes a natural
151 person, the registered owner or co-owner of a motor vehicle, or
152 the person identified in an affidavit as having actual care,
153 custody, or control of the motor vehicle at the time of the
154 violation.

155 (4) If the registered owner or co-owner of the motor



277064

156 vehicle; the person designated as having care, custody, or
157 control of the motor vehicle at the time of the violation; or an
158 authorized representative of the owner, co-owner, or designated
159 person initiates a proceeding to challenge the violation, such
160 person waives any challenge or dispute as to the delivery of the
161 notification of violation.

162 (5) Penalties assessed and collected by the county or
163 municipality authorized to collect the funds provided for in
164 this section, less the amount retained by the county or
165 municipality pursuant to paragraph (b) and the amount remitted
166 to the public school district pursuant to paragraph (d), shall
167 be paid to the Department of Revenue weekly. Payment by the
168 county or municipality to the state must be made by means of
169 electronic funds transfer. In addition to the payment, a
170 detailed summary of the penalties remitted shall be reported to
171 the Department of Revenue. Penalties to be assessed and
172 collected by the county or municipality as established in s.
173 318.18(3) (d) shall be remitted as follows:

174 (a) Twenty dollars shall be remitted to the Department of
175 Revenue for deposit into the General Revenue Fund.

176 (b) Sixty dollars shall be retained by the county or
177 municipality and shall be used to administer speed detection
178 systems in school zones and other public safety initiatives.

179 (c) Three dollars shall be remitted to the Department of
180 Revenue for deposit into the Department of Law Enforcement
181 Criminal Justice Standards and Training Trust Fund.

182 (d) Fifteen dollars shall be remitted by the county or
183 municipality to the public school district in which the
184 violation occurred and shall be used for school security



277064

185 initiatives, student transportation, or to improve the safety of
186 student walking conditions. Funds remitted under this paragraph
187 shall be shared with charter schools in the district based on
188 each charter school's proportionate share of the district's
189 total unweighted full-time equivalent student enrollment and
190 shall be used for school security initiatives or to improve the
191 safety of student walking conditions.

192 (e) Two dollars shall be remitted to the Department of
193 Revenue for deposit into the General Revenue Fund for the
194 benefit of the Coach Aaron Feis Guardian Program.

195 (6) A traffic citation shall be issued by mailing the
196 traffic citation by certified mail to the address of the
197 registered owner of the motor vehicle involved in the violation
198 if payment has not been made within 30 days after notification
199 under subsection (2), if the registered owner has not requested
200 a hearing as authorized under subsection (3), or if the
201 registered owner has not submitted an affidavit in accordance
202 with subsection (8).

203 (a) Delivery of the traffic citation constitutes
204 notification under this subsection. If the registered owner or
205 co-owner of the motor vehicle; the person designated as having
206 care, custody, or control of the motor vehicle at the time of
207 the violation; or a duly authorized representative of the owner,
208 co-owner, or designated person initiates a proceeding to
209 challenge the citation pursuant to this section, such person
210 waives any challenge or dispute as to the delivery of the
211 traffic citation.

212 (b) In the case of joint ownership of a motor vehicle, the
213 traffic citation shall be mailed to the first name appearing on



277064

214 the motor vehicle registration, unless the first name appearing
215 on the registration is a business organization, in which case
216 the second name appearing on the registration may be used.

217 (c) Included with the notification to the registered owner
218 of the motor vehicle involved in the infraction shall be a
219 notice that the owner has a right to review, in person or
220 remotely, the photographic or electronic images or streaming
221 video and the evidence of the speed of the vehicle as measured
222 by a speed detection system which constitute a rebuttable
223 presumption against the owner of the vehicle. The notice must
224 state the time when, and place or website where, the images or
225 video and evidence of speed may be examined and observed.

