

By Senator Rodriguez

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

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30 authorizing a person who receives a notification of
31 violation to request a hearing within a specified
32 timeframe; defining the term "person"; providing for
33 waiver of challenge or dispute as to the delivery of
34 the notification of violation; requiring counties and
35 municipalities to pay certain funds to the Department
36 of Revenue; providing for the distribution of funds;
37 providing requirements for issuance of a traffic
38 citation; providing for waiver of challenge or dispute
39 as to the delivery of the traffic citation; providing
40 notification requirements and procedures; specifying
41 that the registered owner of a motor vehicle is
42 responsible and liable for paying a traffic citation;
43 providing exceptions; requiring an owner of a motor
44 vehicle to furnish an affidavit under certain
45 circumstances; specifying requirements for such
46 affidavit; providing a criminal penalty for submitting
47 a false affidavit; providing that certain images or
48 video and evidence of speed are admissible in certain
49 proceedings; providing a rebuttable presumption;
50 providing construction; providing requirements and
51 procedures for hearings; amending s. 316.1906, F.S.;
52 revising the definition of the term "officer";
53 authorizing a traffic infraction enforcement officer
54 to satisfy a certain requirement by reviewing certain
55 images or video and evidence of speed; providing
56 requirements for speed detection systems; requiring a
57 law enforcement agency and its agents operating a
58 speed detection system to maintain a log of results of

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59 the system's self-tests; requiring a law enforcement
60 agency and its agents to perform independent
61 calibration tests of such systems; providing that
62 self-test logs and calibration test results are
63 admissible in certain court proceedings; amending s.
64 318.18, F.S.; providing penalties; amending s. 322.27,
65 F.S.; prohibiting points from being imposed against a
66 driver license for certain infractions enforced by a
67 traffic infraction enforcement officer; prohibiting
68 such infractions from being used to set motor vehicle
69 insurance rates; amending ss. 316.306, 316.640,
70 316.650, 318.14, 318.21, and 655.960, F.S.; conforming
71 cross-references and provisions to changes made by the
72 act; providing an effective date.

73
74 Be It Enacted by the Legislature of the State of Florida:

75
76 Section 1. Present subsections (82) through (109) of
77 section 316.003, Florida Statutes, are redesignated as
78 subsections (83) through (110), respectively, a new subsection
79 (82) is added to that section, and subsection (64) of that
80 section is amended, to read:

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

85 (64) PRIVATE ROAD OR DRIVEWAY.—Except as otherwise provided
86 in paragraph (88) (b) ~~(87) (b)~~, any privately owned way or place
87 used for vehicular travel by the owner and those having express

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88 or implied permission from the owner, but not by other persons.

89 (82) SPEED DETECTION SYSTEM.—An automated system used to
90 record a vehicle's speed using radar and to capture a photograph
91 or video of a vehicle that exceeds the speed limit in force at
92 the time of violation.

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

95 316.008 Powers of local authorities.—

96 (9) (a) A county or municipality may enforce school speed
97 zones, as provided in s. 316.1895, within 1 hour before, during
98 the entirety of, and within 1 hour after a regularly scheduled
99 school session through the use of a speed detection system for
100 the measurement of speed and recording of photographs or videos
101 for violations that are in excess of 10 miles per hour over the
102 speed limit in force at the time of the violation. A school
103 zone's compliance with s. 316.1895, except for s. 316.1895(6)
104 relating to a sign stating "Speeding Fines Doubled" as otherwise
105 specified in s. 316.0776, creates a rebuttable presumption that
106 the school zone is being properly maintained.

107 (b) A county or municipality may install, or contract with
108 a vendor to install, a speed detection system within 1,000 feet
109 of a school zone to enforce speed limits in school speed zones,
110 as provided in s. 316.1895.

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

113 316.0776 Traffic infraction detectors; speed detection
114 systems; placement and installation.—

115 (3) A speed detection system may be installed on a state
116 road when permitted by the Department of Transportation and in

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117 accordance with placement and installation specifications
118 developed by the Department of Transportation. A speed detection
119 system may be installed on a street or highway under the
120 jurisdiction of a county or a municipality in accordance with
121 placement and installation specifications established by the
122 Department of Transportation. The Department of Transportation
123 shall establish such placement and installation specifications
124 by August 1, 2022.

