

By the Committee on Appropriations; and Senators Rodriguez and Taddeo

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1 A bill to be entitled
2 An act relating to enforcement of school zone speed
3 limits; amending s. 316.003, F.S.; defining the term
4 "speed detection system"; amending s. 316.008, F.S.;
5 authorizing counties and municipalities to enforce
6 speed limits on certain road areas and at specified
7 periods through the use of speed detection systems;
8 providing a rebuttable presumption; authorizing
9 counties and municipalities to install, or contract
10 with a vendor to install, speed detection systems;
11 amending s. 316.0776, F.S.; specifying conditions for
12 the placement or installation of speed detection
13 systems; requiring the Department of Transportation to
14 establish certain specifications by a specified date;
15 requiring counties and municipalities that install
16 speed detection systems to provide certain notice to
17 the public; providing signage requirements; requiring
18 counties and municipalities that have never conducted
19 a speed detection system program to conduct a public
20 awareness campaign before commencing enforcement using
21 such system; limiting penalties in effect during the
22 public awareness campaign; providing construction;
23 creating s. 316.1896, F.S.; authorizing counties and
24 municipalities to authorize traffic infraction
25 enforcement officers to issue traffic citations for
26 certain violations; providing construction; providing
27 notification requirements and procedures; authorizing
28 a person who receives a notification of violation to
29 request a hearing within a specified timeframe;

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30 defining the term "person"; providing for waiver of
31 challenge or dispute as to the delivery of the
32 notification of violation; requiring counties and
33 municipalities to pay certain funds to the Department
34 of Revenue; providing for the distribution of funds;
35 providing requirements for issuance of a traffic
36 citation; providing for waiver of challenge or dispute
37 as to the delivery of the traffic citation; providing
38 notification requirements and procedures; specifying
39 that the registered owner of a motor vehicle is
40 responsible and liable for paying a traffic citation;
41 providing exceptions; requiring an owner of a motor
42 vehicle to furnish an affidavit under certain
43 circumstances; specifying requirements for such
44 affidavit; providing a criminal penalty for submitting
45 a false affidavit; providing that certain images or
46 video and evidence of speed are admissible in certain
47 proceedings; providing a rebuttable presumption;
48 providing construction; providing requirements and
49 procedures for hearings; amending s. 316.1906, F.S.;
50 revising the definition of the term "officer";
51 providing requirements for speed detection systems;
52 requiring a law enforcement agency and its agents
53 operating a speed detection system to maintain a log
54 of results of the system's self-tests; requiring a law
55 enforcement agency and its agents to perform
56 independent calibration tests of such systems;
57 providing for the admissibility of certain evidence in
58 certain proceedings; amending s. 318.18, F.S.;

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59 providing a civil penalty for a certain speed limit
60 violation; amending s. 322.27, F.S.; prohibiting
61 points from being imposed against a driver license for
62 certain infractions enforced by a traffic infraction
63 enforcement officer; prohibiting such infractions from
64 being used to set motor vehicle insurance rates;
65 amending ss. 316.306, 316.640, 316.650, 318.14,
66 318.21, and 655.960, F.S.; conforming cross-references
67 and provisions to changes made by the act; providing
68 an effective date.

69

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

71

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

77 316.003 Definitions.—The following words and phrases, when
78 used in this chapter, shall have the meanings respectively
79 ascribed to them in this section, except where the context
80 otherwise requires:

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

85 (82) SPEED DETECTION SYSTEM.—A portable or fixed automated
86 system used to record a vehicle's speed using radar and to
87 capture a photograph or video of the rear of a vehicle in a

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88 school zone which exceeds the speed limit in force at the time
89 of the violation. Any notification under s. 316.1896 or traffic
90 citation issued through the use of a speed detection system must
91 include a photograph or other recorded image showing the license
92 tag of the vehicle; the date, time, and location of the vehicle;
93 the maximum speed at which the vehicle was traveling in the
94 school zone; and the posted speed limit in the school zone at
95 the time of the violation.