226 (7) The registered owner of the motor vehicle involved in
227 the violation is responsible and liable for paying the uniform
228 traffic citation issued for a violation of s. 316.1895 or s.
229 316.183 unless the owner can establish that:

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

232 (b) A uniform traffic citation was issued by law
233 enforcement to the driver of the motor vehicle for the alleged
234 violation of s. 316.1895 or s. 316.183; or

235 (c) The motor vehicle's owner was deceased on or before the
236 date that the uniform traffic citation was issued, as
237 established by an affidavit submitted by the representative of
238 the motor vehicle owner's estate or other designated person or
239 family member.

240 (8) To establish such facts under subsection (7), the
241 registered owner of the motor vehicle shall, within 30 days
242 after the date of issuance of the traffic citation, furnish to



277064

243 the appropriate governmental entity an affidavit setting forth
244 detailed information supporting an exception under subsection
245 (7).

246 (a) An affidavit supporting an exemption under paragraph
247 (7) (a) must include the name, address, date of birth, and, if
248 known, the driver license number of the person who leased,
249 rented, or otherwise had care, custody, or control of the motor
250 vehicle at the time of the alleged violation. If the motor
251 vehicle was stolen at the time of the alleged violation, the
252 affidavit must include the police report indicating that the
253 motor vehicle was stolen.

254 (b) If a uniform traffic citation for a violation of s.
255 316.1895 or s. 316.183 was issued at the location of the
256 violation by a law enforcement officer, the affidavit must
257 include the serial number of the uniform traffic citation.

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

263 1. A bill of sale or other document showing that the
264 deceased owner's motor vehicle was sold or transferred after his
265 or her death but on or before the date of the alleged violation.

266 2. Documented proof that the registered license plate
267 belonging to the deceased owner's vehicle was returned to the
268 department or any branch office or authorized agent of the
269 department after his or her death but on or before the date of
270 the alleged violation.

271 3. A copy of the police report showing that the deceased



277064

272 owner's registered license plate or motor vehicle was stolen
273 after his or her death but on or before the date of the alleged
274 violation.

275
276 Upon receipt of the affidavit and documentation required under
277 this paragraph, the governmental entity must dismiss the
278 citation and provide proof of such dismissal to the person who
279 submitted the affidavit.

280 (9) Upon receipt of an affidavit, the person designated as
281 having care, custody, or control of the motor vehicle at the
282 time of the violation may be issued a notification of violation
283 pursuant to subsection (2) for a violation of s. 316.1895 or s.
284 316.183. The affidavit is admissible in a proceeding pursuant to
285 this section for the purpose of providing proof that the person
286 identified in the affidavit was in actual care, custody, or
287 control of the motor vehicle. The owner of a leased vehicle for
288 which a traffic citation is issued for a violation of s.
289 316.1895 or s. 316.183 is not responsible for paying the traffic
290 citation and is not required to submit an affidavit as specified
291 in this subsection if the motor vehicle involved in the
292 violation is registered in the name of the lessee of such motor
293 vehicle.

294 (10) If a county or municipality receives an affidavit
295 under subsection (8), the notification of violation required
296 under subsection (2) must be sent to the person identified in
297 the affidavit within 30 days after receipt of the affidavit.

298 (11) The submission of a false affidavit is a misdemeanor
299 of the second degree, punishable as provided in s. 775.082 or s.
300 775.083.



277064

301 (12) The photographic or electronic images or the streaming
302 video evidence and the evidence of the speed of the vehicle as
303 measured by a speed detection system which are attached to or
304 referenced in the traffic citation are evidence of a violation
305 of s. 316.1895 or s. 316.183 and are admissible in any
306 proceeding to enforce this section. The images or video and
307 evidence of speed raise a rebuttable presumption that the motor
308 vehicle named in the report or shown in the images or video was
309 used in violation of s. 316.1895 or s. 316.183.

310 (13) This section supplements the enforcement of ss.
311 316.1895 and 316.183 by law enforcement officers and does not
312 prohibit a law enforcement officer from issuing a traffic
313 citation for a violation of s. 316.1895 or s. 316.183.