125 (a) If a county or municipality installs a speed detection
126 system, the county or municipality must notify the public that a
127 speed detection system may be in use and must specifically
128 include notification of camera or video enforcement of
129 violations. Such signage used to notify the public must meet the
130 specifications for uniform signals and devices adopted by the
131 Department of Transportation pursuant to s. 316.0745. For speed
132 detection systems enforcing s. 316.1895 in school speed zones,
133 this paragraph shall govern the signage notifying the public of
134 the use of a speed detection system, and a sign stating
135 "Speeding Fines Doubled," as provided in s. 316.1895(6), is not
136 required when a violation of s. 316.1895 is enforced by a speed
137 detection system in a school speed zone.

138 (b) If a county or municipality begins a speed detection
139 system program in a county or municipality that has never
140 conducted such a program, the respective county or municipality
141 shall make a public announcement and conduct a public awareness
142 campaign on the proposed use of speed detection systems at least
143 30 days before commencing enforcement under the speed detection
144 system program and notify the public of the specific date on
145 which the program will commence. During the 30-day public

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146 awareness campaign about the speed detection system program, a
147 motor vehicle operator found to have violated s. 316.1895 by a
148 speed detection system shall be issued a warning for the
149 violation and is not liable for the civil penalty imposed under
150 s. 318.18(3) (d).

151 Section 4. Section 316.1896, Florida Statutes, is created
152 to read:

153 316.1896 School speed zones; speed detection system
154 enforcement; penalties; appeal procedure.-

155 (1) For purposes of administering this section, a county or
156 municipality may authorize a traffic infraction enforcement
157 officer under s. 316.640 to issue a traffic citation for a
158 violation of s. 316.1895 that occurs within 1 hour before,
159 during, or within 1 hour after a regularly scheduled school
160 session which is in excess of 10 miles per hour over the speed
161 limit in force at the time of the violation. Such violation must
162 be evidenced by a speed detection system. This subsection does
163 not prohibit a review of information from a speed detection
164 system by an authorized employee or agent of a county or
165 municipality before issuance of the traffic citation by the
166 traffic infraction enforcement officer. This subsection does not
167 prohibit a county or municipality from issuing notifications as
168 provided in subsection (2) to the registered owner of the motor
169 vehicle in violation of s. 316.1895.

170 (2) Within 30 days after a violation, notification must be
171 sent to the registered owner of the motor vehicle involved in
172 the violation specifying the remedies available under s. 318.14
173 and that the violator must pay the penalty under s. 318.18(3) (d)
174 to the county or municipality, or furnish an affidavit in

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175 accordance with subsection (8), within 30 days after the date of
176 the notification of violation in order to avoid court fees,
177 costs, and the issuance of a traffic citation. The notification
178 of violation must:

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

180 (b) Include a notice that the owner has the right to
181 review, in person or remotely, the photographic or electronic
182 images or streaming video and the evidence of the speed of the
183 vehicle as measured by a speed detection system which constitute
184 a rebuttable presumption against the owner of the vehicle.

185 (c) State the time when and place or website where the
186 images or video and evidence of speed may be examined and
187 observed.

188 (3) Notwithstanding any other law, a person who receives a
189 notification of violation under this section may request a
190 hearing within 30 days after the notification of violation or
191 pay the penalty pursuant to the notification of violation, but a
192 payment or fee may not be required before the hearing requested
193 by the person. The notification of violation must be accompanied
194 by, or direct the person to a website that provides, information
195 on the person's right to request a hearing and on all court
196 costs related thereto and a form used for requesting a hearing.
197 As used in this subsection, the term "person" includes a natural
198 person, the registered owner or co-owner of a motor vehicle, or
199 the person identified in an affidavit as having actual care,
200 custody, or control of the motor vehicle at the time of the
201 violation.

202 (4) If the registered owner or co-owner of the motor
203 vehicle; the person designated as having care, custody, or

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204 control of the motor vehicle at the time of the violation; or an
205 authorized representative of the owner, co-owner, or designated
206 person initiates a proceeding to challenge the violation, such
207 person waives any challenge or dispute as to the delivery of the
208 notification of violation.