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

98 316.008 Powers of local authorities.-

99 (9) (a) A county or municipality may enforce speed limits on
100 areas of roads maintained as school zones pursuant to s.
101 316.1895 within 30 minutes before and after a regularly
102 scheduled breakfast program or start of a regularly scheduled
103 school session at the restrictive speed limit; during the
104 entirety of a regularly scheduled school session at the
105 nonrestrictive speed limit; and 30 minutes before and after the
106 end of a regularly scheduled school session at the restrictive
107 speed limit, through the use of a speed detection system for the
108 measurement of speed and recording of photographs or videos for
109 violations in excess of 10 miles per hour over the posted speed
110 limit in force at the time of the violation. A school zone's
111 compliance with s. 316.1895, except for s. 316.1895(6) relating
112 to a sign stating "Speeding Fines Doubled" as otherwise
113 specified in s. 316.0776, creates a rebuttable presumption that
114 the school zone is being properly maintained.

115 (b) A county or municipality may place or install, or
116 contract with a vendor to place or install, a speed detection

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117 system within a road area maintained as a school zone as
118 provided in s. 316.1895 to enforce unlawful speed violations of
119 s. 316.1895 or s. 316.183 on that road area.

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

122 316.0776 Traffic infraction detectors; speed detection
123 systems; placement and installation.—

124 (3) A speed detection system may be placed or installed on
125 a state road, once permitted by the Department of Transportation
126 and in accordance with placement and installation specifications
127 developed by the Department of Transportation. A speed detection
128 system may be placed or installed on a street or highway under
129 the jurisdiction of a county or a municipality in accordance
130 with placement and installation specifications established by
131 the Department of Transportation. The Department of
132 Transportation shall establish such placement and installation
133 specifications by August 1, 2022.

134 (a) If a county or municipality places or installs a speed
135 detection system within a road area maintained as a school zone
136 as provided in s. 316.1895, the county or municipality must
137 notify the public that a speed detection system may be in use,
138 by posting signage of camera or video enforcement of violations.
139 Such signage used to notify the public must meet the
140 specifications for uniform signals and devices adopted by the
141 Department of Transportation pursuant to s. 316.0745. For speed
142 detection systems enforcing violations of ss. 316.1895 and
143 316.183 on road areas maintained as school zones, this paragraph
144 shall govern the signage notifying the public of the use of a
145 speed detection system, and a sign stating "Speeding Fines

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146 Doubled," as provided in s. 316.1895(6), is not required when a
147 violation of s. 316.1895 is enforced by a speed detection system
148 in a designated school zone.

149 (b) If a county or municipality begins a speed detection
150 system program in a county or municipality that has never
151 conducted such a program, the respective county or municipality
152 shall make a public announcement and conduct a public awareness
153 campaign on the proposed use of speed detection systems at least
154 30 days before commencing enforcement under the speed detection
155 system program and notify the public of the specific date on
156 which the program will commence. During the 30-day public
157 awareness campaign about the speed detection system program,
158 only a warning may be issued to the registered owner for a
159 violation of s. 316.1895 or s. 316.183, and liability may not be
160 imposed for the civil penalty under s. 318.18(3)(d).

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

163 316.1896 Areas maintained as school zones; speed detection
164 system enforcement; penalties; appeal procedure.—

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

170 (a) For a violation of s. 316.1895 in excess of 10 miles
171 per hour over the restrictive speed limit which occurs within 30
172 minutes before or after a regularly scheduled breakfast program
173 or start of a regularly scheduled school session.

174 (b) For a violation of s. 316.183 in excess of 10 miles per

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175 hour over the posted speed limit during the entirety of a
176 regularly scheduled school session.

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

180
181 Such violation must be evidenced by a speed detection system.
182 This subsection does not prohibit a review of information from a
183 speed detection system by an authorized employee or agent of a
184 county or municipality before issuance of the traffic citation
185 by the traffic infraction enforcement officer. This subsection
186 does not prohibit a county or municipality from issuing
187 notifications as provided in subsection (2) to the registered
188 owner of the motor vehicle in violation of s. 316.1895 or s.
189 316.183.

190 (2) Within 30 days after a violation, notification must be
191 sent to the registered owner of the motor vehicle involved in
192 the violation specifying the remedies available under s. 318.14
193 and that the violator must pay the penalty under s. 318.18(3)(d)
194 to the county or municipality, or furnish an affidavit in
195 accordance with subsection (8), within 30 days after the date of
196 the notification of violation in order to avoid court fees,
197 costs, and the issuance of a traffic citation. The notification
198 of violation must:

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

200 (b) Include a notice that the owner has the right to
201 review, in person or remotely, the photographic or electronic
202 images or streaming video and the evidence of the speed of the
203 vehicle as measured by a speed detection system which constitute

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204 a rebuttable presumption against the owner of the vehicle.