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

316 (a) The department shall publish and make available
317 electronically to each county and municipality a model request
318 for hearing form to assist each local government administering
319 this section.

320 (b) The county or municipality electing to authorize
321 traffic infraction enforcement officers to issue traffic
322 citations under subsection (6) shall designate by resolution
323 existing staff to serve as the clerk to the local hearing
324 officer.

325 (c) Any person, herein referred to as the "petitioner," who
326 elects to request a hearing under subsection (3) shall be
327 scheduled for a hearing by the clerk to the local hearing
328 officer. The clerk must furnish the petitioner with notice to be
329 sent by first-class mail. Upon receipt of the notice, the



277064

330 petitioner may reschedule the hearing once by submitting a
331 written request to reschedule to the clerk to the local hearing
332 officer at least 5 calendar days before the day of the
333 originally scheduled hearing. The petitioner may cancel his or
334 her appearance before the local hearing officer by paying the
335 penalty assessed under subsection (2), plus the administrative
336 costs established in s. 316.0083(5)(c), before the start of the
337 hearing.

338 (d) All testimony at the hearing shall be under oath and
339 shall be recorded. The local hearing officer shall take
340 testimony from a traffic infraction enforcement officer and the
341 petitioner and may take testimony from others. The local hearing
342 officer shall review the photographic or electronic images or
343 streaming video and the evidence of the speed of the vehicle as
344 measured by a speed detection system made available under
345 paragraph (2)(b). Formal rules of evidence do not apply, but due
346 process shall be observed and govern the proceedings.

347 (e) At the conclusion of the hearing, the local hearing
348 officer shall determine whether a violation under this section
349 occurred and shall uphold or dismiss the violation. The local
350 hearing officer shall issue a final administrative order
351 including the determination and, if the notification of
352 violation is upheld, require the petitioner to pay the penalty
353 previously assessed under subsection (2), and may also require
354 the petitioner to pay county or municipal costs not to exceed
355 the amount established in s. 316.0083(5)(e). The final
356 administrative order shall be mailed to the petitioner by first-
357 class mail.

358 (f) An aggrieved party may appeal a final administrative



277064

359 order consistent with the process provided in s. 162.11.

360 Section 5. Paragraph (d) of subsection (1) of section
361 316.1906, Florida Statutes, is amended, and subsection (3) is
362 added to that section, to read:

363 316.1906 Radar speed-measuring devices; evidence,
364 admissibility.—

365 (1) DEFINITIONS.—

366 (d) "Officer" means any:

367 1. "Law enforcement officer" who is elected, appointed, or
368 employed full time by any municipality or the state or any
369 political subdivision thereof; who is vested with the authority
370 to bear arms and make arrests; and whose primary responsibility
371 is the prevention and detection of crime or the enforcement of
372 the penal, criminal, traffic, or highway laws of the state;

373 2. "Part-time law enforcement officer" who is employed or
374 appointed less than full time, as defined by an employing
375 agency, with or without compensation; who is vested with
376 authority to bear arms and make arrests; and whose primary
377 responsibility is the prevention and detection of crime or the
378 enforcement of the penal, criminal, traffic, or highway laws of
379 the state; ~~or~~

380 3. "Auxiliary law enforcement officer" who is employed or
381 appointed, with or without compensation; who aids or assists a
382 full-time or part-time law enforcement officer; and who, while
383 under the direct supervision of a full-time or part-time law
384 enforcement officer, has the authority to arrest and perform law
385 enforcement functions; or

386 4. "Traffic infraction enforcement officer" who is employed
387 or appointed and satisfies the requirements of s. 316.640(5),



388 with or without compensation, and who is vested with authority
389 to enforce a violation of s. 316.1895 or s. 316.183 pursuant to
390 s. 316.1896.