209 (5) Penalties assessed and collected by the county or
210 municipality authorized to collect the funds provided for in
211 this section, less the amount retained by the county or
212 municipality pursuant to paragraph (b), shall be paid to the
213 Department of Revenue weekly. Payment by the county or
214 municipality to the state must be made by means of electronic
215 funds transfer. In addition to the payment, a detailed summary
216 of the penalties remitted shall be reported to the Department of
217 Revenue. Penalties to be assessed and collected by the county or
218 municipality as established in s. 318.18(3)(d) shall be remitted
219 as follows:

220 (a) Sixty dollars shall be remitted to the Department of
221 Revenue for deposit into the General Revenue Fund.

222 (b) Eighty-four dollars shall be retained by the county or
223 municipality and shall be used to administer speed detection
224 systems in school zones or other public safety initiatives.

225 (c) Four dollars shall be remitted to the Department of
226 Revenue for deposit into the Department of Law Enforcement
227 Criminal Justice Standards and Training Trust Fund.

228 (d) Six dollars shall be remitted to the public school
229 district in which the violation occurred and shall be used for
230 school security initiatives or to improve the safety of student
231 walking conditions. Funds remitted under this paragraph shall be
232 shared with charter schools in the district, based on each

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233 charter school's proportionate share of the district's total
234 unweighted full-time equivalent student enrollment, and shall be
235 used for school security initiatives or to improve the safety of
236 student walking conditions.

237 (e) Four dollars shall be remitted to the Department of
238 Revenue for deposit into the General Revenue Fund for the
239 benefit of the Coach Aaron Feis Guardian Program.

240 (6) A traffic citation shall be issued by mailing the
241 traffic citation by certified mail to the address of the
242 registered owner of the motor vehicle involved in the violation
243 if payment has not been made within 30 days after notification
244 under subsection (2), if the registered owner has not requested
245 a hearing as authorized under subsection (3), or if the
246 registered owner has not submitted an affidavit in accordance
247 with subsection (8).

248 (a) Delivery of the traffic citation constitutes
249 notification under this subsection. If the registered owner or
250 co-owner of the motor vehicle; the person designated as having
251 care, custody, or control of the motor vehicle at the time of
252 the violation; or a duly authorized representative of the owner,
253 co-owner, or designated person initiates a proceeding to
254 challenge the citation pursuant to this section, such person
255 waives any challenge or dispute as to the delivery of the
256 traffic citation.

257 (b) In the case of joint ownership of a motor vehicle, the
258 traffic citation shall be mailed to the first name appearing on
259 the motor vehicle registration, unless the first name appearing
260 on the registration is a business organization, in which case
261 the second name appearing on the registration may be used.

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262 (c) Included with the notification to the registered owner
263 of the motor vehicle involved in the infraction shall be a
264 notice that the owner has a right to review, in person or
265 remotely, the photographic or electronic images or streaming
266 video and the evidence of the speed of the vehicle as measured
267 by a speed detection system which constitute a rebuttable
268 presumption against the owner of the vehicle. The notice must
269 state the time when and place or website where the images or
270 video and evidence of speed may be examined and observed.

271 (7) The registered owner of the motor vehicle involved in
272 the violation is responsible and liable for paying the uniform
273 traffic citation issued for a violation of s. 316.1895 unless
274 the owner can establish that:

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

277 (b) A uniform traffic citation was issued by law
278 enforcement to the driver of the motor vehicle for the alleged
279 violation of s. 316.1895; or

280 (c) The motor vehicle's owner was deceased on or before the
281 date that the uniform traffic citation was issued, as
282 established by an affidavit submitted by the representative of
283 the motor vehicle owner's estate or other designated person or
284 family member.

285 (8) To establish such facts under subsection (7), the
286 registered owner of the motor vehicle shall, within 30 days
287 after the date of issuance of the traffic citation, furnish to
288 the appropriate governmental entity an affidavit setting forth
289 detailed information supporting an exception under subsection
290 (7).

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291 (a) An affidavit supporting an exemption under paragraph
292 (7) (a) must include the name, address, date of birth, and, if
293 known, the driver license number of the person who leased,
294 rented, or otherwise had care, custody, or control of the motor
295 vehicle at the time of the alleged violation. If the motor
296 vehicle was stolen at the time of the alleged violation, the
297 affidavit must include the police report indicating that the
298 motor vehicle was stolen.