205 (c) State the time when, and place or website where, the
206 images or video and evidence of speed may be examined and
207 observed.

208 (3) Notwithstanding any other law, a person who receives a
209 notification of violation under this section may request a
210 hearing within 30 days after the notification of violation or
211 pay the penalty pursuant to the notification of violation, but a
212 payment or fee may not be required before the hearing requested
213 by the person. The notification of violation must be accompanied
214 by, or direct the person to a website that provides, information
215 on the person's right to request a hearing and on all court
216 costs related thereto and a form used for requesting a hearing.
217 As used in this subsection, the term "person" includes a natural
218 person, the registered owner or co-owner of a motor vehicle, or
219 the person identified in an affidavit as having actual care,
220 custody, or control of the motor vehicle at the time of the
221 violation.

222 (4) If the registered owner or co-owner of the motor
223 vehicle; the person designated as having care, custody, or
224 control of the motor vehicle at the time of the violation; or an
225 authorized representative of the owner, co-owner, or designated
226 person initiates a proceeding to challenge the violation, such
227 person waives any challenge or dispute as to the delivery of the
228 notification of violation.

229 (5) Penalties assessed and collected by the county or
230 municipality authorized to collect the funds provided for in
231 this section, less the amount retained by the county or
232 municipality pursuant to paragraph (b) and the amount remitted

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233 to the public school district pursuant to paragraph (d), shall
234 be paid to the Department of Revenue weekly. Payment by the
235 county or municipality to the state must be made by means of
236 electronic funds transfer. In addition to the payment, a
237 detailed summary of the penalties remitted shall be reported to
238 the Department of Revenue. Penalties to be assessed and
239 collected by the county or municipality as established in s.
240 318.18(3)(d) shall be remitted as follows:

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

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

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

249 (d) Fifteen dollars shall be remitted by the county or
250 municipality to the public school district in which the
251 violation occurred and shall be used for school security
252 initiatives, student transportation, or to improve the safety of
253 student walking conditions. Funds remitted under this paragraph
254 shall be shared with charter schools in the district based on
255 each charter school's proportionate share of the district's
256 total unweighted full-time equivalent student enrollment and
257 shall be used for school security initiatives or to improve the
258 safety of student walking conditions.

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

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262 (6) A traffic citation shall be issued by mailing the
263 traffic citation by certified mail to the address of the
264 registered owner of the motor vehicle involved in the violation
265 if payment has not been made within 30 days after notification
266 under subsection (2), if the registered owner has not requested
267 a hearing as authorized under subsection (3), or if the
268 registered owner has not submitted an affidavit in accordance
269 with subsection (8).

270 (a) Delivery of the traffic citation constitutes
271 notification under this subsection. If the registered owner or
272 co-owner of the motor vehicle; the person designated as having
273 care, custody, or control of the motor vehicle at the time of
274 the violation; or a duly authorized representative of the owner,
275 co-owner, or designated person initiates a proceeding to
276 challenge the citation pursuant to this section, such person
277 waives any challenge or dispute as to the delivery of the
278 traffic citation.

279 (b) In the case of joint ownership of a motor vehicle, the
280 traffic citation shall be mailed to the first name appearing on
281 the motor vehicle registration, unless the first name appearing
282 on the registration is a business organization, in which case
283 the second name appearing on the registration may be used.

284 (c) Included with the notification to the registered owner
285 of the motor vehicle involved in the infraction shall be a
286 notice that the owner has a right to review, in person or
287 remotely, the photographic or electronic images or streaming
288 video and the evidence of the speed of the vehicle as measured
289 by a speed detection system which constitute a rebuttable
290 presumption against the owner of the vehicle. The notice must

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291 state the time when, and place or website where, the images or
292 video and evidence of speed may be examined and observed.

293 (7) The registered owner of the motor vehicle involved in
294 the violation is responsible and liable for paying the uniform
295 traffic citation issued for a violation of s. 316.1895 or s.
296 316.183 unless the owner can establish that:

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

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

302 (c) The motor vehicle's owner was deceased on or before the
303 date that the uniform traffic citation was issued, as
304 established by an affidavit submitted by the representative of
305 the motor vehicle owner's estate or other designated person or
306 family member.

