



264496

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/26/2023	.	
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The Committee on Fiscal Policy (Rodriguez) recommended the following:

Senate Amendment (with title amendment)

Delete lines 145 - 809
and insert:
system used to detect a motor vehicle's speed using radar or lidar and to capture a photograph or video of the rear of a motor vehicle that exceeds the speed limit in force at the time of the violation.

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



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11 316.008 Powers of local authorities.-

12 (9) (a) A county or municipality may enforce the applicable
13 speed limit on a roadway properly maintained as a school zone
14 pursuant to s. 316.1895:

15 1. Within 30 minutes before through 30 minutes after the
16 start of a regularly scheduled breakfast program;

17 2. Within 30 minutes before through 30 minutes after the
18 start of a regularly scheduled school session;

19 3. During the entirety of a regularly scheduled school
20 session; and

21 4. Within 30 minutes before through 30 minutes after the
22 end of a regularly scheduled school session

23
24 through the use of a speed detection system for the detection of
25 speed and capturing of photographs or videos for violations in
26 excess of 10 miles per hour over the speed limit in force at the
27 time of the violation. A school zone's compliance with s.
28 316.1895 creates a rebuttable presumption that the school zone
29 is properly maintained.

30 (b) A county or municipality may place or install, or
31 contract with a vendor to place or install, a speed detection
32 system within a roadway maintained as a school zone as provided
33 in s. 316.1895 to enforce unlawful speed violations, as
34 specified in s. 316.183 or s. 316.1895(10), on that roadway.

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

37 316.0776 Traffic infraction detectors; speed detection
38 systems; placement and installation.-

39 (3) A speed detection system authorized by s. 316.008(9)



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40 may be placed or installed in a school zone on a state road when
41 permitted by the Department of Transportation and in accordance
42 with placement and installation specifications developed by the
43 Department of Transportation. The speed detection system may be
44 placed or installed in a school zone on a street or highway
45 under the jurisdiction of a county or a municipality in
46 accordance with placement and installation specifications
47 established by the Department of Transportation. The Department
48 of Transportation shall establish such placement and
49 installation specifications by December 31, 2023.

50 (a) If a county or municipality places or installs a speed
51 detection system as authorized by s. 316.008(9), the county or
52 municipality must notify the public that a speed detection
53 system may be in use by posting signage indicating photographic
54 or video enforcement of the school zone speed limits. Such
55 signage must clearly designate the time period during which the
56 school zone speed limits are enforced using a speed detection
57 system and must meet the placement and installation
58 specifications established by the Department of Transportation.
59 For a speed detection system enforcing violations of s. 316.183
60 or s. 316.1895 on a roadway maintained as a school zone, this
61 paragraph governs the signage notifying the public of the use of
62 a speed detection system.

63 (b) If a county or municipality begins a school zone speed
64 detection system program in a county or municipality that has
65 never conducted such a program, the respective county or
66 municipality must make a public announcement and conduct a
67 public awareness campaign of the proposed use of speed detection
68 systems at least 30 days before commencing enforcement under the



69 speed detection system program and must notify the public of the
70 specific date on which the program will commence. During the 30-
71 day public awareness campaign, only a warning may be issued to
72 the registered owner of a motor vehicle for a violation of s.
73 316.183 or s. 316.1895 enforced by a speed detection system, and
74 liability may not be imposed for the civil penalty under s.
75 318.18(3)(d).

76 Section 4. Section 316.1894, Florida Statutes, is created
77 to read:

78 316.1894 School Crossing Guard Recruitment and Retention
79 Program.—The law enforcement agency having jurisdiction over a
80 county or municipality conducting a school zone speed detection
81 system program authorized by s. 316.008(9) shall use funds
82 generated pursuant to s. 316.1896(5)(e) from the school zone
83 speed detection system program to administer the School Crossing
84 Guard Recruitment and Retention Program. Such program may
85 provide recruitment and retention stipends to crossing guards at
86 K-12 public schools, including charter schools, or stipends to
87 third parties for the recruitment of new crossing guards. The
88 School Crossing Guard Recruitment and Retention Program must be
89 designed and managed at the discretion of the law enforcement
90 agency.

91 Section 5. Section 316.1896, Florida Statutes, is created
92 to read:

93 316.1896 Roadways maintained as school zones; speed
94 detection system enforcement; penalties; appeal procedure;
95 privacy; reports.—

96 (1) For purposes of administering this section, a county or
97 municipality may authorize a traffic infraction enforcement



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98 officer under s. 316.640 to issue uniform traffic citations for
99 violations of ss. 316.183 and 316.1895, as authorized by s.
100 316.008(9), for the following:

101 (a) A violation of s. 316.1895 in excess of 10 miles per
102 hour over the school zone speed limit which occurs within 30
103 minutes before through 30 minutes after the start of a regularly
104 scheduled breakfast program.