299 (b) If a uniform traffic citation for a violation of s.
300 316.1895 was issued at the location of the violation by a law
301 enforcement officer, the affidavit must include the serial
302 number of the uniform traffic citation.

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

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

311 2. Documented proof that the registered license plate
312 belonging to the deceased owner's vehicle was returned to the
313 department or any branch office or authorized agent of the
314 department after his or her death but on or before the date of
315 the alleged violation.

316 3. A copy of the police report showing that the deceased
317 owner's registered license plate or motor vehicle was stolen
318 after his or her death but on or before the date of the alleged
319 violation.

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321 Upon receipt of the affidavit and documentation required under
322 this paragraph, the governmental entity must dismiss the
323 citation and provide proof of such dismissal to the person who
324 submitted the affidavit.

325

326 (9) Upon receipt of an affidavit, the person designated as
327 having care, custody, or control of the motor vehicle at the
328 time of the violation may be issued a notification of violation
329 pursuant to subsection (2) for a violation of s. 316.1895. The
330 affidavit is admissible in a proceeding pursuant to this section
331 for the purpose of providing proof that the person identified in
332 the affidavit was in actual care, custody, or control of the
333 motor vehicle. The owner of a leased vehicle for which a traffic
334 citation is issued for a violation of s. 316.1895 is not
335 responsible for paying the traffic citation and is not required
336 to submit an affidavit as specified in this subsection if the
337 motor vehicle involved in the violation is registered in the
338 name of the lessee of such motor vehicle.

338

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

342

343 (11) The submission of a false affidavit is a misdemeanor
344 of the second degree, punishable as provided in s. 775.082 or s.
345 775.083.

345

346 (12) The photographic or electronic images, the streaming
347 video evidence, and the evidence of the speed of the vehicle as
348 measured by a speed detection system attached to or referenced
in the traffic citation are evidence of a violation of s.

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349 316.1895 and are admissible in any proceeding to enforce this
350 section. The images or video and evidence of speed raise a
351 rebuttable presumption that the motor vehicle named in the
352 report or shown in the images or video was used in violation of
353 s. 316.1895.

354 (13) This section supplements the enforcement of s.
355 316.1895 by law enforcement officers and does not prohibit a law
356 enforcement officer from issuing a traffic citation for a
357 violation of s. 316.1895.

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

360 (a) The department shall publish and make available
361 electronically to each county and municipality a model request
362 for hearing form to assist each local government administering
363 this section.

364 (b) The county or municipality electing to authorize
365 traffic infraction enforcement officers to issue traffic
366 citations under subsection (6) shall designate by resolution
367 existing staff to serve as the clerk to the local hearing
368 officer.

369 (c) Any person, herein referred to as the "petitioner," who
370 elects to request a hearing under subsection (3) shall be
371 scheduled for a hearing by the clerk to the local hearing
372 officer. The clerk must furnish the petitioner with notice to be
373 sent by first-class mail. Upon receipt of the notice, the
374 petitioner may reschedule the hearing once by submitting a
375 written request to reschedule to the clerk to the local hearing
376 officer at least 5 calendar days before the day of the
377 originally scheduled hearing. The petitioner may cancel his or

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378 her appearance before the local hearing officer by paying the
379 penalty assessed under subsection (2), plus the administrative
380 costs established in s. 316.0083(5)(c), before the start of the
381 hearing.

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

391 (e) At the conclusion of the hearing, the local hearing
392 officer shall determine whether a violation under this section
393 occurred and shall uphold or dismiss the violation. The local
394 hearing officer shall issue a final administrative order
395 including the determination and, if the notification of
396 violation is upheld, require the petitioner to pay the penalty
397 previously assessed under subsection (2), and may also require
398 the petitioner to pay county or municipal costs not to exceed
399 the amount established in s. 316.0083(5)(e). The final
400 administrative order shall be mailed to the petitioner by first-
401 class mail.

402 (f) An aggrieved party may appeal a final administrative
403 order consistent with the process provided in s. 162.11.