307 (8) To establish such facts under subsection (7), the
308 registered owner of the motor vehicle shall, within 30 days
309 after the date of issuance of the traffic citation, furnish to
310 the appropriate governmental entity an affidavit setting forth
311 detailed information supporting an exception under subsection
312 (7).

313 (a) An affidavit supporting an exemption under paragraph
314 (7) (a) must include the name, address, date of birth, and, if
315 known, the driver license number of the person who leased,
316 rented, or otherwise had care, custody, or control of the motor
317 vehicle at the time of the alleged violation. If the motor
318 vehicle was stolen at the time of the alleged violation, the
319 affidavit must include the police report indicating that the

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320 motor vehicle was stolen.

321 (b) If a uniform traffic citation for a violation of s.
322 316.1895 or s. 316.183 was issued at the location of the
323 violation by a law enforcement officer, the affidavit must
324 include the serial number of the uniform traffic citation.

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

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

333 2. Documented proof that the registered license plate
334 belonging to the deceased owner's vehicle was returned to the
335 department or any branch office or authorized agent of the
336 department after his or her death but on or before the date of
337 the alleged violation.

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

342
343 Upon receipt of the affidavit and documentation required under
344 this paragraph, the governmental entity must dismiss the
345 citation and provide proof of such dismissal to the person who
346 submitted the affidavit.

347 (9) Upon receipt of an affidavit, the person designated as
348 having care, custody, or control of the motor vehicle at the

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349 time of the violation may be issued a notification of violation
350 pursuant to subsection (2) for a violation of s. 316.1895 or s.
351 316.183. The affidavit is admissible in a proceeding pursuant to
352 this section for the purpose of providing proof that the person
353 identified in the affidavit was in actual care, custody, or
354 control of the motor vehicle. The owner of a leased vehicle for
355 which a traffic citation is issued for a violation of s.
356 316.1895 or s. 316.183 is not responsible for paying the traffic
357 citation and is not required to submit an affidavit as specified
358 in this subsection if the motor vehicle involved in the
359 violation is registered in the name of the lessee of such motor
360 vehicle.

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

365 (11) The submission of a false affidavit is a misdemeanor
366 of the second degree, punishable as provided in s. 775.082 or s.
367 775.083.

368 (12) The photographic or electronic images or the streaming
369 video evidence and the evidence of the speed of the vehicle as
370 measured by a speed detection system which are attached to or
371 referenced in the traffic citation are evidence of a violation
372 of s. 316.1895 or s. 316.183 and are admissible in any
373 proceeding to enforce this section. The images or video and
374 evidence of speed raise a rebuttable presumption that the motor
375 vehicle named in the report or shown in the images or video was
376 used in violation of s. 316.1895 or s. 316.183.

377 (13) This section supplements the enforcement of ss.

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378 316.1895 and 316.183 by law enforcement officers and does not
379 prohibit a law enforcement officer from issuing a traffic
380 citation for a violation of s. 316.1895 or s. 316.183.

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

383 (a) The department shall publish and make available
384 electronically to each county and municipality a model request
385 for hearing form to assist each local government administering
386 this section.

387 (b) The county or municipality electing to authorize
388 traffic infraction enforcement officers to issue traffic
389 citations under subsection (6) shall designate by resolution
390 existing staff to serve as the clerk to the local hearing
391 officer.

392 (c) Any person, herein referred to as the "petitioner," who
393 elects to request a hearing under subsection (3) shall be
394 scheduled for a hearing by the clerk to the local hearing
395 officer. The clerk must furnish the petitioner with notice to be
396 sent by first-class mail. Upon receipt of the notice, the
397 petitioner may reschedule the hearing once by submitting a
398 written request to reschedule to the clerk to the local hearing
399 officer at least 5 calendar days before the day of the
400 originally scheduled hearing. The petitioner may cancel his or
401 her appearance before the local hearing officer by paying the
402 penalty assessed under subsection (2), plus the administrative
403 costs established in s. 316.0083(5)(c), before the start of the
404 hearing.