105 (b) A violation of s. 316.1895 in excess of 10 miles per
106 hour over the school zone speed limit which occurs within 30
107 minutes before through 30 minutes after the start of a regularly
108 scheduled school session.

109 (c) A violation of s. 316.183 in excess of 10 miles per
110 hour over the posted speed limit during the entirety of a
111 regularly scheduled school session.

112 (d) A violation of s. 316.1895 in excess of 10 miles per
113 hour over the school zone speed limit which occurs within 30
114 minutes before through 30 minutes after the end of a regularly
115 scheduled school session.

116
117 Such violation must be evidenced by a speed detection system
118 described in ss. 316.008(9) and 316.0776(3). This subsection
119 does not prohibit a review of information from a speed detection
120 system by an authorized employee or agent of a county or
121 municipality before issuance of the uniform traffic citation by
122 the traffic infraction enforcement officer. This subsection does
123 not prohibit a county or municipality from issuing notices as
124 provided in subsection (2) to the registered owner of the motor
125 vehicle for a violation of s. 316.183 or s. 316.1895.

126 (2) Within 30 days after a violation, notice must be sent



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127 to the registered owner of the motor vehicle involved in the
128 violation specifying the remedies available under s. 318.14 and
129 that the violator must pay the penalty under s. 318.18(3)(d) to
130 the county or municipality, or furnish an affidavit in
131 accordance with subsection (8), within 30 days after the date of
132 the notice of violation in order to avoid court fees, costs, and
133 the issuance of a uniform traffic citation. The notice of
134 violation must:

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

136 (b) Include a photograph or other recorded image showing
137 the license plate of the motor vehicle; the date, time, and
138 location of the violation; the maximum speed at which the motor
139 vehicle was traveling within the school zone; and the speed
140 limit within the school zone at the time of the violation.

141 (c) Include a notice that the owner has the right to
142 review, in person or remotely, the photograph or video captured
143 by the speed detection system and the evidence of the speed of
144 the motor vehicle detected by the speed detection system which
145 constitute a rebuttable presumption that the motor vehicle was
146 used in violation of s. s. 316.183 or s. 316.1895.

147 (d) State the time when, and the place or website at which,
148 the photograph or video captured and evidence of speed detected
149 may be examined and observed.

150 (3) Notwithstanding any other law, a person who receives a
151 notice of violation under this section may request a hearing
152 within 30 days after the notice of violation or may pay the
153 penalty pursuant to the notice of violation, but a payment or
154 fee may not be required before the hearing requested by the
155 person. The notice of violation must be accompanied by, or



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156 direct the person to a website that provides, information on the
157 person's right to request a hearing and on all costs related
158 thereto and a form used for requesting a hearing. As used in
159 this subsection, the term "person" means a natural person, the
160 registered owner or co-owner of a motor vehicle, or the person
161 identified in an affidavit as having actual care, custody, or
162 control of the motor vehicle at the time of the violation.

163 (4) If the registered owner or co-owner of the motor
164 vehicle; the person identified as having care, custody, or
165 control of the motor vehicle at the time of the violation; or an
166 authorized representative of the owner, co-owner, or identified
167 person initiates a proceeding to challenge the violation, such
168 person waives any challenge or dispute as to the delivery of the
169 notice of violation.

170 (5) Penalties assessed and collected by the county or
171 municipality authorized to collect the funds provided for in
172 this section, less the amount retained by the county or
173 municipality pursuant to paragraphs (b) and (e) and the amount
174 remitted to the county school district pursuant to paragraph
175 (d), must be paid weekly to the Department of Revenue. Such
176 payment must be made by means of electronic funds transfer. In
177 addition to the payment, a detailed summary of the penalties
178 remitted must be reported to the Department of Revenue.
179 Penalties to be assessed and collected by the county or
180 municipality as established in s. 318.18(3)(d) must be remitted
181 as follows:

182 (a) Twenty dollars must be remitted to the Department of
183 Revenue for deposit into the General Revenue Fund.

184 (b) Sixty dollars must be retained by the county or



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185 municipality and must be used to administer speed detection
186 systems in school zones and other public safety initiatives.