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

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407 316.1906 Radar speed-measuring devices; evidence,
408 admissibility.—

409 (1) DEFINITIONS.—

410 (d) "Officer" means any:

411 1. "Law enforcement officer" who is elected, appointed, or
412 employed full time by any municipality or the state or any
413 political subdivision thereof; who is vested with the authority
414 to bear arms and make arrests; and whose primary responsibility
415 is the prevention and detection of crime or the enforcement of
416 the penal, criminal, traffic, or highway laws of the state;

417 2. "Part-time law enforcement officer" who is employed or
418 appointed less than full time, as defined by an employing
419 agency, with or without compensation; who is vested with
420 authority to bear arms and make arrests; and whose primary
421 responsibility is the prevention and detection of crime or the
422 enforcement of the penal, criminal, traffic, or highway laws of
423 the state; or

424 3. "Auxiliary law enforcement officer" who is employed or
425 appointed, with or without compensation; who aids or assists a
426 full-time or part-time law enforcement officer; and who, while
427 under the direct supervision of a full-time or part-time law
428 enforcement officer, has the authority to arrest and perform law
429 enforcement functions.

430 4. "Traffic infraction enforcement officer" who is employed
431 or appointed and satisfies the requirements of s.
432 316.640(1)(b)3., with or without compensation, and who is vested
433 with authority to enforce a violation of s. 316.1895 pursuant to
434 s. 316.1896.

435 (2) Evidence of the speed of a vehicle measured by any

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436 radar speed-measuring device shall be inadmissible in any
437 proceeding with respect to an alleged violation of provisions of
438 law regulating the lawful speed of vehicles, unless such
439 evidence of speed is obtained by an officer who:

440 (b) Has made an independent visual determination that the
441 vehicle is operating in excess of the applicable speed limit. A
442 traffic infraction enforcement officer may satisfy this
443 paragraph through a review of photographic or electronic images,
444 streaming video, or evidence of the speed of the vehicle as
445 measured by a speed detection system.

446 (3) A speed detection system is exempt from the design
447 requirements for radar units established by the department. A
448 speed detection system must have the ability to perform self-
449 tests as to its detection accuracy. The system must perform a
450 self-test at least once every 30 days. The law enforcement
451 agency, or an agent acting on behalf of the law enforcement
452 agency, operating a speed detection system shall maintain a log
453 of the results of the system's self-tests. The law enforcement
454 agency, or an agent acting on behalf of the law enforcement
455 agency, operating a speed detection system shall also perform an
456 independent calibration test on the speed detection system at
457 least once every 12 months. The self-test logs, as well as the
458 results of the annual calibration test, are admissible in any
459 court proceeding for a traffic citation issued for a violation
460 of s. 316.1895 enforced pursuant to s. 316.1896.

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

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465 318.18 Amount of penalties.—The penalties required for a
466 noncriminal disposition pursuant to s. 318.14 or a criminal
467 offense listed in s. 318.17 are as follows:

468 (3)

469 (d) Notwithstanding paragraphs (b) and (c), a person cited
470 for exceeding the speed limit in a school zone as provided in s.
471 316.1895, when enforced by a traffic infraction enforcement
472 officer pursuant to s. 316.1896, shall pay a fine of \$158.

473 Section 7. Paragraph (d) of subsection (3) of section
474 322.27, Florida Statutes, is amended to read:

475 322.27 Authority of department to suspend or revoke driver
476 license or identification card.—

477 (3) There is established a point system for evaluation of
478 convictions of violations of motor vehicle laws or ordinances,
479 and violations of applicable provisions of s. 403.413(6)(b) when
480 such violations involve the use of motor vehicles, for the
481 determination of the continuing qualification of any person to
482 operate a motor vehicle. The department is authorized to suspend
483 the license of any person upon showing of its records or other
484 good and sufficient evidence that the licensee has been
485 convicted of violation of motor vehicle laws or ordinances, or
486 applicable provisions of s. 403.413(6)(b), amounting to 12 or
487 more points as determined by the point system. The suspension
488 shall be for a period of not more than 1 year.

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

- 492 1. Reckless driving, willful and wanton—4 points.
493 2. Leaving the scene of a crash resulting in property

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494 damage of more than \$50-6 points.

495 3. Unlawful speed, or unlawful use of a wireless
496 communications device, resulting in a crash-6 points.

497 4. Passing a stopped school bus:

498 a. Not causing or resulting in serious bodily injury to or
499 death of another-4 points.