391 (3) A speed detection system is exempt from the design
392 requirements for radar units established by the department. A
393 speed detection system must have the ability to perform self-
394 tests as to its detection accuracy. The system must perform a
395 self-test at least once every 30 days. The law enforcement
396 agency, or an agent acting on behalf of the law enforcement
397 agency, operating a speed detection system shall maintain a log
398 of the results of the system's self-tests. The law enforcement
399 agency, or an agent acting on behalf of the law enforcement
400 agency, operating a speed detection system shall also perform an
401 independent calibration test on the speed detection system at
402 least once every 12 months. The self-test logs, as well as the
403 results of the annual calibration test, are admissible in any
404 court proceeding for a traffic citation issued for a violation
405 of s. 316.1895 or s. 316.183 enforced pursuant to s. 316.1896.
406 Notwithstanding subsection (2), evidence of a vehicle's speed
407 measured by a speed detection system compliant with this
408 subsection and the determination by a traffic enforcement
409 officer that a vehicle is operating in excess of the applicable
410 speed limit shall be admissible in any proceeding with respect
411 to an alleged violation of law regulating the speed of vehicles.

412 Section 6. Present paragraphs (d) through (h) of subsection
413 (3) of section 318.18, Florida Statutes, are redesignated as
414 paragraphs (e) through (i), respectively, and a new paragraph
415 (d) is added to that subsection, to read:

416 318.18 Amount of penalties.—The penalties required for a



277064

417 noncriminal disposition pursuant to s. 318.14 or a criminal
418 offense listed in s. 318.17 are as follows:

419 (3)

420 (d) Notwithstanding paragraphs (b) and (c), a person cited
421 for exceeding the speed limit in force at the time of the
422 violation on a road area maintained as a school zone as provided
423 in s. 316.1895, when enforced by a traffic infraction
424 enforcement officer pursuant to s. 316.1896, shall pay a fine of
425 \$100.

426 Section 7. Paragraph (d) of subsection (3) of section
427 322.27, Florida Statutes, is amended to read:

428 322.27 Authority of department to suspend or revoke driver
429 license or identification card.-

430 (3) There is established a point system for evaluation of
431 convictions of violations of motor vehicle laws or ordinances,
432 and violations of applicable provisions of s. 403.413(6)(b) when
433 such violations involve the use of motor vehicles, for the
434 determination of the continuing qualification of any person to
435 operate a motor vehicle. The department is authorized to suspend
436 the license of any person upon showing of its records or other
437 good and sufficient evidence that the licensee has been
438 convicted of violation of motor vehicle laws or ordinances, or
439 applicable provisions of s. 403.413(6)(b), amounting to 12 or
440 more points as determined by the point system. The suspension
441 shall be for a period of not more than 1 year.

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

445 1. Reckless driving, willful and wanton-4 points.



277064

- 446 2. Leaving the scene of a crash resulting in property
447 damage of more than \$50—6 points.
- 448 3. Unlawful speed, or unlawful use of a wireless
449 communications device, resulting in a crash—6 points.
- 450 4. Passing a stopped school bus:
- 451 a. Not causing or resulting in serious bodily injury to or
452 death of another—4 points.
- 453 b. Causing or resulting in serious bodily injury to or
454 death of another—6 points.
- 455 5. Unlawful speed:
- 456 a. Not in excess of 15 miles per hour of lawful or posted
457 speed—3 points.
- 458 b. In excess of 15 miles per hour of lawful or posted
459 speed—4 points.
- 460 c. No points shall be imposed for a violation of unlawful
461 speed as provided in s. 316.1895 or s. 316.183 when enforced by
462 a traffic infraction enforcement officer pursuant to s.
463 316.1896. In addition, a violation of s. 316.1895 or s. 316.183
464 when enforced by a traffic infraction enforcement officer
465 pursuant to s. 316.1896 may not be used for purposes of setting
466 motor vehicle insurance rates.
- 467 6. A violation of a traffic control signal device as
468 provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points.
469 However, no points shall be imposed for a violation of s.
470 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
471 stop at a traffic signal and when enforced by a traffic
472 infraction enforcement officer. In addition, a violation of s.
473 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
474 stop at a traffic signal and when enforced by a traffic



277064

475 infraction enforcement officer may not be used for purposes of
476 setting motor vehicle insurance rates.