187 (c) Three dollars must be remitted to the Department of
188 Revenue for deposit into the Department of Law Enforcement
189 Criminal Justice Standards and Training Trust Fund.

190 (d) Twelve dollars must be remitted to the county school
191 district in which the violation occurred and must be used for
192 school security initiatives, for student transportation, or to
193 improve the safety of student walking conditions. Funds remitted
194 under this paragraph must be shared with charter schools in the
195 district based on each charter school's proportionate share of
196 the district's total unweighted full-time equivalent student
197 enrollment and must be used for school security initiatives or
198 to improve the safety of student walking conditions.

199 (e) Five dollars must be retained by the county or
200 municipality for the School Crossing Guard Recruitment and
201 Retention Program pursuant to s. 316.1894.

202 (6) A uniform traffic citation must be issued by mailing
203 the uniform traffic citation by certified mail to the address of
204 the registered owner of the motor vehicle involved in the
205 violation if payment has not been made within 30 days after
206 notification under subsection (2), if the registered owner has
207 not requested a hearing as authorized under subsection (3), and
208 if the registered owner has not submitted an affidavit in
209 accordance with subsection (8).

210 (a) Delivery of the uniform traffic citation constitutes
211 notification of a violation under this subsection. If the
212 registered owner or co-owner of the motor vehicle; the person
213 identified as having care, custody, or control of the motor



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214 vehicle at the time of the violation; or a duly authorized
215 representative of the owner, co-owner, or identified person
216 initiates a proceeding to challenge the citation pursuant to
217 this section, such person waives any challenge or dispute as to
218 the delivery of the uniform traffic citation.

219 (b) In the case of joint ownership of a motor vehicle, the
220 uniform traffic citation must be mailed to the first name
221 appearing on the motor vehicle registration, unless the first
222 name appearing on the registration is a business organization,
223 in which case the second name appearing on the registration may
224 be used.

225 (c) The uniform traffic citation mailed to the registered
226 owner of the motor vehicle involved in the infraction must be
227 accompanied by the information described in paragraphs (2) (b),
228 (c), and (d).

229 (7) The registered owner of the motor vehicle involved in
230 the violation is responsible and liable for paying the uniform
231 traffic citation issued for a violation of s. 316.183 or s.
232 316.1895 unless the owner can establish that:

233 (a) At the time of the violation, the motor vehicle was in
234 the care, custody, or control of another person;

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

238 (c) The motor vehicle's registered owner was deceased on or
239 before the date of the alleged violation, as established by an
240 affidavit submitted by the representative of the motor vehicle
241 owner's estate or other identified person or family member.

242 (8) To establish such facts under subsection (7), the



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243 registered owner of the motor vehicle must, within 30 days after
244 the date of issuance of the notice of violation or the uniform
245 traffic citation, furnish to the appropriate governmental entity
246 an affidavit setting forth information supporting an exception
247 under subsection (7).

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

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

260 (c) If the motor vehicle's owner to whom a notice of
261 violation or a uniform traffic citation has been issued is
262 deceased, the affidavit must include a certified copy of the
263 owner's death certificate showing that the date of death
264 occurred on or before the date of the alleged violation and any
265 of the following:

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

269 2. Documented proof that the registered license plate
270 belonging to the deceased owner's motor vehicle was returned to
271 the department or any branch office or authorized agent of the



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272 department after his or her death but on or before the date of
273 the alleged violation.

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

278
279 Upon receipt of the affidavit and documentation required under
280 paragraphs (b) and (c), or 30 days after the date of issuance of
281 a notice of violation sent to a person identified as having
282 care, custody, or control of the motor vehicle at the time of
283 the violation under paragraph (a), the county or municipality
284 must dismiss the notice or citation and provide proof of such
285 dismissal to the person who submitted the affidavit. If, within
286 30 days after the date of a notice of violation sent to a person
287 under subsection (9), the county or municipality receives an
288 affidavit under subsection (10) from the person sent a notice of
289 violation affirming that the person did not have care, custody,
290 or control of the motor vehicle at the time of the violation,
291 the county or municipality must notify the registered owner that
292 the notice or citation will not be dismissed due to failure to
293 establish that another person had care, custody, or control of
294 the motor vehicle at the time of the violation.