405 (d) All testimony at the hearing shall be under oath and
406 shall be recorded. The local hearing officer shall take

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407 testimony from a traffic infraction enforcement officer and the
408 petitioner and may take testimony from others. The local hearing
409 officer shall review the photographic or electronic images or
410 streaming video and the evidence of the speed of the vehicle as
411 measured by a speed detection system made available under
412 paragraph (2) (b). Formal rules of evidence do not apply, but due
413 process shall be observed and govern the proceedings.

414 (e) At the conclusion of the hearing, the local hearing
415 officer shall determine whether a violation under this section
416 occurred and shall uphold or dismiss the violation. The local
417 hearing officer shall issue a final administrative order
418 including the determination and, if the notification of
419 violation is upheld, require the petitioner to pay the penalty
420 previously assessed under subsection (2), and may also require
421 the petitioner to pay county or municipal costs not to exceed
422 the amount established in s. 316.0083(5) (e). The final
423 administrative order shall be mailed to the petitioner by first-
424 class mail.

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

427 Section 5. Paragraph (d) of subsection (1) of section
428 316.1906, Florida Statutes, is amended, and subsection (3) is
429 added to that section, to read:

430 316.1906 Radar speed-measuring devices; evidence,
431 admissibility.—

432 (1) DEFINITIONS.—

433 (d) "Officer" means any:

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

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

440 2. "Part-time law enforcement officer" who is employed or
441 appointed less than full time, as defined by an employing
442 agency, with or without compensation; who is vested with
443 authority to bear arms and make arrests; and whose primary
444 responsibility is the prevention and detection of crime or the
445 enforcement of the penal, criminal, traffic, or highway laws of
446 the state; ~~or~~

447 3. "Auxiliary law enforcement officer" who is employed or
448 appointed, with or without compensation; who aids or assists a
449 full-time or part-time law enforcement officer; and who, while
450 under the direct supervision of a full-time or part-time law
451 enforcement officer, has the authority to arrest and perform law
452 enforcement functions; or

453 4. "Traffic infraction enforcement officer" who is employed
454 or appointed and satisfies the requirements of s. 316.640(5),
455 with or without compensation, and who is vested with authority
456 to enforce a violation of s. 316.1895 or s. 316.183 pursuant to
457 s. 316.1896.

458 (3) A speed detection system is exempt from the design
459 requirements for radar units established by the department. A
460 speed detection system must have the ability to perform self-
461 tests as to its detection accuracy. The system must perform a
462 self-test at least once every 30 days. The law enforcement
463 agency, or an agent acting on behalf of the law enforcement
464 agency, operating a speed detection system shall maintain a log

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465 of the results of the system's self-tests. The law enforcement
466 agency, or an agent acting on behalf of the law enforcement
467 agency, operating a speed detection system shall also perform an
468 independent calibration test on the speed detection system at
469 least once every 12 months. The self-test logs, as well as the
470 results of the annual calibration test, are admissible in any
471 court proceeding for a traffic citation issued for a violation
472 of s. 316.1895 or s. 316.183 enforced pursuant to s. 316.1896.
473 Notwithstanding subsection (2), evidence of a vehicle's speed
474 measured by a speed detection system compliant with this
475 subsection and the determination by a traffic enforcement
476 officer that a vehicle is operating in excess of the applicable
477 speed limit shall be admissible in any proceeding with respect
478 to an alleged violation of law regulating the speed of vehicles.

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

483 318.18 Amount of penalties.—The penalties required for a
484 noncriminal disposition pursuant to s. 318.14 or a criminal
485 offense listed in s. 318.17 are as follows:

486 (3)

487 (d) Notwithstanding paragraphs (b) and (c), a person cited
488 for exceeding the speed limit in force at the time of the
489 violation on a road area maintained as a school zone as provided
490 in s. 316.1895, when enforced by a traffic infraction
491 enforcement officer pursuant to s. 316.1896, shall pay a fine of
492 \$100.

493 Section 7. Paragraph (d) of subsection (3) of section

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494 322.27, Florida Statutes, is amended to read:

495 322.27 Authority of department to suspend or revoke driver
496 license or identification card.—

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

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

512 1. Reckless driving, willful and wanton—4 points.

513 2. Leaving the scene of a crash resulting in property
514 damage of more than \$50—6 points.

515 3. Unlawful speed, or unlawful use of a wireless
516 communications device, resulting in a crash—6 points.

