



444884

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/14/2023	.	
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The Committee on Transportation (Rodriguez) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 134 - 526

and insert:

Section 3. Section 316.0776, Florida Statutes, is amended to read:

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

(1) Traffic infraction detectors are allowed on state roads when permitted by the Department of Transportation and under



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11 placement and installation specifications developed by the  
12 Department of Transportation. Traffic infraction detectors are  
13 allowed on streets and highways under the jurisdiction of  
14 counties or municipalities in accordance with placement and  
15 installation specifications developed by the Department of  
16 Transportation.

17 (2) (a) If the department, county, or municipality installs  
18 a traffic infraction detector at an intersection, the  
19 department, county, or municipality must ~~shall~~ notify the public  
20 that a traffic infraction device may be in use at that  
21 intersection and must specifically include notification of  
22 camera enforcement of violations concerning right turns. Such  
23 signage used to notify the public must meet the specifications  
24 for uniform signals and devices adopted by the Department of  
25 Transportation pursuant to s. 316.0745.

26 (b) If the department, county, or municipality begins a  
27 traffic infraction detector program in a county or municipality  
28 that has never conducted such a program, the respective  
29 department, county, or municipality must ~~shall~~ also make a  
30 public announcement and conduct a public awareness campaign of  
31 the proposed use of traffic infraction detectors at least 30  
32 days before commencing the enforcement program.

33 (3) A speed detection system may be placed or installed on  
34 a state road after such placement or installation is permitted  
35 by the Department of Transportation and in accordance with  
36 placement and installation specifications developed by the  
37 Department of Transportation. A speed detection system may be  
38 placed or installed on a street or highway under the  
39 jurisdiction of a county or a municipality in accordance with



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40 placement and installation specifications established by the  
41 Department of Transportation. The Department of Transportation  
42 shall establish such placement and installation specifications  
43 by August 1, 2023.

44 (a) If a county or municipality places or installs a speed  
45 detection system on a road maintained as a school zone as  
46 provided in s. 316.1895, the county or municipality must notify  
47 the public that a speed detection system may be in use, by  
48 posting signage of camera or video enforcement of violations.  
49 Such signage used to notify the public must meet the  
50 specifications for uniform signals and devices adopted by the  
51 Department of Transportation pursuant to s. 316.0745. For speed  
52 detection systems enforcing violations of ss. 316.183 and  
53 316.1895 on roads maintained as school zones, this paragraph  
54 governs the signage notifying the public of the use of a speed  
55 detection system, and a sign stating "Speeding Fines Doubled,"  
56 as provided in s. 316.1895(6), is not required when a violation  
57 of s. 316.1895 is enforced by a speed detection system in a  
58 designated school zone.

59 (b) If a county or municipality begins a speed detection  
60 system program and has never previously conducted such a  
61 program, the respective county or municipality must make a  
62 public announcement and conduct a public awareness campaign on  
63 the proposed use of speed detection systems at least 30 days  
64 before commencing enforcement under the speed detection system  
65 program and must notify the public of the specific date on which  
66 the program will commence. During the 30-day public awareness  
67 campaign about the speed detection system program, only a  
68 warning may be issued to the registered owner for a violation of



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69 s. 316.183 or s. 316.1895, enforced by a speed detection system,  
70 and liability may not be imposed for the civil penalty under s.  
71 318.18(3)(d).

72 Section 4. Section 316.1894, Florida Statutes, is created  
73 to read:

74 316.1894 School crossing guard recruitment and retention  
75 programs.—The law enforcement agency in the local government  
76 unit administering a program that fines motorists for violations  
77 of the speed limit on a road maintained as a school zone  
78 pursuant to s. 316.1895 shall use the funds generated from the  
79 program pursuant to s. 316.1896(6)(e) for school crossing guard  
80 recruitment and retention programs. These programs may provide  
81 recruitment and retention stipends to crossing guards at K-12  
82 public schools, including charter schools, or stipends to third  
83 parties for the recruitment of new crossing guards. The  
84 administering law enforcement agency has discretion to design  
85 and manage crossing guard recruitment and retention programs  
86 within its local jurisdiction.