295 (9) Upon receipt of an affidavit under paragraph (8) (a),
296 the county or municipality may issue the person identified as
297 having care, custody, or control of the motor vehicle at the
298 time of the violation a notice of violation pursuant to
299 subsection (2) for a violation of s. 316.183 or s. 316.1895. The
300 affidavit is admissible in a proceeding pursuant to this section



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301 for the purpose of providing evidence that the person identified
302 in the affidavit was in actual care, custody, or control of the
303 motor vehicle. The owner of a leased motor vehicle for which a
304 uniform traffic citation is issued for a violation of s. 316.183
305 or s. 316.1895 is not responsible for paying the uniform traffic
306 citation and is not required to submit an affidavit as specified
307 in subsection (8) if the motor vehicle involved in the violation
308 is registered in the name of the lessee.

309 (10) If a county or municipality receives an affidavit
310 under paragraph (8)(a), the notice of violation required under
311 subsection (2) must be sent to the person identified in the
312 affidavit within 30 days after receipt of the affidavit. The
313 person identified in an affidavit and sent a notice of violation
314 may also affirm that he or she did not have care, custody, or
315 control of the motor vehicle at the time of the violation by
316 furnishing to the appropriate governmental entity within 30 days
317 after the date of the notice of violation an affidavit stating
318 such.

319 (11) The submission of a false affidavit is a misdemeanor
320 of the second degree, punishable as provided in s. 775.082 or s.
321 775.083.

322 (12) The photograph or video captured by a speed detection
323 system and the evidence of the speed of the motor vehicle
324 detected by a speed detection system which are attached to or
325 referenced in the uniform traffic citation are evidence of a
326 violation of s. 316.183 or s. 316.1895 and are admissible in any
327 proceeding to enforce this section. The photograph or video and
328 the evidence of speed detected raise a rebuttable presumption
329 that the motor vehicle named in the report or shown in the



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330 photograph or video was used in violation of s. 316.183 or s.
331 316.1895.

332 (13) This section supplements the enforcement of ss.
333 316.183 and 316.1895 by a law enforcement officer and does not
334 prohibit a law enforcement officer from issuing a uniform
335 traffic citation for a violation of s. 316.183 or s. 316.1895.

336 (14) A hearing under this section must be conducted under
337 the procedures established by s. 316.0083(5) and as follows:

338 (a) The department shall publish and make available
339 electronically to each county and municipality a model request
340 for hearing form to assist each county or municipality
341 administering this section.

342 (b) A county or municipality electing to authorize traffic
343 infraction enforcement officers to issue uniform traffic
344 citations under subsection (6) must designate by resolution
345 existing staff to serve as the clerk to the local hearing
346 officer.

347 (c) A person, referred to in this subsection as the
348 "petitioner," who elects to request a hearing under subsection
349 (3) must be scheduled for a hearing by the clerk to the local
350 hearing officer. The clerk must furnish the petitioner with
351 notice sent by first-class mail. Upon receipt of the notice, the
352 petitioner may reschedule the hearing up to two times by
353 submitting a written request to reschedule to the clerk at least
354 5 calendar days before the day of the scheduled hearing. The
355 petitioner may cancel his or her appearance before the local
356 hearing officer by paying the penalty assessed under subsection
357 (2), plus the administrative costs established in s.
358 316.0083(5) (c), before the start of the hearing.



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359 (d) All testimony at the hearing must be under oath and
360 must be recorded. The local hearing officer shall take testimony
361 from a traffic infraction enforcement officer and the petitioner
362 and may take testimony from others. The local hearing officer
363 shall review the photograph or video captured by the speed
364 detection system and the evidence of the speed of the motor
365 vehicle detected by the speed detection system made available
366 under paragraph (2) (b). Formal rules of evidence do not apply,
367 but due process must be observed and must govern the
368 proceedings.

369 (e) At the conclusion of the hearing, the local hearing
370 officer shall determine whether a violation under this section
371 occurred and must uphold or dismiss the violation. The local
372 hearing officer shall issue a final administrative order
373 including the determination and, if the notice of violation is
374 upheld, must require the petitioner to pay the penalty
375 previously assessed under subsection (2), and may also require
376 the petitioner to pay county or municipal costs not to exceed
377 the amount established in s. 316.0083(5) (e). The final
378 administrative order must be mailed to the petitioner by first-
379 class mail.

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

382 (15) (a) A speed detection system in a school zone may not
383 be used for remote surveillance. The collection of evidence by a
384 speed detection system to enforce violations of ss. 316.183 and
385 316.1895, or user-controlled pan or tilt adjustments of speed
386 detection system components, do not constitute remote
387 surveillance. Recorded video or photographs collected as part of



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388 a speed detection system in a school zone may only be used to
389 document violations of ss. 316.183 and 316.1895 and for purposes
390 of determining criminal or civil liability for incidents
391 captured by the speed detection system incidental to the
392 permissible use of the speed detection system.

