

By the Committee on Appropriations; and Senators Rodriguez and Taddeo

576-02911A-22

2022410c1

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;

576-02911A-22

2022410c1

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.;

576-02911A-22

2022410c1

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

576-02911A-22

2022410c1

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

576-02911A-22

2022410c1

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

576-02911A-22

2022410c1

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

576-02911A-22

2022410c1

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

576-02911A-22

2022410c1

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

576-02911A-22

2022410c1

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.

576-02911A-22

2022410c1

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

576-02911A-22

2022410c1

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

576-02911A-22

2022410c1

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

576-02911A-22

2022410c1

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.

576-02911A-22

2022410c1

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

576-02911A-22

2022410c1

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

576-02911A-22

2022410c1

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

576-02911A-22

2022410c1

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

576-02911A-22

2022410c1

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:

576-02911A-22

2022410c1

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

576-02911A-22

2022410c1

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:

576-02911A-22

2022410c1

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.-

576-02911A-22

2022410c1

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

576-02911A-22

2022410c1

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)

576-02911A-22

2022410c1

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,

576-02911A-22

2022410c1

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.