87 Section 5. Section 316.1896, Florida Statutes, is created  
88 to read:

89 316.1896 Areas maintained as school zones; speed detection  
90 system enforcement; penalties; appeal procedure.—

91 (1) For purposes of administering this section, a county or  
92 municipality may authorize a traffic infraction enforcement  
93 officer under s. 316.640 to issue a traffic citation for a  
94 violation of the speed limit on a road maintained as a school  
95 zone pursuant to s. 316.1895, as follows:

96 (a) For a violation of s. 316.1895 in excess of 10 miles  
97 per hour over the restrictive speed limit which occurs within 30



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98 minutes before or after a regularly scheduled breakfast program  
99 or a regularly scheduled school session.

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

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

106  
107 Such violation must be evidenced by a speed detection system.  
108 This subsection does not prohibit a review of information from a  
109 speed detection system by an authorized employee or agent of a  
110 county or municipality before issuance of the traffic citation  
111 by the traffic infraction enforcement officer. This subsection  
112 does not prohibit a county or municipality from issuing  
113 notifications as provided in subsection (3) to the registered  
114 owner of the motor vehicle in violation of s. 316.183 or s.  
115 316.1895.

116 (2) Any notification or traffic citation issued through the  
117 use of a speed detection system must include a photograph or  
118 other recorded image showing the license tag of the vehicle; the  
119 date, time, and location of the vehicle; the maximum speed at  
120 which the vehicle was traveling; and the posted speed at the  
121 time of the violation.

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



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127 accordance with subsection (9), within 30 days after the date of  
128 the notification of violation in order to avoid court fees,  
129 costs, and the issuance of a traffic citation. The notification  
130 of violation must:

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

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

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

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

154 (5) If the registered owner or co-owner of the motor  
155 vehicle; the person designated as having care, custody, or



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

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

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

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

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

181 (d) Twelve dollars shall be remitted by the county or  
182 municipality to the public school district in which the  
183 violation occurred and must be used for school security  
184 initiatives, for student transportation, or to improve the



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

191 (e) Five dollars shall be retained by the county or  
192 municipality and must be used for crossing guard recruitment and  
193 retention pursuant to s. 316.1894.

194 (7) A traffic citation must be issued by mailing the  
195 traffic citation by certified mail to the address of the  
196 registered owner of the motor vehicle involved in the violation  
197 if payment has not been made within 30 days after notification  
198 under subsection (3), if the registered owner has not requested  
199 a hearing as authorized under subsection (4), or if the  
200 registered owner has not submitted an affidavit in accordance  
201 with subsection (9).

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

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





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

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

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

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

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

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

239 (9) To establish such facts under subsection (8), the  
240 registered owner of the motor vehicle must, within 30 days after  
241 the date of issuance of the traffic citation, furnish to the  
242 appropriate governmental entity an affidavit setting forth



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243 detailed information supporting an exception under subsection  
244 (8).

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

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

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

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

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

270 3. A copy of the police report showing that the deceased  
271 owner's registered license plate or motor vehicle was stolen



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

274  
275 Upon receipt of the affidavit and documentation required under  
276 this paragraph, the governmental entity must dismiss the  
277 citation and provide proof of such dismissal to the person who  
278 submitted the affidavit.

279 (10) Upon receipt of an affidavit, the person designated as  
280 having care, custody, or control of the motor vehicle at the  
281 time of the violation may be issued a notification of violation  
282 pursuant to subsection (3) for a violation of s. 316.183 or s.  
283 316.1895. The affidavit is admissible in a proceeding pursuant  
284 to this section for the purpose of providing proof that the  
285 person identified in the affidavit was in actual care, custody,  
286 or control of the motor vehicle. The owner of a leased vehicle  
287 for which a traffic citation is issued for a violation of s.  
288 316.183 or s. 316.1895 is not responsible for paying the traffic  
289 citation and is not required to submit an affidavit as specified  
290 in this section if the motor vehicle involved in the violation  
291 is registered in the name of the lessee of such motor vehicle.