393 (b) Any recorded video or photograph obtained through the
394 use of a speed detection system must be destroyed within 90 days
395 after the final disposition of the recorded event. The vendor of
396 a speed detection system shall provide the county or
397 municipality with written notice by December 31 of each year
398 that such records have been destroyed in accordance with this
399 subsection.

400 (c) Notwithstanding any other law, registered motor vehicle
401 owner information obtained as a result of the operation of a
402 speed detection system in a school zone is not the property of
403 the manufacturer or vendor of the speed detection system and may
404 be used only for the purposes of this section.

405 (16) (a) Each county or municipality that operates a speed
406 detection system in a school zone must submit a report by
407 October 1, 2024, and annually thereafter, to the department
408 which details the results of the speed detection system in the
409 school zone and the procedures for enforcement. The information
410 from counties and municipalities must be submitted in a form and
411 manner determined by the department, which the department must
412 make available to the counties and municipalities by August 1,
413 2023, and the department may require data components to be
414 submitted quarterly. The report must include at least the
415 following:

416 1. Information related to the location of each speed



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417 detection system, including the geocoordinates of the school
418 zone, the directional approach of the speed detection system,
419 the school name, the school level, the times the speed detection
420 system was active, the restricted school zone speed limit
421 enforced pursuant to s. 316.1895(5), the posted speed limit
422 enforced at times other than those authorized by s. 316.1895(5),
423 the date the systems were activated to enforce violations of ss.
424 316.183 and 316.1895, and, if applicable, the date the systems
425 were deactivated.

426 2. The number of notices of violation issued, the number
427 that were contested, the number that were upheld, the number
428 that were dismissed, the number that were issued as uniform
429 traffic citations, and the number that were paid.

430 3. Any other statistical data and information related to
431 the procedures for enforcement required by the department to
432 complete the report required under paragraph (c).

433 (b) Each county or municipality that operates a speed
434 detection system is responsible for and must maintain its
435 respective data for reporting purposes under this subsection for
436 at least 2 years after such data is reported to the department.

437 (c) On or before December 31, 2024, and annually
438 thereafter, the department shall submit a summary report to the
439 Governor, the President of the Senate, and the Speaker of the
440 House of Representatives regarding the use of speed detection
441 systems under this section, along with any legislative
442 recommendations from the department. The summary report must
443 include a review of the information submitted to the department
444 by the counties and municipalities and must describe the
445 enhancement of safety and enforcement programs.



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446 Section 6. Paragraph (d) of subsection (1) of section
447 316.1906, Florida Statutes, is amended, and subsection (3) is
448 added to that section, to read:

449 316.1906 Radar speed-measuring devices; speed detection
450 systems; evidence, admissibility.-

451 (1) DEFINITIONS.-

452 (d) "Officer" means any:

453 1. "Law enforcement officer" who is elected, appointed, or
454 employed full time by any municipality or the state or any
455 political subdivision thereof; who is vested with the authority
456 to bear arms and make arrests; and whose primary responsibility
457 is the prevention and detection of crime or the enforcement of
458 the penal, criminal, traffic, or highway laws of the state;

459 2. "Part-time law enforcement officer" who is employed or
460 appointed less than full time, as defined by an employing
461 agency, with or without compensation; who is vested with
462 authority to bear arms and make arrests; and whose primary
463 responsibility is the prevention and detection of crime or the
464 enforcement of the penal, criminal, traffic, or highway laws of
465 the state; ~~or~~

466 3. "Auxiliary law enforcement officer" who is employed or
467 appointed, with or without compensation; who aids or assists a
468 full-time or part-time law enforcement officer; and who, while
469 under the direct supervision of a full-time or part-time law
470 enforcement officer, has the authority to arrest and perform law
471 enforcement functions; or

472 4. "Traffic infraction enforcement officer" who is employed
473 or appointed, with or without compensation, and satisfies the
474 requirements of s. 316.640(5) and is vested with authority to



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475 enforce violations of ss. 316.183 and 316.1895 pursuant to s.
476 316.1896.