517 4. Passing a stopped school bus:

518 a. Not causing or resulting in serious bodily injury to or
519 death of another—4 points.

520 b. Causing or resulting in serious bodily injury to or
521 death of another—6 points.

522 5. Unlawful speed:

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523 a. Not in excess of 15 miles per hour of lawful or posted
524 speed—3 points.

525 b. In excess of 15 miles per hour of lawful or posted
526 speed—4 points.

527 c. No points shall be imposed for a violation of unlawful
528 speed as provided in s. 316.1895 or s. 316.183 when enforced by
529 a traffic infraction enforcement officer pursuant to s.
530 316.1896. In addition, a violation of s. 316.1895 or s. 316.183
531 when enforced by a traffic infraction enforcement officer
532 pursuant to s. 316.1896 may not be used for purposes of setting
533 motor vehicle insurance rates.

534 6. A violation of a traffic control signal device as
535 provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points.
536 However, no points shall be imposed for a violation of s.
537 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
538 stop at a traffic signal and when enforced by a traffic
539 infraction enforcement officer. In addition, a violation of s.
540 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
541 stop at a traffic signal and when enforced by a traffic
542 infraction enforcement officer may not be used for purposes of
543 setting motor vehicle insurance rates.

544 7. All other moving violations (including parking on a
545 highway outside the limits of a municipality)—3 points. However,
546 no points shall be imposed for a violation of s. 316.0741 or s.
547 316.2065(11); and points shall be imposed for a violation of s.
548 316.1001 only when imposed by the court after a hearing pursuant
549 to s. 318.14(5).

550 8. Any moving violation covered in this paragraph,
551 excluding unlawful speed and unlawful use of a wireless

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552 communications device, resulting in a crash—4 points.

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

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

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

559 Section 8. Paragraph (a) of subsection (3) of section
560 316.306, Florida Statutes, is amended to read:

561 316.306 School and work zones; prohibition on the use of a
562 wireless communications device in a handheld manner.—

563 (3)(a)1. A person may not operate a motor vehicle while
564 using a wireless communications device in a handheld manner in a
565 designated school crossing, school zone, or work zone area as
566 defined in s. 316.003(110) ~~s. 316.003(109)~~. This subparagraph
567 shall only be applicable to work zone areas if construction
568 personnel are present or are operating equipment on the road or
569 immediately adjacent to the work zone area. For the purposes of
570 this paragraph, a motor vehicle that is stationary is not being
571 operated and is not subject to the prohibition in this
572 paragraph.

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

577 Section 9. Paragraph (a) of subsection (5) of section
578 316.640, Florida Statutes, is amended to read:

579 316.640 Enforcement.—The enforcement of the traffic laws of
580 this state is vested as follows:

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581 (5) (a) Any sheriff's department or police department of a
582 municipality may employ, as a traffic infraction enforcement
583 officer, any individual who successfully completes instruction
584 in traffic enforcement procedures and court presentation through
585 the Selective Traffic Enforcement Program as approved by the
586 Division of Criminal Justice Standards and Training of the
587 Department of Law Enforcement, or through a similar program, but
588 who does not necessarily otherwise meet the uniform minimum
589 standards established by the Criminal Justice Standards and
590 Training Commission for law enforcement officers or auxiliary
591 law enforcement officers under s. 943.13. Any such traffic
592 infraction enforcement officer who observes the commission of a
593 traffic infraction or, in the case of a parking infraction, who
594 observes an illegally parked vehicle may issue a traffic
595 citation for the infraction when, based upon personal
596 investigation, he or she has reasonable and probable grounds to
597 believe that an offense has been committed which constitutes a
598 noncriminal traffic infraction as defined in s. 318.14. In
599 addition, any such traffic infraction enforcement officer may
600 issue a traffic citation under ss. 316.0083 and 316.1896 ~~s.~~
601 ~~316.0083~~. For purposes of enforcing ss. 316.0083, 316.1895, and
602 316.183 ~~s. 316.0083~~, any sheriff's department or police
603 department of a municipality may designate employees as traffic
604 infraction enforcement officers. The traffic infraction
605 enforcement officers must be physically located in the county of
606 the respective sheriff's or police department.