292 (11) If a county or municipality receives an affidavit  
293 under subsection (9), the notification of violation required  
294 under subsection (3) must be sent to the person identified in  
295 the affidavit within 30 days after receipt of the affidavit.

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

299 (13) The photographic or electronic images or the streaming  
300 video evidence and the evidence of the speed of the vehicle as



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

308 (14) This section supplements the enforcement of ss.  
309 316.183 and 316.1895 by law enforcement officers and does not  
310 prohibit a law enforcement officer from issuing a traffic  
311 citation for a violation of s. 316.183 or s. 316.1895.

312 (15) A hearing under this section must be conducted under  
313 the procedures established by s. 316.0083(5) and as follows:

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

318 (b) The county or municipality electing to authorize  
319 traffic infraction enforcement officers to issue traffic  
320 citations under subsection (1) shall designate by resolution  
321 existing staff to serve as the clerk to the local hearing  
322 officer.

323 (c) Any person, referred to as the "petitioner" in this  
324 subsection, who elects to request a hearing under subsection (4)  
325 shall be scheduled for a hearing by the clerk to the local  
326 hearing officer. The clerk must furnish the petitioner with  
327 notice to be sent by first-class mail. Upon receipt of the  
328 notice, the petitioner may reschedule the hearing once by  
329 submitting a written request to reschedule to the clerk to the



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330 local hearing officer at least 5 calendar days before the day of  
331 the originally scheduled hearing. The petitioner may cancel his  
332 or her appearance before the local hearing officer by paying the  
333 penalty assessed under subsection (3), plus the administrative  
334 costs established in s. 316.0083(5)(c), before the start of the  
335 hearing.

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

345 (e) At the conclusion of the hearing, the local hearing  
346 officer shall determine whether a violation under this section  
347 occurred and shall uphold or dismiss the violation. The local  
348 hearing officer shall issue a final administrative order  
349 including the determination and, if the notification of  
350 violation is upheld, must require the petitioner to pay the  
351 penalty previously assessed under subsection (3), and may also  
352 require the petitioner to pay county or municipal costs not to  
353 exceed the amount established in s. 316.0083(5)(e). The final  
354 administrative order must be mailed to the petitioner by first-  
355 class mail.

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

358 Section 6. Paragraph (d) of subsection (1) of section



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359 316.1906, Florida Statutes, is amended, and subsection (3) is  
360 added to that section, to read:

361 316.1906 Radar speed-measuring devices; evidence,  
362 admissibility.—

363 (1) DEFINITIONS.—

364 (d) "Officer" means any:

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

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

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

384 4. "Traffic infraction enforcement officer" who is employed  
385 or appointed, with or without compensation, and who satisfies  
386 the requirements of s. 316.640(5) and is vested with authority  
387 to enforce a violation of s. 316.183 or s. 316.1895 pursuant to



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388 s. 316.1896.

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

411 Section 7. Present paragraphs (d) through (h) of subsection  
412 (3) of section 318.18, Florida Statutes, are redesignated as  
413 paragraphs (e) through (i), respectively, and a new paragraph  
414 (d) is added to that subsection, to read:

415 318.18 Amount of penalties.—The penalties required for a  
416 noncriminal disposition pursuant to s. 318.14 or a criminal



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417 offense listed in s. 318.17 are as follows:

418 (3)

419 (d) Notwithstanding paragraphs (b) and (c), a person cited  
420 for exceeding the speed limit in force at the time of the  
421 violation on a road maintained as a school zone as provided in

422

423 ===== T I T L E A M E N D M E N T =====

424 And the title is amended as follows:

425 Delete line 24

426 and insert:

427 requiring local governments to use funds