477 (3) A speed detection system is exempt from the design
478 requirements for radar or lidar units established by the
479 department. A speed detection system must have the ability to
480 perform self-tests as to its detection accuracy. The system must
481 perform a self-test at least once every 30 days. The law
482 enforcement agency, or an agent acting on behalf of the law
483 enforcement agency, operating a speed detection system shall
484 maintain a log of the results of the system's self-tests. The
485 law enforcement agency or an agent acting on behalf of the law
486 enforcement agency operating a speed detection system shall also
487 perform an independent calibration test on the speed detection
488 system at least once every 12 months. The self-test logs, as
489 well as the results of the annual calibration test, are
490 admissible in any court proceeding for a uniform traffic
491 citation issued for a violation of s. 316.183 or s. 316.1895
492 enforced pursuant to s. 316.1896. Notwithstanding subsection
493 (2), evidence of the speed of a motor vehicle detected by a
494 speed detection system compliant with this subsection and the
495 determination by a traffic enforcement officer that a motor
496 vehicle is operating in excess of the applicable speed limit is
497 admissible in any proceeding with respect to an alleged
498 violation of law regulating the speed of motor vehicles in
499 school zones.

500 Section 7. Paragraphs (d) through (h) of subsection (3) of
501 section 318.18, Florida Statutes, are redesignated as paragraphs
502 (e) through (i), respectively, and a new paragraph (d) is added
503 to that subsection to read:



504 318.18 Amount of penalties.—The penalties required for a
505 noncriminal disposition pursuant to s. 318.14 or a criminal
506 offense listed in s. 318.17 are as follows:

507 (3)

508 (d)1. Notwithstanding paragraphs (b) and (c), a person
509 cited for a violation of s. 316.183 or s. 316.1895(10) for
510 exceeding the speed limit in force at the time of the violation
511 on a roadway maintained as a school zone as provided in s.
512 316.1895, when enforced by a traffic infraction enforcement
513 officer pursuant to s. 316.1896, must pay a fine of \$100. Fines
514 collected under this paragraph must be distributed as follows:

515 a. Twenty dollars must be remitted to the Department of
516 Revenue for deposit into the General Revenue Fund.

517 b. Seventy-seven dollars must be distributed to the county
518 for any violations occurring in any unincorporated areas of the
519 county or to the municipality for any violations occurring in
520 the incorporated boundaries of the municipality in which the
521 infraction occurred, to be used as provided in s. 316.1896(5).

522 c. Three dollars must be remitted to the Department of
523 Revenue for deposit into the Department of Law Enforcement
524 Criminal Justice Standards and Training Trust Fund to be used as
525 provided in s. 943.25.

526 2. If a person who is mailed a notice of violation or a
527 uniform traffic citation for a violation of s. 316.183 or s.
528 316.1895(10), as enforced by a traffic infraction enforcement
529 officer under s. 316.1896, presents documentation from the
530 appropriate governmental entity that the notice of violation or
531 uniform traffic citation was in error, the clerk of the court or
532 clerk to the local hearing officer may dismiss the case. The



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533 clerk of the court or clerk to the local hearing officer may not
534 charge for this service.

535 Section 8. Paragraph (d) of subsection (3) of section
536 322.27, Florida Statutes, is amended to read:

537 322.27 Authority of department to suspend or revoke driver
538 license or identification card.—

539 (3) There is established a point system for evaluation of
540 convictions of violations of motor vehicle laws or ordinances,
541 and violations of applicable provisions of s. 403.413(6) (b) when
542 such violations involve the use of motor vehicles, for the
543 determination of the continuing qualification of any person to
544 operate a motor vehicle. The department is authorized to suspend
545 the license of any person upon showing of its records or other
546 good and sufficient evidence that the licensee has been
547 convicted of violation of motor vehicle laws or ordinances, or
548 applicable provisions of s. 403.413(6) (b), amounting to 12 or
549 more points as determined by the point system. The suspension
550 shall be for a period of not more than 1 year.

551 (d) The point system has ~~shall have~~ as its basic element a
552 graduated scale of points assigning relative values to
553 convictions of the following violations:

- 554 1. Reckless driving, willful and wanton—4 points.
555 2. Leaving the scene of a crash resulting in property
556 damage of more than \$50—6 points.
557 3. Unlawful speed, or unlawful use of a wireless
558 communications device, resulting in a crash—6 points.
559 4. Passing a stopped school bus:
560 a. Not causing or resulting in serious bodily injury to or
561 death of another—4 points.



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

564 5. Unlawful speed:

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

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

569 c. Points may not be imposed for a violation of unlawful
570 speed as provided in s. 316.183 or s. 316.1895 when enforced by
571 a traffic infraction enforcement officer pursuant to s.
572 316.1896. In addition, a violation of s. 316.183 or 316.1895
573 when enforced by a traffic infraction enforcement officer
574 pursuant to s. 316.1896 may not be used for purposes of setting
575 motor vehicle insurance rates.