500 b. Causing or resulting in serious bodily injury to or
501 death of another-6 points.

502 5. Unlawful speed:

503 a. Not in excess of 15 miles per hour of lawful or posted
504 speed-3 points.

505 b. In excess of 15 miles per hour of lawful or posted
506 speed-4 points.

507 c. No points shall be imposed for a violation of unlawful
508 speed as provided in s. 316.1895 when enforced by a traffic
509 infraction enforcement officer pursuant to s. 316.1896. In
510 addition, a violation of s. 316.1895 when enforced by a traffic
511 infraction enforcement officer pursuant to s. 316.1896 may not
512 be used for purposes of setting motor vehicle insurance rates.

513 6. A violation of a traffic control signal device as
514 provided in s. 316.074(1) or s. 316.075(1)(c)1.-4 points.
515 However, no points shall be imposed for a violation of s.
516 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
517 stop at a traffic signal and when enforced by a traffic
518 infraction enforcement officer. In addition, a violation of s.
519 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
520 stop at a traffic signal and when enforced by a traffic
521 infraction enforcement officer may not be used for purposes of
522 setting motor vehicle insurance rates.

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523 7. All other moving violations (including parking on a
524 highway outside the limits of a municipality)—3 points. However,
525 no points shall be imposed for a violation of s. 316.0741 or s.
526 316.2065(11); and points shall be imposed for a violation of s.
527 316.1001 only when imposed by the court after a hearing pursuant
528 to s. 318.14(5).

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

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

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

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

538 Section 8. Paragraph (a) of subsection (3) of section
539 316.306, Florida Statutes, is amended to read:

540 316.306 School and work zones; prohibition on the use of a
541 wireless communications device in a handheld manner.—

542 (3) (a) 1. A person may not operate a motor vehicle while
543 using a wireless communications device in a handheld manner in a
544 designated school crossing, school zone, or work zone area as
545 defined in s. 316.003(110) ~~s. 316.003(109)~~. This subparagraph
546 shall only be applicable to work zone areas if construction
547 personnel are present or are operating equipment on the road or
548 immediately adjacent to the work zone area. For the purposes of
549 this paragraph, a motor vehicle that is stationary is not being
550 operated and is not subject to the prohibition in this
551 paragraph.

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

556 Section 9. Paragraph (a) of subsection (5) of section
557 316.640, Florida Statutes, is amended to read:

558 316.640 Enforcement.—The enforcement of the traffic laws of
559 this state is vested as follows:

560 (5) (a) Any sheriff's department or police department of a
561 municipality may employ, as a traffic infraction enforcement
562 officer, any individual who successfully completes instruction
563 in traffic enforcement procedures and court presentation through
564 the Selective Traffic Enforcement Program as approved by the
565 Division of Criminal Justice Standards and Training of the
566 Department of Law Enforcement, or through a similar program, but
567 who does not necessarily otherwise meet the uniform minimum
568 standards established by the Criminal Justice Standards and
569 Training Commission for law enforcement officers or auxiliary
570 law enforcement officers under s. 943.13. Any such traffic
571 infraction enforcement officer who observes the commission of a
572 traffic infraction or, in the case of a parking infraction, who
573 observes an illegally parked vehicle may issue a traffic
574 citation for the infraction when, based upon personal
575 investigation, he or she has reasonable and probable grounds to
576 believe that an offense has been committed which constitutes a
577 noncriminal traffic infraction as defined in s. 318.14. In
578 addition, any such traffic infraction enforcement officer may
579 issue a traffic citation under ss. 316.0083 and 316.1896 ~~s.~~
580 ~~316.0083~~. For purposes of enforcing s. 316.0083, and s. 316.1895

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581 pursuant to s. 316.1896 ~~s. 316.0083~~, any sheriff's department or
582 police department of a municipality may designate employees as
583 traffic infraction enforcement officers. The traffic infraction
584 enforcement officers must be physically located in the county of
585 the respective sheriff's or police department.