477 7. All other moving violations (including parking on a
478 highway outside the limits of a municipality)—3 points. However,
479 no points shall be imposed for a violation of s. 316.0741 or s.
480 316.2065(11); and points shall be imposed for a violation of s.
481 316.1001 only when imposed by the court after a hearing pursuant
482 to s. 318.14(5).

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

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

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

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

492 Section 8. Paragraph (a) of subsection (3) of section
493 316.306, Florida Statutes, is amended to read:

494 316.306 School and work zones; prohibition on the use of a
495 wireless communications device in a handheld manner.—

496 (3) (a) 1. A person may not operate a motor vehicle while
497 using a wireless communications device in a handheld manner in a
498 designated school crossing, school zone, or work zone area as
499 defined in s. 316.003(110) ~~s. 316.003(109)~~. This subparagraph
500 shall only be applicable to work zone areas if construction
501 personnel are present or are operating equipment on the road or
502 immediately adjacent to the work zone area. For the purposes of
503 this paragraph, a motor vehicle that is stationary is not being



277064

504 operated and is not subject to the prohibition in this
505 paragraph.

506 2. Effective January 1, 2020, a law enforcement officer may
507 stop motor vehicles and issue citations to persons who are
508 driving while using a wireless communications device in a
509 handheld manner in violation of subparagraph 1.

510 Section 9. Paragraph (a) of subsection (5) of section
511 316.640, Florida Statutes, is amended to read:

512 316.640 Enforcement.—The enforcement of the traffic laws of
513 this state is vested as follows:

514 (5) (a) Any sheriff's department or police department of a
515 municipality may employ, as a traffic infraction enforcement
516 officer, any individual who successfully completes instruction
517 in traffic enforcement procedures and court presentation through
518 the Selective Traffic Enforcement Program as approved by the
519 Division of Criminal Justice Standards and Training of the
520 Department of Law Enforcement, or through a similar program, but
521 who does not necessarily otherwise meet the uniform minimum
522 standards established by the Criminal Justice Standards and
523 Training Commission for law enforcement officers or auxiliary
524 law enforcement officers under s. 943.13. Any such traffic
525 infraction enforcement officer who observes the commission of a
526 traffic infraction or, in the case of a parking infraction, who
527 observes an illegally parked vehicle may issue a traffic
528 citation for the infraction when, based upon personal
529 investigation, he or she has reasonable and probable grounds to
530 believe that an offense has been committed which constitutes a
531 noncriminal traffic infraction as defined in s. 318.14. In
532 addition, any such traffic infraction enforcement officer may



277064

533 issue a traffic citation under ss. 316.0083 and 316.1896 ~~s.~~
534 ~~316.0083~~. For purposes of enforcing ss. 316.0083, 316.1895, and
535 316.183 ~~s. 316.0083~~, any sheriff's department or police
536 department of a municipality may designate employees as traffic
537 infraction enforcement officers. The traffic infraction
538 enforcement officers must be physically located in the county of
539 the respective sheriff's or police department.

540 Section 10. Paragraphs (a) and (c) of subsection (3) of
541 section 316.650, Florida Statutes, are amended to read:

542 316.650 Traffic citations.—

543 (3) (a) Except for a traffic citation issued pursuant to s.
544 316.1001, ~~s.~~ s. 316.0083, or s. 316.1896, each traffic
545 enforcement officer, upon issuing a traffic citation to an
546 alleged violator of any provision of the motor vehicle laws of
547 this state or of any traffic ordinance of any municipality or
548 town, shall deposit the original traffic citation or, in the
549 case of a traffic enforcement agency that has an automated
550 citation issuance system, the chief administrative officer shall
551 provide by an electronic transmission a replica of the citation
552 data to a court having jurisdiction over the alleged offense or
553 with its traffic violations bureau within 5 days after issuance
554 to the violator.