576 6. A violation of a traffic control signal device as
577 provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points.
578 However, no points shall be imposed for a violation of s.
579 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
580 stop at a traffic signal and when enforced by a traffic
581 infraction enforcement officer. In addition, a violation of s.
582 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
583 stop at a traffic signal and when enforced by a traffic
584 infraction enforcement officer may not be used for purposes of
585 setting motor vehicle insurance rates.

586 7. All other moving violations (including parking on a
587 highway outside the limits of a municipality)—3 points. However,
588 no points shall be imposed for a violation of s. 316.0741 or s.
589 316.2065(11); and points shall be imposed for a violation of s.
590 316.1001 only when imposed by the court after a hearing pursuant



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591 to s. 318.14(5).

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

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

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

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

601 Section 9. Paragraph (a) of subsection (3) of section
602 316.306, Florida Statutes, is amended to read:

603 316.306 School and work zones; prohibition on the use of a
604 wireless communications device in a handheld manner.—

605 (3)(a)1. A person may not operate a motor vehicle while
606 using a wireless communications device in a handheld manner in a
607 designated school crossing, school zone, or work zone area as
608 defined in s. 316.003(110) ~~s. 316.003(109)~~. This subparagraph is
609 ~~shall~~ only be applicable to work zone areas if construction
610 personnel are present or are operating equipment on the road or
611 immediately adjacent to the work zone area. For the purposes of
612 this paragraph, a motor vehicle that is stationary is not being
613 operated and is not subject to the prohibition in this
614 paragraph.

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

619 Section 10. Paragraph (a) of subsection (5) of section



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620 316.640, Florida Statutes, is amended to read:

621 316.640 Enforcement.—The enforcement of the traffic laws of
622 this state is vested as follows:

623 (5)(a) Any sheriff's department or police department of a
624 municipality may employ, as a traffic infraction enforcement
625 officer, any individual who successfully completes instruction
626 in traffic enforcement procedures and court presentation through
627 the Selective Traffic Enforcement Program as approved by the
628 Division of Criminal Justice Standards and Training of the
629 Department of Law Enforcement, or through a similar program, but
630 who does not necessarily otherwise meet the uniform minimum
631 standards established by the Criminal Justice Standards and
632 Training Commission for law enforcement officers or auxiliary
633 law enforcement officers under s. 943.13. Any such traffic
634 infraction enforcement officer who observes the commission of a
635 traffic infraction or, in the case of a parking infraction, who
636 observes an illegally parked vehicle may issue a traffic
637 citation for the infraction when, based upon personal
638 investigation, he or she has reasonable and probable grounds to
639 believe that an offense has been committed which constitutes a
640 noncriminal traffic infraction as defined in s. 318.14. In
641 addition, any such traffic infraction enforcement officer may
642 issue a traffic citation under s. 316.0083 or s. 316.1896. For
643 purposes of enforcing s. 316.0083 or s. 316.1895, any sheriff's
644 department or police department of a municipality may designate
645 employees as traffic infraction enforcement officers. The
646 traffic infraction enforcement officers must be physically
647 located in the county of the respective sheriff's or police
648 department.



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649 Section 11. Paragraphs (a) and (c) of subsection (3) of
650 section 316.650, Florida Statutes, are amended to read:

651 316.650 Traffic citations.—

652 (3) (a) Except for a traffic citation issued pursuant to s.
653 316.0083, s. 316.1001, or s. 316.1896 ~~or s. 316.0083~~, each
654 traffic enforcement officer, upon issuing a traffic citation to
655 an alleged violator of any provision of the motor vehicle laws
656 of this state or of any traffic ordinance of any municipality or
657 town, shall deposit the original traffic citation or, in the
658 case of a traffic enforcement agency that has an automated
659 citation issuance system, the chief administrative officer shall
660 provide by an electronic transmission a replica of the citation
661 data to a court having jurisdiction over the alleged offense or
662 with its traffic violations bureau within 5 business days after
663 issuance to the violator.