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

588 316.650 Traffic citations.—

589 (3) (a) Except for a traffic citation issued pursuant to s.
590 316.1001, ~~or~~ s. 316.0083, or s. 316.1896, each traffic
591 enforcement officer, upon issuing a traffic citation to an
592 alleged violator of any provision of the motor vehicle laws of
593 this state or of any traffic ordinance of any municipality or
594 town, shall deposit the original traffic citation or, in the
595 case of a traffic enforcement agency that has an automated
596 citation issuance system, the chief administrative officer shall
597 provide by an electronic transmission a replica of the citation
598 data to a court having jurisdiction over the alleged offense or
599 with its traffic violations bureau within 5 days after issuance
600 to the violator.

601 (c) If a traffic citation is issued under s. 316.0083 or s.
602 316.1896, the traffic infraction enforcement officer shall
603 provide by electronic transmission a replica of the traffic
604 citation data to the court having jurisdiction over the alleged
605 offense or its traffic violations bureau within 5 days after the
606 date of issuance of the traffic citation to the violator. If a
607 hearing is requested, the traffic infraction enforcement officer
608 shall provide a replica of the traffic notice of violation data
609 to the clerk for the local hearing officer having jurisdiction

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610 over the alleged offense within 14 days.

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

613 318.14 Noncriminal traffic infractions; exception;
614 procedures.—

615 (2) Except as provided in ss. 316.1001(2), and 316.0083,
616 and 316.1896, any person cited for a violation requiring a
617 mandatory hearing listed in s. 318.19 or any other criminal
618 traffic violation listed in chapter 316 must sign and accept a
619 citation indicating a promise to appear. The officer may
620 indicate on the traffic citation the time and location of the
621 scheduled hearing and must indicate the applicable civil penalty
622 established in s. 318.18. For all other infractions under this
623 section, except for infractions under s. 316.1001, the officer
624 must certify by electronic, electronic facsimile, or written
625 signature that the citation was delivered to the person cited.
626 This certification is prima facie evidence that the person cited
627 was served with the citation.

628 Section 12. Subsections (4), (5), and (15) of section
629 318.21, Florida Statutes, are amended to read:

630 318.21 Disposition of civil penalties by county courts.—All
631 civil penalties received by a county court pursuant to the
632 provisions of this chapter shall be distributed and paid monthly
633 as follows:

634 (4) Of the additional fine assessed under s. 318.18(3)(g)
635 ~~s. 318.18(3)(f)~~ for a violation of s. 316.1301, 40 percent must
636 be remitted to the Department of Revenue for deposit in the
637 Grants and Donations Trust Fund of the Division of Blind
638 Services of the Department of Education, and 60 percent must be

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639 distributed pursuant to subsections (1) and (2).

640 (5) Of the additional fine assessed under s. 318.18(3)(g)
641 ~~s. 318.18(3)(f)~~ for a violation of s. 316.1303(1), 60 percent
642 must be remitted to the Department of Revenue for deposit in the
643 Grants and Donations Trust Fund of the Division of Vocational
644 Rehabilitation of the Department of Education, and 40 percent
645 must be distributed pursuant to subsections (1) and (2).

646 (15) Of the additional fine assessed under s. 318.18(3)(f)
647 ~~s. 318.18(3)(e)~~ for a violation of s. 316.1893, 50 percent of
648 the moneys received from the fines shall be appropriated to the
649 Agency for Health Care Administration as general revenue to
650 provide an enhanced Medicaid payment to nursing homes that serve
651 Medicaid recipients with brain and spinal cord injuries. The
652 remaining 50 percent of the moneys received from the enhanced
653 fine imposed under s. 318.18(3)(f) ~~s. 318.18(3)(e)~~ shall be
654 remitted to the Department of Revenue and deposited into the
655 Department of Health Emergency Medical Services Trust Fund to
656 provide financial support to certified trauma centers in the
657 counties where enhanced penalty zones are established to ensure
658 the availability and accessibility of trauma services. Funds
659 deposited into the Emergency Medical Services Trust Fund under
660 this subsection shall be allocated as follows:

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

664 (b) Fifty percent shall be allocated among Level I, Level
665 II, and pediatric trauma centers based on each center's relative
666 volume of trauma cases as calculated using the hospital
667 discharge data collected pursuant to s. 408.061.

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

670 655.960 Definitions; ss. 655.960-655.965.—As used in this
671 section and ss. 655.961-655.965, unless the context otherwise
672 requires:

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

678 Section 14. This act shall take effect upon becoming a law.