555 (c) If a traffic citation is issued under s. 316.0083 or s.
556 316.1896, the traffic infraction enforcement officer shall
557 provide by electronic transmission a replica of the traffic
558 citation data to the court having jurisdiction over the alleged
559 offense or its traffic violations bureau within 5 days after the
560 date of issuance of the traffic citation to the violator. If a
561 hearing is requested, the traffic infraction enforcement officer



277064

562 shall provide a replica of the traffic notice of violation data
563 to the clerk for the local hearing officer having jurisdiction
564 over the alleged offense within 14 days.

565 Section 11. Subsection (2) of section 318.14, Florida
566 Statutes, is amended to read:

567 318.14 Noncriminal traffic infractions; exception;
568 procedures.—

569 (2) Except as provided in ss. 316.1001(2), ~~and~~ 316.0083,
570 and 316.1896, any person cited for a violation requiring a
571 mandatory hearing listed in s. 318.19 or any other criminal
572 traffic violation listed in chapter 316 must sign and accept a
573 citation indicating a promise to appear. The officer may
574 indicate on the traffic citation the time and location of the
575 scheduled hearing and must indicate the applicable civil penalty
576 established in s. 318.18. For all other infractions under this
577 section, except for infractions under s. 316.1001, the officer
578 must certify by electronic, electronic facsimile, or written
579 signature that the citation was delivered to the person cited.
580 This certification is prima facie evidence that the person cited
581 was served with the citation.

582 Section 12. Subsections (4), (5), and (15) of section
583 318.21, Florida Statutes, are amended to read:

584 318.21 Disposition of civil penalties by county courts.—All
585 civil penalties received by a county court pursuant to the
586 provisions of this chapter shall be distributed and paid monthly
587 as follows:

588 (4) Of the additional fine assessed under s. 318.18(3)(g)
589 ~~s. 318.18(3)(f)~~ for a violation of s. 316.1301, 40 percent must
590 be remitted to the Department of Revenue for deposit in the



277064

591 Grants and Donations Trust Fund of the Division of Blind
592 Services of the Department of Education, and 60 percent must be
593 distributed pursuant to subsections (1) and (2).

594 (5) Of the additional fine assessed under s. 318.18(3)(g)
595 ~~s. 318.18(3)(f)~~ for a violation of s. 316.1303(1), 60 percent
596 must be remitted to the Department of Revenue for deposit in the
597 Grants and Donations Trust Fund of the Division of Vocational
598 Rehabilitation of the Department of Education, and 40 percent
599 must be distributed pursuant to subsections (1) and (2).

600 (15) Of the additional fine assessed under s. 318.18(3)(f)
601 ~~s. 318.18(3)(e)~~ for a violation of s. 316.1893, 50 percent of
602 the moneys received from the fines shall be appropriated to the
603 Agency for Health Care Administration as general revenue to
604 provide an enhanced Medicaid payment to nursing homes that serve
605 Medicaid recipients with brain and spinal cord injuries. The
606 remaining 50 percent of the moneys received from the enhanced
607 fine imposed under s. 318.18(3)(f) ~~s. 318.18(3)(e)~~ shall be
608 remitted to the Department of Revenue and deposited into the
609 Department of Health Emergency Medical Services Trust Fund to
610 provide financial support to certified trauma centers in the
611 counties where enhanced penalty zones are established to ensure
612 the availability and accessibility of trauma services. Funds
613 deposited into the Emergency Medical Services Trust Fund under
614 this subsection shall be allocated as follows:

615 (a) Fifty percent shall be allocated equally among all
616 Level I, Level II, and pediatric trauma centers in recognition
617 of readiness costs for maintaining trauma services.

618 (b) Fifty percent shall be allocated among Level I, Level
619 II, and pediatric trauma centers based on each center's relative



277064

620 volume of trauma cases as calculated using the hospital
621 discharge data collected pursuant to s. 408.061.