664 (c) If a traffic citation is issued under s. 316.0083 or s.
665 316.1896, the traffic infraction enforcement officer must ~~shall~~
666 provide by electronic transmission a replica of the traffic
667 citation data to the court having jurisdiction over the alleged
668 offense or its traffic violations bureau within 5 business days
669 after the

670
671 ===== T I T L E A M E N D M E N T =====

672 And the title is amended as follows:

673 Delete lines 7 - 112

674 and insert:

675 to enforce the speed limit in a school zone at
676 specified periods through the use of a speed detection
677 system; providing a rebuttable presumption;



678 authorizing a county or municipality to place or
679 install, or contract with a vendor to place or
680 install, a speed detection system in a school zone;
681 amending s. 316.0776, F.S.; specifying conditions for
682 the placement or installation of speed detection
683 systems; requiring the Department of Transportation to
684 establish certain specifications by a specified date;
685 requiring a county or municipality that installs a
686 speed detection system to provide certain notice to
687 the public; providing signage requirements; requiring
688 a county or municipality that has never conducted a
689 school zone speed detection system program to conduct
690 a public awareness campaign before commencing
691 enforcement using such system; limiting penalties in
692 effect during the public awareness campaign; providing
693 construction; creating s. 316.1894, F.S.; requiring a
694 law enforcement agency with jurisdiction over a county
695 or municipality conducting a school zone speed
696 detection system program to use certain funds to
697 administer the School Crossing Guard Recruitment and
698 Retention Program; providing purposes of the program;
699 requiring program design and management at the
700 discretion of the law enforcement agency; creating s.
701 316.1896, F.S.; authorizing a county or municipality
702 to authorize a traffic infraction enforcement officer
703 to issue uniform traffic citations for certain
704 violations; requiring that certain violations be
705 evidenced by a speed detection system; providing
706 construction; providing notice requirements and



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707 procedures; authorizing a person who receives a notice
708 of violation to request a hearing within a specified
709 timeframe; defining the term "person"; providing for
710 waiver of challenge or dispute related to the delivery
711 of the notice of violation; requiring a county or
712 municipality to pay certain funds to the Department of
713 Revenue; providing for the distribution of funds;
714 providing requirements for issuance of a uniform
715 traffic citation; providing for waiver of challenge or
716 dispute related to the delivery of the uniform traffic
717 citation; providing notice requirements and
718 procedures; specifying that the registered owner of a
719 motor vehicle is responsible and liable for paying a
720 uniform traffic citation; providing exceptions;
721 requiring an owner of a motor vehicle to furnish an
722 affidavit under certain circumstances; specifying
723 requirements for such affidavit; requiring the county
724 or municipality to dismiss the notice or citation and
725 provide proof of such dismissal under certain
726 circumstances; requiring the county or municipality to
727 notify the registered owner that the notice or
728 citation will not be dismissed under certain
729 circumstances; authorizing the county or municipality
730 to issue a certain person a notification of violation;
731 providing that the affidavit is admissible in a
732 proceeding for the purpose of proving who was
733 operating the motor vehicle at the time of the
734 violation; providing that the owner of a leased
735 vehicle is not responsible for paying a traffic



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736 citation or submitting an affidavit; specifying a
737 timeframe for a county or a municipality to issue a
738 notification under certain circumstances; requiring
739 certain persons to issue an affidavit; providing a
740 criminal penalty for submitting a false affidavit;
741 providing that certain photographs or video and
742 evidence of speed are admissible in certain
743 proceedings; providing a rebuttable presumption;
744 providing construction; providing requirements and
745 procedures for hearings; specifying requirements of
746 and prohibitions on the use of recorded video and
747 photographs captured by a speed detection system;
748 requiring municipalities and counties to submit a
749 report to the Department of Highway Safety and Motor
750 Vehicles in a form and manner specified by the
751 department; requiring counties and municipalities to
752 retain certain records for a specified timeframe;
753 requiring the department to submit a summary report to
754 the Governor and Legislature; amending s. 316.1906,
755 F.S.; revising the definition of the term "officer";
756 exempting a speed detection system from the design
757 requirements for radar units; providing self-test
758 requirements for speed detection systems; requiring a
759 law enforcement agency operating a speed detection
760 system to maintain a log of results of the system's
761 self-tests and to perform independent calibration
762 tests of such systems; providing for the admissibility
763 of certain evidence in certain proceedings; amending
764 s. 318.18, F.S.; providing a civil penalty for a speed



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765 limit violation in a school zone; providing for
766 distribution of certain fines; providing conditions
767 under which a case may be dismissed; amending s.
768 322.27, F.S.; prohibiting points from being imposed
769 against a driver license for certain infractions
770 enforced by a traffic infraction enforcement officer;
771 prohibiting such infractions from being used to set
772 motor vehicle insurance rates; amending s. 316.306,
773 F.S.; conforming a cross-reference; amending s.
774 316.640, F.S.; conforming a provision to changes made
775 by the act; amending s. 316.650, F.S.; conforming
776 provisions to changes made by the act; requiring the
777 chief administrative officer and the traffic
778 infraction enforcement officer