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

609 316.650 Traffic citations.-

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610 (3) (a) Except for a traffic citation issued pursuant to s.
611 316.1001, ~~or~~ s. 316.0083, or s. 316.1896, each traffic
612 enforcement officer, upon issuing a traffic citation to an
613 alleged violator of any provision of the motor vehicle laws of
614 this state or of any traffic ordinance of any municipality or
615 town, shall deposit the original traffic citation or, in the
616 case of a traffic enforcement agency that has an automated
617 citation issuance system, the chief administrative officer shall
618 provide by an electronic transmission a replica of the citation
619 data to a court having jurisdiction over the alleged offense or
620 with its traffic violations bureau within 5 days after issuance
621 to the violator.

622 (c) If a traffic citation is issued under s. 316.0083 or s.
623 316.1896, the traffic infraction enforcement officer shall
624 provide by electronic transmission a replica of the traffic
625 citation data to the court having jurisdiction over the alleged
626 offense or its traffic violations bureau within 5 days after the
627 date of issuance of the traffic citation to the violator. If a
628 hearing is requested, the traffic infraction enforcement officer
629 shall provide a replica of the traffic notice of violation data
630 to the clerk for the local hearing officer having jurisdiction
631 over the alleged offense within 14 days.

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

634 318.14 Noncriminal traffic infractions; exception;
635 procedures.—

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

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639 traffic violation listed in chapter 316 must sign and accept a
640 citation indicating a promise to appear. The officer may
641 indicate on the traffic citation the time and location of the
642 scheduled hearing and must indicate the applicable civil penalty
643 established in s. 318.18. For all other infractions under this
644 section, except for infractions under s. 316.1001, the officer
645 must certify by electronic, electronic facsimile, or written
646 signature that the citation was delivered to the person cited.
647 This certification is prima facie evidence that the person cited
648 was served with the citation.

649 Section 12. Subsections (4), (5), and (15) of section
650 318.21, Florida Statutes, are amended to read:

651 318.21 Disposition of civil penalties by county courts.—All
652 civil penalties received by a county court pursuant to the
653 provisions of this chapter shall be distributed and paid monthly
654 as follows:

655 (4) Of the additional fine assessed under s. 318.18(3)(g)
656 ~~s. 318.18(3)(f)~~ for a violation of s. 316.1301, 40 percent must
657 be remitted to the Department of Revenue for deposit in the
658 Grants and Donations Trust Fund of the Division of Blind
659 Services of the Department of Education, and 60 percent must be
660 distributed pursuant to subsections (1) and (2).

661 (5) Of the additional fine assessed under s. 318.18(3)(g)
662 ~~s. 318.18(3)(f)~~ for a violation of s. 316.1303(1), 60 percent
663 must be remitted to the Department of Revenue for deposit in the
664 Grants and Donations Trust Fund of the Division of Vocational
665 Rehabilitation of the Department of Education, and 40 percent
666 must be distributed pursuant to subsections (1) and (2).

667 (15) Of the additional fine assessed under s. 318.18(3)(f)

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668 ~~s. 318.18(3)(e)~~ for a violation of s. 316.1893, 50 percent of
669 the moneys received from the fines shall be appropriated to the
670 Agency for Health Care Administration as general revenue to
671 provide an enhanced Medicaid payment to nursing homes that serve
672 Medicaid recipients with brain and spinal cord injuries. The
673 remaining 50 percent of the moneys received from the enhanced
674 fine imposed under s. 318.18(3)(f) ~~s. 318.18(3)(e)~~ shall be
675 remitted to the Department of Revenue and deposited into the
676 Department of Health Emergency Medical Services Trust Fund to
677 provide financial support to certified trauma centers in the
678 counties where enhanced penalty zones are established to ensure
679 the availability and accessibility of trauma services. Funds
680 deposited into the Emergency Medical Services Trust Fund under
681 this subsection shall be allocated as follows:

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

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

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

691 655.960 Definitions; ss. 655.960-655.965.—As used in this
692 section and ss. 655.961-655.965, unless the context otherwise
693 requires:

694 (1) "Access area" means any paved walkway or sidewalk which
695 is within 50 feet of any automated teller machine. The term does
696 not include any street or highway open to the use of the public,

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697 as defined in s. 316.003(88)(a) or (b) ~~s. 316.003(87)(a) or (b)~~,

698 including any adjacent sidewalk, as defined in s. 316.003.

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