622 Section 13. Subsection (1) of section 655.960, Florida
623 Statutes, is amended to read:

624 655.960 Definitions; ss. 655.960-655.965.—As used in this
625 section and ss. 655.961-655.965, unless the context otherwise
626 requires:

627 (1) "Access area" means any paved walkway or sidewalk which
628 is within 50 feet of any automated teller machine. The term does
629 not include any street or highway open to the use of the public,
630 as defined in s. 316.003(88) (a) or (b) ~~s. 316.003(87) (a) or (b)~~,
631 including any adjacent sidewalk, as defined in s. 316.003.

632 Section 14. This act shall take effect July 1, 2022.

633
634 ===== T I T L E A M E N D M E N T =====

635 And the title is amended as follows:

636 Delete everything before the enacting clause
637 and insert:

638 A bill to be entitled
639 An act relating to enforcement of school zone speed
640 limits; amending s. 316.003, F.S.; defining the term
641 "speed detection system"; amending s. 316.008, F.S.;
642 authorizing counties and municipalities to enforce
643 speed limits on certain road areas and at specified
644 periods through the use of speed detection systems;
645 providing a rebuttable presumption; authorizing
646 counties and municipalities to install, or contract
647 with a vendor to install, speed detection systems;
648 amending s. 316.0776, F.S.; specifying conditions for



277064

649 the placement or installation of speed detection
650 systems; requiring the Department of Transportation to
651 establish certain specifications by a specified date;
652 requiring counties and municipalities that install
653 speed detection systems to provide certain notice to
654 the public; providing signage requirements; requiring
655 counties and municipalities that have never conducted
656 a speed detection system program to conduct a public
657 awareness campaign before commencing enforcement using
658 such system; limiting penalties in effect during the
659 public awareness campaign; providing construction;
660 creating s. 316.1896, F.S.; authorizing counties and
661 municipalities to authorize traffic infraction
662 enforcement officers to issue traffic citations for
663 certain violations; providing construction; providing
664 notification requirements and procedures; authorizing
665 a person who receives a notification of violation to
666 request a hearing within a specified timeframe;
667 defining the term "person"; providing for waiver of
668 challenge or dispute as to the delivery of the
669 notification of violation; requiring counties and
670 municipalities to pay certain funds to the Department
671 of Revenue; providing for the distribution of funds;
672 providing requirements for issuance of a traffic
673 citation; providing for waiver of challenge or dispute
674 as to the delivery of the traffic citation; providing
675 notification requirements and procedures; specifying
676 that the registered owner of a motor vehicle is
677 responsible and liable for paying a traffic citation;



678 providing exceptions; requiring an owner of a motor
679 vehicle to furnish an affidavit under certain
680 circumstances; specifying requirements for such
681 affidavit; providing a criminal penalty for submitting
682 a false affidavit; providing that certain images or
683 video and evidence of speed are admissible in certain
684 proceedings; providing a rebuttable presumption;
685 providing construction; providing requirements and
686 procedures for hearings; amending s. 316.1906, F.S.;
687 revising the definition of the term "officer";
688 providing requirements for speed detection systems;
689 requiring a law enforcement agency and its agents
690 operating a speed detection system to maintain a log
691 of results of the system's self-tests; requiring a law
692 enforcement agency and its agents to perform
693 independent calibration tests of such systems;
694 providing for the admissibility of certain evidence in
695 certain proceedings; amending s. 318.18, F.S.;
696 providing a civil penalty for a certain speed limit
697 violation; amending s. 322.27, F.S.; prohibiting
698 points from being imposed against a driver license for
699 certain infractions enforced by a traffic infraction
700 enforcement officer; prohibiting such infractions from
701 being used to set motor vehicle insurance rates;
702 amending ss. 316.306, 316.640, 316.650, 318.14,
703 318.21, and 655.960, F.S.; conforming cross-references
704 and provisions to changes made by the act; providing
705 an effective date.